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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
December 11, 2007

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members being a quorum, were present and acting; Alderwoman Smith, Alderman Vaught, Alderman Hawkins, Alderman Jones, Alderwoman Mehl, Alderman Bell, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and Deputy City Attorney Kurt Meredith. Alderwoman Whitmore and City Attorney Michael Murphy were not in attendance.

1. **Call to Order**
2. **Roll Call**
3. **Minutes:** *November 20<sup>th</sup>, & 27<sup>th</sup>, 2007*

Alderwoman Smith motioned to approve the Nov. 20, 2007 and the Nov. 27, 2007 minutes as submitted. Alderman Bell seconded the motion. The motion passed 7-0.

4. **Recognition of Guests:** None
5. **Public Hearings:**

- A. *Public hearing to public hearing to discuss the closure of a portion of McKay Avenue east of Griffith.*

Mayor Townsell opened the public hearing. Bobby French, representing the Covington's, stated this portion of McKay is stubbed out to the rail road tracks and basically goes nowhere. Mayor Townsell closed the public hearing.

1. **Ordinance to close a portion of McKay Avenue east of Griffith.**

Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Mayor Townsell stated Conway Corp. has no objections to the closure as long as a said portion remains a utility easement. Ronnie Hall, City Engineer, stated there would also need to be a drainage easement. Mr. French asked if we would want the whole 50 ft. Mr. Hall stated the north 30 ft. would be sufficient

for a drainage easement; he is not sure where the utilities are located. Mr. French stated the utilities are located on the north side of the right-of-way. Mr. French asked if this could be held until next month in order for him to discuss this with Conway Corp. Alderwoman Smith motioned to hold this item in committee. Alderman Bell seconded the motion. There was no further discussion. The motion passed 7-0.

**B. *Public hearing to discuss the closure of an alley between North Ash and Davis Street.***

Mayor Townsell stated we have been asked to pull this item from the agenda as the petitioner could not get all property owners to sign the petition. Alderwoman Smith motioned to pull the item from the agenda. Alderwoman Mehl seconded the motion. The motion passed 7-0.

**1. Ordinance to public hearing to discuss the closure of an alley between North Ash and Davis Street.**

Item withdrawn from the agenda.

**6. Report of Standing Committees:**

**A. *Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)***

**1. Consideration of the nomination of Tina Mankey to the Oak Grove Cemetery Board.**

Alderman Hawkins stated this is for a 5 year term and he motioned to accept this nomination. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

**2. Consideration of the nominations of the Conway Planning Commission.**

Junior Storie, Vice Chair Planning Commission, was present to answer questions. Alderwoman Smith motioned to accept the nominations. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0. The nominations and the terms are as follows:

- Craig Cloud - 5 yr term
- Kimberly Gardner - 5 year term
- Kent Mathis - 4 year term
- Richard G. Kirkman - 1 yr term

**3. Ordinance appropriating revenue funds for the Conway Tree Board.**

**O-07-154**

Alderswoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderman Hawkins motioned to adopt the ordinance. Alderswoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderswoman Smith, Alderman Bell, Alderman Jones, and Alderswoman Mehl. The motion passed 7-0.

**4. Consideration to allow Lamar Advertising to mow the right of way at two billboards locations, with one being located off I-40, approximately 0.4 miles west of Highway 64 & and the second billboard located along I-40, S/S approximately 0.7 miles west of US 64, log mile marker 125.9.**

Alderman Hawkins motioned to grant the request. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

***B. Public Service Committee (Sanitation, Parks & Recreation, & Physical Plant)***

**1. Consideration of a request from the Faulkner County Solid Waste Management District to use trucks and equipment from the City for an Electric Waste Dr.**

Mayor Townsell stated the Faulkner Co. Solid Waste District wishes to have an electric solid waste drive for the citizens of Faulkner County on January 19, 2008 at Wal-Mart on Harkrider from 8:00 am until 12:00 pm. All costs for the event will be paid for by the Faulkner Co. Solid Waste District. Alderman Hawkins motioned to grant the request. Alderswoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**2. Consideration to accept bids for the purchase of two (2) new full size 1/2 ton pick-up trucks for the Conway Parks Department.**

Mayor Townsell explained 2 bids were received on time; one bid from Landers Ford in Benton was received 30 minutes after the deadline on Mon. Nov. 26, 2007. A courier service attempted to deliver the Landers bid on Fri. Nov. 23, 2007, but the city was closed for Thanksgiving Holidays. Alderman Bell motioned to accept the low bid from Smith Ford in the amount of \$18,028.15 per vehicle. Alderwoman Smith seconded the motion. Alderman Vaught expressed his concerns over the technicality of the late bid. Alderman Hawkins asked if there is proof that an attempt had been made to deliver the Landers bid on Fri. Nov. 23. Mayor Townsell stated yes. Brian Knopp, Parks Director, explained that he came to council to avoid the state contract because of the timeframe of delivery; the parks dept. needs the vehicles now. There was no further discussion. The motion passed 7-0.

*C. Public Safety Committee (Police, CEOC, Fire, Dist. Court & City Atty., & Animal Control)*

**1. Consideration to extend bid number (2007-08) for an additional year for police uniforms.**

Mayor Townsell explained this is not extending the bids at the 2007 level, there are some slight increases; but to extend the bid with the listed increases rather than opening up a new bid. A.J. Gary, Police Chief, stated since there are 2 businesses in Conway now who can provide uniforms, it may be best to open it up to bidding. Alderman Bell motioned to put the police uniforms out to bid. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

**2. Ordinance appropriating revenue funds to the Animal Welfare Department.**

**O-07-155**

Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Mehl. The motion passed 7-0.

**3. Ordinance accepting grant proceeds and appropriating funds for the Conway Police Department.**

**O-07-156**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Bell seconded the motion. A.J. Gary, Police Chief, stated this is for the additional tasers. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Mehl. The motion passed 7-0.

**4. Ordinance appropriating funds for building additions in regards to building improvements for Conway Fire Department Station 2 & 4.**

**O-07-157**

Mayor Townsell explained the 2 change orders, for new underground service per Conway Corp., has resulted in additional charges in the amount \$4,800; this will be funded by the pay as you go portion of the quarter cent sales tax. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Mehl. The motion passed 7-0.

**5. Ordinance providing for restrictions on novelty lighters for the City of Conway.**

**O-07-158**

Mayor Townsell explained this does not ban the use of novelty lighter; it bans the sell of them. Randy Freeman, Fire Marshall, demonstrated some of the novelty lighters and explained the dangers involved with them. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance with no emergency clause. Alderwoman Smith seconded the motion. There was no further

discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Mehl. The motion passed 7-0.

**6. Ordinance amending sections of the Conway Municipal Code relating to two hour parking.**

**O-07-159**

Mayor Townsell stated this will deal with 2 hour and as well as 30 minute parking. When we attached the 30 minute parking as a special category to the ordinance that created 2 hour parking, we did not do this in a way that applied the penalty sections. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Mehl. The motion passed 7-0.

**7. Consideration of the Statements of Qualifications and Performance data regarding legal services for representation of management in Civil Service Commission Appeal Hearing.**

Mayor Townsell stated we put out an RFQ and had 2 respondents. Mayor Townsell explained we can go through a full interview process if the council so desires. Several council members stated they wished to go with Mr. Jiles of Jack Nelson Jones Fink Jiles & Gregory, P.A. Alderman Hawkins motioned to select Mr. Jiles. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

***D. Finance***

**1. Discussion/Consideration of the FY2008 Budget.**

Alderwoman Smith motioned to pull this item from the agenda and move to next week's committee meeting and council meeting. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

***7. Old Business***

**8. New Business**

- A. *Resolution to authorize the execution of an amendment to the Interlocal agreement for MEMS ambulance service between the City of Little Rock, AR & the City of Conway to provide for a 2008 subsidy for ambulance service.*

**R-07-45**

Jon Swanson, Executive Director, MEMS, was present to answer questions. Mayor Townsell explained this agreement amends the Interlocal agreement to recognize the subsidy the City is giving to MEMS for 2008. Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. Alderman Grimes asked if the subsidy will be paid out in monthly installments. Mr. Swanson stated they would be glad to bill the city in quarterly or monthly installments. Alderman Grimes stated he would like it to be billed monthly. There was no further discussion. The motion passed 7-0.

Alderwoman Smith motioned to suspend the rules to allow some residents of Royal Oaks Subdivision to address the council. Alderman Bell seconded the motion. The motion passed 7-0. Jack Jumper, 1920 Columbia Dr., stated he, and others filled in an area at the end of his driveway between the street surface up to the top of the curb with cold cure asphalt to make for a less bumpy ingress and egress. Mr. Jumper requested that any citations be held until such time council can observe the situation first hand. Alderwoman Mehl asked City Engineer, Ronnie Hall, is there is a solution for this. Mr. Hall stated the solution is to this is a drive way apron that would reduce the curb height to about 1 ½ inches. Alderwoman Smith asked if Mr. Hall feels this addition of asphalt is deterring water flow. Mr. Hall stated yes, especially if you allow it city wide. Alderman Hawkins motioned to put a hold on the enforcement of these citations for 30 days until council can determine what needs to be done. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0. This item will be put back on the agenda for Tuesday Jan. 8, 2008.

**Adjournment**

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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There was no further discussion and the meeting was adjourned.

**PASSED this 11<sup>th</sup> day of December 2007**

APPROVED:

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Mayor Tab Townsell

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City Clerk Michael O. Garrett