
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
June 24, 2008

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 and City Attorney Michael Murphy. Alderwoman Whitmore was not in attendance.

1. *Call to Order*
2. *Roll Call*

3. *Minutes:* June 10th, 2008

Alderwoman Smith motioned to approve the June 10, 2008 minutes as submitted. Alderman Bell seconded the motion. The motion passed 7-0.

4. *Recognition of Guests: Employee Service Awards:*

5 Years:

Officer Lois Spencer – Conway Police Dept.
Ken Lachowsky – CDL Driver Sanitation Dept.

10 Years:

Officer Bradley Fornash – Conway Police Dept.
Officer Chris Derrick – Conway Police Dept.

15 Years:

Lt. Ed Prout – Conway Fire Dept.
Lt. Mike Rhoades – Conway Fire Dept.
Captain Kenny Wiedower – Conway Fire Dept.

5. *Public Hearings:*

- A. *Public hearing to discuss changing the street name Rea Drive to Woodside Drive.*

Mayor Townsell opened the public hearing. There was no one present to speak for or against the name change. Mayor Townsell closed the public hearing.

1. **Ordinance changing the street name of Rea Drive to Woodside Drive.**

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

6. Report of Standing Committees:

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

1. Consideration to allow Cuerden Sign Co. to cut down vegetation on the highway right of way, in two different locations located along Interstate 40.

Alderman Bell motioned to allow Cuerden Sign Co. to cut vegetation in the two (2) specified areas. Alderman Smith seconded the motion. There was no discussion. The motion passed 7-0.

2. Ordinance accepting grant proceeds from the Arkansas Forestry Commission.

O-08-80

Mayor Townsell stated the city has been awarded a grant in the amount of \$9,960.00 to provide trees and education materials with a 50% matching requirement that will be met through in-kind contributions. Alderman Smith motioned to waive the readings of the ordinance. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Vaught, Alderman Smith, Alderman Bell, Alderman Jones, Alderman Grimes, and Alderman Mehl. The motion passed 7-0.

3. Consideration of bids for South Salem Road Improvements from Nutter Chapel to 400 feet south of Eggman Lane.

Mayor Townsell stated that the low bidder is J's Construction in the amount of \$825,859.70 which would not include the cost of the asphalt; asphalt prices are rising so quickly it would be best to bid the asphalt when the project is ready for paving. Alderman Bell motioned to accept the low bid from J's Construction.

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Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

4. **Ordinance appropriating engineering services for the Salem Road Railroad Overpass.**

O-08-81

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. Alderwoman Smith seconded the motion. Mayor Townsell explained this ordinance will cover the costs to revise and update the plans and will cost \$94,891.00. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderman Grimes, and Alderwoman Mehl. The motion passed 7-0.

5. **Ordinance to rezone property located at 963 Farris Road from R-1 to O-2.**

O-08-82

Mayor Townsell explained that this was denied by the Planning Commission and the applicant wishes to appeal. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Daryl Brock explained they wish to move a real estate office to this location; it would add neither noise pollution nor nightly traffic to the area and most of the surrounding property is already zoned O-2 or O-3. Alderman Hawkins asked how many real estate agents would be at this location at one time. Taleda McKee stated there are nine (9) currently and the most they will take will be twelve (12). Beau Wilcox, Attorney at Law, representing John and Gwen Shell who reside at 959 Farris Rd. just adjacent to the proposed rezoning site stated his clients are opposed to the rezoning because the structure is still a residential house, the one driveway is very close to the Prince St. intersection which could cause traffic problems for individuals entering or exiting onto Farris Rd. as it is already a heavily traveled thoroughfare. John Shell spoke in opposition of the proposed rezoning. Tim Starkey spoke on behalf of his mother-in-law who is the current property owner of the house at 963 Farris Rd. Mr. Starkey explained that his mother-in-law is in bad health and the house payment has become a burden to her; the sale of the property is contingent on the rezoning and he requests that the council consider this re-zoning request. Mayor Townsell asked Bryan Patrick, Planning & Development Director, for his input. Mr. Patrick stated that traffic is an issue but not a large issue and if it should be rezoned one cannot guarantee it would always be a real estate office; the flip side is that surrounding properties have been rezoned for office use and stated another option could be downgrading the rezoning to an O-3, which is the least intrusive of the office zonings. Mr. Patrick stated he is not sure where rezoning

should stop in this area. Alderman Grimes stated he feels that rezoning the corner of Farris Rd. and Prince St. was o.k. but feels it should stop there. Alderwoman Smith and Alderwoman Mehl were in agreement. Alderwoman Smith motioned to deny the rezoning request. Alderman Grimes seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderman Grimes, and Alderwoman Mehl. The motion to deny passed 7-0.

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

1. Consideration of entering into an agreement to operate and maintain Cadron Settlement Park.

Mayor Townsell stated we have been considering this option for some time and has been generated by budget cuts at the Corp of Engineers level that does not allow the Corp of Engineers to maintain the parks in the fashion that were designed to be maintained. Mayor Townsell stated this is a twenty five (25) year lease beginning June 30, 2008 and ending May 31, 2033, the lease is at no cost, and there are performance expectations of the city that has to be documented and reported to the Corp of Engineers. This will require the Parks Dept. to increase its staff by adding two (2) additional employees to maintain the park. Alderwoman Smith motioned to allow the city to enter into this lease agreement. Alderman Grimes seconded the motion. There was some discussion as to what the city can and cannot do to the park. Alderman Hawkins asked if there would someone at the park all the time. Jim Elliott, Parks Dept., stated initially we will be there quite a bit; as time goes on the park will be maintained in the same manner as our other parks. Mayor Townsell stated since the park is so remote there will need to be a significant amount of patrolling and there will probably be individuals who will walk the trail system daily. Alderman Grimes stated that he was contacted about possible surveillance cameras being installed near the entrance and suggested that this be looked at as we progress. Alderman Jones suggested that cameras should be installed in more locations, not just the entrance. There was no further discussion. The motion passed 7-0.

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

1. Consideration of bids to obtain uniforms for the Conway Fire Department.

Bart Castleberry, Fire Chief, asked the council to approve the following bids:

- Class A Uniform - The low bidder was Conway Police Supply in the amount of \$276.30.

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- Class B Uniform – The next to the lowest bidder was from Ad Graphics in the amount of \$163.30. Chief Castleberry explained the low bidder was from Florida and Ad Graphics is a local vendor; they measure our employees and also deliver.
- Footwear – The next to the lowest bidder was Wilkinson’s Mall which is a local vendor in the amount of \$101.95.

Chief Castleberry explained they received no bids on the Category 4 Flame Resistant Clothing. Alderman Bell motioned to accept Chief Castleberry’s recommendations on the bids. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

2. Consideration of entering into a mutual aid agreement in fire protection and hazardous materials incident response with the City of Maumelle.

Bart Castleberry, Chief of Police, explained that he recently met with the cities of Maumelle, Searcy, Russellville, and North Little Rock to discuss an automatic aid response in case of a large scale disaster; there will be a list of fire fighters available to respond if the need arises. Chief Castleberry feels that this is something the city should do. Alderwoman Smith motioned to enter into this mutual aid agreement. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

3. Ordinance providing funding for District Court to make improvements to the lobby area and purchase additional office equipment.

O-08-83

Donna Clifton, District Court Clerk, was present to answer questions. Mayor Townsell explained these were items requested in the 2008 budget that were cut; since they have exceeded their collections in unallocated fines and fees and they are requesting these improvements be allowed. Alderwoman 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. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderman Grimes, and Alderwoman Mehl. The motion passed 7-0.

D. Finance

1. Presentation and consideration of the 2007 Comprehensive Annual Financial Report with Auditor’s Report by JPMS Cox.

Robin Scott, Chief Financial Officer, was present to answer questions. Jacob Wells, JPMS Cox, gave an overview of the audit findings which shows to be materially

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correct; although this is just a draft we foresee no problems. Ms. Scott asked the council to approve this draft report. Alderwoman Smith motioned to approve the 2007 Comprehensive Annual Financial Report. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

Mayor Townsell recognized Al Coleman who works for the Conway Street department whose art work was chosen to be included in the Arkansas Arts Engagement Calendar produced by the Governor's office.

Mayor Townsell recognized Jack Bell for 24 years of service as a City Councilman; Mr. Bell will be stepping down in order to begin work as Assistant Mayor. John Thompson will be joining the City Council in the Ward 3 Position 1 seat beginning in July 2008.

7. *Old Business*

8. *New Business*

Adjournment

PASSED this 24th day of June 2008

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett