
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
June 23, 2015

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: Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson.

Call to Order: Mayor Tab Townsell
Roll Call: Michael O. Garrett, City Clerk/Treasurer
Minutes: June 9, 2015 City Council Meeting

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Employee Service Awards

5 Years

Steven Culliford - Police Dept.
Tom Kennedy - Police Dept.
Nathan Caldwell - Fire Dept.

10 Years

Michelle Moravec - Sanitation Dept.
Rebecca McHughes - Sanitation Dept.

15 Years

Johnathan Bailey - Fire Dept.
Glenn Gregg - Fire Dept.
Marcus Kennon - Fire Dept.
Larry Thorn - Fire Dept.
Richard Atkinson - Fire Dept.
Darren Linn - Fire Dept.

Alderman Grimes motioned to suspend the rules to move item 1A-5 up on the agenda. Alderwoman Mehl seconded the motion. The motion passed 8-0.

Consideration to approve a conditional use permit request to allow a homeless shelter in a C-3 zone for property located at 701 Polk Street & 766 Harkrider Street.

Greg Pillow, Ministry Center, requested behalf of his board to hold this item in committee until July 28, 2015 as they would like more time to visit with the neighbors and clarify information for them. Alderwoman Smith motioned to hold this item in committee until July 28, 2015. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

Monthly Financial Report May 31, 2015

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Tyler Winningham, CFO, began with the General Fund and explained the city received its first large Ad Valorem property tax payment from the county which had a positive effect on our bottom line. Sales tax for this month was down over this time last year, but we are still up year to date 2.5% over collections through the first 5 months of last year. Mayor Townsell stated the state turn back is operating below where it typically would be and asked if there is there a reason for this. Mr. Winningham stated we do not get a lot of turn back each month, approximately \$55,000.00 - \$60,000.00 which the majority of that is our LOPFI which we will start recognizing around July. Mr. Winningham moved onto the Street Fund revenues; the severance tax is again quite low as it was this past February and after researching this he concluded it is related to the slowing of the natural gas drilling; the capital spending for drilling effects this revenue stream that is turned back to the cities, and with this slowed activity it has resulted in a smaller revenue stream to us. Mr. Winningham moved onto the Sanitation Fund and stated this fund is in good shape; the encumbered capital expenditures look good now, but may not for much longer. Mr. Winningham moved onto the Airport Fund explaining the fund has a positive bottom line and stated the fuel sales and purchase is running a slightly behind where we expect it to be; our bottom line will be fine because we have to purchase fuel before we can sell it at an increased price, so this should not affect our bottom line. Mr. Winningham finished up with the Major Project Fund which remains unchanged for the most part. Alderwoman Smith motioned to approve the May 2015 financial report. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

1. Report of Standing Committees:

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

1. Review of the Spirit Homes purchase decision.

Mayor Townsell stated if council takes no action we would need to have a special city council meeting to stop the purchase before this weekend, and reiterated it would take a positive motion to not pursue this if council decides not to pursue. Alderwoman Smith motioned to terminate the retail sales contract with Spirit Homes. Alderman Hawkins seconded the motion. Alderman Hawkins stated what he heard tonight was everyone wants a swimming pool and feels there is a need of some kind, but he is not sure that we did our due diligence on this and feels we should do a more in depth study to determine the needs, if any. Alderman Hawkins stated we shoot for the moon a lot and we have approved good community because of this and appreciates the Mayor shooting for the moon, but he is not sure this is the money we need to shoot at right now. Alderman Jones stated he was born and raised here and feels there has always been a need as we have never had a place for the community to get together and swim for free; we could basketball and baseball for free. Alderman Jones went onto say that he pays for his grandchildren to swim; this is both good and bad as this had to come out this way which showed we have needs for other things in this city. Alderman Jones Spirit Homes is a good purchase but just because it is a good deal, but we would save even more if we did not spend the money to start with. Alderwoman Mehl condemned Mayor Townsell for bringing this proposal to council for consideration in a timely manner and also thanked Nabholz for their extensive report. Alderwoman Mehl stated she too is pleased that everyone that spoke recognizes a need for a swimming pool and not matter the vote tonight the council is committed to finding a great location for a community pool. Alderman Ledbetter concurred with Alderwoman Mehl and stated we should start looking for a good location for a swimming pool as soon as possible and make something happen. Alderwoman Smith stated we have talked about it before but when the

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topic was brought to us this time that puts it in the fore front of our minds to actually do something about it. Alderwoman Whitmore stated this process has indeed showed us the community does see a need for a swimming pool and when she took office 16 years ago this was that was one of the things that was mentioned and she is committed to push forward and make this a reality for our citizens. Alderman Grimes concurred with other council members and felt that this was definitely worth looking at the Spirt Homes property and had it worked it would have offered a unique opportunity to do some things that we frankly will never end up doing; it could possibly still work but without owning the building and not having the time or the money to determine and feels it is prudent to move to plan B knowing there is a need and we should start looking at other options. There was no further discussion. The motion passed 8-0.

- 2. Resolution setting a public hearing to discuss the closing of the southern 25 feet of the Mill Pond Road right of way adjoining Lot 27 in the Round Mountain Subdivision.**

R-15-25

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. The public hearing will be held on Tuesday July 14, 2015 at 6:30 p.m.

- 3. Resolutions requesting the Faulkner County Tax Collector to place certified lines on certain properties as a result of incurred expenses by the City.**

Alderman Hawkins stated the fees due on 1039 Clifton Street have been paid hence removing it from our agenda.

R-15-26

Alderman Hawkins stated the property address is 2450 Landover Trail; the cost of cleanup was \$175.13 (\$131.94 + Penalty \$13.19 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- 4. Ordinance accepting and appropriating reimbursement funds from the Arkansas Community Development Association for travel expenses within the Community Development Department.**

O-15-69

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith 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 Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

- 5. Consideration to approve a conditional use permit request to allow a homeless shelter in a C-3 zone for property located at 701 Polk Street & 766 Harkrider Street.**

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Item moved up on the agenda.

6. Consideration to remove vehicle and equipment from the fixed asset inventory records for the Street & Engineering Department.

Alderman Hawkins motioned to approve removing these items from inventory. Alderwoman Whitmore seconded the motion. Mayor Townsell stated these would be disposed of these items according to state law. There was no discussion. The motion passed 8-0. The items to be disposed of are listed below.

- 1998 Badger 460 Excavator - VIN - 980807
- 1998 Badger 460 Excavator - VIN - 980902
- 1991 Chevrolet 1-Ton - VIN - 1GCCG33KXNJ339127
- 1992 Chevrolet Pickup - VIN - 1GCDC14Z3NZ174817
- 1995 Flatbed Chevrolet Dump Truck - VIN - 1GBJ7H1P7SJ100138
- 1999 GMC Dump Truck - VIN - 1GDJ7H1C6XJ506603
- 1986 Galion Dresser Roller - WD-61291
- 1990 Ford 455C Backhoe - A400622
- 1989 Badger 460 Excavator - 238921
- 1988 Chevrolet Dump Truck - VIN - 1GBJ7D1B9JV113963
- 1995 Chevrolet Water Truck - VIN - 1GBJ7H1P5SJ100137
- 1996 Dodge Pickup - VIN - 1B7JF26Z7TS697115
- 1999 Dodge Pickup - VIN - 3B7HF12YXXG231066
- 1985 Ford Dump Truck - VIN - 1FDNF60H1FVA70465
- 1992 Mack Truck - VIN - 2M2P264Y1NC010799
- 1978 Mack Truck - RS685T72710
- 1987 Galion Dresser/Grader - GD-F-11329

7. Ordinance appropriating insurance funds received for damaged equipment and traffic poles/traffic camera to the Street & Engineering Department.

O-15-70

Insurance proceeds received were in the amount of \$16,901.41 and \$17,874.38 for the Street Dept. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to accept to adopt the ordinance. Alderwoman Whitmore seconded he motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

8. Resolution expressing the willingness of the City of Conway Street & Engineering Department to utilize state aid street monies for the Hogan Lane Overlay Project.

R-15-27

Finley Vinson, City Engineer, explained this is overlay project begins at Tyler and goes to just South of College at the bridge and where the curb and gutter ends. Mr. Vinson explained this is a Arkansas Highway and Transportation Dept. (AHTD) project which provides state aid to cities and municipalities; the costs are outlined within the ordinance which basically

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comes down to 10% of construction. Mr. Vinson stated there is \$100,000.00 in this year's budget for this project and the AHTD hopes the project will be within budget and stated they plan on bidding the job soon; if we are over budget then he will come back to council, but he does not anticipate it being over budget by much. Mayor Townsell stated we would have to contribute 10% of the project cost up to \$250,000.00, anything beyond this amount would be the cities to pay. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

9. Consideration to approve right of way acquisition for Tract 5A & 5B (Kuettel) in regards to the Cantrell Field Access Improvement Project.

Finley Vinson, City Engineer, explained this is acquisitions for the southern section of Central Landing Blvd which is the section the city is building. Mr. Vinson stated the Kuettel family was offered \$2.00 per sq. foot and they have counteroffered \$3.00 per sq. foot and asked council for guidance on how to proceed forward. Alderman Hawkins asked if there are more than 2 tracts to be dealt with. Mr. Vinson stated there will be more tracts to come. Alderman Hawkins stated this needs to be expedited as the clock is ticking, but we also do not need to overpay. Alderwoman Smith asked how we arrived at \$2.00 per sq. foot. Mr. Vinson stated that was the appraised value. Alderwoman Smith asked if they got a second appraisal. Mr. Vinson stated no, he believes Mr. Kuettel has pulled some comparisons and he believes the counter offer is based on the comparisons. Alderwoman Smith suggested splitting the difference at \$2.50 per sq. foot. Alderman Hawkins asked how long it will take us if we make a counter offer and asked if we can attach a time limit to a counter offer. Mayor Townsell stated we can always negotiate but at some point we will have to proceed to condemnation to meet deadlines but this does not mean negotiations stop, we will be glad to negotiate to find a middle ground short of going to court. Alderman Hawkins stated maybe condemnation is the best way to proceed if it allow us to continue our construction work and allow the courts to determine what the fair price is. Mayor Townsell stated that would be for if you think the counter offer is unfair and feels this is a good counter offer. Alderman Hawkins stated his problem is if we have 2-3 others to deal with they will see what happens tonight. Mayor Townsell stated there is no question about that. Alderman Grimes stated if we accept their counter offer of \$3.00 per sq. foot we have established a mark rate on the first tract. Alderman Jones asked why not offer the \$2.50 per sq. foot. Chuck Clawson, City Attorney, stated as far as condemnation is concerned we can give money to the courts which could be over and above what the appraised value is but this also gives us an order of entry fairly quickly, but you do set yourself up. Mr. Clawson stated there is new legislation that could impose penalties if the money we deposit with the court is a 20% difference in what we deposit verse what any judgment could be. Alderman Hawkins asked if Mr. Clawson had any suggestions regarding the price. Mr. Clawson stated no. Alderman Grimes stated he does not have any problems paying someone a fair value for their tract of land but the question is, what is "fair value". Mayor Townsell stated this is 50% higher than what we offered and typically we are willing to go up 15%-20%, but 50% is high. Alderman Hawkins stated he thought we did 20% in the past. Alderwoman Smith stated that would be \$2.40 per sq. foot. Alderman Grimes stated we should consider the timeline, if we counter offer and they reject we are 3 weeks until our next meeting so are we waiting 3 weeks until we can even start the condemnation process. Mayor Townsell stated yes, council would have to start it or we would have to wait 3 weeks or have a special meeting. Mr. Vinson stated we have 3 weeks if we want to make a counter offer he is comfortable with that as long as council is willing to agree that if the Kuettel's do not accept the counter offer then we probably at that

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point need to proceed with condemnation. Alderman Grimes asked if work would stop or is there other work that can be done over the next 3 weeks. Mr. Vinson stated no, and stated we have more than 3 weeks but he does not take longer than that because if we do have to condemn, we need to allow time for Mr. Clawson to start that action. Mayor Townsell stated that is correct, Mr. Clawson cannot do 10 condemnations at one time. Alderwoman Smith asked how long this take will. Mr. Clawson stated it would depend on how many we have but if he dedicated all his time to the condemnations he could get it done in a week. Mr. Vinson stated along with these 2 properties we have probably 2 that are similar to this, and hopes that an agreement can be reached on the remaining properties including everything on the other side of the interstate and Roller-McNutt Funeral Home; so if we go down this path we are potentially looking at 4-5 properties. Alderwoman Smith motioned to offer the Kuettel's \$2.50 per sq. foot for tract 5-A and 5-B for their right of way. Alderman Hawkins seconded the motion. Alderman Hawkins stated we have a history so we can go back and state why we offered this among. Alderman Grimes asked if we could attach language stating our intent to condemn if our counter offer is rejected. Alderman Hawkins and Alderwoman Mehl stated they are good with adding this language. Mayor Townsell stated we will consider that as part of the motion and asked if Mr. Clawson needed something more. Mr. Clawson stated this process was done by ordinance last time. Mayor Townsell stated we can express our intention but we may have to do this via ordinance. Mr. Clawson stated we can do this verbally and if the counteroffer is rejected and if more is needed, we may have to wait but at least we have the verbal approval if he thinks he can move forward with that. Alderwoman Smith stated she wants to amend her motion to add if the counteroffer is not accepted, we proceed toward condemnation. Alderman Hawkins concurred. Mayor Townsell stated for the state of expediting do we want to do the same thing with the next property. Alderman Hawkins stated yes. Mayor Townsell stated basically we are offering a 125% of the appraised value and once you reach 125% of the appraised value you are offering \$3.125 per sq. foot verses the counteroffer of \$3.15 on the next property. Mayor Townsell asked if this is also a part of your motion to make a counteroffer to both properties on the agenda tonight (items 1A-9 and 1A-10) at 125% of the appraised value and adding the condemnation language. Alderwoman Smith stated yes. Council concurred. Mr. Kuettel stated the counteroffer was made based on an independent appraisal but admitted one number he pulled from a hat. Mr. Kuettel explained there was also a lot of inconsistencies in your appraisal and your negotiator walked along with him through the process and he showed an inconsistency, and the negotiator was pretty much in agreement, and when they saw my counter appraisal and sales comparisons, the number was actually higher than \$3.00 but he was okay with this. Mr. Kuettel stated the acquisition person sent an email indicating this was being recommended for approval, not that it was being discussed, which gave him the indication that they were accepted; which also has to go through the new appraiser who approved it and made recommendations, but not that they offered it. Mr. Kuettel stated the reference she made to Act 1101 which says you have to review condemnation and your appraisal is out and you would be responsible for the attorney's fees etc. Mr. Kuettel stated I tried to make a counteroffer based on an independent appraisal so this is why he wants clarification so he can make a good decision. Mayor Townsell asked if we had a copy of Mr. Kuettel's independent appraisal. Mr. Vinson was unaware that he had hired an appraiser. Mayor Townsell stated it seems we have segments of it just not the appraisal itself. Alderman Hawkins asked if we could get a copy of the appraisal. Mr. Kuettel stated yes. Alderman Grimes asked if the appraiser we hired told you that they ended up using comparisons that were not really any good. Mr. Kuettel stated no, it was the negotiator; they saw the inconsistencies he pointed out and there was also in the

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appraisals trees and crepe Myrtle bushes and he did not contest to the value he is offering but his numbers were just way off. Mayor Townsell stated in light of this one thing that we did have in past acquisitions the negotiator was present so he recommends pulling the motion and the second and get the negotiator here because there has been a transition. Mayor Townsell stated we also need to get a copy of the other appraisal so we can get a more in depth discussion on this as he feels if we are hiring O.R. Colan to represent us then they should be here representing us. Mr. Vinson stated if we need to wait he recommended we be prepared to move to condemnation at that meeting if we are unable to an agreement. Mayor Townsell stated he believes Mr. Kuettel understands if we need to proceed we can still negotiate. Alderwoman Smith motioned to withdraw her original motion. Mayor Townsell stated he believes we can hold this item in committee until but feels we may could make an offer on item 1A-10 tonight. Alderwoman Smith motioned to hold Item 1A-9 in committee until the next council meeting. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

10. Consideration to approve right of way acquisition for Tract 26 (Weakland) in regards to the Cantrell Field Access Improvement Project.

Mayor Townsell stated the Weakland's counteroffer is just above the 125% of the appraised value so if council wanted to offer 125% of the appraised value then we could get very close to their counteroffer and cover the vast majority of the distance between the two prices. Alderman Hawkins motioned to counteroffer 125% of the appraised value. Alderwoman Whitmore seconded the motion. There was no further discussion. Mayor Townsell stated counteroffer will take the price up to \$3.125 per sq. foot. The motion passed 8-0.

11. Consideration to approve the bid received for the I-40/6th Street Overpass for the Cantrell Field Access Improvement Project.

Finely Vinson, Street Engineer, stated both bids are relatively close and slightly higher than the engineers estimate. Mr. Vinson stated we have discussed the possibility of cost savings with the contractor in hopes they could come up with some value engineering and explained, they have come up with approximately \$300,000.00 of savings, which is not enough to warrant re-bidding and nothing that would require us to make any significant changes to the plans. Mr. Vinson recommended awarding the bid to the low bidder Manhattan Road and Bridge Company in the amount of \$9,691,367.46 and we can make modifications by change order any cost savings if we desire into that contract. Alderwoman Smith motioned to accept the low bid from Manhattan Road and Bridge Company. Alderwoman Whitmore seconded the motion. There was no further discussion. Mayor Townsell asked council to view the larger spreadsheet they were provided and explained this shows the 3rd and 4th quarter of 2016 as we start timing out our payments for all the various projects, as this is the big picture that will determine if we will be able to fund everything we wanted to do for Central Landing and Lewis Crossing. Mayor Townsell stated if you look you will see that we go in the negative toward the end of 2016 but stated we cannot go negative, we cannot bridge that \$1.3 million or \$992,000.00 gap in those areas, so what we are proposing (as the Mayor references an updated spreadsheet with colored lines) 5 year financing. Mayor Townsell stated the blue line says base and surfacing for the South Interchange and then the Arkansas Highway and Transportation Dept. (AHTD) match for Dave Ward Drive (Lewis Crossing Project); you will see those have been changed from the larger spreadsheet to where they are now which is proposed 5 year financed. Mayor Townsell stated we always knew that would

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probably need to do and if you will look at those same bottom line numbers, we are now more substantially in the positive as this spreads out those costs in later years. Mayor Townsell stated we still have the “wobble room” if we stay in the positive we can see and realize some cost overruns and absorb that just by doing this. Mayor Townsell stated we are obviously eating into our estimate and spreadsheet by accepting that, but this is probably the most expensive piece of this project that we have. Mayor Townsell stated the other issue we have are the pieces that are more involved with AHTD; the Oak Street/Central Landing Blvd which is the northern section of the North/South road that leads from Oak Street to the old airport site and also the Lewis Crossing property. Mayor Townsell stated the other projects are ours and we can alter those if necessary, but the projects with AHTD we have less flexibility with, so we are not in the clear yet. Mayor Townsell also pointed out in the spreadsheet in Section B (revenue): AHTD sales tax has been projected at \$1 million and explained this is a 2014 number as we have not yet plugged in the 2015 number; we are not releasing the funds for maintenance and may not be able to this year, but the 2015 number is what we said we would like to start using every year for enhanced street maintenance, but we are holding onto it as a backup in case we start seeing cost overruns for not only the projects, but also the right of way acquisitions. Mayor Townsell stated we have chosen to 5 year finance the base and surfacing for the South interchange project which will have to be approved by council, and the AHTD match for Dave Ward Drive because those projects were not included in the bond issue that we took to the voters; we do not want to include 5 year financing on something we already told the voters we were going to use bond money proceeds for. Mayor Townsell asked if everyone understands what we are doing. Council members stated they did. There was no further discussion. The motion passed 8-0.

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

1. Ordinance appropriating funds for a CDL driver position within the Conway Sanitation Department.

O-15-71

Jack Bell, Interim Sanitation Director, explained the Sanitation Dept. has seen an increase in volume and services but we have had no increase in personnel and recommended council approve this additional position; this position could pick-up whatever waste is needed at that time. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Grimes seconded the motion. Mayor Townsell stated this will be adding to the budget from the Sanitation Fund balance reserve and will also authorize 1 additional position. There was no discussion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

C. Public Safety Committee (Police, Fire, District Court, CEOC, Information Technology, City Attorney, & Animal Welfare)

1. Ordinance appropriating reimbursement funds from PetSmart to the Animal Welfare Unit.

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O-15-72

Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 8-0. Aldерman Jones motioned to adopt the ordinance. Aldерman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерman Hawkins, Aldерman Grimes, Aldерman Pruitt, Aldерwoman Mehl, Aldерman Ledbetter, Aldерwoman Smith, and Aldерman Jones, and Aldерwoman Whitmore. The motion passed 8-0.

2. Ordinance appropriating reimbursement funds from various entities to the CPD.

O-15-73

A.J. Gary, Chief of Police, was present to answer questions and explained these are reimbursements from various entities for extra duty services, insurance proceeds, donations, challenge coins, and Taser buy backs (itemization is listed below). Aldерwoman Smith motioned to waive the readings of the ordinance. Aldерwoman Whitmore seconded the motion. The motion passed 8-0. Aldерwoman Whitmore motioned to adopt the ordinance. Aldерwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерman Hawkins, Aldерman Grimes, Aldерman Pruitt, Aldерwoman Mehl, Aldерman Ledbetter, Aldерwoman Smith, and Aldерman Jones, and Aldерwoman Whitmore. The motion passed 8-0.

- Extra Duty proceeds from various Companies - \$10,032.29
- Insurance Proceeds - \$3,561.53
- Donations from various companies - \$1,700.00
- Challenge Coins proceeds via Police Dept. - \$209.75
- Taser Buy Back from Accredited Financial Services - \$6,020.00

3. Resolution requesting compensation for officers no longer employed by the CPD for court time.

R-15-28

Mayor Townsell explained it is necessary from time to time for officers who are no longer employed by the city to attend court cases and we would like to compensate these former officers at their last rate of pay for contract labor. A.J. Gary, Chief of Police, stated during an officers career, and up until retirement, officers are often required to come back and testify on their court cases, even upon separating employment with the City of Conway. Chief Gary stated he researched this and found some other cities are doing what he is asking to do which is compensate them for their time at their final hourly rate and explained he does not believe any additional funds will be required. Aldерwoman Smith motioned to adopt the resolution. Aldерwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

4. Ordinance accepting and appropriating funds to purchase an outdoor warning siren for the Information Technology Department.

O-15-74

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Lloyd Hartzell, IT Director, explained one of the sirens caught on fire and we received \$14,000.00 in insurance proceeds but it was short \$2,500.00; we saved approximately \$9,000.00 by installing it ourselves but we will need to appropriate additional funds to cover the remaining costs. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. 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 Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

5. Consideration to request proposals for a radio system for the City of Conway.

Mayor Townsell stated our current radio system has been in place since the early 1990's when we purchased the original trunk system. Lloyd Hartzell, IT Director, explained we developed a Request for Proposal (RFP) that started back in 2012 and it is ready to be released; council agreed to move forward with this some months back, the system has failed again. Mr. Hartzell stated the electronics are failing more frequently and are also harder to obtain and there is little support for the system we have. Mr. Hartzell explained we have a database of over 1,000 radios on the system that IT manages which includes city radios, Mayflower, Greenbrier, the school district, Guy, and the Faulkner County Sheriff's Dept.; Hartzell stated we are to the point where the system could go down while during a Police or fire incident. Mr. Hartzell explained he has answered some of council's questions regarding a P25 System which basically in the past has been proprietary, once you purchase the radios from one system you could not purchase other radios from anyone else. Mr. Hartzell stated the P25 allows you purchase infrastructure from "vendor A" and purchase radios and mobiles from "vendor B, C, and D" which creates a standard in which we can communicate with others if they also have P25. Mayor Townsell asked what will be the total price for replacing our system. Mr. Hartzell stated \$3.2 million. Mayor Townsell stated we can refinance the bond issue associated with the Meadows Technology Park and the Hewlett Packard project and cover, depending on how much franchise fee revenue we use, \$2.2/\$2.3 million and up to possibly \$2.7 million, the rest of it will have to be bridged with general funds. Mayor Townsell stated the cash amount you saw in the General Fund is critical as we can possibly argue for supplementation from the Sanitation Dept., because they use the radio system, but reasonably this would be limited, but that council's decision. Mayor Townsell went onto say that this gives you some idea of how a radio system could be funded but it will be a big expense but it is a necessary expense. Alderwoman Mehl stated there were some notes about cost sharing and asked if the cost sharing be in the upfront capital with a guarantee of some sort of reduced use fee later. Mayor Townsell stated we could ask but nothing mandates that anyone has to participate in that way and went onto say that the days of us providing free service for everyone, weather it is up front capital or ongoing operating, needs to be over. Alderman Grimes asked if we have contacted, can we contact, these other users regarding the costs that they could possibly start sharing. Mr. Hartzell stated the Chief has already laid the ground work for that. Alderman Grimes stated he would not want to surprise anyone. AJ Gary, Chief of Police, stated we have already started those conversations. Mayor Townsell stated it could take hard action on our part to let them know the urgency of why not keep on going the way they are now. Alderman Grimes stated obviously when we replaced our system and they are not on it, they will not be on it. Mayor Townsell stated that is fair but it means that someone is either in or out and if you are out,

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out is an option. Alderman Grimes stated they need to have fair warning regarding all the issues here. Alderman Hawkins motioned approve the RFP for a radio trunk system for the City of Conway. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 8-0.

Mayor Townsell asked council to suspend the rules to consider an ordinance preventing loud and unnecessary noise, prohibiting the practice of engine compression braking aka "jake braking" in the City of Conway. Mayor Townsell stated this is something Chuck Clawson, City Attorney, has brought before us. Alderwoman Whitmore motioned to suspend the rules to allow discussion of the proposed ordinance. Alderman Hawkins seconded the motion. The motion failed 3-5. Alderman Jones, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Grimes voted in opposition.

Adjournment

PASSED this 23rd day of June 2015

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett