
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
November 27, 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, Alderwoman Whitmore, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

1. *Call to Order*
2. *Roll Call*
3. *Minutes: November 6th 2007*

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderman Grimes was not present for the vote.

4. *Recognition of Guests: Employee Service Awards*

5 Years

Officer Sean Julian – Police Dept.

15 Years

Joyce Johnson – Police Dept.

20 Years

Ronnie White – Permits & Inspections

5. *Public Hearings:*

- A. **Public hearing to discuss abandoning the east/west leg of Bill Dean Drive in the I-40 South Commercial Park.**

Mayor Townsell opened the public hearing. Scott Murphy, Nabholz Properties, stated due to the new right of way and setback requirements by the city the marketability of these lots have been affected and it would be beneficial to them if this section of the road could be abandoned so the lot sizes could be adjusted. Ronnie Hall, City Engineer, asked if they

planned to put a public turnaround at the end of that road to comply with the fire code. Mr. Murphy stated no, as access is available through the adjacent lot. Mr. Hall stated there should be an easement provided for either a hammer head or a cul-de-sac. Mr. Murphy stated that would not be problem. Mayor Townsell stated wording should be added to the ordinance that states the city will grant the closure upon the gift of an easement for some type of turnaround structure. Bart Castleberry, Fire Chief, concurred that a turnaround is needed and he will find out how many feet will be needed. Mayor Townsell stated the wording "*including a turnaround easement at the end of Bill Dean Dr. per fire code*" will need to be added to the ordinance. Mayor Townsell closed the public hearing.

1. Ordinance to abandon the east/west leg of Bill Dean Drive in the I-40 South Commercial Park.

O-07-146

Alderman Hawkins 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 with the stipulation that the amendment noted above be added to 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, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

B. Public hearing to discuss abandoning a utility easement located in the I-40 South Commercial Park, between lots 2 & 3.

Mayor Townsell opened the public hearing. Scott Murphy, Nabholz Properties, stated the easement is restricting the potential buyers building footprint and they are requesting the easement be abandoned. Mayor Townsell closed the public hearing.

1. Ordinance to abandon a utility easement located in the I-40 South Commercial Park, between Lots 2 & 3.

07-147

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

C. Public hearing to discuss closing a portion of Fleming Street between West Street & Susan Lane.

Mayor Townsell opened the public hearing. Ronnie Hall, City Engineer, stated that we would need to reserve that easement as a drainage easement. Mayor Townsell stated that Conway Corp. has requested a utility easement remain as well. Mayor Townsell asked if section 2 should read: *"abandons, releases, and vacates all rights except the right to a utility and drainage easement for the full formal right of way"*. Mr. Hall stated we have been using the wording *"the full right of way is maintained as a utility and drainage easement"*. Mayor Townsell closed the public hearing.

1. Ordinance closing a portion of Fleming Street between West Street & Susan Lane.

O-07-148

Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 8-0. Aldерwoman Whitmore motioned to adopt the ordinance as amended to maintain a utility and drainage easement. Aldерwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Aldерwoman Smith, Alderman Bell, Alderman Jones, Aldерwoman Whitmore, and Aldерwoman Mehl. The motion passed 8-0.

Aldерwoman Smith motioned to suspend the rules to discuss the most recent park bond issue. Alderman Hawkins seconded the motion. The motion passed 8-0. Mark McBride and Jack

Trumper, Stephens Inc. were present to answer questions. Mr. Trumper stated they sold \$14,100,000 worth of bonds on Nov. 14, 2007 and they were dated Dec. 1, 2007. The closing will take place on Dec. 12, 2007. The construction fund proceeds will be \$13,747,000, the average annual payment on the bonds is \$1,050,092, the average coupon or interest rate is 4.5 % and the final maturity is Dec. 1, 2028.

6. Report of Standing Committees:

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

- 1. Resolution setting a public hearing to discuss the closure of a portion of McKay Avenue east of Griffith.**

R-07-41

Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0. The public hearing is set for Tuesday Dec. 11, 2007 at 6:30 p.m.

- 2. Resolution setting a public hearing to discuss the closure of an alley between North Ash and Davis Street.**

R-07-42

Alderman Bell motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0. The public hearing is set for Tuesday Dec. 11, 2007 at 6:30 p.m.

- 3. Consideration of the 2008 CDBG allocations.**

Mayor Townsell explained that this is for the service level proposals which total up to be 15% of the total allocations; more time is needed to determine the needed projects. Lynn Keith, CDBG Coordinator, explained this is based on \$400,000 which is where we try to stay, which leaves us with \$64,456 which includes approximately \$29,000 we received for 2007. Ms. Keith stated the advisory committee's recommendations are as follows:

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- Bethlehem House - \$15,000 - Third shift staffing of homeless shelter.
- Boys/Girls Club - \$4,000 - Transport Sallie Cone 80% are LMI & equipment.
- Senior Citizens - \$10,000 - Transportation services for the elderly.
- FCCDD - \$20,000 - Transportation services to jobs & job training for disabled.
- Pine St. Free Clinic - \$10,000 - Supplies for diabetic patients/supplies/staff.
- Women's Shelter - \$5,456 - Collaborative transportation program.

Alderwoman Smith motioned to approve the allocation requests. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

4. Ordinance to rezone property located at the north side of Prince Street approximately 0.5 miles west of the intersection of Country Club Road and Prince Street from A-1 to PUD.

O-07-149

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Bell seconded the motion. Debbie Christian, Watson Rankin Development, explained the development, Turnbury Estates, will offer 4 estate homes valued at \$400,000, 38 garden homes valued at \$205,000, 28 townhomes valued at \$180,000, and 1.4 acres at the bottom of the hill will be reserved for commercial use. Ronnie Hall, City Engineer, stated he believes the drive way at the top of the hill is "right in" and "right out" only with no way to turn left in or out of the drive and he wants to make sure it still that way. Ms. Christian stated none of that has been changed. 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, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

5. Consideration to accept bid for intersection improvements at Hwy 286 at East German Lane.

Ronnie Hall, City Engineer, stated this is for a traffic signal at Mayor Ln., E. German Ln., and Hwy 286. This is necessary for large trucks to access the Guy Murphy Industrial Park. Mr. Hall recommends the project be awarded to the low bidder, Construction Management & Maintenance in the amount of \$231,435. Alderwoman Smith motioned to accept the low bid. Alderman Bell seconded the motion. Mayor Townsell recommended getting the remaining \$57,000 from the Economic Development Fund to

cover what the grant money will not cover. 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, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

6. Consideration to accept bids for a pickup truck and a used dump truck for the Conway Street Department.

Ronnie Hall, City Engineer, stated the low bidder for the dump truck was England Truck Sales in the amount of \$37,500; the low bidder for the pickup was the State Purchasing Contract in the amount of \$18,540.83. Only one bid was received on the truck in the amount of \$19,101. Mr. Hall suggested we reject the bid on the truck and purchase it from the State Purchasing Contract. Alderwoman Smith motioned to accept the low bid on the dump truck and purchase the truck from State Purchasing Contract. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Ordinance appropriating funds for gas and diesel for Sanitation Department.

O-07-150

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderman Jones 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, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

2. Ordinance accepting and appropriating revenue funds to the Conway Sanitation Department.

O-7-151

Cheryl Harrington, Sanitation Director, clarified that these funds were for warranty work that the department was reimbursed. 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 Jones seconded the motion. Mayor Townsell stated the wording in the ordinance should be changed to reflect that the funds were for warranty proceeds not insurance proceeds. 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, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

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

1. Consideration to accept bids for the Guy Murphy renovations for roofing, HVAC units, and electrical work.

Kurt Meredith, Deputy City Attorney, stated Covington Roofing Co. was the low bidder for the roof replacement in the amount of \$14,800 and recommended awarding the bid to Covington's. Alderman Bell motioned to accept the low bid from Covington's. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Mr. Meredith explained was a \$500 difference between the low bidder and the second lowest bidder for the heat and air work. Mr. Meredith went onto say that his office had concerns over the manner in which the low bidder submitted their bid and he recommends going with the second lowest bidder, Russaw Heating & Air, Inc. in the amount of \$13,167.87. Alderman Bell asked what type of concerns arose with the low bidder. Mr. Meredith stated the bid was unsigned and they had also had their good standing status revoked by the Arkansas Secretary of State's office several years ago. Alderman Bell motioned to accept the low bid from Russaw. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

Mr. Meredith stated several estimates were submitted for the electrical work and from those estimates they compiled their bid specs; only one bid was received from Robert Bailey Electric, Inc. in the amount of \$24,189. Alderwoman Smith motioned to accept the low bid from Bailey's. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance appropriating funds for building additions for the CFD.

O-07-152

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Bart Castleberry, Fire Chief, explained these are change orders for improvements on station 2 (E. German Ln.) and station 4 (Salem Rd.). Chief Castleberry explained that the lighting systems for the bay area are the two most costly items at \$2,600 each and these were not in the original bid; the sidewalk at station 2 was an oversight by the architect; also included is two wood doors at a cost \$450. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Jones 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, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

3. Ordinance accepting and appropriating grant proceeds awarded to the Fire Department.

O-07-153

Bart Castleberry, Fire Chief, explained the fire dept. has received a grant from Homeland Security under the Assistance to Firefighters Grant which will be used for an exhaust removal system for all stations with the exception of the S. Donaghey station, which will be done when the station is built. The total grant is for \$224,586; Homeland Security is giving us 80% which is \$179,669; the cities 20% matching grant is \$44,917. Alderman Bell 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 Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

4. Discussion of the 2008 legal services representation of management in the Civil Service Commission Hearings.

Mayor Townsell explained that Michael Murphy, City Attorney, must represent the Civil Service Commission when necessary; in turn the city must retain attorneys to represent the city before the Civil Service Commission should the need arise; Carolyn Witherspoon represented the city this past year. Mr. Murphy confirmed that state statutes requires outside legal counsel be hired on an annual basis and since this is a professional service the statutes governing professional services kicks in and the city will need to proceed with a selection process. Mayor Townsell asked if the council would like to continue on with Ms. Witherspoon or if they would like to open it up to proposals. Alderman Bell, Alderwoman Smith, and Alderwoman Mehl stated they would like to open it up for proposals. Alderwoman Smith motioned to proceed with an RFQ. Alderman Bell seconded the motion. Alderwoman Whitmore stated she would like to have the proposals contain the attorney's qualifications and experience with working with a Civil Service Commission. There was no further discussion. The motion passed 8-0.

7. *Old Business*

8. *New Business*

- A. Resolution to select AMR Architects Inc. as the architect for the Downtown Special Event Pavilion.**

R-07-43

Mayor Townsell explained this will allow us to select AMR Architects Inc. for a conceptual design and architectural services for the Downtown Special Events Pavilion. Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- B. Resolution entering into an agreement with Wilcox Group for the Downtown Parking Deck.**

R-07-44

Mayor Townsell explained this will allow us to enter into a contractual agreement with the Wilcox Group Architects for the Downtown Parking Dec; this does not commit us to building a parking deck. The cost for this could be close to \$70,000. Alderman Hawkins stated he would like to know if the proposed location is going to be feasible before too much

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money is spent. Mayor Townsell stated a parking deck can be put on the proposed site it's just a matter of how efficient a parking deck it would be. If it will not be an efficient parking deck, we probably should not build it there, but that is why we need the Wilcox Group to study this for us. Alderwoman Smith motioned to adopt the resolution. Alderman Bell seconded the motion. There was no further discussion. The motion passed 8-0.

Alderwoman Smith motioned to move the next council meeting up to Tuesday December 18, 2007 at 6:30 p.m. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 27th day of November 2007

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett