
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
September 25, 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 Bell, Alderman Jones, Alderman Grimes, Alderwoman Whitmore, and Alderwoman Mehl. 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: September 18th, 2007

Alderwoman Smith motioned to approve the Sept. 18, 2007 minutes as submitted. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

4. Recognition of Guests: Employee Service Awards

5 Years

Perry Murdock - Street
D.A. Campbell - Sanitation
Detective Melissa Smith - PD

10 Years

Detective Brian Williams - PD

20 Years

Tommy Pearce - Street Dept.

5. **Public Hearings:**
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 closing a utility easement located in the Weatherstone Subdivision.**

R-07-28

Alderman Bell 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 Oct. 10, 2007 at 6:30 p.m.

2. Consideration of the nomination of Jerry Park to the Water Improvement District 10 Commission.

Alderwoman Smith motioned to accept the nomination. Alderman Bell seconded the nomination. There was no discussion. The motion passed 8-0.

3. Ordinance appropriating funds for the Conway Tree Board to pay for expenses associated with the 2007 Arbor Day celebration.

O-07-116

Mayor Townsell stated the amount is \$2,839.00. 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 Whitmore 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. Ordinance appropriating grant funds and waiving bids for tree inventory and consulting services for the Conway Tree Board.

O-07-117

Mayor Townsell stated the Conway Tree Board has been awarded a \$20,000.00 grant from the Arkansas Forestry Commission to pay for consulting and a public tree inventory. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. 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, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

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

- 1. Consideration to enter into an agreement with Carter Burgess for professional services for the girl's softball complex.**

Mayor Townsell stated this agreement is for professional services for the design and engineering of the girl's softball complex and is in the amount of \$498,700. Alderwoman Smith motioned to approve the agreement with Carter Burgess for professional services. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

- 2. Consideration to accept the master plan for the girl's softball complex from Carter & Burgess.**

Alderwoman Smith motioned to approve the master plan. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

- 3. Consideration to accept the low bid for a/c units at the Don Owens Sports Center.**

Brian Knopp, Parks Director, was present to answer questions. Mayor Townsell stated the request is to accept the low bid from Freyaldenhoven Heating & Cooling for \$48,847.80. Alderman Bell motioned to approve the low bid. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- 4. Ordinance appropriating anticipated revenue funds for First State Soccer Park to Park & Recreation Department.**

O-07-118

Mayor Townsell stated that city needs to recognize the revenue the park will generate from program fees, sponsorships, and field usage fees and it is anticipated that approximately \$50,000 in revenue will be generated. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and 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 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. Ordinance appropriating funds to the Conway Police Department to replenish operating line items.

O-07-119

Dara Tapley, Assistant to the Chief of Police, stated that after an audit we feel that the funds for vehicle maintenance will not be needed and the amount of the request needs to be reduced to \$10,000 total. *The "Vehicle Maintenance" request in section 1 can be removed.* Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance as amended 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, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

2. Ordinance appropriating grant funds to purchase of camera equipment for the Conway Police Department.

O-07-120

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

3. Consideration of bids for the renovation Station 2 & 4 for the Conway Fire Department.

Bart Castleberry, Fire Chief, was present to answer questions. Mayor Townsell stated these stations have been planned for remodeling since 1997 and the funds will come out of the pay as you go portion of the 2005 ½ cent rededication. These are two remodeling projects that were bid as one project; one proposal was received from Tru-Star Properties in the amount of \$515,445.53. Alderwoman Smith motioned to accept the bid. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

D. Personnel

1. Consideration of 2008 Medical, Dental and Life insurance benefits.

Lisa Mabry-Williams, Human Resource Director, stated that Health Advantage has come back with no changes in the health plan and no cost increase for 2008. United Health Care has come back with no rate increases for 2008. Blue Cross Dental has come back with a 5% premium increase for 2008. Alderwoman Whitmore stated it might be a good idea to bid out the dental. Alderwoman Whitmore motioned to keep Health Advantage for the health coverage, United Health Care for the life insurance coverage, and to bid out the dental. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

2. Consideration of 2008 Voluntary Benefits.

Ms. Williams stated that the voluntary benefits are not paid for by the city and these can be renewed with no rate increase for 2008. The VSP Vision has come back with a rate increase, which is the first one in four years, and can be increased 10% the first year and approximately 8% the second year. Ms. Williams stated we did look at another provider, Spectera, but the rates would still increase and Spectera does not have the network we have with VSP and would not include Baker Eye Clinic or Magie Eye Clinic and none of the Little Rock ophthalmologists are in the provider network. Ms. Williams feels it would be best to stay with VSP. Alderman Bell motioned to stay with our current providers for the voluntary benefits. Alderman Vaught seconded the motion. There was no further discussion. The motion passed 8-0.

7. Old Business

A. Consideration of an alternative location in regards to a sidewalk variance request for property located on London Road.

Mayor Townsell stated as this issue has been discussed before but needs to be handled again. The council was going to allow improvements that would trip the sidewalk ordinance at this location; instead of putting a sidewalk there, the council suggested Salem Rd by Marguerite Vann Elementary School. Caryn Sutherland, London Rd. property owner, suggested building a side walk on a stretch of land owned by UCA, across from apartments located at 1916 and 1922 Bruce St., which she and her husband own. Ms. Sutherland stated the remaining sidewalk would be built on the other side Bruce St. and down Mitchell. Alderman Bell motioned to allow the sidewalk to be built in the area requested by Ms. Sutherland. Alderwoman Smith seconded the motion. Ronnie Hall stated that the sidewalks would need to be built to city standards. There was no further discussion. The motion passed 8-0.

B. Consideration of a parking lot variance for property located at 2350 Sanders Road.

Mayor Townsell stated a question arose when this item was previously discussed if the persons making the request had a right to ask for a driveway easement. Ken Patel, stated he is not clear where the drive is going to be located and does not wish to allow access to La Quinta via Holiday Inn Express parking lot. Mayor Townsell explained that the 45 ft. access on Lot 4 does exist legally and the request has nothing to do with the cross access into the Holiday Inn or the Candlewood Suites area, it is just getting within 20 ft. of the northern property line in that 45 ft. access easement. The issue regarding the east/west private drive which serves Outback Steakhouse is between the property owners of Lot 2A and the Outback. There was some discussion as to if the city can mandate cross access across an easement. Alderman Bell motioned to approve the variance. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

C. Ordinance amending the fees collected by the Conway Planning Department.

Mayor Townsell stated these fees are increasing, substantially in some cases, but even with the increase of fees, the fees charged by the Planning Dept. still will not pay the entire cost of the department, and the department will still be operating at a deficit. Mayor Townsell stated he feels the fees are reasonable and brings us more in line with other cities that are charging higher permitting and planning fees. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Grimes motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Alderwoman Smith motioned to amend the ordinance to become effective January 1, 2008. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0. Mayor Townsell noted that *the last two sections of the ordinance should be 12 and 13 not 8 and 9*. 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.

D. Ordinance to updated citywide development guidelines (excluding single-family and duplex).

O-07-122

Mayor Townsell stated this proposed ordinance if adopted will be done so by reference. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Mitch Hart, 3545 Bay Berry Rd, spoke in opposition of the proposed ordinance. Alderman Hawkins stated he would like to eliminate the emergency clause (section 3). Alderwoman Smith motioned to adopt the ordinance with no emergency clause. Alderman Hawkins 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, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

8. New Business

A. Ordinance appropriating funds and waiving bids for the contracted services in conjunction with mold remediation in City Hall.

O-07-123

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Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. Alderman Hawkins 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, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 25th day of September 2007

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett