
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
February 12, 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, 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:* January 22nd, 2008 & February 5th, 2008

Alderwoman Whitmore motioned to approve the Jan. 22, 2008 and the Feb. 5, 2008 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 8-0.

4. *Recognition of Guests: N/A*
5. *Public Hearings:*

A. *Public hearing to discuss the issuance of bond for Hendrix College.*

Mayor Townsell opened the public hearing. Rob Young, representing Hendrix College, briefly explained their desired use for these bonds. Mayor Townsell closed the public hearing.

1. **Resolution approving the issuance of capital improvement bonds (Hendrix College Projects).**

R-08-07

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

R-08-08

Alderwoman Smith motioned to suspend to rules to discuss entering into a lease agreement with UCA to occupy a portion of the old civil defense properties (previously ADEM - Ark. Dept. of Emergency Management property). Alderman Bell seconded the motion. The motion passed 8-0. Mayor Townsell explained the direct purpose of the lease would be for construction of a permanent fire station; the lease is for 5 years at the cost of \$20,000 annually. The initial draft of the lease will allow for three additional, 5 year lease renewals with the same terms. Mayor Townsell went on to say that there will be an opportunity to negotiate either a longer term lease for the permanent location of the fire station or the possible purchase agreement in order to protect our investment for a longer period of time. Alderwoman Smith motioned to enter into the lease agreement and to adopt the resolution. Alderwoman Whitmore seconded the motion. Alderman Hawkins asked Mayor Townsell if we would be better off to purchase the property. Mayor Townsell explained that UCA had to enter into an agreement with ADEM quickly and added that UCA knows if the city invests in a fire station that we want to permanently secure the property. Alderman Vaught asked if we have the funds why don't we purchase the property and lease it back to UCA. Mayor Townsell stated UCA wants to keep this in the states inventory. There was no further discussion. The motion passed 7-0-1. Alderwoman Mehl abstained.

6. Report of Standing Committees:

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

1. Consideration of approval to proceed with bids for the "clean up" of property located at 1470 Wildflower Street.

Alderman Bell motioned to move forward with bids. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration of using prepaid impact fee from the "Greens at Nutter Chapel" to improve Salem Road.

Ronnie Hall, City Engineer, explained with approval this would allow Hal Crafton to pre-pay \$722,754.00 in impact fees to improve Salem Rd.; the

city would prepare plans and take bids and Mr. Crafton would get credit towards his apartment complex. Alderman Hawkins motioned to approve the impact fee credit in the amount of \$722,754 and approve the street project. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

3. Consideration of bids for Salem Road sidewalk improvements (Saddletop Center to Carl Stuart) for the Conway Street Department.

Ronnie Hall, City Engineer, stated the low bidder originally turned in their bid list at \$79,000 but that was in error and the corrected bid is \$99,000. Mr. Hall recommended awarding the bid to HoJo Excavating, Inc. for \$99,640.90. Alderwoman Smith motioned to accept the low bid from HoJo Excavating, Inc. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

4. Ordinance granting a franchise to Doe's Eat Place /Old Chicago Pizza for supporting equipment to be placed in the alley immediately west of the Old Steel Chevrolet Building.

O-08-16

Ronnie Hall, City Engineer, stated he has received drawings showing where the restaurant would like to install the grease traps; they will be below the surface that will provide a reinforced concrete slab over the grease traps. Wendy Shirar, Conway Community Arts, stated they have a storage building at the end of that alley and wants to know when the construction will take place and how long it will take. Mayor Townsell stated we do not have that information but feels it will be soon. Ms. Shirar stated they will need into their storage building on March 8, 2008 and again on March 16, 2008 and explained they have no other way into the building except through the alley. Mayor Townsell stated the city will work with you on this issue. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Bell 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.

5. Consideration of entering into an agreement with FTN Associates for map corrections involving the floodplain/floodway on a portion of Tucker Creek.

Ronnie Hall, City Engineer, explained when FEMA prepared the city's new flood plain maps back in December 2006 and an error was made in regards to Tucker Creek between Salem Rd. and Prince St.; it shows the floodway completely away from the creek; this is incorrect and needs to be revised. Alderman Bell motioned to enter into this agreement. Alderwoman Smith seconded the motion. Mayor Townsell stated the revision will be a cost \$7,500.00. There was no discussion. The motion passed 8-0.

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

1. Consideration of bids for the purchase of full size pickup truck with hitch, full size ½ ton pickup truck, and a ¾ ton heavy duty pickup truck for the Physical Plant.

Glenn Berry, Physical Plant, recommended going with the low bid on all vehicles; unless council would like to go with Smith -Ford in order to get the trucks delivered sooner. After some discussion Alderman Grimes motioned to purchase all three trucks from Smith-Ford. The trucks and prices are: (1) Ford ¾ ton heavy duty pickup extended cab for \$20,470.00, (2) Ford full size ½ ton 4 X 4 for \$18,998.00 and, (3) Ford full size pickup truck w/hitch for \$15,265.00. Alderman Hawkins seconded the motion. The motion passed 7-1. Alderman Vaught voted in opposition.

2. Consideration to accept bids on the demolition of properties located on 917 & 1001 Siebenmorgan for the Girls Softball Complex.

Mayor Townsell explained this was bid two ways, building removal and site cleanup. D & E House Moving has agreed to pay us \$12,098.00 to remove the structures and A & B Dirt Movers were the low bidder for site cleanup which will cost \$4,800.00. Alderwoman Smith motioned to allow D & E House Moving to remove the structures and A & B Dirt Movers to clean up the sites. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

3. Discussion of the "unauthorized" boat docks/pier on Lake Beaverfork.

James Burnside, Lake Beaverfork Caretaker, explained that a resident submitted an application for a boat dock that did not get approved due to the fact that Ronnie Hall, City Engineer, was unable to approve the plans due to time constraints. The resident hence constructed two boat docks on two different lots without approval from the city, and prior to the passage of ordinance (O-07-97 that requires sign off by a certified engineer, the lake supervisor, and the city engineer). Mr. Burnside stated one of the docks had documentation submitted for a permit but he was unaware it was being constructed; the other dock has had no documentation submitted and he was unaware it was constructed. Alderman Bell asked if the docks fall within the size guidelines. Mr. Burnside stated yes. Alderman Vaught stated it is his understanding they have been asked to permit these docks, and they have chosen not to. Mr. Burnside stated that one dock permit was applied for before the fact, the second dock has not had any documentation turned in. Mr. Burnside explained he informed the resident that it could take some time to go through all the steps and have the plans stamped, but they chose to go through the old process. Since the passage of ordinance O-07-97 two applicants have had their plans approved and are going to build when feasible. We have these two docks that are built but not permitted or approved by an engineer. Alderman Hawkins asked when the two docks were constructed. Richard Gavin, Vice President Treasure Hills Property Owners Assn., stated December 2006 while the lake was down. Mr. Gavin stated he did apply for a permit and was told it would take two weeks to get approved and he was confident that the dock would be approved; he stated he did not deliberately move forward with construction. He did not get an answer back in two weeks and the lake water was rising and he would be unable to build the dock once this occurred. Mr. Gavin stated the property is for a community park and explained that the president of the association spoke with Brian Knopp, Parks Director, on a boat walk way; it was in bad shape and unsafe. Mr. Knopp did give the go ahead to replace that one which they did; it was built to specs, but was probably more than Mr. Knopp thought it would be. Mr. Gavin stated he was told to submit another set of plans, which he did, and was told that the city engineer would be unable to approve the plans due to his tight schedule. It was suggested that they hire their own engineer as this would speed the process along. Mr. Gavin stated they did not have money for this as these projects were completed with contributions and help from volunteers; he did get a name of an engineer with Tech Engineering but was informed they were also too busy to do the job. Mr. Gavin stated he later received a call from Mr. Burnside stating that the city had passed an ordinance that states the city engineer will no longer approve the plans and they would

need to hire an engineer. Mr. Gavin stated that both docks have been engineer certified by Rick Sowell and feels that everything is in order. The certified plans were submitted to council. Alderman Hawkins stated he would be willing to allow the docks to stay if Mr. Gavin would agree to be our contact person for all new docks that are constructed by anyone in this particular home owners association. Mayor Townsell suggested accepting the plans, getting proper sign off, and have a decision at our next council meeting. Alderman Bell stated that any permitting fees should be paid as well. Alderman Vaught suggested that there should possibly be some penalty fines invoked. Alderwoman Smith motioned to hold this item in committee for consideration at the next regularly scheduled council meeting. Alderman Bell seconded the motion. There was no further discussion. The motion passed 8-0.

4. Consideration of bids for a 2008 Commercial Rear Load Refuse Truck for the Sanitation Department.

Cheryl Harrington, Sanitation Director, recommended accepting the low bid from Truck Centers of Arkansas for \$127,948.00. Alderwoman Smith motioned to accept the low bid. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

5. Consideration of bids for a 2008 11 yard Commercial rear load refuse truck for the Sanitation Department.

Cheryl Harrington, Sanitation Director, recommended accepting the low bid from Downing Sales & Service for \$99,380.00. Alderman Bell motioned to accept the low bid. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

6. Consideration of the reclassification all employees in a CDL position with similar job responsibilities to the same pay grade.

Mayor Townsell stated that we have CDL employees that drive city trucks in various departments and for whatever reason the pay scales were not the same and the duties do not differ greatly; the pay for the sanitation CDL position is lower. Due to the fact that other companies in Conway offer better pay for the same job and the city is having trouble keeping these positions filled. Mayor Townsell suggested balancing the pay grid of all CDL drivers city wide which will allow us to pay a more competitive salary; this will cost the city \$55,000 for 11 months. Alderman Bell asked what the difference in pay is. Cheryl Harrington, Sanitation

Director, stated starting pay for sanitation CDL is \$10.91/hr. and starting pay for the street department CDL is \$12.55/hr. Alderman Bell motioned to approve the reclassification. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 8-0.

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

1. Ordinance waiving bids for the purchase of a fire extinguisher training system for the Conway Fire Department.

O-07-17

Bart Castleberry, Fire Chief, stated the system we currently have is old and is not environmentally friendly. The system we would like to purchase is comprised of digital technology, can be used indoors, and is environmentally safe and was budgeted for in 2008. The cost of the system is \$12,858.00 and will utilize BullEx, Inc. as a single source vendor. 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 and the emergency clause. Alderwoman Mehl 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 amending Ordinance (O-07-108) that clarifies procedures and permit requirements and provides for third party review of fire code requirements for building construction or alteration for the Conway Fire Department.

O-08-18

Bart Castleberry, Fire Chief, was present to answer questions. Mayor Townsell explained that we should require this for hazardous materials only at this point; we can always make change as needed. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. 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.

3. Ordinance accepting insurance proceeds for a damage vehicle from the Arkansas Municipal League for the Conway Police Department.

O-08-19

A.J. Gary, Chief of Police, was present to answer questions. Mayor Townsell stated the \$3,093.64 is for repairs to a 2006 Ford Crown Victoria patrol vehicle. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Jones 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 funds to the Conway Police Department for building repairs.

O-08-20

A.J. Gary, Chief of Police, was present to answer questions. Mayor Townsell stated this was inadvertently left off the 2008 budget and needs to be added. 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. 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.

5. Consideration of bids for uniforms for the Conway Police Department.

A.J. Gary, Chief of Police, was present to answer questions. Mayor Townsell stated the recommendation is to go with Conway Police Supply in the amount of \$1,204.10 per complete uniform. Alderman Bell motioned to accept the bid from Conway Police Supply. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the

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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.

7. *Old Business*

8. *New Business*

Adjournment

PASSED this 12th day of February 2008

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett