
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
December 9, 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; Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Thompson, Alderwoman Mehl, 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 25th, 2008

Alderwoman Whitmore motioned to approve the Nov. 25, 2008 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 8-0.

4. *Recognition of Guests:* "UCA Bears Football Team"

Mayor Townsell recognized the UCA Bears Football team and Coach Clint Conque for their conference championship season.

5. *Public Hearings:* None
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 drainage and utility easement located in the Cresthaven Subdivision, Phase III.**

R-08-46

Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. The public hearing will be held Tuesday Dec. 16, 2008 at 6:30 p.m. There was no discussion. The motion passed 8-0.

2. **Resolution establishing the intent of the City of Conway to annex certain land South of Prince Street which has been completely surrounded by the city limits.**

R-08-47

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Thompson motioned to adopt the resolution. Alderwoman Smith seconded the motion. Alderwoman Whitmore asked if the road shown on the map is a private drive. Jason Lyon, Planning & Development, stated yes it is a private entrance to a home. There was no further discussion. The motion passed 8-0.

3. Consideration of an extension to a conditional use permit for the Ward Bed & Breakfast located at 1912 Caldwell Street.

Joanne Stevens was present to answer questions. Alderman Hawkins motioned to extend the conditional use permit. Alderman Grimes seconded the motion. Alderwoman Whitmore stated the special events were only allowed for a 6 month trial period and has concerns about an open ended time frame and suggested another 1 year trial period. Ms. Stevens stated that weddings are planned well in advance and asked the council to take this into consideration. Alderman Vaught stated he does not see a need to put a limitation on Ms. Stevens. There was no further discussion. The motion passed 7-1. Alderwoman Whitmore voted in opposition.

4. Consideration to accept bids from Gwatney Pontiac Buick GMC for a one ton truck (4 door crew cab) and a one ton standard cab truck for the Street Dept.

Ronnie Hall, City Engineer, recommended accepting the 2nd low bid for the one ton crew cab truck from Gwatney in the amount of \$23,995.00, in order to get immediate delivery to replace a non-operating truck. Mr. Hall also recommended accepting the low bid from Gwatney in the amount of \$19,251.00 for the one ton standard cab truck. Alderwoman Smith motioned to award both bids to Gwatney per Mr. Hall's recommendations. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

5. Resolution to proceed with the following street improvements: Harkrider St., South Donaghey & Dave Ward Drive, Sturgis Road, Stanley Russ, Salem Road.

R-08-48

Mayor Townsell stated this resolution will authorize the city to proceed with the final design of the Dave Ward Dr. / Donaghey Ave. intersection which will cost approximately \$600,000.00; monies for this project will be paid for by one-time special turn monies and back payments of franchise fees from Center Point Energy; anything beyond the \$600,000.00 will be supplemented by the pay as you go ¼ cent sales tax. Mayor Townsell also explained that the Harkrider project will cost \$264,982.00 more than anticipated and he would also like to utilize this amount to come from the pay as you go ¼ cent sales tax. Also included in the street improvements are Sturgis Rd., Stanley Russ, and Salem Rd (not to include the overpass). Mayor Townsell explained this resolution will give him the

authority to obtain short term financing on an as needed basis as these projects are planned to be constructed simultaneously. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

6. Ordinance to appropriate funds for Harkrider Street improvements project.

O-08-149

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 and the emergency clause. Alderwoman Whitmore seconded the motion. Ronnie Hall, City Engineer, asked if this ordinance should reflect that the monies are coming out of the pay as you go $\frac{1}{4}$ cent sales tax. Mayor Townsell stated that section 1 should read *"The City of Conway shall appropriate \$264,982.00 from pay as you go $\frac{1}{4}$ cent sales tax revenue to Harkrider Infrastructure improvements (02.218.936) for the infrastructure improvements, including construction of a roundabout"*. Alderman Thompson motioned to amend the ordinance to read per the Mayors suggestion listed above. Alderman Grimes seconded the motion. The motion passed 8-0. There was no further discussion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-1. Alderman Vaught voted in opposition. The clerk called the roll for the emergency clause with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

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

1. Ordinance appropriating revenue funds from the Arkansas Municipal League to the Sanitation Department.

O-08-150

Mayor Townsell explained the amount received was \$3,253.63. Alderwoman Smith 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. 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, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

2. Consideration to accept bids from Handi Ramp for a Mobile Loading Ramp for the Sanitation Department.

D.A. Campbell, Sanitation Dept., explained that the ramp from Handi Ramp moves from location to location much easier than the others and will save us money in the long run. Alderwoman Smith motioned to accept the \$15,846.53 bid from Handi Ramp (bid #6). Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

3. Ordinance accepting grant proceeds from ADEQ & appropriating funds to the Sanitation Department.

O-08-151

Mayor Townsell explained we received \$12,343.00 in e-waste grant monies from ADEQ which will be used towards the portable loading ramp approved above; the additional cost to the city is \$7,937.00. 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. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

4. Consideration to accept bids from Recycle Tech to purchase a Styrofoam Densifier for the Sanitation Department.

Mayor Townsell explained that the recommended bid from Recycle Tech in the amount of \$64,000.00 is not the low bid. D.A. Campbell, Sanitation Dept., explained that the bid from Recycle Tech was for a unit that will actually process 400 pounds of styrofoam in 1 hour and we believe this unit will last 20-25 years. Alderwoman Smith motioned to accept the bid from Recycle Tech. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

5. Ordinance appropriating funds for recycling efforts at the Conway Sanitation Department.

O-08-152

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. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Vaught, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0. Alderwoman Whitmore motioned to add an emergency clause to this ordinance O-08-152. 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, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

6. Ordinance waiving bids for the Sanitation Department to purchase one container/compactor and one self-compactor.

O-08-153

D.A. Campbell, Sanitation Dept., was present to answer questions. Mayor Townsell explained this would approve QLL Equipment Co. as a sole source vendor for the used container/compactor and a self-compactor in the amount of \$29,675.00. Mr. Campbell explained that it is difficult to compare apples to apples with used equipment and the units we want to purchase will allow us to service IC Corp which we have been unable to do. Mr. Campbell went onto explain that the self contained unit is for Conway Corp so they can begin a comprehensive recycling program. Alderman Hawkins 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 and the emergency clause. Alderwoman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Vaught, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0-1. Alderman Thompson abstained.

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

1. Consideration to remove fixed assets (duty weapons) from the inventory listing and to dispose of these items.

A.J. Gary, Chief of Police, stated these were recently put on our inventory in order for them to be removed from our asset list and replaced. Alderman Jones motioned to allow the removal of these duty weapons from the fixed asset list. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance accepting court ordered forfeiture assets from the Circuit Court to the CPD.

O-08-154

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell stated this will allow the city to accept a 2006 Mercury Marquise (VIN# 2MEFM74V96X641072). Alderwoman Smith motioned to adopt the ordinance. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

D. Finance

1. Ordinance adopting the FY 2009 City of Conway budget.

Alderwoman Jones motioned to hold this item in committee for 1 week. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

7. Old Business

8. New Business

Adjournment

PASSED this 9th day of December 2008

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett