
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
February 24, 2009

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, Alderwoman Whitmore, Alderwoman Mehl, Alderman Vaught, Alderman Rhodes, 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: February 10th, 2009*

Alderwoman Whitmore motioned to approve the February 10, 2009 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

4. *Recognition of Guests: Employee Service Awards*

20 Years:

Allen Favre - Police Dept.
Rodney Sanders - Police Dept.
Buster Cooper - Fire Dept.
Brian Moix - Fire Dept.

30 Years:

Randy Freeman - Fire Dept.

5. *Public Hearings:*

- A. *Public hearing to discuss changing the name of portions of Trey Lane.*

Mayor Townsell opened the public hearing. No one was present to speak. Mayor Townsell closed the public hearing. Mayor Townsell stated that Mr. Allison is fine with Allison Ln. for the southern spur and noted that suggestions for the northern spur are Martin, David Martin Ln., or Lisa Ln.

1. **Ordinance changing the name of portions of Trey Lane.**

O-09-24

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. After some discussion of current city street

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names it was agreed that the southern spur should be named John W Allison Rd. Alderman Jones suggested naming the northern spur Lisa Ln., council was in agreement. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

6. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce)

1. Consideration of the 2009 CDBG funding recommendations.

R-09-06

Lynn Keith, CDBG Program Director, gave her recommendations for CDBG funding for 2009 (listed below). Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0-1. Alderman Rhodes abstained.

- Pine Street Revitalization Project - \$150,000.00
- CAPCA - \$100,000.00
- Pine Street Free Clinic - \$10,000.00
- Bethlehem House - \$15,000.00
- Boys & Girls Club - \$4,000.00
- Senior Citizens - \$10,000.00
- FCCDD - \$25,000.00
- Women's Shelter - \$6,000.00

2. Consideration to enter into an agreement with the Conway Chamber of Commerce for economic development.

Mayor Townsell explained this is a continuation of a contract that we entered into last year the only difference is we will be entering into the agreement with the Chamber of Commerce instead of the CDC. The amount of the agreement is \$40,000. Alderwoman Smith motioned to enter into the agreement. Alderman Hawkins seconded the motion. Mayor Townsell noted that on page 2 section 2 it should read "*Chamber of Commerce*" instead of "*CDC*". There was no discussion. The motion passed 7-0-1. Alderman Grimes abstained.

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

- 1. Consideration of entering into an agreement with Faulkner County Senior Citizens & FCCDD (Faulkner County Council of Developmental Disabilities) for transportation services.**

Mayor Townsell stated the contract for the Senior Citizens Program is for \$45,000 and the FCCDD contract is for \$30,000. Alderwoman Smith motioned to enter into both agreements. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

- 2. Ordinance appropriating funding for the Faulkner County Senior Citizens Program & FCCDD (Faulkner County Council of Developmental Disabilities) for transportation services.**

O-09-25

Mayor Townsell explained all but \$12,000 for the Senior Citizens Program was previously budgeted for and we ask council to approve this additional supplemental amount. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 8-0. Alderman Jones 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": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

- 3. Resolution expressing the willingness of the City to utilize federal aid funds for the Conway Western Arterial Loop.**

R-09-07

Mayor Townsell explained that in 1999, when the city was first given money for the study and design of the Conway Bypass, we signed an agreement with the Arkansas Highway Dept. (AHD). Since the city anticipates receiving additional federal funding that could be eligible for construction costs it is necessary to pass another resolution authorizing Mayor Townsell to enter into any additional agreements with the AHD. Alderman Hawkins motioned to adopt the resolution. Alderwoman Mehl seconded the motion. Ronnie Hall, City Engineer, explained this is an 80/20 match and we currently have 2 million dollars in federal funds. There was no further discussion. The motion passed 8-0.

- 4. Resolution setting a public hearing to discuss the revised nuisance abatement and property maintenance ordinance.**

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R-09-08

Mayor Townsell stated the public hearing will be held Tuesday March 10, 2009 at 5:30 pm during the committee meeting. Alderman Hawkins motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

5. Consideration to accept the nomination of Scott Zielstra for the Conway Historic District Commission.

Alderwoman Smith motioned to accept the nomination. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. Mayor Townsell stated this will also approve Becky Harris and Lisa Ray to serve an additional term, council was in agreement. There was no discussion. The motion passed 7-0-1. Alderman Rhodes abstained.

6. Ordinance amending the Conway zoning ordinance to require 51% masonry of each façade of any structure.

O-09-26

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. Bryan Patrick, Planning & Development Director, explained the need to make this part of the ordinance's intent more clear. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

7. Consideration of a request for a conditional use permit to allow religious activities for the property located at 1120 Harrison Street.

Mayor Townsell briefly explained this request. Alderwoman Smith motioned to approve the conditional use permit with the conditions stated. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. The conditions of the conditional use are as follows:

- 1) A 6 foot tall opaque wooden fence shall be erected generally as shown on the attached sketch site plan.
- 2) That Conditional Use Permit 1049 is revoked and superseded by this new Conditional Use Permit encompassing all church property.

8. Consideration to annex certain lands in Lollie Bottoms into the City of Conway.

O-09-27

Bart Castleberry, Fire Chief, was present to answer questions. Mayor Townsell explained that the annexation was modified today as certain areas of the Williams and Satterfield properties were removed from the annexation per their request. Mayor Townsell asked if anyone in the audience needs to know if they are included in this annexation. There was no one present to speak to this issue. Mayor Townsell explained the public hearing on this matter was held back in November 2005. Bill Adkisson, Attorney at Law, stated this has been on hold in order to see what was going to happen with the airport; the amount of land included in this annexation is 3,206 acres. Mayor Townsell stated that part of our agreement with the FAA was to annex this area into the city to establish city planning and territorial jurisdiction in the Lollie Bottoms. There was some discussion as to why a section of land that runs at the southern end of the runway was not included in the annexation; Mr. Adkisson explained that they did not annex anyone in who did not wish to be annexed and that portion of land would have to be annexed at a later date. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

Alderman Hawkins exited the meeting.

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

1. Consideration to enter into an agreement with the Faulkner County Solid Waste Management District.

Cheryl Harrington, Sanitation Director, explained that the Faulkner Co Solid Waste Management District goes outside of Conway and picks up recycling which is brought to our recycling facility. Alderwoman Whitmore motioned to enter into this agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

2. Consideration to accept bids submitted for a Reuse Building and HHW Locker for the Sanitation Department.

Cheryl Harrington, Sanitation Director, recommended going with the low bid from Nabholz Building & Management in the amount of \$366,954.00; Ms. Harrington stated she may need to come back with an adjustment as this bid did not include the 51% masonry change that was approved tonight in the zoning

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ordinance. Alderwoman Smith motioned to accept the low bid from Nabholz Building & Management. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

3. Consideration to accept bids (trucks) the following bids for the Conway Sanitation Department: 2009 Residential Automated Refuse Truck, Commercial Front Load Truck, Commercial Rear Load Refuse Truck, & Hook lift Roll Truck.

Cheryl Harrington, Sanitation Director, gave a brief synopsis of the bids and recommended the Residential Automated Refuse Truck be awarded to Downing Sales & Service for \$174,900.00 after a \$50,000 trade in allowance; the truck traded in is a 2003 Mack LE McNeilus Street Force AFE Side Loader - Vin# 1M2AC08C94M009560. Alderwoman Smith motioned to accept the bid from Downey for \$174,900.00. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

Ms. Harrington recommended awarding the bid for the 2009 Commercial Front Load Refuse Truck to Tri State Truck Center for \$210,205.00 as it met bid specs. Alderwoman Smith motioned to accept the bid from Tri State for \$210,205.00. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

Ms. Harrington recommended awarding the bid for the 2009 Commercial Rear Load Refuse Truck to Diamond Int'l of Little Rock for \$153,044.83 as it met all bid specs. Alderwoman Smith motioned to accept the bid from Diamond Int'l of Little Rock for \$153,044.83. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

Ms. Harrington recommended awarding the bid for the Hook Lift Roll-off Truck to Diamond Int'l of Little Rock for \$117,953.00 as it met all bid specs. Alderwoman Smith motioned to accept the bid from Diamond Int'l of Little Rock for \$117,953.00. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

4. Consideration to accept bids (containers) for the following bids for the Conway Sanitation Department: 3, 6, 8 Yard Front Load Containers, 2 & 3 Yard Rear Load Containers, & Hook Lift Roll-Off Containers.

Cheryl Harrington, Sanitation Director, recommended awarding the bid for 2 & 3 Yard Rear Load Containers to N.E.O. Fab for \$32,155.00. Alderwoman Smith motioned to award the bid to N.E.O. Fab. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

Ms. Harrington recommended awarding the bid for 3, 6, & 8 Yard Front Load Containers to Waste Quip for \$130,760.00. Alderwoman Smith motioned to

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accept the bid from Waste Quip. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

Ms. Harrington recommended awarding the bid for the Hook Lift Roll-off Containers to N.E.O. Fab for \$73,600.00. Alderwoman Smith motioned to accept the bid from N.E.O Fab. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

5. Consideration to accept bids for a 2009 Trailer Mounted Drum Chipper for the Conway Sanitation Department.

Cheryl Harrington, Sanitation Director, recommended awarding the bid to the low bidder Henard Utility for \$43,900.00 as it met all bid specs. Alderwoman Smith motioned to accept the bid from Henard Utility. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

6. Ordinance accepting funds provided by the University of Central Arkansas to defray the cost of recycling containers.

O-09-28

Cheryl Harrington, Sanitation Director, explained UCA approached us and wanted some containers that are more aesthetically pleasing; UCA is willing to defray the additional costs of these containers which is \$1,566.99. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 7-0.

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

1. Ordinance appropriating funds for civil services expense related to firefighters and police officers testing for the City.

O-09-29

Mayor Townsell explained the amount needed at this time is \$9,500.00. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance and the emergency clause. Alderman Vaught seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderwoman

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Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 7-0.

2. Consideration to accept bids for mobile laptop computers for the Conway Police Department.

A.J. Gary, Chief of Police, explained these are for use in our patrol cars in the field and recommended the second lowest bidder, TKK Electronics LLC, for \$2,374.00 each; the other bids did not include a power strip in the bid and also had a different swing arm. Alderwoman Smith motioned to accept the bid from TKK. Alderwoman Mehl seconded the motion. Mayor Townsell asked how many of these are we purchasing. Chief Gary stated eight (8) for now. There was no discussion. The motion passed 7-0.

3. Consideration to reclassify two patrol officers positions within the Conway Police Department.

Mayor Townsell explained this would reclassify two (2) patrol officers to sergeants. A.J. Gary, Chief of Police, explained that as a part of our restructuring that will take place in June; at this point we will require eight (8) sergeants to work in the patrol division; right now we only have six (6) sergeants. Chief Gary stated we are not asking for funds as we have enough in this year's budget to cover these reclassifications. Alderwoman Smith motioned to allow the reclassification of these patrol officers. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

4. Consideration of a request to change tele-communicators to twelve hour shifts and to approve an additional lead tele-communicator for the Conway Police Department.

A.J. Gary, Chief of Police, explained that a few years back the tele-communicators were on 12 hour shifts but we were unable to keep these positions staffed thus creating a lot of over-time. Chief Gary explained that the changes we have made over the last year has made it easier to fill these vacancies and will also allow these individuals to get every other weekend off to spend with their families. Due to federal law mandating how tele-communicators are paid they will be working 48 hours one week and 36 hours the next; this will roughly be a \$13,000.00 increase in over-time annually; this will also allow us to schedule 5 dispatchers at any given time. Alderwoman Smith motioned to approve this request. Alderwoman Whitmore seconded the motion. Mayor Townsell stated this request includes adding a lead tele-communicator which will be our fifth lead person which would be an increase in their salary of \$1,729.61 annually; council was in agreement. There was no further discussion. The motion passed 7-0.

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7. Old Business

8. New Business

A. Consideration to enter into an agreement with the Arkansas Cooperative Extensive Service.

Mayor Townsell explained this agreement is for \$25,000.00 and is for educational programming including urban horticulture, 4-H youth development etc. Alderwoman Smith motioned to enter into this agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

B. Consideration to pay for flood damages that occurred to Pearce Heating & Air located in Downtown Conway.

Alderwoman Smith motioned to pull this items 8-B and 8-C from the agenda. Alderwoman Mehl seconded the motion. The motion passed 7-0.

C. Consideration to pay for damages that occurred on Wescon Road.

Item pulled from the agenda.

O-09-30

Alderwoman Smith motioned to suspend the rules to discuss reclassifying a Lieutenants position to a Captains position in the Fire Dept. Alderwoman Mehl seconded the motion. The motion passed 7-0. Bart Castleberry, Fire Chief, explained he should have initially asked for the Captains position instead of the Lieutenants position due to training purposes and this reclassification will even up all the training positions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. 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": Alderwoman Mehl, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 7-0.

Adjournment

PASSED this 24th day of February 2009

APPROVED:

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Mayor Tab Townsell

City Clerk Michael O. Garrett