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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
March 10, 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 24<sup>th</sup>, 2009*

Alderwoman Whitmore motioned to approve the February 24, 2009 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

4. *Recognition of Guests:*
5. *Public Hearings:*

**6. Report of Standing Committees:**

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

1. **Consideration to accept nominations for the Conway Building Code Board of Appeals.**

Bryan Patrick, Planning & Development Director, and Lynn Hicks, Assistant Planning & Development Director, were present to answer questions. Mayor Townsell explained that this is a new city board and is not listed in our Blue Ribbon Committee ordinance and went onto say that some of the applicants are not residents of Conway and asked City Attorney Michael Murphy if he had concerns. Mr. Murphy stated that it may not be a violation of an ordinance it is unusual to have a city board of commissions that goes beyond the city boundaries and he would need to check state law for verification. Mr. Patrick explained that this board would look at appeals to the International Building Code that is used throughout the United States that are not necessarily specific to Conway and we want to fill the board with individuals who have expertise and knowledge of the building codes. Mr. Hicks explained he was unaware of the process in place of accepting nominations for board members and we have since advertised for nominations to fill these positions; Mr. Hicks also feels it is important to have qualified individuals sit on this board. Alderman Jones

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motioned to eliminate the two nominations that live outside the city limits and seek applicants from inside the city limits of Conway. Alderman Hawkins seconded the motion. There was no further discussion. The motion passed 7-1. Alderman Rhodes voted in opposition. Alderman Jones motioned to approve the six local nominations. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

**2. Consideration to accept nominations for the Conway Tree Board.**

Alderman Hawkins motioned to accept the nominations of Joyce Hardin and Richard Graff to the Conway Tree Board. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**3. Consideration to accept nominations for the Old Conway Design Review Board.**

Alderman Hawkins explained the recommendations are to nominate Rod Miller to fill the open position and to allow Barbara Stroope to serve an additional term. Alderwoman Smith motioned to accept the nominations. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**4. Consideration to accept bid on asphalt (annual bid) for the City of Conway.**

Ronnie Hall, City Engineer, recommended going with the low bidder Rogers Group in the amount of \$60.70 for asphalt surface course per ton and \$51.75 for the binder course per ton. Alderwoman Smith motioned to accept the low bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**5. Consideration on traffic calming measures for the following subdivisions: Nottingham, Southwind, & St John's subdivision.**

Ronnie Hall, City Engineer, explained that the mentioned subdivisions are requesting speed humps in their subdivisions and have agreed to pay for them. Mr. Hall stated that Nottingham Subdivision is requesting 3, Southwind Subdivision is requesting 4, and St. Johns Subdivision is requesting 1. Alderman Grimes motioned to approve the request for speed humps. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

**6. Resolution expressing the willingness of the City of Conway to utilize federal aid monies for the installation of a traffic signal at Highway 60 (Dave Ward Drive) at Country Club Road.**

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Ronnie Hall, City Engineer, explained the Arkansas Highway and Transportation Dept. studied this intersection and does qualify for a traffic signal; 90% of the cost will be funded by the State and Federal government. Mr. Hall explained the wait time could be 2-3 years out. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 7. Resolution authorizing eminent domain procedures condemning certain real property located on the south side of the Union Pacific Railroad and east of Salem Road (also known as the Tiffany Industries property) for right of way for street improvements.**

**R-09-10**

Ronnie Hall, City Engineer, explained that Tiffany Industries were not willing to accept the appraised value of the property and they want much more than we paid adjacent property owners for their right-of-ways. Alderwoman Smith motioned to adopt the resolution and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-1. Alderman Vaught voted in opposition.

- 8. Ordinance amending Conway sign ordinance O-06-134 as related to prohibiting electronic billboards.**

**O-09-31**

Bryan Patrick, Planning & Development Director, explained this amendment is clarifying the ban on electronic message board throughout the city of Conway which includes billboards along the interstate. 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 Grimes 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.

- 9. Ordinance adopting nuisance abatement as part of the Conway Municipal Code.**

Mayor Townsell stated there was a public hearing held on this issue tonight during our committee meeting and the Mayor feels that the input from the public should be considered before voting. Alderman Hawkins motioned to hold this item in committee. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

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

- 1. Resolution accepting the modification of the existing Class 1 Landfill by the City of Conway.**

**R-09-11**

Cheryl Harrington, Sanitation Director, explained the landfill is at a level where we need to open up new cells which is extremely costly, or we can ask the state to expand vertically. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. Mayor Townsell asked if the last 2 words of the ordinance "surrounding communities" obligate the city in any way. Ms. Harrington stated she is not sure; the ordinance was drafted by Terracon who works with ADEQ on the cities behalf. Mayor Townsell also voiced his concern about the wording in the third "whereas" that states "*the City of Conway hereby acknowledges that a rebuttable presumption exists against permitting the construction or operation of any new landfill within 12 miles of any existing high-impact solid waste facility, or permitting an expansion of landfill capacity for an existing landfill*". Ms. Harrington stated she would like to make a phone call and try to get these answers for council tonight. Alderwoman Smith motioned to hold this item in committee. Alderman Hawkins seconded the motion. The motion passed 8-0.

- 2. Ordinance authorizing a change in staffing levels for the Sanitation Department.**

**O-09-32**

Cheryl Harrington, Sanitation Director, explained her part-time employees are taking up her full-time positions; since the Sanitation Dept. has a part-time budget clarification is needed to show that part-time positions come out of the part-time budget and full-time people come out of the salary budget. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. 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. Consideration to enter into an agreement with Independent Living Services.**

Jackie Fliss, Executive Director, Independent Living Services was present to answer questions. Cheryl Harrington, Sanitation Director, explained she would like to enter into an agreement with Independent Living Services (ILS) that would allow ILS to provide up to 10 consumers to work each day at the recycling

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facility on an as needed basis; this will help both the needs of ILS individuals and the Sanitation Dept. Ms. Harrington stated the contract states April 1, 2009 but she would like to get started this coming Monday March 16, 2009. Alderman Grimes stated that the first sentence in "*Section 4 Personnel*" should have the first "*City*" stricken from the sentence. Council was in agreement. There was no further discussion. The amended agreement was approved 7-0-1. Alderwoman Smith abstained.

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

**1. Consideration to dispose of property at the Conway Police Department.**

A.J. Gary, Chief of Police, was present to answer questions. Mayor Townsell explained that 2 Harley Davidson motorcycles, which were recently replaced, and 3 police dogs, that have been retired, need to be removed from inventory. Chief Gary stated there are also several furniture items and miscellaneous items that need removed as well. Alderwoman Smith motioned to remove these items from inventory. Alderwoman Mehl seconded the motion. Alderman Rhodes suggested anything that is not disbursed to other departments be offered to various non-profit organizations prior to being taken to the landfill. There was no discussion. The motion passed 7-0. Alderman Vaught was not present at the time of the vote.

**2. Consideration to accept bids on two outdoor warning sirens for the City of Conway.**

Lloyd Hartzell, IT Director, was present to answer questions. Mayor Townsell explained that the lower bid was received late and the recommendation is to go with the bid that was on time, Public Safety Systems in the amount of \$38,628.58 each (this is for 2 sirens). Alderwoman Smith motioned to accept the bid from Public Safety Systems. Alderwoman Vaught seconded the motion. There was no discussion. The motion passed 8-0.

**3. Consideration to accept bids on uniforms for the Conway Fire Department.**

Mike Winter, Asst. Fire Chief, explained these uniforms are made of a flame retardant material and recommends the bid be awarded to G & K Services in the amount of \$23,754.00. The bid includes pants, shirt, pickup, and delivery for laundering services, and maintenance repairs. Asst. Chief Winter explained that each time the uniforms are laundered technicians will inspect the uniforms to make sure they maintain their flame retardant integrity. Alderwoman Smith motioned to accept the bid from G & K Services. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**4. Consideration to accept bids on turnout gear for the Conway Fire Department.**

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Mike Winter, Asst. Fire Chief, explained this is usually an annual bid but this time we are asking for a 3 year bid and recommended accepting the bid from Pro Fire in the amount of \$1,775.30. Alderwoman Smith motioned to accept the low bid from Pro Fire. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**7. Old Business**

**8. New Business**

Alderman Vaught motioned to discuss Pennington Properties. Alderwoman Mehl seconded the motion. The motion passed 8-0. John Pennington explained that he believes that the council would probably prefer a PUD but explained his feelings for a PUD remain unchanged, he does not like them. Mr. Pennington explained on a good faith effort he put together a PUD proposal that would work for him and went onto say that he knows he cannot make all parties happy. Mr. Pennington gave a summary of his conceptual plan and explained there are 4 components; commercial, residential, green space, and an interior street component.

Alderwoman Smith motioned to suspend the rules to bring item 6B-1 (R-09-11) back onto the agenda. Alderman Jones seconded the motion. The motion passed 8-0. Cheryl Harrington, Sanitation Director, stated that we can strike the words "*and the surrounding communities*" at the end of the ordinance since we have our own Solid Waste District that governs our county. Ms. Harrington went onto say that the "*12 mile radius*" wording in the third "whereas" protects the city from another landfill being built. Alderwoman Smith motioned to adopt the resolution with the amended change noted above. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

*Adjournment*

**PASSED this 10<sup>th</sup> day of March 2009**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**