
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
April 14, 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, Karen Francis, and Deputy City Attorney Kurt Meredith. City Clerk Michael Garrett and City Attorney Michael Murphy were not in attendance.

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* March 24th, 2009 & April 8th, 2009

Alderwoman Whitmore stated on the April 8, 2009 minutes the day should be Wednesday instead of Tuesday at the top of page 1. Alderwoman Whitmore motioned to approve the March 24, 2009 minutes as submitted and approve the April 8, 2009 minutes as amended. Alderwoman Smith seconded the motion. 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 enter into agreement with Elliott Properties for temporary space for the Conway Planning Department.**

Mayor Townsell explained the Planning Dept. will need to temporarily move in order for their renovations in city hall to be completed; it just happens to coincide with the move of the investigative services group into the new police facility. This agreement will be for 2 months at the cost of \$2,450.01 per month. Alderwoman Smith motioned to enter into this agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

2. **Consideration to accept bids for the Planning & Development department office renovations and furniture.**

Mayor Townsell stated the recommendation from the planning dept. is to accept the low bid from Mallory Inc. for renovations in the amount of \$34,926.00 and the low bid from Coleman's Office Supply for \$30,245.59 for furniture. Alderwoman

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Smith motioned to award the bids to Mallory Inc. and Coleman's Office Supply. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 3. Resolution accepting donated land from Myers Properties LLC located on Morningside Drive.**

R-09-13

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

- 4. Ordinance authorizing a franchise agreement with Arkansas Research an Education Optical Network (ARE-ON).**

O-09-42

Tom Courtway, UCA Interim President, was present to answer questions. Mayor Townsell stated this would allow ARE-ON to utilize street rights-of-way for the placement of conduit, fiber optics, etc. It been suggested since this is a non-profit corporation and they will not be offering any services to businesses or individuals that franchise fee be waived. 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 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, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

- 5. Ordinance to allow restricted office in residential zones by conditional use permit.**

O-09-43

Bryan Patrick, Planning & Development Director, explained to council that there is a potential for older residential structures that are no longer desirable in their present state to be converted to offices. This would allow the structure to remain intact and would allow the city to place conditions on a business in order to keep it compatible with the neighbor. Mr. Patrick explained that the proposed ordinance defines a restricted office and is available to all residential zones except for R-1 and A-1. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith 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 some discussion of the pros and cons of adding R-1 and A-1 into the ordinance but council decided

not to add these zones at this time. 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. Ordinance authorizing a street-railroad crossing project for the elimination and installation of certain crossings within the City of Conway.

O-09-44

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell stated this ordinance is codifying the agreement we have with Union Pacific Railroad which will close the crossings at Davis, Independence, and Deer streets with the city permanently vacating the roadway surfaces of the street/railroad crossings; permanent barricades shall be installed on each side of the railroad right of way at the fore mentioned streets/crossings at the city's sole expense. Elm St. shall be installed with flashing lights and gates and the city shall provide the maintenance of the roadway surface at its sole expense, College St. shall be converted from a vehicular crossing to a pedestrian crossing with flashing lights and gates with the city removing the excess roadway surface and provide such devices as reasonably necessary to prevent motor vehicular traffic across the crossing at the city's expense. Prairie St. shall be enhanced by the installation of flashing lights and gates at no expense to the city. Mr. Hall explained that this project is approximately a \$700,000 project and the city will pay 20% and the highway dept. and Union Pacific pickup the remaining 80%. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Hawkins 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 Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 7-1. Alderman Vaught voted in opposition.

7. Consideration of the bids for Meadows Corporate Center offsite improvements - Meadows north entrance - Nina Russ Lane.

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell explained this will allow us to develop the north entrance of the Meadows Corporate Center which includes construction of a new road. The majority of the funding for this project is the remaining balance, approximately \$800,000, in the Industrial Infrastructure Improvement bonds and the remainder from the "pay as you go" sales tax fund. Also in addition this project requires approximately \$125,000 for asphalt paving, \$100,000 for fencing and landscaping, and \$145,000 for sanitary sewer improvements. Mayor Townsell recommended awarding this project to the low bidder, J's Construction Co., in the amount of \$974,027.61.

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Aldерwoman Smith motioned to award the bid to J's Construction. Aldерwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Ordinance accepting asset obtained through court order for the Conway Police Department.

O-09-45

A.J. Gary, Chief of Police, was present to answer questions. Mayor Townsell stated the value of the assets is \$520.00. Aldерwoman Smith motioned to waive the readings of the ordinance. Aldерwoman Whitmore seconded the motion. The motion passed 8-0. Aldерwoman Smith motioned to adopt the ordinance. Aldерwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерwoman Mehl, Aldерman Hawkins, Aldерwoman Smith, Aldерman Jones, Aldерman Vaught, Aldерman Rhodes, Aldерwoman Whitmore, and Aldерman Grimes. The motion passed 8-0.

2. Ordinance appropriating grant funds received for the Conway Police Department.

O-09-46

A.J. Gary, Chief of Police, was present to answer questions. Mayor Townsell explained we have received \$16,632.68 for reimbursement of bullet proof vests. Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 8-0. Aldерwoman Smith motioned to adopt the ordinance. Aldерwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерwoman Mehl, Aldерman Hawkins, Aldерwoman Smith, Aldерman Jones, Aldерman Vaught, Aldерman Rhodes, Aldерwoman Whitmore, and Aldерman Grimes. The motion passed 8-0.

3. Consideration to destroy certain employee records of the Conway Police Department.

A.J. Gary, Chief of Police, explained we wish to destroy the hard copies of records that are older than 3 years; digital copies are available. Aldерwoman Smith motioned to destroy these records. Aldерwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

C. Finance

1. Resolution requiring an audit of the accounting records of the City of Conway.

R-09-14

Robin Scott, CFO, was present to answer questions. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration to enter into an agreement with JPMS/Cox to perform the City's annual financial audit.

Robin Scott, CFO, was present to answer questions. The cost for the audit is \$79,000. Alderwoman Smith motioned to enter into this agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

3. Ordinance waiving bids and appropriating funds in conjunction with hardware and software maintenance for the AS/400.

O-09-47

Robin Scott, CFO, explained we are currently looking at the city's software needs as well as what to do with our current hardware as it is out of warranty and needs to be replaced in some fashion, however we won't be ready to move to something different for approximately 1 year. In the meantime this will provide us with the necessary coverage for our existing hardware/software for this year; we did not budget his expense for 2008 as we had hoped to be in a position to move forward with something new. Ms. Scott explained this coverage will continue until March 2010 and recommended waiving bids for hardware/software maintenance services and enter into an agreement with Affiliated Computer Services (ACS) for the software and Envision Computer Associates, Inc. for the hardware maintenance for a total price not to exceed \$22,474.00. 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 Vaught 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.

7. Old Business

8. New Business

Adjournment

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PASSED this 14th day of April 2009

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett