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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
June 9, 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, Alderman Grimes, Alderwoman Whitmore, Alderwoman Mehl, Alderman Vaught, and Alderman Rhodes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and Deputy City Attorney Kurt Meredith. City Attorney Michael Murphy was not in attendance.

1. *Call to Order*
2. *Roll Call*
3. *Minutes: May 26<sup>th</sup>, 2009*

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

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

*A. Public hearing to discuss closing of an easement in Deerbrook Subdivision*

Mayor Townsell opened the public hearing. Bobby Ray, representing Lee Henderson Jr., explained Mr. Henderson wishes to build a home between the two lots but the easement is running through the area where he wants to place the home. There was no one else to speak to the issue and Mayor Townsell closed the public hearing.

1. **Ordinance closing the easement located between Lots 33 & 34 in the Deerbrook Subdivision.**

O-09-65

Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 8-0. Alderman Hawkins 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.

**6. *Special Report: Crime in Conway by Police Chief AJ Gary***

Police Chief A.J. Gary stated this report covers the period of January to May 2009 as compared to the same time frame in 2008. Chief Gary explained there have been no homicides in the city to date, there has been a slight increase in the number of reported rapes, and robberies are down 12%. Aggravated assaults are up 63% and Chief Gary explained that under the NIVERS reporting system these assaults include "all aggravated assaults" that are a part of the Chapter 13 Criminal Code. Crimes against property have risen 9%, theft of property is down 10%, motor vehicle thefts are down 17%, arson is down 75%, and we are down 8% overall for part 2 property crimes. Adult arrests are up 6% (2008 vs. 2007); if we carry our numbers for the first half of this year forward to year end, we are projecting an 8% increase in arrests. In closing Chief Gary stated that juvenile arrests are up by 31% (2008 vs. 2007) and again, if we carry our numbers for the first half of this year forward we are projecting a 32% increase.

**7. *Report of Standing Committees:***

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

**1. *Consideration to appoint Dale Bruns to a full four year term on the A&P Commission.***

Mayor Townsell stated the A & P Commission has selected Dale Bruns to serve a four year term on their board; he has been serving out the vacancy left by Peter Patel whose term expired in May 2009. Alderwoman Smith motioned to appoint Dale Bruns to a four year term on the A & P Commission. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**2. *Consideration of recommendations on spending the Energy Efficiency and Conservation Block Grant portion of the American Recovery and Reinvestment Act of 2009.***

Mayor Townsell explained we have been allocated \$564,000.00 in Energy Efficiency Conservation Block Grant funds, and in order to receive these funds we have to come up with a proposal as to how this money will be used. This proposal will then be measured against certain criteria at which point we will be approved or asked to submit a new proposal. Lauralee McCool explained we were previously told that the city received an additional allocation for 2008 but this turned out to be stimulus money instead and we are highly encouraged to use this on infrastructure. We submitted an application to use \$113,389.00 for sidewalks in an area west of Davis St. to Western Ave. and north to Lee St. and south to Bruce St. Mayor Townsell stated we need to decide which roads and which sides of the streets we want to work on. Alderman Vaught asked what the deadline for completion. Ms. McCool stated that 50% of this project under contract by June 17, 2009. Mayor Townsell stated we have some quick decisions to make and we expect that application to be kicked back for modifications and

we feel there may be an extension on getting them under contract. Now onto energy efficiency, Ms. McCool explained that we have proposed \$25,000.00 for replacement of incandescent traffic bulbs to LED's, traffic synchronization, residential upgrades via revolving loan programs one which will be administered by Conway Corporation and the other revolving loan program would be administered by the city for new construction. Mayor Townsell explained we want to encourage builders to move toward EnergySmart and EnergyStar guidelines, and then set a differential building permit fee that is somewhat lower if the builder will build EnergySmart and higher if the builder chooses not to build EnergySmart. Mayor Townsell went onto explain if you want to build to EnergyStar we recognize there are higher costs involved with this i.e. testing; this is where the revolving loan would kick in to provide some money per house to cover the cost of building to EnergyStar standards, when the house sells the money would be returned to the revolving loan program. Alderman Vaught stated he is not sure he wants to penalize someone for whatever reason for not building to certain energy saving standards. Ms. McCool stated that \$25,000.00 has been proposed for LivingWise School Education Program which will allow us to give every 7<sup>th</sup> grader in Conway an energy efficiency action kit which is in combination with lesson plan at the schools. Alderwoman Whitmore motioned to move forward with and submit the block grant application. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

**3. Resolution ordering the condemnation and cleanup of property located at #1 Cambridge.**

**R-09-28**

Grant Tomlin, Code Enforcement Officer, stated a complaint was received on April 24, 2009 in regards to the stagnant swimming pool; a warning was issued to the property owners. We returned in 7 days to assess the situation and there had been no change in the situation; the property owner refused to sign for any of the certified letters sent, regular letters were also sent. On May 4, 2009 a court summons was issued for violation of stagnant water and obnoxious odor; to date the property owner is not in compliance. Mr. Tomlin explained we have documentation on this property regarding the same issues dating back to 2005. Alderwoman Smith motioned to move forward with condemnation and cleanup of this property. Alderwoman Whitmore seconded the motion. There was discussion among council in regards to what means the property owner could go to, to stop the cities actions. Alderwoman Mehl called a question. There was no further discussion. The motion passed 8-0.

**4. Resolution ordering the removal of a dilapidated structure on property located on 1113 Clayton.**

Mayor Townsell asked that this item be held in committee as we are actually seeing some progress on this property; the property owner has been given a 30 day extension and we have been told that the house will be removed in approximately 5 days. Alderman Jones motioned to hold this item in committee. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

**5. Ordinance appropriating funds received from the CDC to the Conway Planning Department for a GIS mapping project.**

**O-09-66**

Jason Lyon, Conway Planning & Development Dept., explained back in 2008 he was approached by the Arkansas Geographic Information Office who had been contacted by, Digital Globe, a company that provides satellite imagery. Mr. Lyon stated after attending a meeting with Faulkner, Saline, and Pulaski County officials it was determined we were able to obtain aerial photos of the entire county at a reasonable cost of \$36,000.00. The Planning & Development Dept. appropriated \$6,000.00 towards this project, Conway Development Corp (CDC) contributed \$6,000.00, and Faulkner County contributed \$24,000.00. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore 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": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

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

**1. Ordinance appropriating funds for the widening of Lake Beaverfork Entrance Road.**

**O-09-67**

Mayor Townsell explained the cost for widening Beaverfork entrance road from 20 feet to 30 feet will cost approximately \$43,000.00. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. Mayor Townsell stated the emergency clause can be removed from the title of the ordinance. 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.

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**2. Consideration of approval for a boat dock application for property located at 17 Beaverfork Place.**

Mayor Townsell stated the Parks Dept. has reviewed the plans and the dock is up to code and has met all City of Conway requirements; the recommendation is to allow the applicant to build the dock. Alderman Hawkins motioned to approve the boat dock application. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-2. Alderman Vaught and Alderwoman Mehl voted in opposition.

**8. Old Business**

**9. New Business**

Alderman Hawkins motioned to suspend the rules to consider two additional items. Alderwoman Mehl seconded the motion. The motion passed 8-0.

**Resolution to accept Salter Construction as General Contractor Construction Manager for new fair grounds facility.**

**R-09-29**

Mayor Townsell explained we will still need to negotiate the guaranteed maximum price as we determine what we would like to put in/pull out of the facility and determine how much funding is left of the \$3.5 million we agreed to spend on the facility. The fee on top of the cost will be 5% which we believe to be fair. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**Consideration of a supplemental agreement with Garver Engineers for the environmental assessment on the western loop project.**

Mayor Townsell stated that the original cost was \$625,000.00; this allows us to go up to \$955,253.69 for the additional work required and recommended entering into this agreement. Mayor Townsell went onto explain that this will be paid for out of the pay as you go monies and Ronnie Hall, City Engineer, explained this is a matching grant with the city paying 20%. Alderman Hawkins motioned to enter into this supplemental agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

*Adjournment*

**PASSED this 9<sup>th</sup> day of June 2009**

**APPROVED:**

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