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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
September 1, 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 Grimes, Alderwoman Whitmore, Alderwoman Mehl, Alderman Vaught, Alderman Jones, 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:* August 11 & August 17<sup>th</sup>, 2009

Alderman Rhodes referred to the August 11, 2009 minutes stating that in section #8/New Business that Jennifer Hill should be spelled Jennifer Held. Alderwoman Smith motioned to approve the August 11, 2009 as amended & August 17, 2009 minutes as submitted. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

4. *Recognition of Guests:* Employee Service Awards

5 years

Derek Cox - Parks Dept.

10 years

Amanda Swafford - Fire Dept.

Benjamin Brown - Street Dept.

Alex Rome - Street Dept.

15 years

Ronald Price - Parks Dept.

20 years

Brian Knopp - Parks & Recreation Director

5. *Public Hearings:*

6. *Report of Standing Committees:*

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

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**1. Consideration to approve the 2009 CDBG contracts.**

Lauralee McCool, Asst. to the Mayor for Community Development, explained since we received \$25,000.00 more money than budgeted we have made 3 changes. One being an additional \$16,598.00 for projects; Ms. McCool recommends giving this amount to Habitat for Humanity to purchase a lot for building of homes. The other 2 changes Ms. McCool recommends is increasing the amount being given to the Faulkner County Council on Aging (Senior Citizens) by \$2,393.00 and to increase administrative costs by \$5,000.00 in order to hire additional staff to complete the Pine Street Neighborhood revitalization. Alderwoman Smith motioned to approve the CDBG contracts. Alderwoman Mehl seconded the motion. Alderman Jones asked about the \$10,000.00 that was previous appropriated for the Pine Street Clinic. Ms. McCool stated Pine Street Clinic was allocated \$10,000.00 to build an educational center but they have since decided not to construct this building so at some point this money will need to be reallocated to another project. There was no further discussion. The motion passed 8-0. The CDBG contract amounts are as follows:

- Bethlehem House       \$15,000.00
- Boys & Girls Club       \$ 9,000.00
- Senior Citizens         \$12,393.00
- FCCDD                    \$20,000.00
- Women's Shelter         \$ 6,000.00

**2. Resolution authorizing Community Development Director to bid on tax delinquent lands.**

**R-09-45**

Lauralee McCool, Asst. to the Mayor for Community Development, asked council to consider allowing us to bid on this property as it is situated across from other lots we are currently trying to purchase for our Pine Street Revitalization project. Ms. McCool explained the lot has come up for tax redemption three times prior to this so it is very possible it will be redeemed; the tax sale is this Thursday and stated it is possible that the State Land Commissioner would possibly donate this lot if it does not sale. Mayor Townsell explained that we could possibly bid up to the appraised value of the property. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**3. Resolution ordering the demolition of a structure located at 912 Front Street.**

Lynn Hicks, City Building Inspector, was present to answer questions. Mayor Townsell stated the Downtown Partnership has taken an interest in this building. Jack Bell, Assistant to the Mayor, stated a structural engineer inspected the

building today and they will be removing the plaster from the alley side of the building in order to inspect what is underneath and will know more after this. Mayor Townsell the resolution needs to be held until we get assurance from an engineer that the building is structurally or not. Mr. Hicks was in agreement. Alderwoman Smith motioned to hold this item in committee. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**4. Discussion of options for property located at #1 Cambridge.**

Grant Tomlin, Code Enforcement Officer, recommended that council accept the low bid for removal of the swimming pool from A & B Dirt Movers in the amount of \$14,800.00. Mayor Townsell stated it has come to his attention the nuisance, at this time, has been completely abated; noting this has been an ongoing problem since 2005. Alderman Vaught stated the earlier resolution gave the owner 30 days to fill in the pool. Mayor Townsell stated we would be abating what is no longer a nuisance. Mr. Tomlin replied in his opinion this is a recurring problem; the owner has developed a pattern of waiting until the last minute to correct the problem and once he is off the radar he allows the pool to become once again become stagnant. Alderman Hawkins motioned to accept the low bid. Alderman Vaught seconded the motion. Alderwoman Smith asked Deputy City Attorney Kurt Meredith if our legal options are all in order. Mr. Meredith stated he thinks so however there is another option out there that with council's approval we could pursue before we do this. Mr. Meredith explained one of the cities remedy for abating these types of nuisances is by fixing the problem; the city has been given the power by state statutes to fill in stagnant pools of water or clean up the nuisance. There is a potential that an attorney for the property owner could argue the point that the owner has cleaned the pool, so the solution the city was seeking, has already been achieved. If the city moves forward with filling in the pool we might have given him cause to file suit against the city. Mr. Meredith stated he and City Attorney Michael Murphy had discussed filing a declaratory judgment circuit court with council's permission. This would entail petitioning a judge, explaining the pool has been cleaned up but we feel it is still going to be a nuisance and ask the court's approval to fill in the pool. Council agreed we do not want to get ourselves in trouble by moving forward with filling in the pool. Alderwoman Whitmore asked how much time is involved in filing the judgment. Mr. Meredith stated once we get the suit filed the property owner has 30 days to respond. Council had discussions regarding the best course of action to take. Alderman Vaught asked Mr. Tomlin if he was in agreement that if a circuit court ruling would be appropriate. Mr. Tomlin stated yes. Alderman Hawkins stated if Mr. Tomlin is willing to accept a circuit court's ruling he will withdraw his motion to accept the low bid. Alderman Vaught was in agreement. Alderman Vaught motioned to pursue this issue in circuit court. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

- 5. Ordinance accepting the annexation of land located at 20 Bronnie Ln (East of S. Harkrider Street).**

**O-09-98**

Alderman Hawkins stated this is approximately 11 acres of land. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 8-0. 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, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

- 6. Ordinance accepting the annexation of land compromised of three tracts with street frontage along the east side of Old Military Road addressed as 1624 Old Military Road and with the tracts southern border adjacent to the northern border of Deerbrook Subdivision.**

**O-09-99**

Alderwoman Smith 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 Mehl seconded the motion. Mike Joslin, property owner, stated there is one residence located on this property and he has given Conway Corp. a right of way for all utilities and also a road right of way; earlier in the year they ran a sewer line across the property and are bordered on 3 sides by the city limits. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

- 7. Ordinance amending Ordinance O-09-54 to adopt a Specific Plan (SP) Zone.**

**O-09-100**

Donald Anthony, Planning & Development Dept., gave a brief synopsis of the proposed ordinance. 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 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 Rhodes, Alderwoman

Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

8. **Ordinance to rezone property that is bounded roughly by Siebenmorgen on the North, I-40 and Gum Street on the east, Merriman on the South, and Spencer on the West from R-2, MF-3,O-1, O-2, O-3, C-1, C-3, S-1, to SP.**

**O-09-101**

Donald Anthony, Planning & Development Dept., explained this proposed ordinance came out of the NE Old Conway Small Area Study that encompassed a year's worth of work. Mr. Anthony explained the 3 components of the plan is zoning, design, and land use; the zoning standards respect the lots as they are currently configured while allowing for more ideal lot situations in the future. Mr. Anthony went onto say that the design standards are already in place through the Old Conway Design Overlay District and the land use lists are similar to the current corresponding zoning categories. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Mehl motioned to adopt the ordinance. Alderman Vaught seconded the motion. There was no discussion. Alderwoman Smith stated section 3 shows an emergency clause and asked if it should be added to the title of the ordinance. Mayor Townsell stated yes. Alderwoman Mehl motioned to adopt the emergency clause. 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 Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0. The clerk called the roll for the emergency clause with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

9. **Ordinance amending section 401.9 Planned Unit Development of the Conway Zoning Ordinance to require public notice of major modification public hearings.**

**O-09-102**

Bryan Patrick, Planning & Development Director, explained this will allow us to add a section that was inadvertently left out that requires an applicant to go through the same notification process on a major PUD modification such as is required by a rezoning now 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 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 Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

**10. Consideration of a conditional use permit for religious activities for property located at 221 Baridon Street.**

Scott Taylor, Summit Church, explained upon finding this property we discussed with Brian Trent about the church placing young men in the house as missionaries to the colleges and universities here in town. They would conduct ministries in the downstairs of the property and would like for this to be a place of refuge where students feel welcome. We would offer free tutoring, music lessons, and various recreational indoor games. Mr. Taylor explained the property is 3100 sq ft and has 6 bedrooms and 4 baths. They received word today that UCA Professor Rawl is willing to sponsor them as sponsorship is required if you want to be recognized by UCA. Mr. Taylor explained he is asking that the city consider allowing 6 men to live at the house which will help with the oversight of the property. Mayor Townsell asked if our ordinance limits it to 4. Bryan Patrick, Planning & Development Director, stated the zoning ordinance that allows a religious activity will allow for more than 4 people to reside at the property. There was discussion among council in regards to the number of residential properties that are in close proximity to the property. Alderman Grimes asked if the people living there would be students or staff. Mr. Taylor stated 4 of the 6 that we want to live there will be college students, 2 have already graduated. Alderwoman Smith asked if there was ample parking available for 6 plus guests. Mr. Patrick stated he feels parking is sufficient for 6 residents and hopefully students coming from UCA would be walking. Alderman Grimes asked if on street parking is allowed on that street. It was determined that parking is not allowed on the street. Mayor Townsell asked if they had plans to change the structure. Mr. Taylor stated no we have just updated the inside of the home. Mayor Townsell asked Mr. Patrick if there was a reason a condition was not added that would disallow any change to the structure. Mr. Patrick stated he does not remember why this was not a condition. Mayor Townsell stated that whatever conditions we put on other facilities we should put on this facility too. Alderwoman Mehl asked about hours of operation. Mr. Patrick looked for documentation to help answer council's questions while others were allowed to go ahead and speak. Anita Reddig, 1909 Bruce St, stated she thinks these will be the best neighbors she has had in this particular house in the past 10-12 years however she feels the conditional use should go to the organization, and council should hold the number of residents to 4 people as recommended by the planning commission. Ms. Reddig does feel there should be restrictions on hours of operation. Stacy McGarrell, 218 Baridon, is in favor of this conditional use requests but asked council to limit the number of residents to 4 and the conditional use should be attached to the church only. She did voice concerns about parking on the street,

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drainage, and reminded everyone that Baridon is a very narrow street. Mr. Patrick found the information council asked for and read the conditions placed on the Missionary Baptist Student Fellowship back in 2008 they are as follows: 1) *Campus Security will be permitted to visit facility anytime;* 2) *Conditional use is valid for Missionary Baptist Student Fellowship (MBSF) only operating under the auspices of property owner Meadowlake Baptist Church;* and 3) *Any external structure change would have to be approved by city council.* Melvin Edwards, Summit Church, stated several members of their church reside in Conway and approximately 20 students attend the colleges in town and they would like to be able to reach out and minister to students in this area while serving our own and asked for a chance to prove that this will be a different situation than some neighbors have experienced in the past; he did ask council to consider allowing 6 instead of 4 men to reside in the home. Jerry Glover, Conway resident, asked why a conditional use request passed a couple of weeks back allowed remodeling and no limitation of staff and is curious as to why one is getting something and the other is not. Alderman Jones stated those conditions were set by the planning commission. Alderwoman Smith stated she was unaware that anyone would be living at that facility. Mayor Townsell stated he believes this applicant did request 6 residents be allowed but the planning commission decided to only allow 4. Mr. Patrick stated the Islamic Student Center had already established a track record and no opposition was raised by any of the neighbors. Alderman Hawkins suggested allowing 4 residents to start with and then allow them to come back in a year or so and revisit this number. David Davies asked council spoke in favor of this request and asked council to recognize the nature of college ministry. Alderwoman Smith and Alderman Grimes concurred with Alderman Hawkins suggestion to allow 4 to start and revisit this at a later date. Mayor Townsell suggested adding no alterations to the external structure be allowed without city council approval. Alderwoman Whitmore stated we should add that no external sound system be allowed. Alderwoman Smith motioned to approve the conditions listed with the addition of 2 more conditions; no external sound system and no external alterations to the structure. Alderwoman Whitmore seconded the motion. Alderman Jones asked if we could allow them to come back in May 2010 to revisit the numbers of residents allowed. Mayor Townsell stated yes. Alderwoman Smith amended her motion to allow the applicant to come back in May if they so choose without going before the planning commission. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0. The conditions are as follows:

- The Summit Church of North Little Rock register and be recognized as valid student organization by the University of Central Arkansas before any conditional use permit is granted.
- That UCA's Campus Security be allowed to visit the facility at any time.
- Onsite residents be limited to four unrelated individuals.
- No external sound system is allowed.

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- No alterations to the external structure will be allowed without city council approval.

**11. Consideration to create a pay scale for the Traffic Engineer position in the Street Department.**

Ronnie Hall, City Engineer, explained we have found someone we would like to hire to fill this vacant position and requested council approve this pay scale. Alderman Hawkins motioned to create a pay scale for traffic engineer position. Alderwoman Mehl seconded the motion. Mayor Townsell explained this is something that has been budgeted for the past 3 years. There was no discussion. The motion passed 8-0.

**12. Ordinance authorizing the issuance of a promissory note to provide short term financing for certain infrastructure improvements to the City's street system.**

O-09-103

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell explained we are borrowing against a portion of the pay as you go sales tax money so we can complete more projects in a shorter period of time. 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": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

**13. Consideration to provide payment to the Arkansas Highway Department for the City's portion of the Salem Road Overpass Project.**

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell explained our portion is \$588,554.20. Alderwoman Smith motioned to provide payment to the Arkansas Highway Dept. (AHD). Alderman Hawkins seconded the motion. The motion passed 8-0.

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

**1. Ordinance accepting grant proceeds and appropriating funds for EcoFest 2009.**

O-09-104

Mayor Townsell stated the amount of the grant was \$1,100.00. Alderwoman Whitmore 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. 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 Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0. Alderman Jones motioned to add an emergency clause onto 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 Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

- 2. Resolution of support for the Conway EcoFest to be held on September 12<sup>th</sup>, 2009 at Laurel Park.**

**R-09-46**

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

- 3. Resolution to allow the Conway Parks Department to participate in the TAPS Cooperative Purchasing program.**

**R-09-47**

Brian Knopp, Parks Director, explained the Texas Arkansas Purchasing System (TAPS) is a free program where there is a pre-bid on materials; our intention was to buy the fairgrounds lighting through this program but we have decided to go a different direction for this project. Mr. Knopp stated he feels this is a good program to be a part of and when there is a need to make a purchase we would come before council for approval. Mayor Townsell stated it is a lot like state bid. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 4. Consideration to approve the bid from Salter Construction and enter into an agreement for the maintenance/shop building for the Conway Parks Department.**

Mayor Townsell explained we had approximately \$120,000.00 from one source and council bumped that up to fit the estimated construction cost it was then bid and we came in considerably over that. Brian Knopp, Parks Director, explained the original estimate came in at \$175,000.00 and when bids were taken the low bid came in at \$304,000.00 from Salter Construction. Mr. Knopp explained we worked with Salter Construction to get that price down to approximately \$250,000.00; we had approximately \$180,000.00 in the bank that was previously approved by council and we have come up with the other \$70,000.00 out of their 2009 budget. Alderwoman Smith motioned to enter into this bid with Salter

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Construction. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 5. Ordinance waiving competitive bids for the Conway Parks Department for consulting services through ENTECH for the purpose of building a maintenance/shop building.**

**O-09-105**

Brian Knopp, Parks Director, explained the original estimate previously approved by council for engineering services was \$7,900.00 but due to some unanticipated changes (relocating the fuel containment system and HVAC repairs) Mr. Knopp stated the fee change request is \$11,610.00 and asked council to waive bids in order to move forward with this project. Alderwoman Smith asked where the difference is coming from. Mr. Knopp stated it will come out of our budget. 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. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

- 6. Consideration to obtain competitive bids for the sports lighting package for Conway Station Park.**

Brian Knopp, Parks Director, explained we have decided to purchase/install a lighting package outside of the contractors bid in order to save money. The package will include the field lighting, parking lot lighting, and security lighting for the park. Alderwoman Smith motioned to allow for bids. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 7. Consideration to remove certain materials/items from the YBMA Fairgrounds site.**

Brian Knopp, Parks Director, stated they have had 3 requests concerning the removal of material from YBMA Fairgrounds, one being Mayflower Schools who would like to use some of the fencing and lighting to create another field and also by 2 private individuals that are wanting to use the material for personal use. Mayor Townsell stated anything we do for individuals for private use would have to be opened up to everyone. City Attorney Michael Murphy stated he would need to talk with Mr. Knopp and get the specifics before moving forward. Mayor Townsell stated we have pretty much taken everything we want from the park; it would then become the general contractor's responsibility to tear down the existing items and have it hauled away. Alderman Hawkins

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

**8. Consideration to pay down the retainage to Nabholz on the Girls Softball Complex project.**

Mayor Townsell explained that 5% retainage is \$302,132.65; Nabholz has requested to pull this down to \$25,000.00. We believe that Nabholz has less than \$100,000.00 of work to complete and the recommendation is pay them everything between \$100,000.00 and \$302,132.65. Alderman Vaught motioned to pay down retainage no lower than \$100,000.00. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**9. Consideration of a boat dock permit for Mark Hickenbottom with property located at 8 Eagle Shore Drive.**

Mayor Townsell stated the recommendation from Beaverfork Caretaker James Burnside is to allow this boat dock to be built. Alderwoman Smith motioned to grant this boat dock permit. Alderman Hawkins seconded the motion. Alderman Vaught stated it might be best to take a general vote from council to see if they approve of boat docks in general on Lake Beaverfork instead of approving these on an individual basis. Mayor Townsell stated that is a very good point and can be addressed. There was no discussion. The motion passed 6-2. Alderwoman Mehl and Alderman Vaught voted in opposition.

**10. Consideration of a boat dock permit for Brett Hill with property located at 11 Eagle Shore Drive.**

Mayor Townsell stated that the landowner has a small lot and the location where he wants to put his dock is less than 100 feet from the next structure, however it is over 100 feet from the next boat dock. Mayor Townsell asked if the next structure is in the water. James Burnside, Beaverfork Caretaker, stated yes. Mayor Townsell stated since the next structure is in the water that would be in violation of the ordinance and asked Mr. Hill how close the next structure is. Brett Hill, 11 Eagle Shore Dr, stated the next structure is between 50-60 feet. Mayor Townsell asked how much lake frontage he has. Mr. Hill stated 40 feet which makes it impossible for him to get the 100 feet required. Mr. Hill explained that his dock would be 100 feet from his neighbors dock but it would be approximately 60 feet from their concrete patio. Alderwoman Mehl asked how the neighbor feels about this dock. Mr. Hill stated he approves of it. There was discussion among council in regards Mr. Hills handout/map. Alderman Hawkins motioned to grant this boat dock permit request. Alderman Grimes seconded the motion. There was no further discussion. The motion failed 2-6. Alderman Hawkins and Alderman Grimes voted for approval.

**11. Ordinance dedicating certain lands for public use as a fairground and parks.**

**O-09-106**

Mayor Townsell explained this came out of discussions for the rezoning of the new fairgrounds to I-3 to allow us to build our fairgrounds. This also allows us to enter into a warranty deed dedicating the park to the city of Conway such it will never be used for anything not related to fairgrounds, exposition center, or a public park; and the lands will not be sold. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Mehl motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderman Vaught stated his only problem with this is that if we decided the city did want to sell the property we could revert the zoning back to its original state and asked if a future council could resend this ordinance. Mayor Townsell stated yes. Alderman Vaught asked what the purpose of this ordinance is. Mayor Townsell stated this ordinance has very strong language that would require a very good reason to resend it. City Attorney, Michael Murphy, stated that it is not so much the ordinance it is language of the deed that puts the land in trust so the deed runs with the land; even if a council came back and wanted to resend the ordinance they would be hard pressed to resend the deed. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

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

- 1. Ordinance appropriating funds for the Conway Fire Department to purchase two kids competitive sleds.**

**O-09-107**

Mike Winters, Asst. Fire Chief, was present to answer questions. Mayor Townsell stated this is money donated from Centennial Bank. Alderman Jones 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. 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 Rhodes, Alderwoman Whitmore, Alderman Vaught, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

**D. *Finance***

- 1. Presentation of Comprehensive Annual Financial Report by JPMS Cox.**

Robin Scott, Chief Financial Officer, was present to answer questions. Jacob Wells, JPMS Cox, gave an overview of the audit findings which shows to be materially correct. Mr. Wells explained one real measurement of an audit would be the number of audit adjustments that is proposed; these were typically things that either party identified as we went through the accounting records together and are included. Management notified us of one adjustment and chose to waive this; these adjustments are an attachment to the letter. David Mosley, JPMS Cox, explained the management letter is a way for us to make recommendations to you; we did not think anything that was included in this letter rose to the level of being a significant deficiency or a material weakness. Mr. Mosley explained the first comment noted was to bring some standardization and formality to the process of generating financial information from month to month and quarter to quarter; our recommendation is for the Finance Dept. to effectively build a closing check list that defines the different reconciliations and balancing procedures that the city should go through. Mr. Mosley encouraged the city to work with outside actuaries to speed this process along. Lastly Mr. Mosley stated while doing recalculations of monies going into and being disbursed from the fire DROP accounts, we found quite a few manual miscalculations. The dollar amount, involved to the cities financial statements, were very immaterial and we ask that you tighten ship a bit on the review of these calculations/disbursements before they take place; this can easily be pulled into the process of the month end and quarterly check lists we mentioned earlier. Ms. Scott concurred with the findings of the audit.

#### *E. Personnel*

##### **1. Consideration of 2009 Medical, Dental, & Life insurance benefits.**

Lisa Mabry-Williams, Human Resource Director, explained we currently have Blue Cross Health Advantage for medical and Blue Cross dental. This year they have come to us with a final bid of a 1.5% increase on our medical premiums and a 6% increase for the dental which is quite a bit higher than the dental increase last year. Ms. Williams explained we have good service and have had no claim issues. This quote is only good if we do not put it out to bid; if we do put it out to bid they will have the opportunity to take the proposal back and rebid it as well. Ms. Williams's recommendation is to go with the bid they have given us. Alderwoman Whitmore stated the medical increase is minimal and bidding it out would not save us any money it would be more. Alderwoman Whitmore asked if we bid out the dental last year. Ms. Williams stated no. Alderman Rhodes asked if we could split this out or is it a package deal. Ms. Williams stated it can be split. Alderwoman Smith stated she feels we should bid out the dental this year. Alderwoman Smith motioned to bid out the dental, accept the Health Advantage medical bid, and the life insurance with United Health Care. Alderwoman Whitmore seconded the motion. There was no further discussion.

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The motion passed 8-0. Ms. Williams stated in regards to the life insurance, the packet states it covers eligible employees including those on active military duty; in actuality the date the employee becomes an active member of the military it ceases, except for 30 days on active military duty for summer camp. Ms. Williams explained there is no insurance company that will cover them while they are on active duty.

**7. Old Business**

**8. New Business**

*A. Consideration to implement the transit study for the City of Conway.*

Mayor Townsell stated this will be at no cost as it is a part of the original study we agreed to pay for; the Mayor feels it did show we can move toward the implementation phase. Mayor Townsell explained transit can be funded via the street fund as it is an eligible source to fund transit dollars according to state law. Mayor Townsell recommends the two route option in the core of Conway and feels we should include UCA as they are looking at possible savings in their on campus transit system. Mayor Townsell went onto explain that we should try to gain acceptance from UCA by trying to get a student fee assessed for transit and feels we should relieve some of their burden and put it into our system because if we do not have UCA's buy in we are further away from this being feasible to operate. Mayor Townsell recommends that on the basis of their core two route study/proposal that we ask them to proceed towards an implementation strategy. Alderwoman Smith motioned to proceed with the core two route proposal and move toward implementation. Alderwoman Mehl seconded the motion. Alderman Rhodes asked when they come he would like to have choices with fares and without fares. Alderwoman Smith stated she has not heard a lot of positives on this as people she has talked to do not feel that there will be many people that will utilize the program. There was no further discussion. The motion passed 8-0.

*B. Consideration to change the time of the September 22, 2009 City Council Meeting.*

Mayor Townsell recommends changing the time of this meeting to 7 pm as this is the fair parade day, he also recommends having no committee meeting. Alderman Grimes motioned to move the start time of the Sept. 22, 2009 meeting to 7 pm and to not have a committee meeting. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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*Adjournment*

**PASSED this 1<sup>st</sup> day of September 2009**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**