
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
December 28, 2010

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 Rhodes, Alderwoman Mehl, Alderwoman Whitmore, Alderman Vaught, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Jones was not in attendance.

Call to Order

Roll Call

Minutes: *December 14th, 2010*

Alderwoman Whitmore motioned to approve the Dec. 14, 2010 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Announcements / Proclamations / Recognition:

Employee Service Awards

5 Years:

Wes Craiglow - Planning & Development

Driver Clint Smith - Fire Dept.

Amy Springer - Fire Dept.

Toni Gotsponer - CEOC

Officer William Fosco - Police Dept.

10 Years:

Earnest Woods - Street Dept

15 Years:

Vickie Wright - District Court

1. *Report of Standing Committees:*

A. *Public Hearings:*

1. Discussion to close a 15' utility easement located in the Tommy Lewis Addition PH 2, Lot 3.

Alderwoman Whitmore motioned to move this public hearing discussion to the January 11, 2011. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

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

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- 1. Ordinance updating the City's electrical code by adoption of the 2011 National Electrical Code and amending administrative provisions for the enforcement of the electrical code.**

Alderman Smith motioned to remove this item from the agenda. Alderman Whitmore seconded the motion. The motion passed 7-0.

- 2. Ordinance updating the City's mechanical code by adoption of the 2010 Arkansas Mechanical Code.**

Alderman Hawkins stated this code is exactly the same as Arkansas State Code and it may not be necessary to adopt this. Bryan Patrick, Planning & Development Director stated we have always adopted new codes in the past and this has been adopted by the state therefore all municipalities are subject to these rules. Mr. Patrick stated it is the new Mechanical Code for 2011 and has 42 changes from the current code. Michael Murphy, City Attorney, stated if you want to enforce a more stringent code that the state you would need to adopt this code. Alderman Hawkins stated he would like to hold this item for 2 weeks. Alderman Smith motioned to remove this item from the agenda. Alderman Whitmore seconded the motion. The motion passed 7-0.

- 3. Ordinance to rezone property located at 3350 Irby Drive from R-2 to PUD.**

O-10-136

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 7-0. Mr. Samuelson stated they wish to build 12 single family residences ranging from 1650 sq. ft. to 2200 sq. ft. Mr. Samuelson stated we believe the homes will be for sale and will be a better fit for the area; these will be patio style homes. There was some discussion in regards to green space requirements. Bob Broach, speaking on behalf of residents on King Circle; stated he is not speaking against the PUD, but seeking clarification on the height of the brick fence. Mr. Samuelson stated the fence will be six feet in height and the cap will be above the six foot mark. Mr. Broach asked what can be done if the fence does not get built to completion. Bryan Patrick, Planning & Development Director, stated when a PUD is filed and accepted the applicant is subject to \$100.00 per day, per offense fine. Alderman Smith motioned to adopt the ordinance with the conditions listed and clarification of the fence requirements. Alderman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Mehl, Alderman Smith, Alderman Rhodes, Alderman Whitmore, Alderman Grimes, and Alderman Vaught. The motion passed 7-0. The conditions are as follows:

- The development shall be generally constructed as proposed including any amendments by the Planning Commission City Council.
- A complete Development Plan shall be submitted for The Cove at Cadron including all land uses, property restrictions, and conditions as required by the Planning Commission/City uses, property restrictions, and conditions as required by the Planning Commission/City Council.
- Easements for golf course access to satisfy green space requirements.

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- Minimum brick, six foot fence with decorative cap with minimum seven foot columns be constructed along the southern edge of property to commence when one of the four mentioned lots {Lot 9, 10, 11, and 12} is sold and must be completed when either all of the four lots are sold or when one of the four homes in completed, whichever comes first.
- That while any unsold or un-built lots {exists}, the developer agrees to keep them mowed and free of debris and building supplies and equipment except for the short term three day maximum staging for construction of homes and fences.

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

1. Consideration to accept bids for a 2011 Commercial Front load truck for the Sanitation Department.

Mayor Townsell stated there were four bids lower than the bid recommended by the sanitation department; the bid recommended by the sanitation department is RiverCity Hydraulics Inc. in the amount of \$210,950.00. Mayor Townsell explained that RiverCity Hydraulics was the lowest bid that met all specifications. Alderwoman Smith motioned to accept RiverCity Hydraulics bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

2. Consideration to accept bids for a Hook lift Roll-off Truck for Sanitation Department.

Mayor Townsell stated the recommendation is to accept the low bid from Diamond International of Little Rock in the amount of \$122,100.00. Alderwoman Whitmore motioned to accept the low bid. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

D. Public Safety Committee (Police, CEOC, Information Technology, Fire, District Court, City Attorney & Animal Welfare)

1. Ordinance appropriating and accepting restitution funds and accepting grant funds for the CPD.

O-10-137

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. A.J. Gary, Chief of Police, stated this ordinance covers restitution funds (\$21,825.79) for extra duty employment from various entities; the second half is accepting donation proceeds (\$8,500.00) to purchase equipment for the SWAT team. 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": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, and Alderman Vaught. The motion passed 7-0.

E. Finance

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

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R-10-77

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

2. Ordinance adopting the FY2011 City of Conway budget.

O-10-138

Lowell McClanahan, Interim CFO, was present to answer questions. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 6-1. Alderman Vaught voted in opposition. Alderwoman Whitmore stated in light of our previous discussion regarding 6 new employees with the Parks Dept., it is her understanding that this particular figure was for full time employees. Alderwoman Whitmore stated that after some discussion with Parks Director, Steve Ibbotson, with some manipulation to make these positions part time Mr. Ibbotson indicated he could reduce their request by \$100,603.00. Alderwoman Whitmore motioned to deduct the \$100,000.00 from the general fund budget. Alderman Hawkins seconded the motion. After some discussion Alderman Vaught stated the Parks budget calls for 6 additional full time employees; what does Alderwoman Whitmore's motion actually do. Mayor Townsell stated it eliminates 6 full time positions and put that money into the part time parks budget. There was no further discussion. The motion passed 6-1. Alderwoman Whitmore motioned to adopt the amended ordinance. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 5-2. Alderwoman Smith motioned to adopt the emergency clause. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

F. Old Business

G. New Business

Adjournment

PASSED this 28th day of December 2010

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett