
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
April 23, 2013

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

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett, City Clerk/Treasurer

Minutes: April 9th, 2013 City Council Meeting

Alderwoman Whitmore motioned to approve the April 9, 2013 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Recognition: Employee Service Awards

20 years

Richard Forte - Sanitation Dept.

10 Years

Sgt. Chris Padgett - Police Dept.

5 Years

Daniel Mullaney - Police Dept

Robert Blanchard - IT Dept

Joshua Wolverton - Sanitation Dept.

Alderwoman Smith motioned to suspend the rules to add 2 items to the end of the agenda. Alderman Jones seconded the motion. The motion passed 7-0.

1. Report of Standing Committees:

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

- 1. Resolution authorizing the Conway Police Department to retire the service weapon of fallen officers.**

R-13-19

Mayor Townsell stated he would like to make it policy to retire the service weapon of fallen officers to the custody of their families. Alderwoman Smith motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

A.J. Gary, Chief of Police, presented Will McGary's service weapon to his parents, Harold and Tonya McGary, in honor of their son's memory. Speaking fondly of Will, Chief Gary stated "there is no doubt Will would have served his entire career here in Conway."

- 2. Resolution requesting the Arkansas Highway Commission to identify a section of Dave Ward Drive as "Officer Will McGary - Memorial Mile".**

R-13-18

Mayor Townsell stated this section of highway is located from Exchange Blvd west to South German Lane. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

- 3. Resolution setting a public hearing to discuss closing of a 40 foot dedicated street right of way located between 3rd Avenue & 4th Avenue at Vine Street.**

R-13-20

Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The public hearing will be held Tuesday May 14, 2013 at 6:30 pm.

- 4. Resolution establishing the intent of City of Conway to annex 13.26 acres located south of Highway 60 & west of Highway 319 and known as US Corps of Engineers Ferry Landing Park.**

R-13-21

Mayor Townsell stated the zoning listed at the end of "Section 1" be changed from "A-1 to S-1". Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

- 5. Resolution establishing the intent of the City of Conway to annex 120.94 acres located North of Blaney Hill Road and as always known as the Old City of Conway Landfill.**

R-13-22

Mayor Townsell stated the zoning listed at the end of "Section 1" be changed from "A-1 to S-1". Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

- 6. Ordinance to rezone property located at 2025 Tyler Street from R-2A to MF-1.**

O-13-40

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. 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 Smith,

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

7. Consideration of a request by New Life Assembly of God Church for a conditional use permit to allow a church and religious activities for property that is located at 1675 South Donaghey Avenue.

Alderman Hawkins motioned to approve the conditional use permit. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0. The single condition is listed below:

- No outdoor sound system allowed.

8. Ordinance amending the Conway Subdivision ordinance (O-00-03) regarding sidewalks in the City of Conway.

Mayor Townsell explained there are 2 aspects here: 1) we require sidewalks in subdivisions within our territorial jurisdiction, yet outside the city limits and 2) sidewalks outside a subdivision and adjacent to the subdivision on major roads. The Mayor stated the city has no mechanism in place to ensure builders, who build in subdivisions outside the city limits, build sidewalks which bonds have been put up for. The Mayor stated it makes no sense to have a rule (with funds set up) when it cannot be enforced; what is in question is if this includes sidewalks outside the subdivision next to major roadways. Wes Craiglow, Planning Dept., stated their interpretation of the phrase "within any subdivision" is another way of saying "on the plat"; if any parcel on the plat touches street frontage a sidewalk is required. Mr. Craiglow stated the proposed ordinance basically says it does not matter where the parcel rest's, it is not going to get a sidewalk. The Mayor explained his position is clear of what is within the plat but he is unsure if we should make them build the sidewalk, and not collect the bond or in lieu of payment. Alderman Pruitt asked what would be best. Mr. Craiglow stated we should identify those areas of the territorial jurisdiction that we feel has the most growth potential and most likely for us to possibly annex on over the next 10 years; explaining he would like to know that possible future annexations meet city standards. After some discussion Alderwoman Whitmore motioned to hold this item in committee. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

9. Consideration of a change order (#2) to Paladino Construction for grading and drainage contract Stage 1B - Relocated Conway Airport.

Ronnie Hall, City Engineer, explained this change order adds 111,000 yards of "Embankment in Place" and eliminates 105,000 yards of "Unsuitable Excavation" that was no required in the project; it swaps work from Weaver Bailey paving contract to the construction grading/drainage contract and results in a \$91,113.80 increase in the total contract price and Garver is confident that this is within the range the FAA will cover with a grant amendment if necessary. Alderwoman Smith motioned to approve the change order. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

10. Consideration for approval of amounts for property acquisition and relocations for the South Interchange of Western Loop (Wills Baker Parkway).

Ronnie Hall, City Engineer, explained our consultant, OR Colan & Associates has submitted for consideration appraised values for several of the additional parcels of right of way required for the initial stage of this project and recommended approving these acquisitions; this includes a counter offer (tract 75X) and a relocation cost assistance (Tract 72X and 75X). After some discussion Alderman Hawkins motioned to accept these amounts for the acquisitions recommended by Mr. Hall. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The details of these acquisitions are outlined below:

- Martin & Kim Rappold (Tract 51) 5,266 sq ft - \$1,550.00 (includes temporary construction easement).
- Robert Rappold (Tract 61X) 15,714 sq ft - \$2,900.00 (includes driveway on loop).
- Ellis Maltbia (Tract 72) 21,363 sq ft - \$30,000.00 (includes damages).
- Marcus Hawkins (Tract 72 tenant) up to a maximum of \$17,556.00 in relocation assistance
- Charles & Frankie Collins (Tract 73X) 53,713 sq ft - \$32,500.00 (includes temporary construction easement and damages). If the property owner wants the city to purchase the uneconomical remnant this will add \$3,600.00 to the total.
- James Brownlee (Tract 75X) 21,693 sq ft - \$38,350.00 (includes temporary construction easement and damages). If the property owner wants the city to purchase the uneconomical remnant this will add \$1,700.00 to the total.
- Francis Butler, John Ethridge, and Daisy Butler (Tract 75X tenants) up to a maximum of 22,680.00 in relocation assistance.

11. Consideration to approve the nomination of Jami Schwartz for the Conway Bicycle & Pedestrian Advisory Board.

Alderman Hawkins motioned to approve the recommended nomination. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

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

1. Ordinance approving of disposal of cellular telephone equipment for the IT Department.

O-13-41

Lloyd Hartzell, IT Director, explained these are cell phones that we replaced or are now obsolete due to changing our service from AT&T to Verizon; we should see a substantial recoup of costs for some departments. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

- 2. Ordinance appropriating funds to purchase network switches for disaster recovery for the IT Department.**

O-13-42

Mayor Townsell stated these were overlooked in our original quote for our servers; 2 switches were included, 4 switches needed replaced. The Mayor stated we are getting a good price on these; the cost is \$21,345.00 which will come from a fund balance appropriation. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. 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 Smith, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0-1. Alderman Pruitt abstained.

- 3. Ordinance appropriating and accepting reimbursements and restitution funds from various entities for the Conway Police Department.**

O-13-43

A.J. Gary, Chief of Police, was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. 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 Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

- 4. Ordinance appropriating reimbursement funds for overtime for the Conway Fire Department.**

O-13-44

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Bart Castleberry, Fire Chief, explained this is reimbursement for labor resulting from the Exxon pipeline oil spill in Mayflower for March 29, 2013; this is for overtime we paid out. Alderwoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

- 5. Ordinance waiving bid requirements to utilize sole source vendors for the purchase of new software and equipment for the Conway Fire Department.**

O-13-45

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Bart Castleberry, Fire Chief, requested to waive bids and utilize Fleet Safety to purchase equipment and system requirements up to the amount of \$20,201.00, and Red Alert to purchase a new alert system up to the amount of \$96,900.00. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. 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 Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

- 6. Ordinance appropriating funds for Gabriel, Roeder, Smith & Co. to perform a valuation for the Conway Fire Department Local Retired firefighters.**

O-13-46

Bart Castleberry, Fire Chief, was present to answer questions. Mayor Townsell stated this will be paid for out of the old fire pension plan account and will cover the costs of a valuation; this is needed to consider a cost of living 3% compound COLA for the retired firefighters. The Mayor explained most of these funds migrated to LOPFI when we agreed to move the old pension plans to LOPFI approximately 3 years ago. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. 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 Smith, Alderman Pruitt, Alderman Jones, Alderwoman Whitmore, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0-1. Alderman Ledbetter abstained.

- 7. Consideration to accept bids for roof replacement at Station 1 (Central Station), Station 3 (875 Enterprise Avenue) & Station 7 (1810 Hwy 64 W).**

Bart Castleberry, Fire Chief, was present to answer questions. Alderwoman Smith motioned to accept the low bidder, Covington Roofing Company, in the amount of \$58,196.00 (total for all 3 roof replacements). Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

C. Finance

- 1. Consideration to approve the monthly financials ending March 31st, 2013.**

Tyler Winningham, CFO, began with the general fund, stating we caught up on the beverage tax collections, we are awaiting more funds from district court, and sales tax continues to be right on target budget wise, but slightly down from this time last year. Mayor Townsell reiterated that no growth was budgeted in sales tax for 2013. Mr. Winningham stated the expenditures are within the limits set forth. Mr. Winningham explained we had \$1,828,592.00 in fund balance appropriations so far this year. The Mayor stated this list seems large, but many of these were paid for with funds that we developed last year as a result of the large surplus. Mr. Winningham moved on to the street fund stating the total revenues are unchanged and the turnback is slightly under budget, the

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

severance tax is coming in strong; expenses are within range. Mr. Winningham stated the sanitation account looks good as well. Alderwoman Smith motioned to approve the March 2013 financials. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

Resolution adopting grant oversight procedures for Federal Aviation Administration Airport Improvement Program Grants.

R-13-23

Tyler Winningham, CFO, explained after the FAA audited their grants it was determined to put in place a policies and procedures that grantees would need to adopt and follow. Alderwoman Smith motioned to adopt resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

Consideration to dispose of certain inventory for the fixed assets listing for police and fire departments.

Bart Castleberry, Fire Chief, was present to answer question. Alderwoman Whitmore motioned to approve the disposals of listed items. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The items are listed below:

Police Dept.

1998 Chevy Blazer (VIN 20832)

Glock 22 Serial # MSE490 - Allen Favre retirement gift

Fire Dept. (Donations to Greenbrier Fire Dept)

33 - Self contained breathing apparatus

Old Business

New Business

Adjournment

PASSED this 23rd day of April 2013

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett