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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
April 12, 2016

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 Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and Deputy City Attorney Graham Jones.

**Call to Order: Mayor Tab Townsell**

**Roll Call: Michael O. Garrett**

**Minutes: March 22, 2016 City Council Meeting**

Alderwoman Smith motioned to approve the March 22, 2016 minutes as submitted. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**1. Report of Standing Committees:**

**A. Public Hearing**

**1. Public hearing to discuss the closing of a portion of street right of way located in the northwestern portion of Round Mountain Subdivision.**

Mayor Townsell opened the public hearing. David Henze, 2665 Harbelle Dr., stated he helped negotiate all the right of ways for the new road and was available to answer any questions. There was no questions. Mayor Townsell closed the public hearing.

**a. Ordinance closing the street right of way located in the northwestern portion of Round Mountain Subdivision.**

**O-16-23**

Mayor Townsell explained when a right of way is closed the property goes to the landowners on either side of that right of way, but in this case it is one property owner who will retain those lands. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Mayor Townsell asked Alderman Ledbetter what the county would like to name the new road. Alderman Ledbetter stated Impy Trail. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones and Alderwoman Isby. The motion passed 8-0.

**2. Public hearing to discuss a mosquito abatement control program for the City of Conway.**

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Mayor Townsell stated this is not required by state law but we wanted to make sure that the public has a chance to voice their concerns, especially with the rise in the Zika Virus and other mosquito borne illnesses. Mayor Townsell opened the public hearing. Bart Castleberry, Director of Permits & Code Enforcement, stated he is neutral on this issue and stated this decision rests with council and explained the tire storage issue will be addressed tonight, which will help. Mr. Castleberry stated when we have an issue with a swimming pool that is no longer in use, a water fountain etc. where mosquitos breed, we normally give the citizen 7 days to address the issue, but after visiting with the City Attorney's office we are going to give the citizen 24 hours should we move forward with this program. Mr. Castleberry stated the Center for Disease Control and Prevention (CDC) has ramped up on this issue so we are going to do the same in his office. Mr. Castleberry stated we have had approximately 12 calls in the last month with concerns about mosquitos and we have been in contact with the University of Central Arkansas (UCA), Central Baptist College (CBC), and Hendrix College to see if they would like to partner with us, but there is not a lot of information on the procedures for testing; UCA, CBC, and Hendrix were interested, but at this time they will not be able to work with us on this issue, but they do want to visit with the company the city chooses, if we decided to pursue the abatement program. Mr. Castleberry stated there are federal grants available but we do not have the information compiled at this to apply for these grants; this would require traps, determining what types of mosquitos we have, how big of a problem we have, and if we have any mosquito borne illnesses in Conway. Mr. Castleberry stated we looked at doing this our self but with all the areas to cover, it would be more than we could manage as a city. Mr. Castleberry stated council has been provided 2 bids, and present to answer questions are Chris Newt and Tim Nelson; they can answer questions concerning the environment, the cost, testing, etc. and explained Vector offers a free spraying at weddings if the city has a contract with them. There was no other speakers. Mayor Townsell closed the public hearing.

**a. Ordinance appropriating funds and entering into an agreement for a mosquito control abatement control program.**

Chris Noon, Vector Disease Control, explained they are a national control mosquito contractor based in Little Rock and we have a large majority of our work is performed in Arkansas, especially in the Delta Region and we provide mosquito control for various sized cities and we currently have a standing contract with the CDC regarding the Zika Virus to perform their work in the U.S. Virgin Islands, Guam, and the Marshall Islands and we have teams deployed to those areas right now. City Attorney Chuck Clawson entered the meeting. Mr. Noon stated the Zika Virus has been around since the 1940's and relatively mild and only 1 in 5 would even know they contracted the virus, but over the past year it has started to be linked to birth defects in South America and it now appears to be sexually transmitted and explained that to others and to women who are not pregnant, the symptoms are mild and somewhat flu like. Mr. Noon stated right now there are no current locally acquired cases in the United States, all the cases (350) are imported which means that someone has traveled to an area where it is endemic and are bitten, return home and develop symptoms. Mr. Noon stated the fear is that once an individual returns home one of our local mosquitos could bite an infected person and then it is in the mosquito population and could bite others and the virus replicates. Mr. Noon stated Zika Virus is different than West Nile where West Nile has an animal reservoir host like a bird which is why the virus stays in the bird population; Zika Virus is not that way it is transmitted between human/mosquito/human and right now

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Conway does not have the mosquito (*Aedes Aegypti*) that is carrying the Zika Virus but you do have *Aedes Adapticus*, which is a very similar species of mosquito and it breeds in artificial containers, flower pots, tires, clogged gutters, and small and abandoned swimming pools, so they breed around people's homes. Mr. Noon stated one of the ways to approach this is public education which is one part of a full IPM program; you need an educated public to know that they need to empty a bird bath once every 7 days as well as needing a mosquito control program in place to service requests to cover events, ball games, festivals, etc. where barrier treatments can be sprayed to help bring down the mosquito population. Mr. Noon stated one concern is we are spraying pesticides into the environment and whenever that happens there can be cause for concern and one of the things we do in mosquito control is we do what is called a fully integrated approach to kill the mosquitos, we do not just schedule our spray trucks to go out on certain nights whether there is a mosquito problem or not. Mr. Noon stated we set traps for mosquitos throughout the city and depending on those trap numbers that is where we would decide to go and spray; we actually want to verify there is a mosquito problem in that area when we go spray. Mr. Noon stated all the pesticides that we use are regulated and have been tested thoroughly by the EPA and they fall under Fifer Guidelines and in mosquito control, the doses that we spray are so low compared to a lot of other pesticide applications in agriculture. Mr. Noon stated we may spray 1 ounce per acre or less of product and within that ounce only approximately 4% of that ounce is actually active ingredients, so these products are designed to go out at very low rates and very small droplet size to effect only the flying mosquito; as you can almost not find this product in the environment the next day either on the ground or through leaching into the soil or in a body of water as it is designed strictly to effect that adult mosquito and no other non-target insects or animals. Mr. Noon stated one of the main products we use is premetherin which is a common synthetic pyrethroid and it is also used in a lot of flea/tick shampoos and dog collars, so you will not really get any effect on animals or non-targets. Mr. Noon stated larve sighting is another aspect of our program and probably one of the most effective ways to kill mosquitos, is to actually treat them in water when they are most vulnerable and since they are contained, you can get to them easier. Mr. Noon explained we use several different types of products dependent on the treatment area but a lot of it is a BTI, which is a naturally occurring pesticide that is designed to only effect mosquito larve, it does not affect any fish or other animals; we want to use all aspects/tools to combat mosquitos in all stages of their life cycle, and not just rely on strictly adulticide spraying. Mayor Townsell stated in his years as Mayor that you have been a participant at the Arkansas Municipal League and you have advertised frequently in the City & Town Magazine and a significant portion of the population of the state of Arkansas would fall under your contracts so we know you are not a fly by night operation. City Attorney Chuck Clawson entered the meeting. Alderman Pruitt asked if a large segment of our population wanted to have a party on a Saturday night and need someone to come spray, how this would be handled. Mr. Noon stated we would schedule as individuals call in. Tim Nelson, Vector Disease Control, explained if we set up a contract for the city and started doing mosquito control and we receive a request from someone who wants to drink coffee outside every morning or if we have 15 people who are having a party, we will go spray and if it becomes a problem we will address it at that point; we are here to take care of people so it does not matter how many calls we get. Mr. Nelson stated this also gives us the opportunity to do surveillance in that area and address the problem before the event and stated we are definitely very safe to the environment and we use very safe chemicals, and the last thing

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in this business is to use the adulticide; we want to do all the larvicide and surveillance, work closely with on problem areas such as breeding sites and eventually we will have to spray adulticide to take care of some things, but we want to do the least amount of that as possible. Mayor Townsell asked council how they wanted to proceed. Alderman Hawkins stated this does not bother him because he is living proof that you can live through it as he lived in an area that was sprayed for mosquitos. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Ledbetter seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Ledbetter seconded the motion. Mayor Townsell stated the two blank spaces on the ordinance would be filled in with Vector Disease Control and \$150,000.00. Alderwoman Smith asked where this would be paid from, what budget. Mayor Townsell stated it would be paid from the General Fund; it would be a straight draw out of the General Fund Balance into the 2016 budget. Alderman Grimes stated he is not sold and it is a lot of money to spend on something that has never been a problem before; no one has contacted him one way or the other. Alderwoman Smith stated she has not received any phone calls either. Alderman Grimes stated maybe no one knows about it and suggested possibly tabling the ordinance and see if we get any feedback over the next 2 weeks and stated he is not prepared to vote yes tonight. Alderman Pruitt stated he is glad we heard about what Vector does from a service stand point because it is not just trying to block what we think may happen, it is actually providing a service for people on a daily/weekly basis as he was prepared to vote not, but this has changed his mind. Mayor Townsell asked if council wishes to hold this item in committee for 2 weeks. Council concurred. Alderwoman Smith motioned to hold this item in committee. Alderman Ledbetter seconded the motion. Alderman Jones asked how long this contract is good for. Mr. Noon stated 1 year. Mayor Townsell asked if we have a copy of the agreement. Mr. Noon stated yes. Mayor Townsell stated we can go ahead and have the City Attorney start reviewing it. Mr. Nelson stated we gave you a proposal and if you decide to move forward then we would draw up a contract. Mayor Townsell asked if Vector has a template contract. Mr. Nelson stated yes, we can provide you one. After some further discussion the motion passed 8-0.

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

**1. Consideration to approve two new commissioners for the Advertising & Promotion Commission.**

Alderman Hawkins motioned to approve Travis Mulhearn for the at large position and Alan Kizer for the hotel owner or manager/tourism industry position, both to serve a 4 year term. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**2. Consideration to enter into an agreement with the University of Arkansas Cooperative Extension Services for horticulture related programming.**

Mayor Townsell stated this is something we have been doing for close to 10 years and this contract allows us and the University of Arkansas Co-operative Extension Service to maintain Kami Marsh as a resource for the citizens of Conway and as a supplement to City in various capacities. Alderman Hawkins motioned to approve entering into this

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agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**3. Consideration to approve the 2013 Audit for the City of Conway presented by BKD.**

Andy Richards, BKD LLP, stated the scope of the audit covers the financial statements for 2013 and the first sheet you see in the report is our independent auditors report; basically the result is we have given you an unmodified opinion and we feel like the financial statements are fairly stated and presented in accordance with accepted accounting principles. Mr. Richards stated not all cities do that level of reporting, which we call GAP reporting, and he feels like this is a more transparent and more in line with what cities across the nation are doing, particularly ones issuing bonds etc. Mr. Richards stated there was one emphasis of a matter due to a change in an accounting rule, but he does not want to get into that unless council has a question as it does not really have a significant impact on your financial statements. Mr. Richards stated the second part of the scope deals with reporting in regards to your internal controls over financial reporting and this requires us to audit the financial statements in regards to those internal controls within the city and report any significant deficiency to you as a governing body but for 2013 we did not have any matters to report. Mr. Richards stated the second piece deals with a grant audit which is required if you have over \$750,000.00 of expenditures in federal awards in a given year and in 2013 the city had \$7.4 million in grants, which included \$6.2 million in grant awards paid toward the airport improvement program; there were no findings to report with the grant audit regarding compliance or internal controls. Mr. Richards stated the final piece requires us to test the cities compliance with certain state laws regarding municipal accounting law, district court, police department, bidding procedures etc. and we examine that management has complied with state law and for the most part everything was in compliance and overall there were good results for 2013. Alderwoman Smith motioned to approve the 2013 audit. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

**4. Ordinance amending Ord. No. O-16-16, restating the interest rate and banking institution for a promissory note to provide financing for certain infrastructure improvements for the Street Department.**

**O-16-24**

City Clerk Michael Garrett stated we were advised by our bond counsel that the initial email sent out may have had a misrepresentation if the loan would be bank qualified which allows the banks to give us a better interest rate. Mr. Garrett stated our bond counsel stated this is somewhat of a gray area and it would not be a good idea to advertise as bank qualified and asked council to reject the original rate quote from Arvest Bank; in the meantime we have taken new quotes which you have before you tonight. Alderman Hawkins stated that the best rate is now 1.94% from U.S Bank. Mr. Garrett stated U.S. Bank again re-bid the rate as if it were bank qualified, and stated Arvest Bank submitted the lowest rate quote of 2.14%. Mr. Garrett stated he contacted U.S. Bank before the deadline, which was noon Monday and notified them of their error in their bid but they were unable to submit a new bid before the cutoff. Mr. Garrett stated U.S. Bank did submit a new bid of 2.03% at 12:30 pm, which was after the cutoff; it was the best quote so he listed it for council to consider and explained there were also some other issues with their contract. Alderwoman Smith stated that is not listed on the sheet. Mr. Garrett stated it was emailed to him after the deadline. Alderman

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Hawkins asked if you were specific about the noon cutoff. Mr. Garrett stated yes, and also about no emails for the bid proposal and recommended Arvest Bank. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones. The motion passed 7-0-1. Alderwoman Isby abstained.

- 5. Ordinance appropriating funds for incurred expenses related to the review of a location for a community/recreation center.**

O-16-25

Alderman Hawkins stated the amount requested for appropriation is \$23,311.16 for professional services. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Mayor Townsell stated we had authority to contract with Nabholz Construction Services to complete this assessment but what we did not do was do the accounting ordinance which moves the money into the correct line item to expend it and this is just an accounting ordinance. 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": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

- 6. Consideration to amend the contract with Garver Engineering for professional services for the T-Hangar construction located at Cantrell Field.**

Josh Zylks, Airport Manager, explained this is an amendment to Garver's contract for design and construction observation of the T-Hangar constructed in 2015. Mr. Zylks explained due to the contractor running over their original projection of a 90 day contract, the project took approximately 160 days, which caused us to go over \$10,000.00 what Garver originally bid for the construction observation services. Mr. Zylks stated at the end of closing out the contract with the contractor we did assess them as \$10,000.00, to recover that money in liquidated damages so the city has withheld that money, final payment has been made with the contract to the contractor is closed, with this said the city and the Airport is not out this extra \$10,000.00 but we do need to amend Garver's contract to be able to pay them and get their contract cleaned up. Alderman Hawkins asked who the contractor was. Mr. Zylks stated Jane Construction out of North Little Rock, AR. Alderman Hawkins asked if we not be using them any longer. Mayor Townsell stated that is up to council. Alderwoman Smith motioned to approve amendment of the contract. Alderwoman Isby seconded the motion. There was no further discussion. The motion passed 8-0.

- 7. Consideration to enter into an agreement with Entergy to relocate utilities for the Baker Wills Parkway - South Interchange Project.**

Finley Vinson, City Engineer, stated there were several wooden poles, mostly service lines that will need to be relocated as part of the construction that is ongoing to complete the Baker Wills Parkway and Entergy is requesting reimburse them for their costs.

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Alderman Smith motioned to approve entering into this agreement. Alderman Isby seconded the motion. Mayor Townsell stated we tried to get these costs waived, but this was unsuccessful. Alderman Ledbetter asked if we know when the lines will be moved and if they will be moved in a timely manner. Mr. Vinson stated he hopes it will be. Alderman Grimes asked if we can hold payment until the lines are moved. Mayor Townsell stated yes, we can do that but they may want payment up front and if this is the case we will pay. Mayor Townsell stated you can see they did lower the cost dramatically. There was no further discussion. The motion passed 8-0. The scope of the agreement is as follows:

- Relocate 10 poles & related wiring and facilities
- Tree Trimming (Contract Service)
- Right of Way Easement Cost

**8. Consideration to approve the appraisal for property located at Salem and College (2901 College Avenue) for the potential construction of a roundabout.**

Alderman Hawkins stated the appraisal for this property came in at \$160,000.00 and the city offered \$159,500.00. Mayor Townsell stated a satisfactory appraisal was the last condition and this is slightly over what we have agreed to pay for the house. Alderman Isby motioned to approve the appraisal for this property. Alderman Smith seconded the motion. Mayor Townsell stated he did have some comments come into his office over putting a roundabout at this location. There was no one present to speak to this. There was no discussion. The motion passed 8-0.

**9. Ordinance appropriating grant funds received for the Spencer Street Brownfield cleanup project.**

**O-16-26**

Alderman Hawkins stated the city has received \$740.00 in grant funds for this project. Alderman Isby motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 8-0. Alderman Isby motioned to adopt the ordinance. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, Alderman Jones, and Alderman Isby. The motion passed 8-0.

**10. Ordinance accepting and appropriating donation funds for the Conway Tree Board.**

**O-16-27**

Alderman Hawkins stated this will accept \$700.00 in donations for the Conway Tree Board. Alderman Smith motioned to waive the readings of the ordinance. Alderman Isby seconded the motion. The motion passed 8-0. Alderman Smith motioned to adopt the ordinance. Alderman Isby seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, Alderman Jones, and Alderman Isby. The motion passed 8-0.

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- 11. Ordinance annexing certain lands which have been completely surrounded by incorporated limits of the City of Conway.**

**O-16-28**

Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Ledbetter was not present for the vote. 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": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0. Alderman Ledbetter was not present for the vote.

- 12. Ordinance to rezone property (Central Baptist Church) in various locations in the Boulevard Addition and Davies and Garvins Annex from R2-A to S-1.**

**O-16-29**

Mayor Townsell stated Central Baptist College (CBC) has modified their proposal. Terry Kimbrow, stated he has been at CBC for 24 years and explained it is our desire to be a good community partner and good neighbors and stated we just moved 18 mobile homes out of this area that is already zoned S-1 and we plan to build on that corner. Mr. Kimbrow stated this block, between what is already rezoned S-1 and our current campus, contains a group of properties identified as Parcel A and Parcel B and after speaking with numerous community groups about our vision for the future and about our plans for not only student enrollment expansion, but expansion of the campus southward and stated this has not only just well received but it has been embraced. Mr. Kimbrow stated what we are asking is simply to accept the planning departments staff recommendation to approve these 2 parcels to be rezoned from R2-A to S-1. Mr. Kimbrow stated what we are asking is to approve what is already in existence for colleges/universities and stated all of these 3 blocks are already in a transition zone for them, which was voted on in 2011; Parcel B is 3 lots which is 1 full acre and it is well known in that community, we are purchasing all of those houses as they become available and stated he has not had any complaints. Mr. Kimbrow stated all construction will be subject to approval by the Conway Historic District Commission (HDC), in other words we cannot build anything without their approval. Alderwoman Smith asked what their plans are for this property. Mr. Kimbrow stated since we do not own all of the properties it would be presumptuous to make plans, but the area where the mobile homes were we plan to build a sports complex/events center. Alderman Pruitt asked if they have a long term master plan for the entire area. Mr. Kimbrow stated we have a 2010 master plan but we did not own any of those properties and explained this has happened so quickly that we are working on a master plan, but again anything we do has to be approved as far as master planning we can do it, but it still has to through the HDC. Alderman Pruitt asked if he has shared the master plan with the neighbors. Mr. Kimbrow stated he has not gone door to door but he knows most of the neighbors, he has spoken to civic groups, and has received numerous letters of compliment, and only a few letters of complaint and those are minor in things we have addressed, but have nothing to do with construction. Alderwoman Smith stated she has not heard from anyone in that area. Mayor Townsell stated the request tonight is to rezone what is identified on the maps as segments A, B, C. Mr. Kimbrow stated segment B and C only. Mayor Townsell stated we have



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sections A-F. Mr. Kimbrow stated that is the original plan. Mayor Townsell stated we knew you were going to limit it and we want to make sure what areas we are looking at tonight. Mr. Kimbrow stated the map is included and the recommendation from the Planning Dept. staff is on page 7 and includes only areas B and C. Alderman Grimes stated the master plan is to move southward, which is the rectangle area between Conway Blvd. and Center Street southward to Robins, which represents section C. Mr. Kimbrow stated yes, that is our target area. Alderman Grimes stated he has no problems with areas C, but A, B, G, F, E, and D are not southward as that is moving into other areas of Old Conway that may or may not be appropriate for S-1. Mr. Kimbrow stated those are not in our request. Alderman Grimes asked if CBC owns those properties. Mr. Kimbrow stated yes, we do own those. Alderman Grimes stated at some point he feels you will come back and request an S-1 zoning. Mr. Kimbrow stated all of those properties we own outside of what we consider our target area were deals too good to be true and stated we buy those especially if we are in the state of right to first refusal or are gifted to us. Alderman Grimes stated if you are looking to move beyond your long rectangle between Conway Blvd. and Center then maybe you need to have a larger discussion with the Planning Dept. about where you want your campus to be, instead of piecing it together over time and having remnants scattered around. Mr. Kimbrow stated he understands that but we cannot build on those properties because they are not zoned S-1 and we would have to come back to council and stated we have no plans for the properties on Simms etc. as we just bought those properties for less than they are worth. Alderman Grimes stated he understands that but evidently you have your eyes on areas to the west (F - E - D), east (A - B), and north (G) which is great and asked how far do you plan to go. Mr. Kimbrow stated section G is an estate gift and the owner knows that we plan to sell it at some point and told council there is no practical reason to go to Scott Street and stated it came to mind that it is much easier to ask for an S-1 zoning all at one time, than to constantly barrage council with requests. Mr. Kimbrow stated he does not know if that was ever practical and he can say it was a mistake and an oversight on his part. Alderman Grimes stated he would like to see more thought go into how this expands into an existing neighborhood. Alderman Pruitt stated he has had complaints from individuals in that neighborhood about not knowing what the plans were and did not know what was going on and they are fearful that you are going to bulldoze those properties and put in a parking lot. Mr. Kimbrow stated we cannot do that without HDC approval and stated their plans are to focus on those 3 blocks bordered by Center Street, Conway Blvd., and Robins; there is one parcel (B) consisting of 3 lots we would like to have rezoned but we cannot limit what we think is the growth to those 3 blocks and we hope to expand even further at some point in the future. Alderwoman Smith stated she has compared to UCA as they have bought parcels of land as they became available and over time they have acquired enough to do big projects, but it has taken several years. Alderman Grimes stated he is not talking about that at all they have slowly over time acquired pretty much the entire Donaghey corridor which is fine but let's realize that now UCA is on that side of Donaghey and asked Mr. Kimbrow if he wants CBC on the east side of Conway Blvd. as you have purchased 2 pieces of property on the east side so he is assuming the answer is yes. Mr. Kimbrow stated we bought those 3 lots because if you can purchase 3 city lots like we did those and if we have to sell them later that is fine but we are not in the landlord business but we also know a good deal when we see it. Mayor Townsell stated when you do sell them later there will be a rezoning request that will not be single family it will come to us as multi-family. Alderman Grimes stated it may be that you are the best landlord that could buy all that up. Alderwoman Mehl stated the original rezoning request represented property that you owned already and you were trying to get it all rezoned at one time. Mr. Kimbrow stated that is correct. Mayor Townsell

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stated the land use is still dictated by what we set it up to be. Alderman Grimes stated he just wants to know where the borders may go. Mr. Kimbrow stated we are not going in his lifetime north of College because he does not like to cross it to park at the church. Alderman Grimes stated if you purchased property on the east and west it tells him that you have plans to move eastward and westward which is fine, but let's realize that is what we are getting into here. Mr. Kimbrow stated for the record we have no plans to move westward. Mr. Grimes asked why they bought property to the west. Mr. Kimbrow stated it was cheap, it is an investment. Mayor Townsell stated that is not an issue tonight, what is an issue tonight is a rezoning request for sections B and C. Mr. Kimbrow stated section B is probably the one that is of most question; when we build hopefully it will be the largest project in the history of the institution, it will transform that neighborhood in a good way and if we need those 3 lots across the street for bus parking and feels that is probably what will happen but there will be privacy fences and gates, but again this will have to go before the HDC, and if they can say no you cannot do that we will probably sell, but at this time the lots that are not an issue were strictly investments and estate gifts and we just maintain them. Alderman Jones stated he see several parcels in section C that have not been purchased and asked if you have approached the property owners about purchasing them, and asked what they are saying. Mayor Townsell stated they do not have imminent domain. Mr. Kimbrow stated there are 3 lots on that block and we have had discussion with 2 property owners and they are open, and the third property owner does not live here and he may be a holdout forever but he has been informed that he could have an athletic facility in his backyard, and he said he was fine with that. Alderman Jones asked about section C. Mr. Kimbrow stated we have had conversations with 1 property owner and the other property owner is in a nursing home and the family does not want to sell the individual passes. Mr. Kimbrow stated he had conversations with these property owners, but they are very careful in their approach and we tell them we would like to be considered. Mr. Kimbrow stated there are individuals in attendance who own properties that do not want to sell, he does not know who they are but he is open, because we do want to be good neighbors and we do not want these property owners to their property on a master plan. Alderwoman Isby stated she would like to know the concerns of the Planning Commission members who voted in opposition. David Barber, 1721 Simms, explained he does not want to say that he speaks for the neighborhood but they do have an organization on Facebook of neighbors who surround CBC on all sides, and he wants to convey the general consensus; generally speaking the neighborhood is supportive of the concept of the expansion of CBC, however we did have concerns that there did not seem to be a great deal of coherent planning going into the things that were being laid out. Mr. Barber stated the purchasing of land outside of the borders, that while purchasing land does not necessarily imply you will rezone it but it certainly seems to. Mr. Barber stated the conversations he has had included individuals who were concerned that the rezoning would lower their property values of neighboring properties that had not yet sold. Mr. Barber stated there were individuals at the meeting who lived in area that is marked as the main corridor who had not been aware that any of this was occurring, and this is an oversight that we would prefer see and a number of individuals seem to be surprised when the actual extent of the rezoning was revealed. Mr. Barber stated areas that have already been rezoned have been used in ways that do not comply with city planning rules so many of the little areas around there basically had a dump truck of gravel poured on them and turned into ad-hoc parking and we have seen actions that are taken may not necessarily always comply fully with city planning and we have a concern that if this gets rezoned we lose some control over making sure there is actually a plan that is going to make these areas part of a nice city that everyone lives in the

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neighborhood would like to be a part of. Mr. Barber read statements from other individuals: Dustin Botsford stated "I firmly believe that the Planning Commission made the right decision originally and I feel that it is the duty of the council to uphold this decision as it is the best interest of its citizens". Alderman Jones asked if he could give the addresses. Mr. Barber stated he does not have their addresses. Alderman Jones stated just living in the neighborhood could be a large area. Alderman Hawkins stated Mr. Botsford lives on Simms, but he does not know the street number. An unnamed person stated Mr. Botsford lives on Scott Street. Mr. Barber stated we feel that the Planning Commission made the right decision and we think that it would be a lot easier to envision this rezoning if there were understood what was going to happen; at this point it seems like a mass rezoning that would have consequences that are unforeseen. Alderman Jones stated you know they took Scott and Simms Street off of the proposal for tonight and we are looking at sections B and C. Mr. Barber stated yes. Alderwoman Mehl stated both sections B and C are areas the Planning Dept. staff thought should be approved. Mr. Kimbrow stated you recall the small parcels that we put gravel on. Mayor Townsell stated we allowed this for temporary expedient parking. Mr. Kimbrow stated there has been enrollment growth and we could not park on the streets which did happen and in doing so we had a lot of tickets but due to there being no signs the tickets were voided, and No Parking Signs. Mr. Kimbrow stated it is kind of like do you want student growth or not and stated he does, but we have to having parking areas and explained we utilize the Church of Christ and the Nazarene Church parking lots, which we appreciate as this keeps us from having to build expensive parking lots and if we need to spruce up those gravel parking areas, we can. Mayor Townsell stated at some point that will be needed. Mr. Kimbrow stated he is open to any questions. Alderman Jones asked if you do not own property in section C and section S-1 will CBC wait until you purchase all this before you start construction, or will you start work before you purchase it. Mr. Kimbrow stated that is difficult to say, if we purchase enough to have a good block of it to build something. Alderwoman Smith asked if you have enough land in the S-1 zone to build the athletic complex without the 3 lots. Mr. Kimbrow stated we have really more than enough to do because we have the schematic drawings; the other block we would not be built on, obviously the land is scattered but he feels sure there are some properties we will get. Alderwoman Smith asked if you have first right of refusal on those. Mr. Kimbrow stated yes. Mr. Kimbrow stated he and his former Vice President walked the street and talked to every neighbor, but many of them were not the homeowner they were tenants so we contacted the homeowner but we have had no push back at all and stated we did not go to the neighborhood group Mr. Barber spoke of because that group has only been formed for approximately 8 weeks. Mayor Townsell stated that could be a good partner in you moving forward. Mr. Kimbrow stated for us to do the right thing we need to be a good partner with that group. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. John Parick, representing the Stonegate Apartment Complex Group located at 1410 Robins Street, which consists of the 2.64 acres of the block just east of section B. Mr. Parick stated he appreciates what CBC has done thus far for this area but he is concerned about rezoning something that seems to be more opportunistic and strategic and stated he is concerned about property values just as much as the people who live there; he does not personally live on that block, but he has invested \$2.6 million of improvements on that block. Mr. Parick stated hearing about the parking lots and fences being built, and busses being put in there does not sound like something that will improve the quality of life of the people that live there or the value of the improvements that have been put there. Mr. Kimbrow stated anytime we have constructed a building we have done extensive landscaping far beyond what is required by

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the city and we have had neighbors who have had concerns and we have done everything we can, because we are a Christian institution. Mr. Kimbrow went onto say that he means what he says and explained there is a lot of trust in this and all he can do is assure you that if we do this we will not put up just a 6 ft. privacy fence and a chain link gate, and encouraged council to look at the before and after and judge on what we have done thus far. Rik Sowell, 330 Conway Blvd., stated he is in a unique position of being not only a neighbor to CBC, but also a part of the CBC family and stated we have designed the last several projects for CBC. Mr. Sowell stated he and his wife elected to move to Conway Blvd. approximately 1 year ago with the primary reason being CBC; the idea of the College Park Neighborhood is his, but he missed the first meeting and he proposed this group because he thinks that one of the great values/assets of that neighborhood is CBC and he doubts if they would have been so eager to move to this location had it not been for CBC. Mr. Sowell stated again he is on both sides of the street here, but he believes CBC is an asset to the neighborhood and he will support them in whatever they do and he believes they are responsible as an entity. Mr. Sowell stated I know there are not a lot of people here tonight that support them but there are a lot of people that are very pleased to be the neighbor with CBC. Alderman Jones stated he supports the growth of CBC because we allowed it for Hendrix College and UCA but it is also our duty to ask the questions for the residents that live in the area and we want to make sure the expansion is done in the right way. Alderwoman Smith motioned to adopt the ordinance. Alderman Ledbetter seconded the motion. Alderman Pruitt asked when was the last time we approved a rezoning without a specific plan. Mayor Townsell stated rezoning's have nothing to do with the land, technically; anything that is allowed in that zone can be done in that zone as we have had individuals tell us their intent and never did it. Alderwoman Smith stated the HDC is a stringent board. Alderman Pruitt stated they may have to jump through hoops, but we also gave them a gravel parking lot. Mr. Kimbrow stated we cannot do a gravel parking lot unless the HDC allows it he cannot speak for them, but this is not going to happen but we did received an exception for the one. Mr. Kimbrow stated we could have drawn a master plan that would have shown you things that were never going to happen, but he likes to be more transparent than that. Mayor Townsell stated it is fair to say that the block identified as section C is going to be core campus property; that is what the long term plan will be. Mr. Kimbrow stated when we build that facility we eventually need to come together, otherwise we will have scattered parcels. Mayor Townsell stated ancillary properties will be further down by the arena but section C is going to core campus. Mr. Kimbrow stated whatever the needs are. Mayor Townsell asked if there was anyone else present to speak. There were no other speakers present. Alderman Grimes states he has zero problem with what is identified in the entire section of C and supports this but section B causes concerns because nothing is planned for it yet, but again that is going beyond what we thought were CBC's boundaries and that could be fine but before we "hodge podge" small parcels of S-1, he would rather have larger parcels that have more concrete backing behind them; he cannot support section B so it that is one motion he will have to vote no. Mayor Townsell asked Planning Director Bryan Patrick if the ordinance provided included everything or is it limited to just section B and C. Alderman Grimes stated the ordinance shows everything. Mayor Townsell stated we can amend the motion but it is their petition so they would need to withdraw it or remove a portion of their request. Mr. Patrick stated he is not sure exactly what the ordinance specifies but we can make sure the correct description is placed on the ordinance, if City Attorney Chuck Clawson is in approval of this. Mr. Kimbrow stated he does not feel inclined to remove section B; this will limit our plans to build we will need that and if there is not enough trust in us based on past experience. Alderman Grimes stated this

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has nothing to do with trust and asked if we cannot do an ordinance to do section C and then another ordinance to section B separately. Mayor Townsell stated that is not really the way we have ever done that; it is their request and we do not need to go off on a tangent rezoning properties, outside of their request. Mr. Kimbrow stated if their wasn't the layer of protection of what we call the old Conway Homeowners District Overlay District; we are not in the Historic District, we are in the overlay but if there wasn't that layer of protection where they have together and tell us we cannot do certain things. Alderman Hawkins stated he is not sure why you would not want to go ahead and take section C tonight because he believes you have a positive vote on section C, and you could come back for section B when you have something more concrete that you would like to discuss. Mr. Kimbrow stated I can be as concrete as you want me to be and say when we build that complex but we are going a place for buses and visitor parking, because we are severely limited. Mayor Townsell stated he believes the suggestion to you from council is that we can buy into vision of the core campus being bordered by Center Street, Conway Blvd., Garvin, and Bruce Street and thinks that Alderman Grimes main concern is there may be a plan and it may be able to be integrated into the portion east of Conway Blvd, but council is not seeing it right now so the suggestion council is leaning towards is to take care of section C, remove the requirement of having to rezone and re-notify everyone associated with section C as it will be a much easier process when you have a more complete game plan with properties in section B to come back and do it then rather than coming back and doing it all (section B and C), if this gets denied. Mr. Kimbrow stated he does not want to remove a section and explained if he comes back it is going to be the same thing and it will take more time, and it still will have to go to the HDC, and this is a layer of protection that is unless you have been there, the HDC is not going to let it happen without a plan. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 5-3. Alderman Hawkins, Alderman Grimes, and Alderman Pruitt voted in opposition.

Alderwoman Smith and Alderman Jones exited the meeting.

### **C. Public Services Committee (Sanitation, Parks, & Recreation & Physical Plant**

#### **1. Consideration to enter into an agreement with KONE for elevator services for various locations for the City of Conway.**

Mayor Townsell stated this agreement would involve various locations within the city primarily the 2 sport centers and city hall and stated he believes KONE is the only elevator service that was willing to work with the aged elevator in city hall and recommended entering into this agreement for a period of 3 years with KONE in the amount of \$450.00 per month. Alderwoman Isby motioned to approve entering into this agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0. Alderwoman Smith and Alderman Jones were not present for the vote.

#### **2. Consideration to determine how to proceed with construction services related to the Conway Event Center.**

Mayor Townsell stated you will see that we moved forward with finishing out the event center at the Conway Expo Center and we are at stage of the design to determine if we are

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going to bid the project, or go with a construction manager. Mayor Townsell stated you have the 3 options before you being a continuation of the existing at risk contractor/construction manager, in order to guide us in proceeding with this project. Steve Ibbotson, Parks Director, stated we obviously have hard bid, which we are all familiar with and stated it is not "construction manager at risk", the term is "at risk construction manager". Alderwoman Smith and Alderman Jones rejoined the meeting. City Attorney Chuck Clawson stated we have a situation where this is basically a major construction project and he believes there are only 2 options; in looking at Arkansas Statutes 22-9-203, any kind of public improvement and how it is awarded is a bid process and this is typically what you look at in this type of situation, as it specifically provides for this type of project. Mr. Clawson stated it can be taken outside of the normal bidding process under another law that provides for projects that exceed \$2 million in projected costs, so we are in that realm and he sees it is not the "at risk construction manager" as this is a completely separate issue this takes us into waiving competitive bids/professional services and this particular situation in his opinion fall under the category or definition of an at risk or construction management situation. Mr. Clawson stated the way he sees it we can place it out for bid or take RFQ's. Mayor Townsell stated we used that process originally and that is how we ended up selecting Salter Construction. Alderman Hawkins asked if we cannot continue with Salter Construction. Mr. Clawson stated he does not believe we can, as much as we may want to he does not think this is a continuation, this is a separate project and the monies were not allocated out at the time; he believes there were monies appropriated to build the Fair Grounds and Expo Center and there was always a plan to expand, but the monies were not set aside at the time so it is really a separate phase of the project that was not bid originally. Mayor Townsell stated we could still end up with this process and selecting Salter Construction but as Mr. Clawson stated we have to run it through the process. Alderman Ledbetter stated either way with a bid we can accept or reject any or all bids. Mr. Clawson stated that is correct, we can put it out for bid and there is specific language that he would want placed in the bid specification. Mr. Clawson stated it is not the lowest bidder, it is the lowest responsible bidder that the criteria can be set in picking the lowest responsible bidder based on several factors and stated there is a provision in state law that allows municipalities to provide an incentive for local businesses, but an ordinance is required to address that. Mayor Townsell stated one of the advantages of continuing with a construction manager at risk situation is by keeping 1 contractor with our preferred selection process, you can reduce the finger pointing when problems inevitably arise due to having multiple contractors. Mayor Townsell stated the way to integrate those kinds of strengths into whomever we select would be in the RFP process, not necessarily a hard bid process. Mayor Townsell stated this is the stronger way to ensure that you get continuity of contracting is through an RFP process and that was a strong recommendation coming from the architect. Mr. Clawson stated it is clear that the law just wants to provide a process for selection. Mr. Clawson stated the process is the one exceeding \$2 million which is the RFQ/RFP type process where the committee makes a recommendation to council on who to select and he believes you have a little bit more control over the situation and the factors that come into it, it is not strictly looking at price. Alderman Jones motioned to proceed with the RFQ process. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

### **3. Ordinance authorizing a personnel change within the Conway Parks & Recreation Department.**

O-16-30

Steve Ibbotson, Parks Director, explained we are requesting the reclassification of a Grounds Maintenance to a Grounds Maintenance Supervisor as part of our continuation to prepare for the events center. Mr. Ibbotson stated our final step would be to come back to council once the event center is open and ask for a Grounds Maintenance person; this will take care of all additional personnel that we told would need prior to opening. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

**4. Consideration to approve an offer and acceptance of property (Hiegel/Joyner property) located off South German Lane.**

Mayor Townsell stated this property is located west of South German Ln. and south of Dave Ward Dr. and consists of is 2 parcels one being 67 acres (Hiegel/Favre parcel) and the other 30 acres (Joyner parcel) which is located further to the west, for a total of 97 acres. Mayor Townsell stated if you took a map of the city and folded it north to south and placed the northern city limits onto the southern city limits and increased it, the crease would be Dave Ward Dr. Mayor Townsell stated Dave Ward Dr. is a lot of our growth area and much of it will be south of Dave Ward Dr. and if you look at the park property, south of Dave Ward Dr. we have 53 acres that is entirely used for a soccer park in the extreme southwest part of the city. Mayor Townsell stated the only land we have in the city for park land is the 5 acres (approximate) purchased from UCA, which has become the Stone Dam Creek trailhead and the 2 acres on top of Civil Defense Hill. Mayor Townsell stated this property straddles the entire width of Stone Dam Creek and contains both floodway and floodplain areas as well as high/dry areas beyond that and explained you can develop in the floodplain, but not in the floodway. Mayor Townsell stated this is a beautiful piece of greenspace which does have a powerline that runs through a portion of it and explained if we purchase this property this 97 acres we would have immediate connectivity, through a city easement and this 97 acres, between South Donaghey and South German and we could immediately extend a bike/pedestrian trail through it, which connects with a bike lane on South German that leads all the way out to the southern city limits, Hewlett Packard, and the Meadows Technology Park. Mayor Townsell stated we think it is a great addition to park green space as well as adding park amenities to an area that currently is unserved by local parks. Mayor Townsell explained one of the subdivisions abutting this stretch of creek property actually has a cul-de-sac that lays on the property line which means we have public right of way access through that property line into this property, that allows us neighborhood access to where the trail would come through. Mayor Townsell stated it would be a good addition to our inventory of park properties and it could be a location that we could place larger facilities as well as play grounds and smaller facilities; it is not inconceivable to put an aquatic center, community center, or tennis facility there if we so choose at some point. Mayor Townsell stated if not it is still a great green space property that could be preserved for the future and suggested we purchase this property. Alderman Grimes asked how this would be funded. Mayor Townsell stated Park A&P funds and referred to a spreadsheet the Mayor sent to council that shows you a feasible way of doing this and stated you will notice

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it did include \$2 million for a tennis concept, which can be discussed in more detail as well as discuss financing at an immediate meeting. Mayor Townsell suggested 5 year financing to do a number of things, including this and explained he will show council what he thinks would be a good plan for Laurel Park, which will not be the complete plan the tennis advocates proposed as he feels that space is too limited there for their full plan. Alderman Grimes stated he supports the purchase of this land and the other things are down the road, but how will we immediately fund the purchase of this property. Mayor Townsell stated we have \$1.5 million in the bank right now and it can be funded with cash now. Alderman Grimes stated so we have options including cash on hand to purchase this. Mayor Townsell stated we have options but he feels we would be better served by pursuing 5 year financing for other things too, but we have cash on hand. Alderman Hawkins stated he thinks it is a fantastic piece of property but he is a little leery of the purchase price and how these numbers were arrived at; he understands we are limited in land within the city limits, and is concerned he has not seen an estimate on this. Mayor Townsell stated we have an appraisal and we are basically paying appraised value. Alderman Hawkins asked if he had seen that. Mayor Townsell stated he thought it was sent out. Alderman Grimes asked if there is an appraisal. Alderwoman Smith stated she has not seen it. Mayor Townsell stated we have it and the Hiegel property has an absolute appraisal on it and it is this price (\$12,188.28 per acre). Mayor Townsell stated we also have a 2007 appraisal on the Joyner property and stated the portion on the south side of the creek (from the center of the creek to the south property line) at higher than this price he thinks and the Joyner property is at \$10,000.00 per acre, whereas the appraisal shows it at approximately \$12,800.00 per acre and the price in the 2007 appraisal for the Joyner property is certainly in the neighborhood and maybe higher than the current appraisal for the Hiegel property, so we think it is well priced according to appraisals. After some discussion Alderman Hawkins stated he believes we can get this property for less and motioned to counter-offer \$7,500.00 per acre on the Hiegel parcel (67 acres) and \$6,500.00 per acre on the Joyner parcel (30 acres). Mayor Townsell stated we can do that but explained we have an appraisal of \$12,800.00 on the Joyner property, which is \$5,000.00 more per acre than your motion. Alderman Pruitt seconded the motion. The motion failed 4-5. Alderman Grimes, Alderwoman Smith, Alderman Jones, and Alderwoman Isby voted in opposition. Mayor Townsell voted opposition breaking the tie. Alderman Hawkins motioned to counter-offer \$8,000.00 per acre on the parcel with the \$12,000.00 appraisal parcel and \$7,000.00 per acre on the other. Alderman Ledbetter seconded the motion. The motion failed 3-5. Alderman Grimes, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Isby voted in opposition. Alderman Grimes motioned to counter-offer of \$11,000.00 and \$9,000.00 respectively. Alderman Pruitt seconded the motion. The motion passed 7-1. Alderman Hawkins voted in opposition.

**5. Consideration to enter into an easement agreement with Conway Regional regarding the Tucker Creek Trail.**

Mayor Townsell explained we agreed to this in principal and the trail is mostly complete and we need to finalize this agreement; the one condition requested by Mr. Jiles, Conway Regional's attorney was if it ever ceases to be a walking trail that the easement reverts back to Conway Regional. Mayor Townsell stated this is not written in the agreement but it is certainly feasible. City Attorney Chuck Clawson stated this can be added. Mayor Townsell stated there are 2 agreements. Mr. Clawson stated there is the agreement and the actual ordinance for the easement. Alderwoman Smith stated we do not have an ordinance. Mr.



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Clawson stated the actual easement agreement and explained this should have been emailed to you. Alderwoman Smith stated the agenda states the agreement will be provided at the meeting. Mayor Townsell recommended holding this until the next meeting. Mr. Clawson stated he can print out copies. Mayor Townsell asked if they are pressing for this. Mr. Clawson stated it can wait. Alderwoman Smith motioned to this item in committee until the next council meeting. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0. This item was discussed further and approved later in the meeting, after agenda item D-5.

**6. Ordinance amending the tire storage regulations of the City of Conway.**

**O-16-31**

Mayor Townsell stated this is in direct relation to a heightened concern about mosquito propagation and breeding in the city. City Attorney Chuck Clawson stated tire regulation in the state in mainly involves new tires but used tires are not as regulated, especially on the local level. Mr. Clawson stated there was a need brought to us by Code Enforcement and is this is directly connected to the mosquito abatement plan. Mr. Clawson stated tires being stored in uncovered locations become a breeding ground for mosquitos and Deputy City Attorney Graham Jones has drafted a version that has incorporated not only Code Enforcement, and explained he has also received input from local tire dealers and state officials. Mr. Clawson stated one of the other major issues we are trying to deal with is the illegal dumping of tires in general. Mr. Jones concurred with Mr. Clawson and stated there are some different things we looked at, not only the mosquito abatement element of it but also the discouragement of tire dumping and the aesthetic concerns in regards to having tires stacked in large numbers outside businesses in Conway. Mr. Graham stated this does this by requiring used tire dealers to properly dispose of all their used tires, store them in an enclosed structure which is a major component of this and stated we have described what an enclosed structure is for purposes of this ordinance. Mr. Graham stated it requires them to regularly dispose of them on a reasonable schedule that keeps the number of used tires down to a certain set levels and it also requires them to keep their tires free of stagnant water. Mr. Graham stated the heart of it requires these dealers to keep records of the tires they intake, the tires they dispose of, and the tires they sell because as we feel like we can most police the record keeping and would allow us to determine who is a potential problem as far as tire dumping, or who is not. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Ledbetter seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

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

**1. Ordinance accepting and appropriating funds to cover travel for the 9th Judicial District Court DWI team.**

**O-16-32**

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. Mayor Townsell stated this is the third year our team was sent for training. Susan Weaver, District Judge, stated we are one of the first sobriety teams in Arkansas and we have other organizations who now mimic our sobriety court team for other areas of Arkansas, who are setting this up. The ordinance will appropriate \$20,000.00 from the Arkansas Community Corrections Court Accountability Grant. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

**2. Consideration to dispose of inventory (vehicles) for the Conway Police Department.**

Major Larry Hearn, Conway Police Dept., explained these vehicles have reached their end of life and we are trying to get to the get the older models out of the way before we purchase new ones and the goal is to put them on the Public Surplus and see what we can get out of them. Major explained we have had various bids ranging from \$500.00 - \$2,500.00. Alderwoman Smith motioned to dispose of these vehicles. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

- 2005 Crown Victoria (VIN 08917)
- 2006 Crown Victoria (VIN 58806)
- 2006 Crown Victoria (VIN 58807)
- 2006 Crown Victoria (VIN 59125)
- 2006 Crown Victoria (VIN 59126)
- 2008 Crown Victoria (VIN 64264)
- 2008 Crown Victoria (VIN 64265)
- 2008 Crown Victoria (VIN 64266)
- 2008 Crown Victoria (VIN 65972)
- 2008 Crown Victoria (VIN 69808)

**3. Ordinance appropriating reimbursement funds from various entities for the Conway Police Department.**

**O-16-33**

Major Larry Hearn, Conway Police Dept., stated we have received \$36,115.03 in reimbursements for over-time work where we provide extra duty services for various businesses and \$936.00 from District Court for restitution. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Isby seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

**4. Ordinance waiving bids for the purchase of Tasers from Taser International for the Conway Police Department.**

**O-16-34**

Major Larry Hearn, Conway Police Dept., stated the Taser is proprietary; all of our instructors on staff had to become certified through Taser International, with the recent additions we have had of personnel. Major Hearn explained that the Police Dept. mandates that everyone that is on shift must carry a Taser and explained Tasers cycle out and some have malfunctions, so it is necessary to replace these. Major Hearn stated he believes Taser International is the best place to get them as he trusts their backing, training, and willingness to stand behind their product etc.; we have been very pleased and want to continue on with them. This ordinance will waive bids and allow Taser International be used as a sole source vendor to purchase 10 Tasers, cartridges, and batteries at a cost of \$18,995.00. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby 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": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

**5. Ordinance waiving bids for the purchase of concealment vests from Teeco Safety for the Conway Police Department.**

**O-16-35**

Major Larry Hearn, Conway Police Dept., stated the vests are Point Blank Concealment Vests and Teeco's is the vendor explaining we used them last year and will progress further into this year; as our officers get their conceal body armor it is required that the body armor is replaced every 5 years. Major Hearn stated body armor and technology change and they have upgraded to where concealable body armor is lighter, but offers a greater degree of protection and explained we will now be wearing a 3A body armor instead of 2A which will also cut down on some of the weight. The ordinance will allow Teeco Safety to be used as a sole source provider for the Point Blank Concealment Vests for the purchase of 44 vests at a cost of \$35,728.00. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Isby seconded the motion. Alderman Pruitt asked if there is a reason we buy them in state. Major Hearn stated because we are going over a certain dollar amount he was informed that we had to go through this portion, because we had been using them up to \$20,000.00 but since this is going over that amount and we want to stay with this vendor and type of body armor they are offering us, that the others have not, the cost would be approximately \$60.00 more per vest than what we were paying on the 2A's vs the 3A's and explained we are getting better protection, for \$60.00 more per vest. Alderman Pruitt stated he was not talking about specific vests. Mayor Townsell asked why we are waiving bids. Major Hearn stated the manufacturer is producing the 3A vest that is concealable and light weight that some of the other manufacturers are not there right now. Major Hearn stated for the specs we are wanting Point Blank produces what we want. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman

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Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

Mayor Townsell stated City Attorney Chuck Clawson has emailed you the pathway easement agreement and the pathway easement, between the city and Conway Regional and asked if council wished to approve these tonight (Item C-5 from above). Mr. Clawson stated the documents are in the correct form, has all the initial agreements, and legal descriptions. Alderman Hawkins state if Mr. Clawson is good with it he is ready to move forward with it tonight. Mr. Clawson suggested adding the language that if the pathway, is at some point not used for the specified purpose, the easement would then extinguish. Alderman Pruitt motioned to approve the pathway easement agreement and the pathway easement. Alderwoman Smith seconded the motion. Alderman Ledbetter asked if are paying them for the property so we can build a trail. Mayor Townsell stated yes, and also to use their parking lot and its maintenance. Mr. Clawson stated we added a provision that allows the city to the maintenance work ourselves if we feel like we can save costs; the agreement is every 7 years up to \$25,000.00. Mayor Townsell stated council has to agree on that expense and stated the southeastern section of the parking lot will be public accessible. Mr. Clawson stated the agreement does require city council approval. There was no further discussion. The motion passed 8-0.

### **E. Personnel**

#### **1. Ordinance authorizing the reclassification of a vacant position in the Administration Department.**

##### **O-16-36**

Mayor Townsell stated this would be reclassifying a vacant Special Inspector position to a Deputy Mayor for Policy & Public Affairs position; in essence the Mayor is suggesting is when we get into a transition for the next Mayor/Mayors office we are going to have whoever the new Mayor is will be swamped their first several months with public relation duties, not administration duties or operation duties because it happened to him. Mayor Townsell stated when he took office he was swamped with phone calls and visitors to the office and he basically was dealing with the public as they wanted to discuss issues etc. with the new Mayor. Mayor Townsell stated in 1999 there was a General Fund and a Street Fund and now we have 13 funds along with many new rules and regulations and explained there are a lot of administrative duties that goes on and any new Mayor will need administrative help that has institutional memory. Mayor Townsell explained he is suggesting to get someone hired, knowing they are at risk of being replaced, but this will give the opportunity to have someone in place and would gain 9 months experience, and between this position, the Chief of Staff, and the Executive Assistant, which may be even the most critical position, this would give us personnel to continue on the operations of the city administratively to handle the different project departmental requests and allows the Mayor to handle a lot of public relations that is going to happen regardless, as we do not have enough hands to cover the deck currently the way it is set up. Mayor Townsell stated this will not really affect the budget except for \$2,689.21. Alderwoman Smith asked what happens if we need another inspector. Mayor Townsell stated this is possible but we think we have plenty of building inspectors, if anything we do not have enough Code Enforcement inspectors and we may want to see more movement from building inspectors over to Code Enforcement, as we do

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not seem to have as much building now as we did 5-6 years ago, and back then we had less than half of the number of inspectors we currently have, but he thinks we are covered. Mayor Townsell stated if there are special inspection duties that we need covered he thinks we can bring someone down from building inspections. Alderwoman Smith asked if Mr. Bell wanted to move into that role. Mayor Townsell stated this position does not pay as much as his current position. Alderman Jones asked why are we doing it now and how do we know the next Mayor wants this. Mayor Townsell stated he may not but it will give him the opportunity to have it in place. Alderman Jones asked why we would want to pay someone now to assist the new Mayor. Alderwoman Isby, Alderwoman Smith, and Alderwoman Mehl concurred. Alderman Jones asked what they would do now. Mayor Townsell stated there is plenty to do, but there is even more to learn. Alderwoman Whitmore asked why learn it if they are not going to continue to serve if that is not what the new Mayor wants. Mayor Townsell stated it is an opportunity. Alderwoman Mehl stated she has the job description for this position and for the Chief of Staff and there are a lot of similarities that overlap. Mayor Townsell stated he wrote it that way for that reason to show you that we need additional hands to cover many responsibilities; this job would answer to the eventual Mayor. Alderman Ledbetter stated so this is for continuity of operations. Alderwoman Mehl stated that could be, the Chief of Staff. Alderwoman Mehl concurred. Mayor Townsell stated he knows from experience that we are going to need more bodies in the office, we could have used them previously, but never really had the resources to do that and he thinks we would be better served getting someone in and trained to cover gaps. Alderman Grimes stated this makes sense and if the new Mayor decides he does not want that position, he can eliminate it. Alderwoman Smith stated if the new Mayor is sick will this person fill in for the Mayor. Mayor Townsell stated no, the Chief of Staff would be second in command, this person would answer to the Mayor but explained if he became incapacitated between now and years end, he would think that Mr. Bell would assume the reigns of operations, but this is up to council. Alderwoman Smith stated it almost feels like this title should almost be elected, not appointed. Mayor Townsell stated that is allowed by state law. Alderwoman Mehl stated it seems more like a department head or director position, not a Deputy Mayor. Mayor Townsell stated a department head is in charge of a department and there is no department out there with a vacancy, so you would have to create some title. Alderwoman Mehl stated in looking at the 2 positions it looked like there could be some confusion as to who is supposed to be doing what. Mayor Townsell stated there are going to be assigned duties and you would not say this has to be yours, you do it; it has to be mine and ours. Alderwoman Mehl stated both jobs have media listed. Mayor Townsell stated this position will be the primary media person, Mr. Bell does not deal with the media and we do not have anyone that really focuses on media and that will be a primary function of this position. Alderwoman Smith stated so you are saying that if something happened to you Mr. Bell would be the one running the show. Mayor Townsell stated yes, he would recommend that. Alderwoman Smith stated so he would not be that person. Mayor Townsell stated no, he would not recommend that at all as there are people who specialize in this. Alderman Hawkins asked if this job will be advertised. Mayor Townsell stated yes. Alderman Hawkins strongly suggested that we put in the posting, that this could well be a temporary job. Mayor Townsell stated so is Mr. Bells and Ms. Rogers and every department head. Alderwoman Smith stated all the candidates have all worked for the city and she thinks that their surly up to speed on policies etc. Mayor Townsell stated they do not have a clue what is coming and asked Mr. Bell if he was prepared after serving 24 years on city council. Mr. Bell stated absolutely not. Mayor Townsell stated there is a lot more behind the scenes you do not see. Alderwoman Smith

stated she does not think they will be up to speed by January. Mayor Townsell stated no not fully. Alderwoman Isby stated so what you visualize in this position is putting this position up to be advertised and whomever would apply, you would be responsible for interviewing and then this person, for the next 6-7 months, would basically be brushed up on all of the policies and things of that nature for the city. Mayor Townsell stated they will be hired, assigned duties, dealing with people who call in that have problems; they will run the gambit of things that if he or Mr. Bell are not there to deal with it they can help handle the projects; but bringing them up to speed so they are a valuable asset and contributing part of the office for when you have a new Mayor and you need more hands on deck. Alderman Jones asked we may train someone to help and the new Mayor may not want this. Mayor Townsell stated that is possible but the position is still there and you can remove it. Alderman Jones stated we would have to do the same thing over again. Mayor Townsell stated then you can start them all over again but at least they have someone they could chose to keep who is more trained and ready to step in on a full time basis. Alderwoman Mehl asked if we are being presumptuous about what the next Mayor is going to want. Mayor Townsell stated he is going to create the budget for the next Mayor to work with so there is element of presumption involved in the city continuation of affairs. Alderwoman Mehl stated this is structurally a major change in the Mayor's office for which we know we are going to get a new elected Mayor. Alderman Grimes stated these are valid points but this is just more administrative help in the Mayor's office which the Mayor states is a busy office and thinks he can use all the help he can get. Alderman Grimes motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. Alderman Grimes motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Alderwoman Isby stated she would like to see the position advertised as temporary, because in her mind it is very well what it could be and she would not want anyone to take this position under the assumption that this is a position that they are going to have with benefits etc. because it could change very quickly in 7 months. Alderwoman Isby stated she understands having someone there that would be able to bridge that gap but again she does not want anyone to feel misled by us filling this position in any way that this is a permanent position. Mayor Townsell stated we will do that as that is the only fair way to bring someone on board. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 5-3. Alderman Pruitt, Alderwoman Mehl, and Alderman Jones voted in opposition.

**2. Ordinance appropriating funds for civil service expenses for promotional testing for fire and police.**

**O-16-37**

Mayor Townsell stated you will remember that we never budget for promotional testing as we do not know our need but it does pull money from fund balance. Lisa Williams, HR Director, stated they have already given an entry level police officer examination and we have scheduled a promotional firefighter test and we have invoices to pay. Ms. Williams stated she will have additional funding for about the same amount again when we give the entry level firefighter test in June. The ordinance will appropriate \$5,000.00 for entry level firefighter and police promotional testing. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0.

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Alderman Jones motioned to adopt the ordinance. Alderman Hawkins seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

**Adjournment**

**PASSED this 12th day of April 2016**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**