
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

**Conway, Arkansas
Tuesday 6:30 p.m.
November 14, 2006**

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 Jones, Alderwoman Smith, Alderman Brewer, Alderman Weeks, Alderman Grimes, Alderwoman Whitmore and Alderman Bell. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett.

1. *Call to Order*

2. *Roll Call*

3. *Minutes: October 24th, 2006*

Alderwoman Whitmore motioned to approve the Oct. 24, 2006 minutes. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

4. *Recognition of Guests:*

5. *Public Hearings:*

A. *Public hearing to discuss issuance of franchise revenue bonds for the City of Conway.*

1. *Ordinance to authorize issuance of franchise revenue bonds for the City.*

Mayor Townsell opened the public hearing. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Gordon Wilburn, Kutak Rock LLC, and Jack Trumper, Stephens Incorporated, were present to answer questions. Alderman Hawkins 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 Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 8-0. Alderwoman Smith motioned to adopt the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 8-0.

6. Report of Standing Committees:

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

1. Consideration of The Village at Hendrix TND plan.

R-06-43

Scott Schallhorn, Vice President Planning & Operations Hendrix College, and Adam Dickinson, TND Partners, were present to answer questions. Alderman Bell motioned to adopt the resolution. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration of an ordinance to allow property less than 3 acres to be zoned PUD.

O-06-150

Bryan Patrick, Planning Director, stated that there are some projects that could be developed as a PUD but the 3 acre and 20% green space limitations prohibits this. Alderman Grimes voiced concerns about allowing a range of 5%-20% green space. Mr. Patrick stated that 20% could be too binding with a small development. Alderman Grimes suggested applying the 5%-20% green space option to property with 3 acres or less and leaving the 20% green space allowance on property that is 3 acres and above. Alderman Weeks motioned to amend the ordinance with Alderman Grimes' language above. Alderman Grimes seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Grimes motioned to adopt the ordinance as amended. 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 Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 8-0. Alderman Bell motioned to adopt the emergency clause. Alderman Weeks seconded the motion. The motion passed 8-0. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 8-0.

3. Consideration of new construction projects for the Street Dept.

Ronnie Hall, City Engineer, stated improvements are needed on Western St. between Weems and Prince St. and a roundabout is needed to help ease congestion and eliminate accidents at the intersection of Siebenmorgen, Bob Courtway, and

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Freyaldenhoven Ln. If city forces perform the work the cost estimate for Western St. is approximately \$85,000, and approximately \$81,000 for the roundabout. Alderman Hawkins motioned to approve these two projects to be performed by city workforce and funding to come out of the 2007 budget. Alderman Bell seconded the motion. There was no further discussion. The motion passed 8-0.

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

1. Ordinance appropriating funds for the 2 ram baler & conveyor for the City Sanitation Dept.

O-06-151

Downing Sales was awarded a bid on October 24, 2006 for two Ram Baler & Conveyors in the amount of \$464,110.00. These funds shall be appropriated from the Sanitation Replacement Fund Balance Account (23.190) to the Sanitation Surcharge Heavy Equipment Account (23.118.934). Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 8-0.

2. Ordinance appropriating funds for refuse carts for the City Sanitation Dept.

O-06-152

Ameri-Kart Corp. was awarded a bid on January 24, 2006 and February 23, 2006 for 96 & 65 Gallon Universal Refuse Roll Carts in the amount of \$36,597.00. These funds shall be appropriated from the Sanitation Replacement Fund Balance Account (23.190) to the Sanitation Surcharge Carts, Dumpsters, & Supplies Account (23.118.306). Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 8-0.

3. Ordinance appropriating insurance proceeds and transferring additional funds for vehicle purchase for the Conway Sanitation Dept.

O-06-153

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

The Conway Sanitation Dept. is replacing a 2005 Chevy truck that was damaged. They have received \$17,042.00 from Geico Insurance Co. for the damages. The cost to replace the truck is \$18,627.00. The \$17,042.00 shall be appropriated from the insurance proceeds account (23.512) and the remaining \$1,585.00 shall be appropriated from the Sanitation Replacement Fund Undesignated Contingency Account (23.118.999). Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 8-0.

4. Ordinance appropriating donated funds from the National Recreation and Parks Association to the Parks Department.

O-06-154

The National Recreation and Park Assoc. donated \$100.00 to the Conway Parks Dept. and the funds shall be appropriated from the General Fund Revenue Donation Account to the Conway Parks Dept. Other Program Costs Operating Account. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Bell 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 Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 8-0.

5. Ordinance requesting approval for the purchase of two new vehicles and appropriation of funds for the Parks Dept.

O-06-155

The Conway Parks Dept. is purchasing two new vehicles for \$40,959.00 under state bid. The funds shall be appropriated from the Special Revenue Ad Val account to the Conway Parks Department Vehicle Capital Account. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 8-0.

6. Ordinance amending section 1 of Ordinance No. O-05-170 due to a typographical error.

O-06-156

Aldерwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Aldерwoman Smith motioned to adopt the ordinance. Aldерwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Jones, Aldерwoman Smith, Aldерwoman Whitmore, and Alderman Bell. The motion passed 6-2. Alderman Brewer and Alderman Weeks voted in opposition.

7. **Ordinance amending section 1 of Ordinance No. O-05-88 due to a typographical error.**

O-06-157

Aldерwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-1. Alderman Brewer voted in opposition. Aldерwoman Smith motioned to adopt the ordinance. Aldерwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Jones, Aldерwoman Smith, Aldерwoman Whitmore, and Alderman Bell. The motion passed 6-2. Alderman Brewer and Alderman Weeks voted in opposition.

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

1. **Ordinance appropriating animal welfare voluntary tax revenues to animal welfare unit for special purchases.**

O-06-158

Shona Osborne, Animal Control/Welfare, was present to answer questions. Mayor Townsell stated that \$4,300.00 is needed to purchase a slide in compartment for the third Animal Welfare truck.. The funds shall be appropriated from the Voluntary Tax Undesignated Contingency Account over to the Animal Welfare Capital Equipment Expense line item. Alderman Hawkins motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Aldерwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Weeks seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Aldерwoman Smith, Aldерwoman Whitmore, and Alderman Bell. The motion passed 8-0.

2. **Consideration of reclassification a lieutenant's position to a patrol officer position at the CPD.**

Mayor Townsell stated that in addition to reclassifying the lieutenant's position to a patrol officer this will also create a civilian fleet managers position which is currently filled by a ranking officer. Alderman Bell motioned to approve the reclassification. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

3. **Consideration of the purchase of additional police vehicles for Conway Police Dept.**

Mayor Townsell stated these three vehicles will be purchased for \$82,000 under state bid and the funds are a result of mid-year personnel allocations for six new officers that we will not be hired until January 2007. Alderwoman Smith motioned to approve the budget transfer. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

4. **Ordinance waiving bids for telephone and network wiring for the City.**

O-06-159

Lloyd Hartzell, CEOC Director, stated he would like to use Service Plus until years end as their charges are less than two other companies' bids, and Service Plus was able to repair problems that other companies could not. Mr. Hartzell stated that they will bid this service out for 2007 or come back before the council and request a sole source vendor. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Alderman Brewer motioned to amend the ordinance to reflect that this service be bid out for the calendar year 2007. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0. There was no discussion on the main motion on the floor. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 8-0.

A. **Personnel**

1. **Ordinance appropriating funds for employee appreciation bonus.**

O-06-160

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 8-0. Alderman Smith motioned to adopt the ordinance and the emergency clause. Alderman Whitmore seconded the motion. Mayor Townsell stated that this has been done for the past seven years and full time employees receive \$250 and part time employees receive \$125. Mayor Townsell also stated that there has been a suggestion from city staff to increase the amount to \$300 for full time and \$150 for part time. Alderman Brewer stated that with the budget cuts that have to be made to the 2007 budget he feels that we should not increase the bonus at this time. Alderman Grimes clarified that language should be added that states all part-time elected officials are excluded. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderman Smith, Alderman Whitmore, and Alderman Bell. The motion passed 8-0.

2. Discussion of cost allocation of 2007 employee health and dental benefit premium increase.

Mayor Townsell stated that there was an 8% increase in the city's health plan and a 13% increase in the dental plan for 2007 and he recommends that the city set the dollar amount so the current percentages do not change. Alderman Bell motioned to keep the current allocation. Alderman Smith seconded the motion. There was no discussion. The motion passed 8-0.

7. *Old Business*

8. *New Business*

A. Consideration of general contractor/construction manager for the New Conway Police Facility.

Mayor Townsell stated in the RFP process the companies are ranked by how well you feel they will perform the job and we ranked Nabholz Construction number one. Price is only discussed once a company is selected and an agreement is made, if an agreement cannot be made then that company is thrown out. Nabholz Construction has proposed a fee of 4.75% of the established guaranteed maximum price and Mayor Townsell recommended selecting Nabholz Construction as the general contractor/construction manager for the new police facility. Alderman Hawkins motioned to accept Nabholz Construction as general manager/construction manager for the new police facility. Alderman Smith seconded the motion. There was no discussion. The motion passed 8-0.

B. Consideration of designing engineers/architect for the City's Park Development.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Mayor Townsell stated that Carter & Burgess, Inc. came back with the best design services for the cost of \$32,570.00 and he recommended we accept their proposal. Alderman Hawkins motioned to accept the proposal from Carter & Burgess. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 14th day of November 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett