
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
February 28, 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 Brewer, Alderman Bell, Alderman Jones, Alderwoman Smith, Alderman Grimes, Alderwoman Whitmore and Alderman Weeks. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett. Alderman Bell made a motion to approve the February 14th minutes. Alderwoman Smith seconded the motion. There was no discussion. The motion passed unanimously 8-0.

Public Hearings:

Public hearing to discuss an easement closing on Lot 3/Conway Commons.

1. Ordinance closing the easement located on Lot 3 in Conway Commons.

O-06-09

Mayor Townsell opened the public hearing. Don Potter with Tyler Surveying & Mapping Inc. spoke in favor of the easement closing. Mayor Townsell closed the public hearing. Alderwoman Smith made a motion to waive the reading of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance pending receipt of all waivers from the utility companies. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 8-0.

O-06-10

Mayor Townsell suggested that the council suspend the rules to deal with the bond ordinance. Alderman Brewer motioned to suspend the rules. Alderwoman Smith seconded the motion. The motion passed 8-0. Gordon Wilbourn and Jack Trumper were present to answer questions. Mayor Townsell read the ordinance. Alderwoman Whitmore motioned to waive all three (3) readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Grimes moved to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman

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Grimes, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer.
The motion passed 8-0.

Report of Standing Committees:

Economic Development Committee (Airport, Conway Corporation, CDC)

1. Ordinance consolidating cable and internet rate for Conway Corporation.

O-06-11

Bill Bethea and Glenn King representing Conway Corporation were present to answer questions. Alderman Brewer motioned to waive the reading of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 8-0.

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

1. Resolution to refer to the section of Oak Street that runs through the Toad Suck Daze Festival as "Croak Street" during the festival weekend. (*Sponsored by Alderman David Grimes*)

R-06-04

Alderman Grimes read the resolution. Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration from the Toad Suck Daze Committee to paint a mural on the front of the Toad Suck Store.

Mary Etta Qualls, Chairperson of the Toad Store and T-Shirt Committee, and Mary Margaret Satterfield were present to answer questions. Alderman Bell motioned to approve the request. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

3. Consideration to accept bids for demolition of property located at 3723 Donnell Ridge Road.

Alderman Bell motioned to accept the low bid from Robinson Inc. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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4. Ordinance to change certain two (2) hour parking spots on Front Street to thirty (30) minute parking spots.

O-06-12

Aldерwoman Whitmore motioned to waive the reading of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 8-0. Aldерwoman Whitmore motioned to adopt the ordinance and its emergency clause. Aldерwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерman Hawkins, Aldерman Weeks, Aldерwoman Whitmore, Aldерman Grimes, Aldерman Jones, Aldерwoman Smith, Aldерman Bell and Aldерman Brewer. The motion passed 8-0.

5. Consideration to sign a reimbursement agreement with Sprint for the Downtown Drainage Improvement – Phase I project.

Ronnie Hall, City Engineer, was present to answer questions. Aldерman Bell motioned to authorize Mayor Townsell to sign this agreement. Aldерwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. Aldерman Grimes exited the meeting prior to the vote. Mayor Townsell stated that this project is to be funded by CDBG funds, but since CDBG funds have not been funded 2006 he asked the council's approval to pay for this initially out of the general fund and when CDBG funds become available the general fund will be reimbursed. There was no further discussion or objections.

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

1. Consideration to accept bids for (600) 96 Gallon Universal Refuse Roll carts & 3, 4, 6, & 8 Yard Front Load Containers & 64 gallon Universal Recycling Containers for the Conway Sanitation Department.

Cheryl Harrington, Sanitation Director, was present to answer questions. Aldерwoman Smith motioned to accept the low bid from Ameri-Kart. Aldерman Jones seconded the motion. Ms. Harrington stated that this bid was for (600) 96 Gallon Universal Refuse Roll Carts. There was no further discussion. The motion passed 7-0. Ms. Harrington stated that the second bid was for Front Load Containers and recommended accepting the bid from Waste Equip for 3, 4, & 8 yard containers and, to accept the bid from Downing Sales for the 6 yard containers. Aldерwoman Smith motioned to accept the second bid. Aldерwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0. Ms. Harrington stated that the third bid was for (600) 65 Gallon Universal Refuse Roll Carts and recommended accepting the bid from Ameri-Kart Corp. Aldерman Brewer motioned to accept this bid. Aldерwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

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2. Ordinance appropriating funds to repair and install two Leachate pumps for the Sanitation Department.

O-06-13

Cheryl Harrington, Sanitation Director, was present to answer questions. Ms. Harrington stated that the cost to repair the two pumps needs to be changed from \$2,893 to \$5,786. The installation charge is \$2,000 for a grand total of \$7,786. Alderwoman Smith motioned to waive the reading of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. 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 Weeks, Alderwoman Whitmore, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 7-0

3. Ordinance appropriating funds to purchase a new air compressor for the Sanitation Department.

O-06-14

Cheryl Harrington, Sanitation Director, was present to answer questions. Alderwoman Whitmore motioned to waive the reading of the ordinance. Alderman Jones seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 7-0.

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

1. Ordinance appropriating revenue funds in the amount of \$1,370.45 for the Conway Police Department to repair patrol unit involved in accident.

O-06-15

Alderwoman Smith motioned to waive the reading of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 7-0.

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2. Ordinance accepting seized assets (a vehicle) obtained through court order with a stated value of \$3500.

O-06-16

Alderwoman Smith motioned to waive the reading of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 7-0.

3. Ordinance accepting seized assets obtained through court order with an estimated value of \$6,925.

O-06-17

Alderwoman Smith motioned to waive the reading of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Alderman Brewer asked what year model the vehicle was. Major Milburn stated it is a 1997 Ford Expedition and that the vehicle is in good condition. Alderman Brewer stated his concern that the city is paying \$1,758 to get a clear title. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman Jones, and Alderwoman Smith, and Alderman Bell. The motion passed 6-1. Alderman Brewer voted in opposition.

4. Ordinance waiving bids for replacement of two outdoor warning sirens by Harris Systems Group Inc.

Item withdrawn

5. Ordinance accepting equipment purchased by Homeland Security for the City of Conway.

O-06-18

Alderwoman Smith motioned to waive the reading of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 7-0.

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6. Ordinance appropriating funds in the amount of \$2,250 received by Wal-Mart Foundation and \$443 received by Fred's to the Conway Fire Department to be used to purchase uniforms and boots for new Honor Guard Members and other items.

O-06-19

Alderman Brewer motioned to waive the reading of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 7-0

7. Ordinance appropriating funds in the amount of \$2,057 for the addition to Station 3 for renovations.

O-06-20

Alderwoman Smith motioned to waive the reading of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance. Alderwoman Smith seconded the motion. The clerk called the roll for the with the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. There was no discussion. The motion passed 7-0. Alderman Bell motioned to adopt the emergency clause. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Weeks, Alderwoman Whitmore, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 7-0.

8. Ordinance appropriating fund in the amount of \$14,550 for the CFD uniforms (turnout gear) for 2006.

O-06-21

Alderman Hawkins motioned to waive the reading of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. 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 Weeks, Alderwoman Whitmore, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 7-0.

O-06-22

Mayor Townsell asked the council to suspend the rules to discuss staffing at the Conway Fire Department for new Hazardous Material position. Alderwoman Smith motioned to suspend the rules. Alderman Bell seconded the motion. The motion passed 7-0. Mayor Townsell addressed the council stating that the Hazardous Material Coordinator position will be created at a Captains level position and noted that Bart Castleberry, Fire Chief, has advocated a Chiefs position for this role, but the position is priced as a Captains position. Mayor Townsell has asked Chief Castleberry to hold off on the new budgeted position because if an existing person is moved over to Haz-Mat Coordinator then the City would be up filling, leaving a Fire Fighter position open. Mayor Townsell continued by stating that the City has yet to address the shortage, because of growth in the Police Dept., but have added (11) eleven personnel in the Fire Dept while no personnel has been added to the Police Dept. Mayor Townsell has asked that the City hold off on filling any Police Dept. positions, due to the fact that we still have (4) four more this year than last year, until the Mayor can address the budget issues and get the additional police officers that could not be addressed in this years budget. Mayor Townsell stated that he asked Chief Castleberry to review the Captains position for him and the council to make sure that the department is not top heavy. Alderman Brewer motioned to amend this ordinance to be elevated to a Division Chief level due to the responsibilities. Alderwoman Smith seconded the motion. Alderwoman Whitmore motioned to waive the reading of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 5-2. Alderman Weeks and Alderwoman Whitmore voted in opposition.

Finance

1. Consideration of increasing the mileage reimbursement rate for City employees.

Robin Scott, Chief Financial Officer, was present to answer questions. Mayor Townsell stated that the current mileage rate is .39 cents per mile. Ms. Scott requested to increase the rate and also tag it to the state or federal rate, and letting it automatically adjust as those rates are adjusted. Alderman Brewer asked why the city is allowing private vehicles to fuel out of the city's tank. Ms. Scott stated that in the past there have been some people using their personal vehicle to do city business. Ms. Scott went on to say that if an individual drives their personal vehicle we want them to submit a reimbursement form, not to fuel at the City's pump. Alderwoman Smith motioned to accept the mileage reimbursement increase. Alderman Hawkins seconded the motion. For the record The Mayor stated that no personal vehicle will be allowed to fuel at the city's pump. There was no further discussion. The motion passed 6-0. Alderman Bell left the meeting prior to the vote.

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2. Ordinance providing for the adoption of the reverse internet auction option for the purchase of goods and services for the City of Conway.

O-06-23

The Mayor stated that this is proposed as an experimental option for the city through the Municipal League. It is like a reverse E Bay where the City will be accepting bids on an item/equipment with certain specifications. The specifications will be published and all vendors who register with them will be allowed to bid via internet in real time. Alderman Brewer asked if there was a broker fee and if so who would pay this. Mayor Townsell stated there was a broker fee and the City would pay it in the bid price offer, we would pay the vendor for the equipment and the vendor will pay the internet supplier the broker fee, we pay no more than our accepted bid. Alderwoman Smith motioned to waive the reading of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Bell 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 Weeks, Alderwoman Whitmore, Alderman Jones, Alderwoman Smith, Alderman Bell and Alderman Brewer. The motion passed 7-0.

Old Business

- A. Discussion of new street to east Industrial Park

Ronnie Hall, City Engineer, was present to answer questions. Mr. Hall stated that he had prepared an alternate route that swings the road to the west of the houses. However the residents did not like this route and would prefer to keep the road along the land line/straight line so if the road has to be there, the residents want it to be maintained along the existing route of Mayor Ln. Mayor Townsell asked if there was anyone in support of the road. Mr. Dussex stated that he was. Frank Mayor addressed the council stating that all seven (7) property owners are all Mayor descendants and this family has occupied this land since 1890. He stated that if the road has to be built he would like it to keep the name Mayor Ln. or rename it to Mayor Blvd. Alderman Bell motioned to name this street Mayor Blvd. Alderwoman Smith seconded the motion. Brad Lacy, representing Conway Development Corporation, spoke in favor of constructing the new street. He went on to say that there are several projects in this vicinity, one of whom the City has already committed money to, and the construction of this road is important for this particular project to move forward if they choose Conway. Alderman Brewer motioned to adopt Engineer Halls recommendation in his memo dated Feb. 8, 2006 that we pursue the acquisition of these parcels of land for right of way for this road first making and offer based on appraised values and then proceeding to condemnation if necessary. Alderwoman Smith seconded the motion. Alderman Jones asked Mr. Hall the importance of using this route. Mr. Hall stated that the alternate route is along Amity Rd. and along the frontage road in front of the sale barn back out to

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Hwy 286, or along William J. Clark back to Thomas G. Wilson back to 286 which involves some 90 degree turns and its not a direct route. He went on to say that the potential for getting a signal at Thomas G. Wilson & Hwy 286 is not great, but we could probably get a signal at E. German Ln. and this new road and Hwy 286. The commitment the City made to the residents was to build this road and install a signal at Hwy 286 to provide the residents direct access to their property so any trucks would be less inclined to have accidents because, it would be a straight shot into their signal, and into the expansion of the Guy Murphy Industrial Park. Alderwoman Smith called a question. The motion passed 6-1. Alderman Weeks voted in opposition. The Mayor called the vote on the main motion. There was no further discussion. The motion passed 7-0. The Mayor called the vote on the motion to name the street Mayor Blvd. The motion passed 7-0.

B. Discussion of Department Head raises.

Mayor Townsell proposed to give all general department heads and elected officials a 3.5% increase in their salaries and back date this to the first of the year. The Mayor went on to request a special raise for Jamie Gates, one of the Mayors assistants, to get his salary up to a market level for his position. Mr. Gates salary range currently is \$40,117 - \$47,508 and Mayor Townsell asked that it be slid to \$47,609 - \$55,000. The Mayor also suggested that the City Council allow him to grant a car allowance to various employee/elected officials up to the level that the Mayor has. Alderman Hawkins motioned to accept these changes. Alderwoman Smith seconded the motion. Alderman Brewer asked the Mayor how much would the car allowance be. The Mayor stated \$4,800 annually. Alderman Brewer asked how much Mr. Gates is currently making and what salary he wants to move him up to. The Mayor stated Mr. Gates currently makes \$45,000 and wants to raise his salary to \$52,000 or \$53,000. Alderman Brewer asked if the motion on the floor is changing Mr. Gates salary to a range or to a number figure. The Mayor stated that Mr. Gates is currently on a range salary that is set at the discretion of city administration. Alderman Brewer asked if the motion was to adopt the grid or to plug him in at a specific spot. Alderman Hawkins stated that was correct. Alderman Brewer asked what spot on the grid Mr. Gates would be plugged in at. The Mayor stated at the 5th or 6th spot of step E or F. Alderman Brewer asked the Mayor if he wants to move the salary up to \$52,536. The Mayor stated at least that. Alderwoman Smith suggested that Mr. Gates get a car allowance of \$200 a month. Alderman Hawkins stated that the main motion is to establish the new grid allowing the Mayor place an employee on the grid at the appropriate spot determined by the Mayor and to grant an automobile allowance of \$400 a month for Mr. Gates. There was no further discussion. The motion passed 5-3 with the Mayor voting with the majority. Alderman Brewer, Alderman Jones and Alderwoman Smith voted in opposition.

New Business

A. Consideration of changing the date of the next City Council meeting.

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Alderman Brewer motioned to move the next City Council meeting to Thursday March 16, 2006. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

B. Discussion of hanging banners in downtown Conway.

Mayor Townsell stated that the City has stopped hanging banners in downtown Conway that go across any streets. No further action was taken.

Mayor Townsell asked that the council suspend the rules to consider the two (2) vacancies in the Parks Advisory Committee. Alderman Hawkins motioned to suspend the rules. Alderman Bell seconded the motion. The motion passed 7-0. The Mayor stated that Mr. Hawkins would get to appoint someone for one (1) position and the Mayor would appoint one (1) position. Alderman Bell motioned to allow the appointments. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Alderman Brewer suggested if there were no pressing issues he would like to discuss Mayor Townsell's proposal of reinstating the return of the Civil Service System back to the City of Conway at the next committee/council meeting and asked that the Mayor prepare an ordinance to address this proposal. Alderwoman seconded the motion. There was no further discussion. The motion passed 7-0.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 28th day of February 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett