
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 5:30 p.m.
January 13, 2009

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members being a quorum, were present and acting; Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* December 23rd, 2008

Alderwoman Smith motioned to approve the Dec. 23, 2008 minutes as submitted. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

4. *Recognition of Guests:* None
5. *Swearing in of Newly Elected Officials:* Judge Jack Roberts swore in Alderman Andy Hawkins, Alderman Mark Vaught, and City Clerk Michael O. Garrett.
6. *Public Hearings:*

- A. *Public hearing to discuss annexing land south of Prince Street (Heath Island) that have been completely surrounded by the incorporated limits of the City of Conway.*

Mayor Townsell opened the public hearing. There was no one present to speak. Mayor Townsell closed the public hearing. Mayor Townsell stated this will be back before the council on Tuesday Jan. 27, 2009 in the form of a resolution.

7. *Report of Standing Committees:*

- A. *Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce)*

1. **Resolution certifying local government endorsement of Southwestern Energy to participate in the tax back program.**

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Smith motioned to adopt the resolution. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration to allow the placement of a structure to be located on District Court parking lot for Toad Suck Daze.

Mayor Townsell explained that the Toad Suck Committee of the Chamber of Commerce has suggested a more permanent replacement for the Toad Dome that is located on the District Court parking lot during Toad Suck Daze festival. Mary Margaret Satterfield, Chamber of Commerce, explained that shade sails are a popular structure and they are seeking a conceptual approval from council. Alderman Smith motioned to allow the Chamber of Commerce to move forward with this plan. Alderman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Consideration of recommendations for appointments to the City of Conway Building Code Board of Appeals.

Mayor Townsell asked that this items 7B-1 and 7B-3 be pulled from the agenda. Alderman Smith motioned to pull items 7B-1 and 7B-3 from the agenda. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration of recommendations for appointments to the Conway Board of Zoning/Adjustment.

Alderman Hawkins motioned to appoint Scott Allen Jones (reappointment) to a three-year term (expiring 12/31/11) and Richard Kirkman to a three-year term (expiring 12/31/11). Alderman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

3. Resolution setting a public hearing to discuss renaming Trey Lane (1200 Block and up).

Item pulled from the agenda.

4. Resolution setting a public hearing to discuss annexing territory into the municipal water improvement district 10.

R-09-02

Alderman Hawkins motioned to adopt the resolution. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

- 5. Ordinance adopting the State of Arkansas fire prevention code Volumes II and III as the building codes for the City.**

O-09-01

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

- 6. Ordinance appropriating funds for South Salem Road Improvements (Nutter Chapel to Eggman Lane).**

O-09-02

Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Smith 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": Aldерman Hawkins, Aldерwoman Smith, Aldерman Jones, Aldерman Vaught, Aldерman Rhodes, Aldерwoman Mehl, Aldерwoman Whitmore, and Aldерman Grimes. The motion passed 8-0.

- 7. Consideration to purchase 3.85 acres of street easement for the Meadows Corporate Center.**

Ronnie Hall, City Engineer, stated we offered \$25,000.00 per acre and Mr. Russ stated he would have to have a total of \$150,000.00 for the 3.85 acres. Mayor Townsell explained that this is a good price for this land and this will allow for the second entrance to the Meadows Technology Park that was a requirement in the initial agreements with Hewlett Packard. Aldерwoman Smith motioned to move forward with the purchase of this property. Aldерman Hawkins seconded the motion. There was no further discussion. The motion passed 8-0.

- 8. Consideration to purchase property located on the south side of the Union Pacific Railroad and east of Salem Road (Tiffany Industries) for the Salem Road Railroad Overpass.**

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell explained we have offered Tiffany's \$50,000.00 an acre, which is the same amount we offered Johnny Irby for the land on the north side of the tracks; we

offered a higher amount than the Ark. Highway and Transportation Dept. (AHTD) initially appraised the property for; this was offered first and Tiffany's countered with \$180,000.00, we then offered \$50,000.00 per acre and Tiffany's again countered with \$180,000.00. Mayor Townsell explained that the AHTD recommends that we stick with our \$50,000.00 per acre and proceed with condemnation to acquire the right of way which will allow the court to set the price. Alderman Hawkins motioned to proceed with the \$50,000.00 offer. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Consideration for approval of a boat dock located at 30 Lake Front Drive.

James Burnside, Lake Beaverfork Caretaker, was present to answer questions. Mayor Townsell stated this plan does meet all city codes/requirements. Gary Adreon, applicant, explained he has relocated to the area and wishes to build a boat dock and requests approval from council. Alderwoman Smith motioned to approve the building of boat dock. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-2. Alderwoman Mehl and Alderman Vaught voted in opposition.

D. Public Safety Committee (Police, CEOC, IT Technology, Fire, Dist. Court & City Atty., & Animal Control)

1. Consideration to accept bid submitted by Matson Construction for renovation to Station 6 for the Conway Fire Department.

Bart Castleberry, Fire Chief, was present to answer questions. Mayor Townsell stated that the low bid for construction for fire station 6 (South Donaghey) is from Matson Const. in the amount of \$1,320,000.00; in addition to the construction bid there is an additional \$130,000.00 added to bid due to installation of a sewer line, as well as architectural engineering fees, civil fees, etc., thus making the full price \$1,717,075.00. Mayor Townsell explained there is \$1,240,000.00 remaining in the first-year fire station funds pay as you go monies. Mayor Townsell recommends accepting the low bid and borrowing the first \$500,000.00 from the second-year fire station fund pay as you go monies and to proceed with construction. Alderwoman Smith motioned to accept the low bid. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance waiving bids for the purchase of thermal imager equipment for the Conway Fire Department.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Bart Castleberry, Fire Chief, stated this would be a sole source vendor through David's Fire Equipment which is the only representative for Arkansas; we would be purchasing 2 thermal imagers for a total of \$22,642.00. 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. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Hawkins, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

3. Ordinance accepting court ordered forfeiture assets from the Circuit Court (5 X 10 utility trailers) for the Conway Police Department.

O-09-04

Mayor Townsell explained the estimated value of the trailer is \$700.00 and can be used by the city and/or disposed of per city guidelines. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

4. Ordinance to adopt the employee handbook and personnel policy for the City of Conway.

O-09-05

Lisa Mabry-Williams, HR Director, stated an amendment is needed to address a change that took place January 4, 2009 when a portion the police workforce switched to 12 hours shifts. A.J. Gary, Chief of Police, stated that one week officers will work 48 hours, the next week officers will work 36 hours. Chief Gary explained it takes more man hours to operate a 10 hour shift than it does an 8 or 12 hour shift; this would allow us to put approximately 16 officers on the street. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Grimes seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

8. Old Business

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

9. *New Business*

Adjournment

PASSED this 13th day of January 2009

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett