
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
April 28, 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, Alderwoman Whitmore, Alderwoman Mehl, Alderman Vaught, Alderman Rhodes, 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:* April 14th, 2009

Alderwoman Whitmore motioned to approve the April 14, 2009 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 8-0.

4. *Recognition of Guests:* Employee Service Awards

5 Years

Stewart Wilcox - Fire Dept.

15 Years

Sgt. Ben Lackey - Police Dept.

Sgt. Monte Matthews - Police Dept.

5. *Public Hearings:*
6. *Report of Standing Committees:*

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

1. **Resolution regarding the reimbursement of certain costs and expenses incurred in connection with the acquisition, construction and equipping of improvements to the wastewater system of the City.**

R-09-15

Richie Arnold, CEO Conway Corp., explained that it was determined a few years back that we needed additional waste water treatment capacity. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

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- 2. Resolution authorizing the Mayor and CEO of Conway Corporation to execute certain documents in connection with the clean water revolving loan fund program administered by the Arkansas Natural Resources Commission.**

R-09-16

Richie Arnold, CEO Conway Corp., was present to answer questions. Mayor Townsell stated that the date on the resolution needs to be changed from the 14th day of April to the 28th day of April. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. The motion passed 8-0.

- 3. Resolution setting a time and place for a public hearing for the purpose of receiving comments and questions on the proposed wastewater rates.**

R-09-17

Richie Arnold, CEO Conway Corp., explained the increase is needed to cover capital needs, capacity needs, and debt coverage. The public hearing is set for Tuesday May 12, 2009 at 6:30 p.m. Alderman Jones motioned to adopt the resolution. Alderman Hawkins seconded the motion. The motion passed 8-0. It was noted that the date on the resolution needs to be changed to April 26, 2009.

- 4. Ordinance amending O-92-15 in regards to fixing rates for services rendered by the sewer system of the City of Conway.**

O-09-48

Mayor Townsell read the title of ordinance O-09-48. Alderwoman Smith motioned to suspend the first reading of the ordinance. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0. The motion passed 8-0.

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

- 1. Resolution setting a public hearing to discuss renaming a portion of Trey Lane.**

R-09-18

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Mayor Townsell stated the public hearing would be held Tuesday May 12, 2009 at 6:30 p.m. Alderwoman Smith motioned to adopt the resolution. Alderman Hawkins seconded the motion. The motion passed 8-0.

Alderman Jones motioned to recess for a short break. Alderwoman Smith seconded the motion. The motion passed 8-0. A short break was taken and the meeting reconvened.

2. Consideration to accept bids for traffic signal modification at Salem Road Extension to US 64.

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell explained the recommendation is to accept the low bidder, All Service Electric, Inc., in the amount of \$39,123.00. Alderwoman Smith motioned to accept the low bid. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

3. Consideration of nominations (Gene Hendrix & George Carroll) for the Building Code Board of Appeals.

Lynn Hicks, Asst. Planning Director, was present to answer questions. Mayor Townsell explained the recommendations are to appoint Gene Hendrix to serve in the position of Industry Citizen at Large and to appoint George Carroll to serve in the position of Electrical Engineer. Alderwoman Smith motioned to accept the two nominations. Alderwoman Whitmore seconded the motion. The recommendation for terms are one year for Mr. Hendrix and four years for Mr. Carroll. Alderwoman Smith and Alderwoman Whitmore were in favor of the terms suggested. There was no further discussion. The motion passed 8-0.

4. Consideration for a conditional use permit for an adult day care for property located at 1150 Museum Road.

Alderman Hawkins motioned to grant the conditional use permit. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0. The conditions are as follows:

- The conditional use is applicable to 1150 Museum Road without limitation to a single suite to allow for possible future expansion of the business.
- Hours of operation are Monday through Friday from 7:00 a.m. to 6:00 p.m.
- This conditional use permit is limited to Christian Care of Arkansas only.

5. Ordinance to rezone property located at 2230 Louvenia Avenue from R-2A to O-2.

O-09-49

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. Aldерwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерwoman Mehl, Aldерman Hawkins, Aldерwoman Smith, Aldерman Jones, Aldерman Vaught, Aldерman Rhodes, Aldерwoman Whitmore, and Aldерman Grimes. The motion passed 8-0.

- 6. Ordinance granting a franchise to Old Chicago Pizza to utilize specific street rights-of-way on the west side of Court Street and the North side of Main Street in Block 5, Robinson's Plan.**

O-09-50

Mayor Townsell explained the franchise is necessary because these will be private benches in public right-of-way. Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Mehl seconded the motion. The motion passed 8-0. Aldерwoman Smith motioned to adopt the ordinance and the emergency clause. Aldерwoman Mehl seconded the motion. Aldерman Grimes asked if we could add a clause to have this area designated a non-smoking area. After some discussion it was agreed to designate this area a tobacco free zone. City Attorney Mike Murphy recommended adding the language "*That this area be a tobacco free zone*" to the end of section 2. There was no further discussion. Aldерwoman Smith and Aldерwoman Mehl were in agreement and amended their original motion. The clerk called the roll with the following voting "Aye": Aldерwoman Mehl, Aldерman Hawkins, Aldерwoman Smith, Aldерman Jones, Aldерman Vaught, Aldерman Rhodes, Aldерwoman Whitmore, and Aldерman Grimes. The motion passed 8-0.

- 7. Ordinance amending Chapter 11.20 of the Conway Municipal relative to the requirements for the housing code.**

O-09-51

Lynn Hicks, Asst. Planning Director, explained this section is currently outdated and unnecessary and should be removed from the municipal code. Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 8-0. Aldерwoman Whitmore motioned to adopt the ordinance and the emergency clause. Aldерwoman Mehl seconded the motion. It was agreed that the emergency clause was not necessary and should be removed from the title of the ordinance. There was no further discussion. The clerk called the roll with the following voting "Aye": Aldерwoman Mehl, Aldерman Hawkins, Aldерwoman Smith, Aldерman Jones,

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Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

- 8. Ordinance amending Chapter 11.32 of the Conway Municipal Code relative to the requirements for the City Inspector.**

O-09-52

Lynn Hicks, Asst. Planning Director, explained the city has more than one inspector and has adopted the State of Arkansas Building code which designates the *Building Official* be charged with the enforcement of the building codes as opposed to the *City Inspector*. Mayor Townsell asked if section "11.32.01 - *Creation of the Department*" could be changed to "*Creation of Division*", still keeping it inside the Planning and Development Dept., otherwise we would be creating a new department which has implications regarding state law. Mr. Hicks stated he does not feel that would be a problem. No one opposed the Mayor's recommendation. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. It was determined the emergency clause is unnecessary and should be removed from the title of the ordinance. Alderwoman Smith motioned to adopt the ordinance with the amendment. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

- 9. Ordinance amending Chapter 11.60 of the Conway Municipal Code relative to the requirements for the Code of Safety to Life.**

O-09-53

Lynn Hicks, Asst. Planning Director, explained in essence the City has two building codes adopted and is unnecessary. 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 to remove the emergency clause in the title of the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

- 10. Ordinance amending Chapter 11.04, 11.08, 11.16, 11.36 and 11.56 of the Conway Municipal Code relative to the requirements for permit fees for the construction and alterations of buildings and building systems.**

O-09-54

Lynn Hicks, Asst. Planning Director, explained this change is intended to clarify the applicable fees and adds a new fee for applying for an appeal application. 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 to remove the emergency clause in the title of the ordinance. Alderwoman Mehl seconded the motion. There was discussion to the wait time for an appeal with concerns of how a builder would be affected. Mr. Hicks explained they encourage contractors to come in at the front end of their project; we have also gone to contractors, as well as providing written lists of items of concern relative to meeting the minimum requirements of the code. Mr. Hicks explained we will do everything we can to assist the contractors if it does come down to an appeal process. If we recognize a code issue prior to a permit being applied for it can be appealed prior to permitting. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

11. Ordinance adopting the nuisance abatement code as part of the Conway Municipal Code.

O-09-55

Lynn Hicks, Asst. Planning Director, was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. 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": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0. Alderman Hawkins motioned to adopt the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

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

1. Resolution authorizing the Mayor to issue a request for proposals for a general contractor construction manager for the development and construction of new fairground facilities.

R-09-19

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

2. Resolution authorizing the formation of the Conway Bicycle Advisory Board.

R-09-20

Peter Mehl was present to answer questions. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

3. Resolution adopting the Bicycle Master Plan for the City of Conway.

R-09-21

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

4. Ordinance amending the Master Street Plan; adopting a complete streets policy for the City.

O-09-56

Ronnie Hall, City Engineer, was present to answer questions. 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 Mehl seconded the motion. Alderman Vaught asked if the word "*shall*" should be used instead of "*should*" in the first sentence of section 2b. Mayor Townsell stated yes. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

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

1. Consideration to allow the Conway Police Department to apply for funding through the Office of Community Oriented Policing Services (COPS Office).

A.J. Gary, Chief of Police, explained there is available funding through (COPS Office) for the Secure Our Schools program that requires a 50% local match that will be paid by Conway Public Schools. The grant will be written by Conway Public Schools but submitted by the Police Dept; the school has requested these funds be used to purchase additional cameras. Alderwoman Smith motioned to

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allow the police dept to apply for this grant. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

E. Finance

1. Consideration to remove certain items from inventory for various departments.

Mayor Townsell stated that vehicles will be sold for scrap or offered for sale through "as is" sealed bid auction whichever appears to provide the best price to the City. Any vehicles sold for scrap will be cannibalized for parts that could be used by fleet maintenance. Alderwoman Smith motioned to remove these items from inventory. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

7. Old Business

8. New Business

A. Ordinance accepting grant proceeds and appropriating funds for Hewlett Packard Employee training.

O-09-57

Mayor Townsell explained the Arkansas Economic Development Commission (ADEC) has awarded grant funds for a state sponsored training program for Hewlett-Packard for which the City has been selected to serve as the pass through entity in the amount of \$224,000.00. 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. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

Alderman Jones motioned to suspend the rules to add four (4) items to the agenda. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

A resolution certifying local government endorsement of business to participate in the targeted tax back program (Age Industries).

R-09-22A

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

Ordinance accepting grant proceeds and appropriating funds for the new Conway Municipal Airport.

O-09-58

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell explained the FAA has awarded grant funds to the City of Conway in the amount of \$1,157,895.00 for 2008 that will be used for development of the new airport. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

Ordinance authorizing the acquisition of property for the Conway Municipal Airport.

O-09-59

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell explained we need to purchase approximately 440 acres of real and personal property for the airport footprint as well as approximately 40 acres more or less of an aviation easement which is basically the safety zones. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

Ordinance to provide and Identity Theft Prevention Program within Title 3 to comply with federal regulations.

O-09-60

Mayor Townsell stated that sections 6 & 8 we need to change the "*City of Searcy*" to the "*City of Conway*". 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. Kurt

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Meredith, Deputy City Attorney, explained that the federal government decided several months ago that they were going to impose new regulations on creditors. Since the city does have some instances where we allow others to make a deferred payment for services that has already occurred i.e. sanitation dept. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderwoman Whitmore, and Alderman Grimes. The motion passed 8-0.

Adjournment

PASSED this 28th day of April 2009

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett