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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
July 14, 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 Grimes, Alderwoman Whitmore, Alderwoman Mehl, Alderman Vaught, and Alderman Rhodes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Jones was not in attendance.

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* June 23<sup>rd</sup> & June 30<sup>th</sup>, 2009

Alderwoman Whitmore motioned to approve the June 23<sup>rd</sup> and June 30<sup>th</sup>, 2009 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

4. *Recognition of Guests:*
5. *Public Hearings:*

*A. Public Hearing to discuss the Issuance of Wastewater Revenue Improvement Bonds*

Mayor Townsell opened the public hearing. Richie Arnold, CEO Conway Corp. was present to answer questions. Gordon Wilbourn, Kutak Rock LLP, stated we are requesting council approve the issuance of the wastewater improvement bonds and explained our intent is not close this issue now, but later in the fall as we are watching interest rates, and could close sooner if feasible. The proposed ordinance is for the issuance of up to \$12,000,000 to generally be used for collection lines, extension, and rehabilitation. Mr. Wilbourn stated we will come back before council approving the final rates when the sale of the bonds is final. Alderman Vaught asked if these bonds will be paid for by the wastewater fee increases that were recently approved. Mr. Wilbourn stated yes. Mr. Arnold explained these are improvements that were identified within their 2008 master plan that needed implemented based on the land use we see moving forward. Mayor Townsell closed the public hearing.

1. **Ordinance authorizing the issuance and sale of wastewater revenue improvement bonds, Series 2009.**

O-09-76

Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderwoman

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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 Rhodes, Alderwoman Whitmore, Alderman Vaught, and Alderman Grimes. The motion passed 7-0.

**6. Report of Standing Committees:**

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

- 1. Resolution of intent regarding the reimbursement of certain costs and expenses incurred in connection with the acquisition and installation of certain improvements to the electric system.**

**R-09-31**

Richie Arnold, CEO Conway Corp., explained we estimate that our 2% ownership share of the White Bluff Steam Electric Station is approximately \$20,000,000; construction has to be completed by 2013. Mr. Arnold stated we are spending some money now on engineering fees etc.; this is why the reimbursement resolution is necessary. If there is a way to recover any of this money, and refund back through the issuance of this debt, we want to do that assuming construction costs come in under budget. Alderwoman Smith motioned to adopt the resolution. There was no discussion. The motion passed 7-0.

- 2. Consideration of a proposal from GACS (General Aviation Consulting Services Inc.) to provide airport business services & airport development for the City.**

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell stated that over the past year we have seen the need to obtain help from a consulting service to help the city navigate the bureaucracy of the FAA and we wish to obtain the services of GACS to help us meet success in the development of our new airport. Mayor Townsell explained one thing GACS will be doing for us is preparing an Airport Business Plan that has to be in place once the airport opens. Mr. Hall explained that this cost is 95% reimbursable. Mayor Townsell went onto to explain that this will be an annual contract based on billable hours for the first year up to \$12,500.00. Alderman Hawkins motioned to enter into this agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

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

**1. Consideration of the nominations to the Bicycle Advisory Board.**

Mayor Townsell explained we only received 7 nominations for this board which will consist of 7 members that will serve staggered terms of 3 years; the board themselves will be drawing on terms. Mayor Townsell recommended we accept the 7 nominations received whose names are listed below. Alderwoman Smith motioned to accept the 7 nominations received. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

- Greg Reddin
- Greg Kendrick
- Jennifer Boyett
- Peter Mehl
- Danny Powell
- Diane Robinson
- Wes Pruitt

**2. Consideration of James Bond nomination to the Building Code Board of Appeals.**

Mayor Townsell stated Mr. Bond is an engineer which fits the specific position that is required by the board and explained this will fill the final vacant position on the board; his term will be 1 year. Alderwoman Smith motioned to approve the nomination of Mr. Bond. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**3. Ordinance appropriating funds for an Art Display System & lighting for Conway City Hall.**

**O-09-77**

Mayor Townsell explained this type of system is also used at a gallery at UCA; this is arising from the Public Art Committee and we feel it is an opportunity to display art along the hallways of City Hall in an effort to bring more people to the downtown area. The Walker Art Display System components and mural display lighting will cost \$2,600.00 along with another \$750.00 for an exterior art poster display. Alderwoman Smith motioned to waive the readings 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": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Vaught, and Alderman Grimes. The motion passed 7-0.

**4. Ordinance amending Title 8 of the Municipal Code in regards to two hour parking.**

**O-09-78**

Kurt Meredith, Deputy City Attorney, was present to answer questions. City Attorney, Michael Murphy, stated the proposed ordinance deals with multiple offenses committed within 12 months in regards to 2 hour parking; for multiple offenses within a year there would be more fines involved. Alderwoman Smith motioned to waive the readings 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. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Vaught, and Alderman Grimes. The motion passed 7-0.

**5. Ordinance to rezone property located at 1502 Boen Street from MF-3 to RU-1.**

**O-09-79**

Donald Caraway, Caraway Communications Inc., representing AT&T, explained that Mr. Bishop, Conway Public Schools Asst. Superintendent, was unable to attend the meeting tonight and asked that Mr. Caraway convey his support of this proposal. Mr. Caraway explained that the cell tower will serve a 1.5 mile radius and the school district will benefit as they will be paid \$900.00 per month. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. There was no discussion. Alderman Grimes asked if this tower can be shared with other providers. Mr. Caraway stated this is a 100 ft. monopole flagpole tower and does allow for more antennae, but AT&T will want to utilize the extra space themselves to accommodate for the newest 4G technology that is coming out soon; he is unsure if there is room for another provider on this particular tower. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Vaught, and Alderman Grimes. The motion passed 7-0.

**6. Consideration of a conditional use permit to allow a transmission tower/station on property located at 1502 Boen Street.**

Mayor Townsell explained the Planning Commission voted 6-0 to send this item to council with the recommendation for approval with 5 conditions listed below.

- Transmission tower to be flagpole design.
- 100-foot monopole transmission tower with no external antennae or cabling allowed.
- No signs, banners, or advertising allowed except signage required by the FCC.
- No lighting allowed except that required by the FAA and/or emergency lighting inside the compound.
- The perimeter of the 30-foot by 30-foot tower area is to be surrounded by an 8-foot chain link fence.

Alderman Smith motioned to approve the conditional use permit with the stated conditions. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

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

**1. Ordinance authorizing the Physical Plant to enter into a lease agreement with Ag Pro.**

**O-09-80**

Mayor Townsell explained the city need additional assistance in dealing with code enforcement issues; we felt the contractor we used in the past was charging excessive fees. Mayor Townsell went onto say that when assigning a cost for city staff to do the work we ran into problematic issues, so we enlisted help from the city attorney's office. We found an easy way to assign cost would be to use the lease rate per hour of the tractor in order to trace the time used per property. This will allow basis of charging the tractor time against the cost of the house, that be identified in a court of law, in assessing the lien to the house. Mayor Townsell stated that leasing it would cost approximately \$22,000.00 and we would not be paying that much premium in interest over the 5 years. Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 7-0. Alderman Whitmore motioned to adopt the ordinance and the emergency clause. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Mehl, Alderman Smith, Alderman Rhodes, Alderman Whitmore, Alderman Vaught, and Alderman Grimes. The motion passed 6-0-1. Alderman Hawkins abstained.

**2. Consideration to allow pumping activities from Lake Beaverfork.**

Mayor Townsell explained the only way this type of activity could be allowed would be under section 12.12.25 (other improvements) and stated that the

Kirkland's have been told that this type of activity is already happening in other areas of the lake, but no one has yet to be identified. Alderwoman Mehl stated that she supports this request as and feels not using expensively treated drinking water to water lawns is better for our environment than holding true to absolutely no private improvements by individuals on Lake Beaverfork, but she feels there should be a fee involved and if drought conditions return we should ask them to refrain from watering. Alderman Grimes stated it should be limited to individuals who own lake front property. Mayor Townsell suggested drafting a proposal, ask for detailed plans, come up with an appropriate fee, and look at some liability insurance, and bring this back to before council. Alderwoman Whitmore motioned to draft a proposal to govern any existing or future applicants. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

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

**1. Ordinance funding for civil service expenses related to police officer testing.**

**O-09-81**

Mayor Townsell stated the request is for \$8,500.00. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Mehl 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 discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Vaught, and Alderman Grimes. The motion passed 7-0.

**2. Ordinance amending Title 6 of the Conway Municipal Code in regards to Animal Welfare changes.**

**O-09-82**

Shona Osborn, Animal Welfare Supervisor, was present to answer questions. Kurt Meredith, Deputy City Attorney, stated this ordinance has a lot of words but very few changes and our office has recognized that we can make our current ordinance clearer; paragraphs C & D are included to replace the words "*animal cruelty*" with the words "*animal mistreatment*" which will be more in line with Arkansas State Statutes. Mr. Meredith went onto say that "*paragraph F*" is not needed and asked that it be stricken from the proposed ordinance and stated "paragraph C-1" needs the sentence "*when the animal impounded is in the custody and care of someone other than the owner*" added after the words "*shelter*". Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

Aldерwoman Whitmore motioned to adopt the ordinance as amended and the emergency clause. Aldерwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерwoman Mehl, Aldерman Hawkins, Aldерwoman Smith, Aldерman Rhodes, Aldерwoman Whitmore, Aldерman Vaught, and Aldерman Grimes. The motion passed 7-0.

**3. Ordinance authorizing the Conway Fire Department to apply for the SAFER Grant.**

**O-09-83**

Bart Castleberry, Fire Chief, explained this is our fifth year to apply for the SAFER Grant and this is the farthest we have ever gotten in the grant process. The grant has changed somewhat, the payment is now stretched out over 4 years. The grant will pick up 90% the first year, 70% the second year, 50% the third year, and 30% the fourth year. Aldерwoman Smith motioned to waive the readings of the ordinance. Aldерwoman Whitmore seconded the motion. The motion passed 7-0. 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 Rhodes, Aldерwoman Whitmore, Aldерman Vaught, and Aldерman Grimes. The motion passed 7-0.

**E. Finance**

- 1. Presentation of the 2008 Actuarial Draft Reports of the City's Pension Plans by Gabriel Roeder Smith and Co.**
2. Robin Scott, CFO, was present to answer questions. Jack Beam, Gabriel Roeder Smith and Co., explained the first year a new actuary takes over is the most difficult year as we don't have your data, the plan, or the report in our system. Mr. Beam stated essentially all the employees in the fire pension fund are inactive, and the average age of this group is 64.5 years; the 5 year funding cost is \$727,432.00 (contributions by the city); picking the 5 year funding period is short so we need to talk with the city more in depth to see what the funding target should be and what time period we need to fund this plan. The police pension fund employees are also all inactive, and the average age of this group is 63.6 years, the 5 year funding cost is \$388,777.00; again picking the 5 year funding period is short and more in depth discussions are needed with the city to determine the funding target and the time period. Mr. Beam explained the non-uniformed pension plan is ongoing and the 30 year funding cost is \$1,477,432.00. Mayor Townsell stated that the fire and police plans are straightforward and are easy to asses; the non-uniformed plan is much more complicated and we are not sure of all the options available for us on the political side of things. Mayor Townsell suggested meeting in the near future and going through all the plans

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and letting Gabriel Roeder Smith and Co. help us with our options going forward. Ms. Scott stated that any questions can be forwarded onto her.

7. *Old Business*

8. *New Business*

*Adjournment*

**PASSED this 14<sup>th</sup> day of July 2009**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**