
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 7:00 p.m.
September 22, 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, Alderwoman Whitmore, Alderwoman Mehl, Alderman Vaught, and Alderman Rhodes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and Deputy City Attorney Kurt Meredith. City Attorney Michael Murphy, Alderman Jones, and Alderman Grimes were not in attendance.

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* September 15th, 2009

Alderwoman Whitmore motioned to approve the Sept. 15, 2009 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 6-0.

4. *Recognition of Guests:* Employee Service Awards

5 Years

Araceli Alvarez - Sanitation Dept.
John Sanders - Sanitation Dept.
Karen Terry - Police Dept.
Chad Wilson - Police Dept.

15 Years

Brian Clendenin - Fire Dept
Hugh Cooper - Fire Dept
Randy Crowell - Fire Dept
Larry Daves - Fire Dept
Damon Reed - Fire Dept

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

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

1. **Resolution authorizing the execution of wastewater revenue improvement bonds, Series 2009.**

R-09-52

Gordon Wilbourn, Kutak Rock LLP, explained back in July council passed an ordinance (O-09-76) that authorized the issuance of these bonds in an amount not to exceed \$12 million dollars and an interest rate not to exceed 5.5% and we came in at around 4.1% on the interest; this resolution approves the final terms of the bonds. Richie Arnold, CEO Conway Corp, explained these bonds will go towards improvements to our wastewater system. Alderman Hawkins motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

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

1. Consideration to accept nominations for the Conway Health Facilities Board.

Mayor Townsell stated since the hospital is ready to go to the bond market it is necessary to appoint individuals to this board. Mayor Townsell recommended the following individuals to sit on this board:

- Robin Scott
- Jim Rankin
- Jamie Gates
- Phillip Schell
- Jack Bell

Alderwoman Smith motioned to accept these nominations. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

2. Consideration to allow Cuerden Sign Co to perform vegetation control (bush hog) along the highway right of way adjacent to the property owned by Mary Kay Dickens on Interstate 40.

Mayor Townsell stated we have approved several of these requests in the past. Alderwoman Whitmore motioned to approve this request. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

3. Resolution ordering the clean up and repair of property located on 2108 Independence.

R-09-53

Bill Haynes, Code Enforcement Officer, gave a brief synopsis of the condition of the property/house and is requesting permission to make repairs to the home and explained we have tried to communicate with the property owner via

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certified mail, regular mail, and warnings left at the home without any response. Rebecca Evridge, 2108 Independence, explained she has allowed the property to become in this state due to personal issues and apologized to council for the conditions; Ms. Evridge stated she did cut back the shrubs and has a gentleman coming to look at patching the roof as she cannot afford a new roof. Ms. Evridge stated she spoke with the Fire Marshall and stated she was told she could put boards on the windows as she cannot afford a new window at this time. Mr. Haynes stated their goal is to get the property in compliance, not to put the home owner in a bad situation. Mr. Haynes reiterated that they have tried to communicate with the home owner and ask that she keep the lines of communication open. Alderwoman Whitmore stated this resolution is giving the property owner 30 days to comply and asked Ms. Evridge if she could do this in 30 days. Ms. Evridge asked if she could have longer than 60 days. Mayor Townsell stated as long as we see that you are working with the Code Enforcement and working towards getting the property cleaned we will give you extra time if needed once the 30 are up. Mayor Townsell stated we need to pass this resolution tonight, as a show of good faith to the neighbors; Code Enforcement will continue to work with you. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

4. Resolutions requesting the Faulkner County Tax Collector to place certified liens on certain properties as a result of incurred expenses by the City.

R-09-54

Ottie Cowgill, Code Enforcement Officer, explained the owners of 1320 Harrison St. were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on August 5, 2009 at a cost of \$141.03 plus 10% collection penalty. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

R-09-55

Ottie Cowgill, Code Enforcement Officer, stated the owners of 1505 Western Ave were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on August 7, 2009 at a cost of \$141.03 plus 10% collection penalty. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

R-09-56

Bill Haynes, Code Enforcement Officer, stated the owners of 620 First St were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on August 19, 2009 at a cost of \$140.62 plus 10% collection penalty. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

R-09-57

Bill Haynes, Code Enforcement Officer, stated the owners of 116 & 118 Baridon St were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on August 19, 2009 at a cost of \$162.79 plus 10% collection penalty. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

Alderman Vaught stated he has been in contact with the property owner of 1616 Davis St who states they paid this bill on Monday of this week and feels a we should not place a lien on a property if the bill has been paid. Bill Haynes, Code Enforcement Officer, stated he does not have this address in his file. Mayor Townsell stated we will pass on this one at this time.

R-09-58

Bill Haynes, Code Enforcement Officer, stated the owners of 4 Gwen Ln were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on June 4 & 5, 2009 at a cost of \$181.04 plus 10% collection penalty. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

R-09-59

Ottie Cowgill, Code Enforcement Officer, stated the owners of 503 Monroe St were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to

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code at a cost of \$189.69 plus 10% collection penalty. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

R-09-60

Bill Haynes, Code Enforcement Officer, stated the owners of 1515 Freyaldenhoven Ln were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on August 19, 2009 at a cost of \$231.53 plus 10% collection penalty. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

R-09-61

Ottie Cowgill, Code Enforcement Officer, stated the owners of 4910 College Ave were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on August 10, 2009 at a cost of \$257.74 plus 10% collection penalty. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

R-09-62

Bill Haynes, Code Enforcement Officer, stated the owners of 2530 T.J. Dr were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on June 10, 2009; clean up was again completed for a second time at a total cost of \$322.94 plus 10% collection penalty. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

R-09-63

Bill Haynes, Code Enforcement Officer, stated the owners of 3090 Napa Valley were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on June 8, 2009 and also on August 11, 2009 at a cost of \$382.58 plus 10% collection penalty. Alderwoman Whitmore motioned to adopt the

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resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

R-09-64

Bill Haynes, Code Enforcement Officer, stated the owners of 1605 Hosta Dr were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code at a cost of \$1,061.25 plus 10% collection penalty. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

5. Ordinance appropriating funds for operating expenses for the Conway Tree Board.

O-09-108

Wes Craiglow, Planning & Development, was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. 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, Alderman Vaught, Alderwoman Smith, Alderman Rhodes, and Alderwoman Whitmore. The motion passed 6-0.

6. Resolution accepting grant funds from the FAA for the relocation of the Conway Airport.

R-09-65

Mayor Townsell stated this is a part of the ongoing multi-year 95% funding of the airport from the FAA; this year's grant funds total \$1,347,620.00 (break down listed below). This resolution authorizes the Mayor to seek reimbursement of the local 5% share or up to \$70,928.00 from the State of Arkansas Dept. of Aeronautics. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. Alderman Vaught asked what the time frame is on disbursements. Mayor Townsell stated he believes the funding is stretched out over 5 years. Ronnie Hall, City Engineer, stated this is the second funding for 2009. There was no further discussion. The motion passed 6-0. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Vaught, Alderwoman Smith, Alderman Rhodes, and Alderwoman Whitmore. The motion passed 6-0.

- Administrative Cost (Consultant, Legal Ads, shipping, etc.) - \$12,000.00

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- Preliminary Engineering and Design Engineering Fees - \$80,000.00
- Land & Easement Acquisition - \$1,326,548.00
- Value Engineering - \$15,000.00

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

- 1. Ordinance authorizing the Parks Department to purchase certain items through the National IPA (Intergovernmental Purchasing Alliance).**

O-09-109

Mayor Townsell stated we are looking at purchasing the items listed below. Brian Knopp, Parks Director, was present to answer questions and stated these items will be purchased with funds already in the Parks Dept 2009 Capital budget and the total cost with shipping and handling is \$85,969.73. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. 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, Alderman Vaught, Alderwoman Smith, Alderman Rhodes, and Alderwoman Whitmore. The motion passed 6-0.

- Toro Groundsmaster 4700-D - \$57,449.63
- Toro Sand Pro 3040 - \$15,611.85
- Toro Turf Aerator 686 (78" towed) - \$6,217.72

- 2. Consideration to accept bids for sports lighting for nine fields and security lighting and parking lot lighting for Conway Station Park Baseball Complex.**

Brian Knopp, Parks Director, explained Ridgeland Enterprises was the low bid at \$898,840.00; this includes the lighting system, installation, and a 25 year warranty. Mr. Knopp recommended accepting the low bid. Alderwoman Smith motioned to accept the low bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

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

- 1. Ordinance waiving bids for roof repairs at Station 1 & Station 2 for the Conway Fire Department.**

O-09-110

Bart Castleberry, Fire Chief, recommended accepting the low bid from Burgess Brothers Roofing Co of Conway in the amount of \$14,100.00 for both roofs. Alderwoman Smith motioned to waive the readings of the ordinance.

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Alderswoman Whitmore seconded the motion. The motion passed 6-0. Alderswoman Smith motioned to adopt the ordinance and the emergency clause. Alderswoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderswoman Mehl, Alderman Hawkins, Alderman Vaught, Alderswoman Smith, Alderman Rhodes, and Alderswoman Whitmore. The motion passed 6-0.

2. **Ordinance appropriating funds civil service expense related and police & fire testing for the City of Conway.**

O-09-111

Mayor Townsell stated the amount of expenses is \$9,505.00. Lisa Mabry-Williams, HR Director, stated that of that \$9,144.00 is for legal fees and the remaining \$360.00 is for annual dues to IPMA. Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 6-0. Alderswoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderswoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderswoman Mehl, Alderman Hawkins, Alderman Vaught, Alderswoman Smith, Alderman Rhodes, and Alderswoman Whitmore. The motion passed 6-0.

7. **Old Business**

8. **New Business**

Alderswoman Whitmore motioned to add the Garver contract to the agenda. Alderswoman Mehl seconded the motion. The motion passed 6-0.

Consideration of approving a letter of contract with Garver, LLC in regards to communication equipment located on VFW water tank.

Mayor Townsell explained this is to see if the VFW water tank, where our communication equipment is located, is a structurally sound place and we can do to restore or establish structural integrity for the tank and the equipment if a problem is found; this is something Conway Corp requires us to do. Lloyd Hartzell, IT Director, stated each time the hatch is opened on the tank our radio system goes down and when all the antennas were installed they were placed on the catwalk and Garver has determined that this is a safety hazard. Alderswoman Smith motioned to approve entering into this letter of contract with Garver. Alderswoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

Brian Knopp, Parks Director, explained the city would be responsible for the erosion control at College Station Park. Mr. Knopp stated having Salter Construction handle the erosion control had been discussed. Salter Construction took bids and Mr. Salter recommended the

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second low bid, but this contract would have to be in place before ADEQ will give a permit to get started; the permit takes about 10 days to get once it is applied for and if we wait until the next meeting it will delay the project 3 weeks. Alderwoman Smith asked who Mr. Salter was recommending. Mr. Knopp stated he does not have the name but stated the low bid was someone they have worked with before and Mr. Salter recommended the next lowest bid. Alderwoman Whitmore motioned to suspend the rules to place this item on the agenda. Alderman Hawkins seconded the motion. The motion passed 6-0. Mayor Townsell recommended we move forward with this as it is mandated by ADEQ and the cost is \$19,504.00. Alderwoman Smith inquired why Mr. Salter did not want to go with the low bid. Alderwoman Whitmore stated she understands the urgency, but is hesitant to approve the 2nd bid without seeing the bid results and bid information. Mr. Knopp stated Mr. Salter had told him it was someone they had worked with in the past and they were not pleased with the performance and if it were his project he would not recommend the low bid. Alderwoman Smith motioned to hold this item in committee. Alderwoman Mehl seconded the motion. The motion passed 6-0.

Adjournment

PASSED this 22nd day of September 2009

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett