
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
November 3, 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, Alderman Jones, and Alderman Rhodes. 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: October 13th & October 26th, 2009*

Alderwoman Whitmore motioned to approve the Oct. 13, & Oct. 26, 2009 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

4. *Recognition of Guests: Employee Service Awards*

5 Yrs

Laura Glover - Police Dept.
Lileha Rhea - Planning & Development

10 Yrs

Officer Gordon Ball - Police Dept.
Lt. Myron Millholland - Police Dept.

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

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

O-09-125

1. **Ordinance regarding the new federal standards pertaining to electric utilities (PURPA) of 1978 as amended by the energy independence and security act of 2007.**

Richie Arnold, CEO Conway Corp, was present to answer questions. George Heintzen, Conway Corp, explained they were required to look at four (4)

changes, as part of the amendment, in the way Conway Corp does business. Mr. Heintzen briefly outlined the 4 standards and the recommendations.

- Consider using integrated resource planning which is meeting the load requirements since we purchase the majority of our power supply from wholesale suppliers we are precluded from doing anything like this, so no modification is available at this point.
- Consider modifying the rate design to promote energy efficiency and we have done this for years so no change is necessary for this.
- Consider smart grid investments which include demand site management applications; our current PSA precludes it specifically and there is no benefit for it in our new PSA because of the pricing we arrange for it.
- Consider making smart grid information available to our customers; the idea is allow the customer to make a decision based on the price of electricity right now as opposed to say 2:00 pm. This is not a bad idea except that we purchase the majority of our electricity and those prices are not sensitive to time.

Mr. Heinzten explained after looking at the above mentioned items it is recommended that no changes are necessary at this time and recommends the passage of the ordinance. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Jones 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, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

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

1. Consideration to accept the nomination of Erik Leamon to the Bicycle Advisory Board.

Alderman Hawkins motioned to accept the nomination of Erik Leamon, replacing Danny Powell. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance accepting and appropriating grant proceeds awarded to the City of Conway from the Department of Energy's Efficiency & Conservation Block Grant.

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Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 8-0. Alderswoman Smith motioned to adopt the ordinance and the emergency clause. Alderswoman Mehl seconded the motion. Mayor Townsell explained briefly what the funds would be used for.

- \$31,400.00 will be used to purchase LED traffic lights.
- \$255,000.00 represents the cost of traffic synchronization software, computers, displays and communication equipment to regulate traffic signals within the city.
- \$100,000.00 will go into a revolving loan fund for residential builders.
- \$150,000.00 will be set aside for a residential revolving loan fund for homeowners.
- \$3,200.00 to be used for blower door testing equipment to perform home energy audits.
- \$25,000 is for LivingWise education program for 7th grade students in Conway.

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

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

R-09-75

Mayor Townsell stated the property address is 2704 Bruce Street; the cost of cleanup was \$140.62 plus 10% collection penalty. There was no one present to speak to this issue. Alderswoman Whitmore motioned to adopt the resolution. Alderswoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-09-76

Mayor Townsell stated the property address is 2530 T.J. Drive; the cost of cleanup was \$141.74 plus 10% collection penalty. There was no one present to speak to this issue. Alderswoman Whitmore motioned to adopt the resolution. Alderswoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-09-77

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Mayor Townsell stated the property address is 8 Azalea Loop; the cost of cleanup was \$183.04 plus 10% collection penalty. There was no one present to speak to this issue. Alderman Jones motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-09-78

Mayor Townsell stated the property address is 44 Frances Drive; the cost of cleanup was \$199.58 plus 10% collection penalty. There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

R-09-79

Mayor Townsell stated the property address is 600 Club Lane; the cost of cleanup was \$278.18 plus 10% collection penalty. There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 4. Ordinance to rezone property located south and east of the intersection of Denison Street and West Martin Street from R-2 to MF-3.**

O-09-127

Todd Denton explained the concerns raised with the planning commission was traffic, drainage, and street width. Mr. Denton stated they are willing to be responsible for half of the 27 ft requirement for the street width and feels the drainage would be addressed in the site plan review. Mr. Denton stated in regards to traffic, he feels that they would be helping the city, as moving students closer to UCA would keep motorists off of some of the main thoroughfares. There was some discussion explaining the streets width and the property itself. David Tapp was present to answer questions. Alderman Jones asked Planning Director Bryan Patrick if they had issues with this rezoning request. Mr. Patrick explained other than the street width; the current parking in the street could be alleviated. Mayor Townsell reminded council since this is a rezoning we cannot tie conditions to it and what we have typically done is to scale it back to an MF-2 and grant conditional use. Mr. Denton stated he would be okay with that. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. Alderwoman Smith motioned to adopt the ordinance amending the rezoning from an MF-3 to an MF-2. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes,

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

5. Ordinance to rezone property located at 3535 Nutter Chapel Road from A-1 to R-2A.

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Bobby French, 1021 Front St., explained this property is directly adjacent to the Greens at Nutter Chapel and some of the area residents were concerned about utilities, drainage etc. We feel like the site plan review would address most of these issues and that R-2A would be a good transitional use for the property. Marie Goss stated her mother's property is in the curve and the 900 units are to the side of her home and this will go behind her home; we offered to sell but all they are doing is surrounding her property. Ms. Goss stated how can they have plans for the land if they do not even have a buyer for it. David Moore, 3605 Deerbrook Dr, explained his concerns over increase in crime rates, drainage, and traffic and is opposed to the proposed rezoning. Alderman Hawkins shared his concerns and stated he would rather see this come to council as a multi-family request. There was no motion made on the ordinance. Bryan Patrick, Planning and Development Director, asked if they wish to allow this request to come back in less than a year's time. Mayor Townsell stated yes. Mitch Hart stated he wished to withdraw the request. Alderman Grimes motioned to allow the applicant to bring the request back in less than 12 months. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 8-0.

6. Consideration of a conditional use permit to allow MF-1 density in R2A at 3535 Nutter Chapel Rd.

Alderman Hawkins motioned to withdraw this item from the agenda. Alderman Jones seconded the motion. There was no discussion. The motion passed 8-0.

7. Consideration to enter into an agreement for HVAC preventive maintenance for City Hall.

Alderman Hawkins motioned to accept the low bid from Freyaldenhoven Heating & Cooling in the amount of \$9,566.00. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Ordinance authorizing the reclassification of a position for the Conway Sanitation Department.

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Rebecca McHughes, Sanitation Dept, was present to answer questions. Mayor Townsell stated this change requires no additional funds. 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. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

2. Consideration to approve the removal of items from inventory for the Sanitation Department.

Rebecca McHughes, Sanitation Dept, was present to answer questions. Mayor Townsell explained that the department would like the following items removed from their inventory.

- Recycling Robot (replaced)
- Recycling Sorting Line (to be replaced early 2010)

Alderwoman Smith motioned to remove these items from inventory. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

3. Discussion of options for bronze statues at the City of Colleges Park.

Mayor Townsell stated that Parks Director Brian Knopp suggested selecting a *bronzed girl pitching*; the cost is \$5,900.00. Mayor Townsell explained that the funds would not come out of general fund but Park & Recreation money. Alderwoman Smith motioned to approve the purchase of the bronze statue. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Ordinance accepting donated funds from Wal-Mart to the Conway Fire Department.

O-09-129

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell stated this is a \$1,000.00 donation from Wal-Mart in order to purchase a Rescue Randy. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. There was no discussion. The clerk

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called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

2. Ordinance accepting donated IED equipment from Faulkner County to the Fire Department.

O-09-130

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Bart Castleberry, Fire Chief, was present to answer questions. Mike Winter, Asst. Fire Chief, explained that by the equipment being donated we can take ownership of it and can insure it. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

3. Ordinance accepting assets obtained through court order for the Conway Police Department.

O-09-131

A.J. Gary, Chief of Police, explained this item was seized during an investigation and we need to have it turned over to us in order to sell it at an online auction. 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 Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

4. Ordinance appropriating insurance funds received from VPI Pet Insurance & Southern Farm Bureau to the Conway Police Department.

O-09-132

A.J. Gary, Chief of Police, explained the pet insurance is reimbursement for our police canines (605.59). Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell explained the proceeds from Farm Bureau (\$915.14) are for repairs to one of our motorcycles that was involved in an accident. 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": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

5. Consideration to accept bids for fitness equipment and smartboards for the Conway Police Dept.

A.J. Gary, Chief of Police, explained that there is enough money in our forfeiture account that can be used for these items; Chief Gary recommended the low bid on the Smart Boards from Video Reality in the amount of \$31,368.47. Alderwoman Smith motioned to accept the low bid from Video Reality. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

Chief Gary recommended Premier Fitness, Inc for the fitness equipment in the amount of \$49,743.48 as they did meet the bid specs. Officer Chris Kalz, Conway PD, explained the differences in the bid specs to council. Alderwoman Whitmore motioned to accept the bid from Premier Fitness. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

6. Ordinance appropriating asset forfeiture funds to purchase fitness equipment and various other items for the Conway Police Department.

O-09-133

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

E. Personnel

1. Ordinance adopting an employee handbook and personnel policy for the City of Conway.

O-09-134

Lisa Mabry-Williams, HR Director, explained there were some small changes needed to the handbook which are listed below:

- Page 5 – City council terms were changed from 2 years to 4 years.

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- Page 26 - Throughout the text of the travel policy section the phrase "*original receipt*" was changed to read "*original detailed itemized receipts*".
- Page 49 - The entire section pertaining to police officers hired prior to January 1, 1983 has been deleted as we no longer has any current police officers hired prior to this date.
- Page 55 - The phrase "*must be actively employed on the date of distribution*" in regards to bonus pay has been added to the miscellaneous pay section. Also the sentence "*Employees pending termination will not receive any bonus.*" has been added to the miscellaneous pay section.

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

7. Old Business

8. New Business

A. Ordinance appropriating funds for Employee Appreciation Bonus for the City of Conway.

O-09-135

Mayor Townsell explained that all full-time employees net \$300.00 and all part-time employees net \$150.00 for their annual Christmas bonus. 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 and the emergency clause. Aldерwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерwoman Mehl, Aldерman Hawkins, Aldерman Jones, Aldерman Vaught, Aldерman Rhodes, Aldерman Grimes, Aldерwoman Smith, and Aldерwoman Whitmore. The motion passed 8-0.

B. Resolution Annual Resolutions for Quorum Court

- 1. Resolution of a voluntary levy of two-tenth's (.2) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a Animal Shelter for the City of Conway.**

R-09-81

Aldерwoman Whitmore motioned to adopt the resolution. Aldерwoman Smith seconded the motion. There was no discussion. The motion passed 7-1. Aldерman Vaught voted in opposition.

2. **Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a Policeman's Pension and Relief Fund.**

R-09-82

Aldерwoman Smith motioned to adopt the resolution. Aldерman Hawkins seconded the motion. There was no discussion. The motion passed 7-1. Aldерman Vaught voted in opposition.

3. **Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a Fireman's Pension and Relief Fund.**

R-09-83

Aldерwoman Smith motioned to adopt the resolution. Aldерwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-1. Aldерman Vaught voted in opposition.

4. **Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for paid Non-uniformed employees.**

R-09-84

Aldерwoman Smith motioned to adopt the resolution. Aldерwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-1. Aldерman Vaught voted in opposition.

5. **Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue the exclusive purpose of operating and maintaining the cemeteries for the City of Conway.**

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R-09-85

Aldерwoman Smith motioned to adopt the resolution. Aldерwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-1. Aldерman Vaught voted in opposition.

6. **Resolution of a voluntary levy of four-tenth's (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a recreation assessment raising special revenue for the sole and exclusive purpose of providing additional funds for the purpose of construction, equipping, operating and maintaining the public recreation and playgrounds of City of Conway.**

R-09-86

Aldерwoman Smith motioned to adopt the resolution. Aldерwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-1. Aldерman Vaught voted in opposition.

7. **Resolution of a levy of one and nine-tenth's (1.9) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising General Fund Revenues.**

R-09-87

Mayor Townsell explained that all the other resolutions passed previously tonight have been approved by a vote of the people, however this levy is at our disposal as an option by state law and it can be set up to 5 mills. Mayor Townsell stated it has been set at 1.9 mills now for almost 30 years. Aldерman Vaught motioned to set this levy to zero (0). Aldерman Hawkins asked how much money does this bring in. Robin Scott, CFO, stated \$1.5 million. Aldерman Vaught's motioned died due to the lack of a second. Aldерwoman Smith motioned to adopt the resolution leaving the levy at 1.9 mills. Aldерman Jones seconded the motion. There was no further discussion. The motion passed 7-1. Aldерman Vaught voted in opposition.

Adjournment

PASSED this 3rd day of November 2009

APPROVED:

Mayor Tab Townsell

