

---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Conway, Arkansas  
Tuesday 6:30 p.m.  
February 23, 2010

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 Mehl, Alderman Vaught, Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderwoman Whitmore and Alderman Rhodes were not in attendance.

**Call to Order**

**Roll Call**

**Minutes: January 26<sup>th</sup> & February 12<sup>th</sup>, 2010**

Alderwoman Smith motioned to approve the Jan 26 & Feb 12, 2010 minutes as submitted. Alderwoman Mehl seconded the motion. The motion passed 6-0.

**Announcements / Proclamations / Recognition:**

**Employee Service Awards**

**5 Years**

Jason Murphy - Sanitation Dept.

Trey Price - Parks & Recreation Dept.

Anthony Irvin - Sanitation Dept.

**20 Years**

Sgt. Jim Barrett - Police Dept.

Donald Beene - Sanitation Dept.

**Pastor Cornell Maltbia - Maria Oates - MLK Youth Commission**

Mr. Maltbia recognized Maria Oates as the newest Junior Commissioner of the Arkansas Martin Luther King JR Commission.

Mayor Townsell asked council to add special agenda items to tonight's meeting in regards to the Sanitation reserve fund & financing options for the automated recycling sorter, police cars, recommendation of third party accountants to review financial processes etc., and program cuts to the general fund. Alderwoman Smith motioned to suspend the rules to add the various agenda items. Alderwoman Mehl seconded the motion. The motion passed 6-0.

Mayor Townsell explained this is not a matter of missing money; this is a matter of money being buried within fund balances that made the fund look larger than it actually was. In turn we made

---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

some major purchases with the belief the money was available; had we known the fund was low we would not have made these purchases. Mayor Townsell explained he takes full responsibility and would like to explain where we stand. Mayor Townsell asked council to look at the report "Sanitation Operations Budget to Actual Jan 2010"; if you look at the report "Projected Fund Balance 12/31/09" it shows a balance of \$5,306,178.00; we were indeed being conservative with our projection of \$4.5 million at year's end. Mayor Townsell stated however, if you will look at the "Fund 50 - restricted" amount of \$2,488,373.00, this is a post closure fund mandated by the Arkansas Dept of Environmental Equality (ADEQ) that has to be set aside and this fund should not have been buried within the \$5.3 million total; this is what created the artificial sense of confidence when we purchased the automated recycling sorter and moved \$750,000.00 from the sanitation fund to the general fund. If you remove the recycling sorter and it is under contract and we cannot go back on it, we lose the lawsuit and pay the attorney's fees. If we take the ADEQ money out and the \$750,000.00, then we are down to less than \$1.5 million; but there are other expenses associated with the recycling sorter that will take it up another \$300,000.00. Mayor Townsell explained we cannot take that much cash out of our cash position at this time and still maintain a positive balance in our cash flow hence the recommendation for 5 year financing on the sorter. Mayor Townsell moved on to the "Sanitation Operations Budget to Actual Analysis Jan 2010" page and again referred to the "Projected Fund Balance, 12/31/2010", it shows \$2,900,780.00 and then referred to the "Projected Fund Balance, 1/1/2010" these five items total the \$5.3 million, you have the existing revenue projection and the budget expenses for 2010, if these all go through this will take us down to \$2.9 million, and you will see that the restricted fund has us committing another \$450,000.00 back into it, so it is no longer \$2.48 million it is \$2.94 million and we actually have a deficit in the enterprise fund unrestricted which means we cannot take that cash out of this account. Mayor Townsell is requesting council to allow him to pursue financing for the automated recycling sorter and for council to decide if we should purchase any or all of the police cars, or delay the purchase until the next state contract becomes available in September when he believes we will be in a better cash flow position and recommends financing the police cars. Mayor Townsell stated he is also recommends reserving the \$1.6 million we bring in with the sanitation surcharge to be applied to the bottom of the line and improve our cash position in the reserve. Alderman Jones asked if this money will go in the sanitation reserve. Mayor Townsell stated let's be clear on this; in the operating account we have the general fund and sanitation fund and at different times during the year one or both could go negative and they will both lean on each other and float each other in this early part of the year. Alderwoman Mehl stated so this is for cash flow. Mayor Townsell stated yes. Mayor Townsell stated he would like to be able to split the general fund and the sanitation fund but we cannot do that at this time. After much discussion Mayor Townsell asked council how they would like to proceed with the purchase of police cars and the financing of the recycling sorter. Alderman Vaught stated he is hesitant to borrow money as this is just pushing the problem out into the future because we are banking on something that has not occurred, which in this case is sales tax growth. If we finance through the sanitation department, as this is the only department that has money, and if we are going to have a revenue source to pay for it, that is the most logical choice, but he is still concerned that we are putting off a problem. Mayor Townsell stated we are going to have a cash flow crunch in April and that is why he is suggesting financing these items. Alderman Grimes stated we do not have much choice on the sorter. Alderman Vaught stated he believes we have the option of renegotiating the contract on the sorter. Mayor Townsell stated there is not much difference whether you finance through the bank

---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

or the company. Alderman Vaught stated the loan we took out for the fairgrounds states the loan will be paid for with A & P funds and a clause in that contract states if A & P funds are unavailable then the general fund would pay the loan. Alderman Vaught wonders if we borrow money from the bank, instead of the finance company used by the vendor, will the general fund be responsible for the note if the sanitation fund cannot pay the loan, if so, he cannot vote for a loan that would put our general fund at risk. Alderman Grimes stated we can compare the terms from the bank and the finance company to see which terms best fits our needs. Alderwoman Smith stated for now, you need our permission to take the loan out to bid. Mayor Townsell stated yes. Alderwoman Mehl stated and we can hope to get a third party in here to tell us what kind of shape we are in, in regards to the loan. Alderman Grimes stated we need to authorize the Mayor to solicit for RFP's for the loan so we know what we are dealing with. Alderwoman Mehl stated she feels we should have an audit committee in regards to the April audit; an audit committee specifically works with the auditor and the auditor reports to that committee. Alderman Vaught concurred. Alderman Grimes motioned to authorize the Mayor to solicit bids from banks and any other financial institutions on a loan for the recycling sorter, for the police cars and to waive RFP's for a third party auditor. Alderwoman Mehl seconded the motion. Mayor Townsell stated he recommends Thomas & Thomas because of their extensive governmental auditing experience; they audit Conway Corp, Municipal League, and Metroplan. Alderman Vaught motioned to amend the previous motion to include the formation of an audit committee. Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderman Grimes asked if we should go ahead and include adding the auditing firm Thomas & Thomas to the motion. Alderwoman Smith stated what she has heard from the public that Mr. Mosley of Thomas & Thomas is a personal friend of the Mayors. Mayor Townsell stated we are friends. Alderwoman Smith stated she also has a relative that works there and does not feel that she can vote on that firm and she would prefer it to be an RFP process. Mayor Townsell stated that would be ideal but that starts delaying us. Alderwoman asked how long could that take. Mayor Townsell stated it could take a month. Alderman Vaught concurred as he has heard some of the same comments. Alderman Jones and Alderwoman Mehl feel we cannot wait four weeks. Alderman Jones stated he would like to have Alderman Grimes head the audit committee. Alderman Grimes stated he would be glad to head the committee. There was no further discussion on the main motion. The motion passed 6-0. Alderman Grimes motioned to authorize the Mayor to negotiate with Thomas & Thomas a program of work and schedule of rates. Alderwoman Mehl seconded the motion. Alderman Vaught asked if we looking at Thomas & Thomas to perform our annual audit. Mayor Townsell stated no. There was no further discussion. The motion passed 5-1. Alderwoman Smith voted in opposition. Mayor Townsell recommended the delay of all major capital purchases in the sanitation dept. in an effort to save some the sanitation surcharge money and build up the sanitation reserve fund. Alderwoman Mehl motioned to delay all major capital purchases in the sanitation dept. Alderman Grimes seconded the motion. There was no discussion. The motion passed 6-0.

Mayor Townsell stated the last item is the program cuts to general fund; you will remember we have the following programs: Downtown Partnership (\$40,000.00), Economic Contract with the Chamber (\$40,000.00), Senior Citizens Transportation (\$45,000.00), FCCDD Transportation (\$30,000.00), Boys and Girls Club Transportation (\$12,500.00). Mayor Townsell recommends cutting the Downtown Partnership, the Economic contract with the Chamber of Commerce.

---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Mayor Townsell went onto say the other transportation programs listed above can be cut or we can consider moving them over to the street fund; Mayor Townsell also recommended cutting Bean Street improvements (\$160,000.00) out for this year. Mayor Townsell stated the other program is the agriculture/horticulture (\$25,000.00) which is half funding for Kami Marsh's position and would like to discuss this with them before deciding on this program. Alderman Grimes motioned to cut the Downtown Partnership program and the Economic Development program out, move the three transportation programs to the street fund, and to cut Bean St improvements. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 6-0.

**Report of Standing Committees:**

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

- 1. Resolution expressing the intent of the City of Conway to pursue development/deployment of a bus transit system.**

Alderman Grimes motioned to table this item. Alderwoman Smith seconded the motion. The motion passed 6-0.

- 2. Resolution certifying local government endorsement of Rock-Tenn to participate in the Targeted Tax Back program.**

**R-10-07**

Jamie Gates, CDC, explained this program will rebate a portion of sales tax paid as it relates to expansion; Rock-Tenn is investing \$4 million in their facility in Conway that employs approximately 300 people. Alderman Hawkins motioned to adopt the resolution. Alderwoman Mehl seconded the motion. The motion passed 6-0.

- 3. Resolution authorizing the execution, sale and delivery of water revenue refunding bonds for Conway Corporation.**

**R-10-08**

Gordon Wilbourn, Kutak Rock LLP, explained back in January you passed ordinance authorizing the issuance of these bonds authorizing an amount not to exceed \$13,350,000.00; the bonds have now been sold and we only issued \$13.1 million, average rate is approximately 3.4% which will be an average annual savings of \$50,000.00 to \$60,000.00. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. The motion passed 6-0.

Alderman Vaught exited the meeting.

**4. Consideration to enter into a boundary agreement with the Beaverfork Water District.**

Kurt Meredith, Deputy City Attorney, stated this will settle a long standing dispute between Beaverfork Water District and Conway Corp; in essence this agreement states which areas Beaverfork Water will service and which areas Conway Corp will service. Alderwoman Smith motioned to enter into the boundary agreement. Alderwoman Mehl seconded the motion. The motion passed 5-0. Alderman Vaught was not present for the vote.

Alderman Vaught rejoined the meeting.

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

**1. Consideration to reappoint members to the City of Conway Building Code Board of Appeals.**

Alderman Hawkins motioned to the re-appointment of the following to the Building Board of Appeals. Alderwoman Smith seconded the motion. The motion passed 6-0.

Judy Corcoran - 1 year term - Public Citizen at Large (Alt. Member)  
Gene Hendrix - 1 year term - Industry Citizen at Large (Alt. Member)  
Jim Bonds - 4 year term - Structural Engineer (Regular Member)

**2. Consideration of a conditional use permit to allow religious assembly in an SP/TP4 zone for the property located at 1109 Gum Street.**

Alderman Hawkins motioned to grant the conditional use permit. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0. The conditions are as follows:

- No outside public address system allowed.
- Sign is limited to 4 feet maximum height, and 16 square feet maximum size.
- The conditional use is limited to The Father's House Church.

**3. Ordinance repealing and replacing by reference ORD No. O-02-124 which established the Conway Historic District Commission and ORD No. O-04-43 which created the Robinson Historic District with 2010 Historic District Commission standards.**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 6-0. Alderwoman Smith 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 Grimes, Alderman Jones, and Alderman Vaught. The motion passed 6-0.

**4. Consideration to approve the Robinson Historic District Design Guidelines.**

Bryan Patrick, Planning & Development Director, was present to answer questions. Alderman Jones motioned to approve the guidelines. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

**5. Consideration of Street Impact Fee Projects, Corridor Street Projects, & 2010 Street Improvement Projects.**

Ronnie Hall, City Engineer, stated our next project you approved is Museum Rd.; money is collected and/or assessed by means of building permits to cover this project. Mr. Hall stated we also need to establish some future projects that can be covered by this fund, so we can prepare to get those projects moving along. Mr. Hall stated there are several streets listed on the sheet provided of possible future projects for council to consider. Mayor Townsell stated we are required by law to have a work program that outlines where we will spend this money and it cannot be spent anywhere unless it is listed on this work program. Alderman Grimes stated he would like to recommend the two sections of Farris Rd listed. Alderwoman Smith motioned to list both Farris Rd areas to be priority number one. Alderwoman Mehl seconded the motion. The motion passed 6-0. Mayor Townsell suggested council review the list and number them by most important to least important and then we will prioritize them by your selections at next council meeting. Council concurred. Mr. Hall stated council has approved items 1-6 on the corridor project listings sheet and council needs to determine the remaining street projects below item 6. Mr. Hall recommended the next project he listed is Prince St - Western Ave through Salem Rd (item #7), to accommodate the growing high school campus. Mr. Hall stated his next recommendations are College Ave at Country Club Rd roundabout (item #8) and then College Ave - Salem Rd through Hubbard (item #9). After some discussion Alderwoman Mehl motioned to approve project items 7-9. Alderwoman Smith seconded the motion. There was no discussion. 6-0. Mr. Hall stated in regards to our street overlay program and if council approves of Washington, Winfield, Markham, Caldwell, and Crepe Myrtle projects, and strike the Bean St project, each ward has approximately

\$90,000.00. Mr. Hall went onto say that these projects are streets the public/council have mentioned to are in need of repairs and we need to decide which ones you would like to do. Alderman Grimes stated ward 1 would like to improve Deerbrook (item #7). Alderwoman Smith stated she would like to discuss this with Alderman Rhodes before deciding which project to choose. Alderman Jones stated he would like to start with Richland Hill Cove (item #10) and will discuss their other choices after talking with Alderwoman Whitmore.

**6. Discussion of the condemnation resolution for 23 Shady Valley Drive.**

Alderman Grimes stated the former owners have given us some pictures that show the condition of the water before and after his cleanup. Mr. Nichols, homeowner, stated he and his ex-wife have agreed to sell some of their real property and she has agreed to let him have the Shady Valley property; the pictures show 3 days worth of work. Mr. Nichols stated he is working to make the entire property look better and stated that he contacted a pool company that has looked at the liner which can be installed within 90 days of ordering it. Alderwoman Smith asked if he was moving back into the house and if so when. Mr. Nichols stated as soon as the loan application goes through, possibly 30 days. Alderwoman Smith stated she has had calls in regards to the condition of the pool and thought that when you came to us you had 7 days to get it cleaned up. Mr. Nichols stated when I was before council I was not allowed on the property; every time I tried to go onto the property my ex-wife would call the police and I was escorted off the property. Mr. Nichols stated he would like the chance to repair the pool. Mayor Townsell stated council passed Resolution R-09-67 that stated the pool needed to be filled in and brought up to city code; we already have the authority to take action and Mr. Nichols is asking council to give him a chance to clean up the pool and bring it up to code. Mayor Townsell stated if council desires that resolution can be repealed. Alderman Vaught asked why so much time had lapsed. City Attorney Mike Murphy stated Mr. Nichols and his ex-wife were in separate Chapter 13 bankruptcies; the city filed a motion to get relief from any stay by the federal bankruptcy court and was set for a hearing in November 2009. Mr. Murphy explained then Mr. Nichols converted his bankruptcy to a Chapter 7 and then Ms. Nichols bankruptcy was dismissed in December 2009. In January 2010 we received an order withdrawing our motion for relief with clarification after Mr. Nichols conversion to Chapter 7, which meant the property in question was not subject to the bankruptcy estate so the city could act on the property if it so desired. Mr. Murphy explained at this point his office, in order to get priority lien status; we sent certified letters to everyone. We performed a current title search and sent notification to lien holders, including the owners. After receiving his letter Mr. Nichols contacted my office and

after reviewing the title search and the bankruptcy order, it is Mr. Murphy's understanding, that Mr. Nichols was always listed as the property owner of this property. Alderwoman Smith stated her concern is if the owners will keep the property up to code. Mr. Nichols stated the pool pump is working and he also has an extra pump; he is committed to fixing everything on the pool and plans on covering it during the winter months. Alderman Grimes stated he feels the goal is to get the pool to a condition that does not bother the neighbors, and filling in is an option but if we have an owner who is now interested and will keep the pool up then he recommends giving him a chance to do so. Alderman Grimes stated he thinks our code enforcement officers should check it regularly and if it should fall back into disrepair then we should fill it in. After some discussion Mayor Townsell stated we can delay the implementation of Resolution R-09-67 further if council desires to see what the outcome of the clean-up will bring. Alderwoman Smith asked if we delay it and he defaults once again its then back in place and we can move forward. Mayor Townsell stated yes. Alderman Jones asked Mr. Nichols how long before you take control of the property. Mr. Nichols stated 30 days; they have given him a 95% approval on his loan. Alderman Jones asked after that how long before you move in and much time would you need for us to delay the resolution. Mr. Nichols stated the liner will not be in and installed for 90 days but the pump is on and pumping the water. Alderman Jones asked Mr. Nichol's if he would agree to allow code enforcement to periodically check on the pool. Mr. Nichols stated yes he was there today. Grant Tomlin, Code Enforcement, stated Mr. Nichols has made a good faith effort to clean up the pool and he does not have a problem with delaying this as long as we do not approve the new resolution tonight so we do not have to start the process over should the pool once again becomes a nuisance. Alderwoman Mehl motioned to delay implementation of this ordinance for 90 days. Alderman Hawkins seconded the motion. There was no further discussion. The motion passed 6-0.

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

**1. Consideration to enter into an agreement with various entities for scoreboard sponsorship at the City of Colleges Park.**

Brian Knopp, Parks Director, explained council instructed us to rent the scoreboards out to CBC, St. Joseph, UCA, and Hendrix and all have agreed to do so; the fifth board remains available. One of the Mayors ideas was for the city itself to use the remaining scoreboard to place a City of Colleges or a Parks and Rec. logo on or to have a business buy the scoreboard. Mr. Knopp stated we asked for a term of 3 years, \$5,000.00 per field and \$7,000.00 for the championship field. Alderman Grimes stated he likes the idea of the Parks and Rec. logo. Mr. Knopp stated CBC



has the championship field. Alderwoman Smith motioned to enter into this agreement. Alderwoman Mehl seconded the motion. Mr. Knopp asked in regards to "Terms - Section B" do we want a 3 year renewal written in there. Mayor Townsell asked for council's opinion. An unnamed individual stated the sponsors are okay with the 3 year renewal. Mayor Townsell asked if we want it to say "one extended term" or leave it open to seek approval for another term and not limit it to one renewal. Alderwoman asked if it was an automatic renewal. Mayor Townsell stated no. Alderwoman Smith stated she would like to amend the agreement to make it such that you can keep on extending the term at the cities sole discretion and approval. Alderman Jones seconded the motion. There was no discussion on the amendment. The motion passed 6-0. There was no further discussion on the agreements. The motion passed 6-0.

**2. Ordinance accepting a capital grant from the Advertising and Promotion Commission for the Conway Fairground Complex.**

**O-10-13**

Brian Knopp, Parks Director, stated the city spoke to the Advertising and Promotions Commission and we have been allotted \$300,000.00 for the air conditioning in the events center and \$300,000.00 for the placement of a floor in the barn for the fairgrounds. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderwoman Smith 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 Grimes, Alderman Jones, and Alderman Vaught. The motion passed 6-0.

**3. Consideration to accept bids for replacement overhead doors, electrical services, a below grade pit and platforms and stairs for the Automated Sorting System for the Sanitation Department.**

Mayor Townsell stated these are the peripheral improvements needed around the new recycling sorter. Cheryl Harrington, Sanitation Director, recommended the low bidder, Royal Overhead Doors, Inc in the amount of \$55,000.00. Alderwoman Smith motioned to accept the low bid. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

Ms. Harrington recommended the low bidder, Wilbanks Wee Con-Du-It Electric, Inc. for electrical services for the automated sorting line in the amount of \$42,575.00. Alderwoman Smith motioned to accept the low bid.

---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Alderman Jones seconded the motion. There was no discussion. The motion passed 6-0.

Ms. Harrington recommended the only bid received from Nabholz Construction Services for below grade pt for automated sorting line in the amount of \$19,958.00. Alderwoman Smith motioned to accept the bid from Nabholz. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

Ms. Harrington recommended the low bidder, Cubic Designs, Inc. for platforms & stairs for the automated sorting line in the amount of \$192,500.00. Alderwoman Smith motioned to accept the low bid. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

4. **Ordinance accepting grant funds & approving the Mayor to enter into agreements with ADEQ for a diesel emission reduction project for the Conway Sanitation Dept.**

**O-10-14**

Mayor Townsell stated this grant will allow us to replace certain engines this year so we will be less likely to have major breakdowns in these pieces of equipment this year. Cheryl Harrington, Sanitation Director, explained this is a stimulus grant we have been awarded that will allow us to replace the diesel engine for the trash compactor and in doing so this new motor will emit 25% less emissions. This will also replace engines in one forklift, and XT loader. Ms. Harrington stated the guidelines mandated that all three pieces of equipment must be maintained and kept in the state of Arkansas for a period of five years; should we want to sell them they would still have to remain in use within the state of Arkansas. Ms. Harrington went onto say the city will have to pay \$81,000.00 - \$85,000.00 upfront, but we will be reimbursed 75% by the State; an amount not to exceed \$64,800.00. The city must follow bid guidelines and the work must be completed by August 31, 2010. After some discussion Alderman Jones motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderman Jones motioned to adopt the ordinance and the emergency clause. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 6-0.

- D. *Public Safety Committee (Police, CEOC, Information Technology, Fire, District Court, City Attorney & Animal Welfare)*

**1. Consideration to re-appoint Jeff Boucher to the Conway Civil Service Commission.**

Mayor Townsell explained that Mr. Boucher served all but one month of a full term on this commission so he is eligible for re-appointment if council so desires. Alderwoman Smith stated she feels we should send this out for application. Alderwoman Mehl concurred. Alderwoman Smith motioned to send this out for application. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

**2. Consideration to enter into an agreement with Conway Housing Authority for a community policing officer.**

Mayor Townsell stated this is a renewal of an agreement that has been going on for many years. A.J. Gary, Chief of Police, explained this year the amount has been increased to \$35,000.00 and allows an officer to patrol the Conway Housing Authority (CHA) and surround area; once the ball field and Boys & Girls club open up the officer could patrol these as well. Alderman Jones motioned to enter into this agreement. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0.

**3. Ordinance accepting restitution funds for overtime performed by the Conway Police Department personnel.**

**O-10-15**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 6-0. 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, Alderwoman Smith, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 6-0.

**4. Ordinance appropriating reimbursement funds from the Secret Service to the Conway Police Department.**

**O-10-16**

A.J. Gary, Chief of Police, explained these funds are made available to us by the Secret Service and are made possible by our joint operations with the Secret Service; these funds are used to purchase camera systems, forensic computer supplies, and furniture for the soft interview rooms. Alderwoman Smith motioned to waive the readings of the ordinance.

---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Aldерwoman Mehl seconded the motion. The motion passed 6-0. Aldерwoman Smith 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, Alderman Hawkins, Aldерwoman Smith, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 6-0.

**5. Consideration of bids for a mobile Vision Camera system for the Conway Police Department new vehicles.**

Mayor Townsell asked if we need these camera systems if we do not purchase new cars. A.J. Gary, Chief of Police, stated this is a part of a grant that we requested last year, there are no matching funds that goes with this grant and we have to provide them the items we intend to purchase with the funds. Mayor Townsell stated the three low bids did not meet bid specs therefore the low bid is TCSware in the amount of \$57,239.00. Aldерwoman Smith motioned to accept the bid from TCSware. Aldерwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

**E. Personnel**

**1. Resolution to indicate the vacation "cash out" option in the Employee Handbook for the 2010 budget year.**

**R-10-09**

Mayor Townsell stated after much discussion it was decided that due to general fund cash flow problem we will not be offering the vacation cash out option for the spring, however this resolution covers the entire budget year. Mayor Townsell stated that we can always come back and pass another resolution adding this back in if things improve by the fall. Alderman Hawkins motioned to adopt this resolution. Aldерwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

**2. Ordinance authorizing a headcount reclassification from a full-time position to a part-time position within the City of Conway.**

**O-10-17**

Mayor Townsell stated that our payroll accountant Myron Barnes is retiring and he will be working on a part time basis and we need to reclassify this position. Alderman Hawkins motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 6-0. Aldерwoman Smith motioned to adopt the ordinance.

---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Alderman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Mehl, Alderman Hawkins, Alderman Smith, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 6-0.

*Old Business*

*New Business*

1. **Ordinance establishing a permitting process and privilege permit for selling or dispensing any controlled beverage.**

**O-10-18**

Mayor Townsell stated this has been discussed at length upon learning we could not charge the 2% "hamburger tax" on the sale of alcoholic beverages, so we have advised all of our restaurants who have private club permits, to drop that 2% collection. Mayor Townsell went onto explain that by adding the 2% back on in this form will restore what would be cost neutral to the purchasing public and still provide a small increase in general fund revenue. Alderman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 6-0. Alderman Hawkins motioned to adopt the ordinance. Alderman Grimes seconded the motion. Alderman Grimes motioned to amend the ordinance by lowering the permit fee from \$250.00 down to \$50.00. Alderman Hawkins seconded the motion. There was no discussion on the amendment. The motion passed 6-0. There was no discussion on the main motion. The clerk called the roll with the following voting "Aye": Alderman Mehl, Alderman Hawkins, Alderman Smith, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 5-1. Alderman Vaught voted in opposition. Alderman Vaught stated there is an emergency clause listed in the title of the ordinance. Mayor Townsell stated we need to take the emergency clause out of the title.

*Adjournment*

**PASSED this 23<sup>rd</sup> day of February 2010**

**APPROVED:**

\_\_\_\_\_  
**Mayor Tab Townsell**

\_\_\_\_\_

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

**City Clerk Michael O. Garrett**