
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
August 28, 2012

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

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett, City Clerk/Treasurer

Minutes: August 14th, 2012 City Council Meeting

Alderwoman Whitmore motioned to approve the August 14, 2012 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 6-0.

Alderwoman Smith motioned to move item D-3 up on the agenda. Alderwoman Whitmore seconded the motion. The motion passed 6-0.

Consideration to accept the audit findings provided by Craft, Veach, & Company, PLC regarding federal grants for the City of Conway.

Tom Craft, Craft, Veach, & Company, reviewed the audit findings and provided council a brief synopsis. Alderwoman Smith motioned to accept the audit report. Alderwoman Mehl seconded the motion. The motion passed 6-0.

1. Report of Standing Committees:

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

1. Consideration to amend an agreement for extension on a lease with Snap-On Equipment.

Mayor Townsell explained this lease dates back to 1973 when FMC used Act 9 Bonds to fund development of their business and this lease agreement allows the City title to the business. Mayor Townsell stated the bonds have been paid for many years but the Snap-On has requested another 5 year extension on this lease dating out to September 30, 2017. Alderwoman Smith motioned to extend the lease 5 years. Alderman Hawkins 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. Resolution requesting the Faulkner County Tax Collector place a certified lien against property located at 612 Third Avenue for incurred expenses by the City of Conway.

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Alderman Hawkins stated the property address is 612 Third Ave; the cost of cleanup was \$273.06 (\$220.97 + Penalty \$22.09 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

2. Ordinance accepting grant proceeds and appropriating funds for the Historic District Commission to be administered by the Conway Planning and Development Department.

O-12-73

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith 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 Smith, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Hawkins, and Alderman Jones. The motion passed 6-0. The amount received was \$4,000.00 for training for the Historic District Commission and staff.

3. Ordinance accepting the FY2012 federal funding and appropriating grant revenue funds to the Conway Community Development Block Grant Program.

O-12-74

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. Alderman Jones seconded the motion. Mayor Townsell stated these projects have already been approved, this ordinance is for budgetary purposes. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Hawkins, and Alderman Jones. The motion passed 6-0.

- \$180,000.00 Pine Street Revitalization Sewer/Water
- \$50,000.00 Bethlehem House Construction
- \$42,282.00 Faulkner County Council on Aging Parking Lot resurfacing
- \$10,000.00 Bethlehem House Transportation
- \$10,000.00 Boys and Girls Club of Faulkner County Transportation
- \$10,000.00 Faulkner County Council on Aging Transportation
- \$20,000.00 Faulkner County Council on Developmental Disabilities
- \$9,634.00 Independent Living Services Matching Grant for Bus
- \$3,200.00 Independent Living Services for profiles Shredder
- \$83,778.00 Administration

4. Consideration to approve the 2012 CDBG recommendations & contracts.

Alderwoman Smith motioned to enter into the 2012 CDBG contracts. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0. The contracts approved are listed below:

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- Bethlehem House
- Faulkner County Council on Aging
- Conway Boys & Girls Club of Faulkner County
- Faulkner County Council on Aging
- Faulkner County Council on Developmental Disabilities
- Independent Living Services, Inc.

5. Construction to accept bids for the Museum Road Reconstruction (Oak Street to Halter Road).

Ronnie Hall, City Engineer, recommended the low bidder Paladino-Nash in the amount of \$298,865.90. Alderwoman Smith motioned to approve the low bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

6. Consideration of a drainage easement & landscaping/construction easement for the Wal-Mart Marketplace located on Prince at Farris Road.

Ronnie Hall, City Engineer, was present to answer questions. Alderwoman Smith motioned to add the permanent easements to the agenda. Alderman Jones seconded the motion. The motion passed 6-0. Stephen Giles, Attorney at Law, explained Wal-Mart's project requires easements from the city which were worked through with Mr. Hall and requested approval of the needed easements. Justin Paris, Wal-Mart Engineer, explained the first easement is a drainage easement to allow storm water to discharge into Tucker Creek. The second easement is a landscaping and construction easement which will allow Wal-Mart contractor to get onto Pompe Park property and construct the connecting parts of the pedestrian trail, install required PUD landscaping screens, construct and fill slope to transition the finished surface of their site down to existing ground; this slope will require approximately a 25 foot width. Mr. Paris stated the last easement is a temporary maintenance and irrigation easement will allow us to install irrigation on city park property in order to water and maintain the irrigation and landscaping for a period of 1 year after installation. Barry Williams, Landscape Architect and member of Conway Tree Board, explained they will be replacing the trees with 6 inch Willow Oaks which will be placed by the trail; on the slope itself there will be other types of trees planted along with flowering shrubs. Mayor Townsell explained if we did not allow the slope a 7-8 foot retaining wall would have to be erected along the property line. Alderwoman Smith motioned to approve the 3 easements. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0.

7. Consideration to approve the nominations of Bill Yates & Anne Tucker for the Planning Commission.

Bryan Patrick, Planning & Development Director, explained Tony Davis, one of commissioners moved out of state and after meeting the Planning commission selected Bill Yates to fill this vacancy. Mr. Yates term will go through the end of 2013. Alderwoman Smith motioned to approve the nomination of Mr. Yates. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

8. Ordinance to rezone property located at 1311 & 1317 Bruce Street from R-2A to R-2.

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Alderswoman Whitmore motioned to waive the readings of the ordinance. Alderswoman Smith seconded the motion. The motion passed 6-0. Alderswoman Smith motioned to adopt the ordinance. Alderswoman Whitmore seconded the motion. Bryan Patrick, Planning Director, explained the owner wishes to place duplexes on the parcel. There was no discussion. The clerk called the roll with the following voting "Aye": Alderswoman Smith, Alderman Vaught, Alderswoman Mehl, Alderswoman Whitmore, Alderman Hawkins, and Alderman Jones. The motion passed 6-0.

9. **Ordinance to rezone five tracts of property located along Lollie and Sand Gap Roads from A-1 to I-3.**

O-12-76

Bill Adkisson, Attorney at Law representing Conway Development Corp., stated this is approximately 455 acres in total. Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 6-0. Alderswoman Smith motioned to adopt the ordinance. Alderswoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

10. **Ordinance to rezone property located at 1900 South Amity Road from I-3 to R-1.**

O-12-77

Bill Adkisson, Attorney at Law representing Don Havens, was present to answer questions. 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. Alderswoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderswoman Smith, Alderman Vaught, Alderswoman Mehl, Alderswoman Whitmore, Alderman Hawkins, and Alderman Jones. The motion passed 6-0.

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

1. **Ordinance amending the Lock Box Ordinance (O-04-24) with regards to elevator/lobby key box procedures for the Conway Fire Department.**

Bart Castleberry, Fire Chief, explained on occasion fire dept. keys would not work on or in a elevator/building, and there were no keys available on site for us to gain access. Chief Castleberry stated this will require a knock box to be installed, for a fee of \$250.00, in newly constructed buildings that house an elevator. Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 6-0. Alderswoman Jones motioned to adopt the ordinance and the emergency clause. Alderman Smith seconded the motion. Alderman Vaught asked if this proposed ordinance will repeal Section 2 of O-04-25 in regards to the Section 2, requiring a key box to be installed and operational 1 year from the effective date". City Attorney Michael Murphy stated only if it is in conflict, and it is not. Alderman Vaught stated it appears to him that this ordinance will require all structures that are not in compliance to become compliant

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within 1 year. Mr. Murphy stated only as it relates to this specific addition as to what is being amended. Alderman Vaught stated Section 2 of the previous ordinance (O-04-25) does not specify which particular box we are requiring. Mr. Murphy stated it is not repealing Section 2 of the previous ordinance. Alderman Vaught stated in committee it was decided we did not want to require existing buildings with elevators to install a knox box, but he believes this ordinance would require existing buildings to do so, based on the language that exists in ordinance O-04-25. Mayor Townsell stated he believes so except for the language "all structures in existence on the effective date of this ordinance" and that time has already passed but if we need to make changes to the proposed ordinance, we can do so. After some discussion it was decided to make changes to the proposed ordinance and bring it back before council. Alderman Jones motioned to hold this item in committee. Alderwoman Mehl seconded the motion. The motion passed 6-0.

2. Ordinance creating a fire permit for any work in the City that will require a special inspection from the Fire Marshall's Division for the Conway Fire Department.

O-12-78

Bart Castleberry, Fire Chief, explained building contractors will be required to obtain a fire permit, free of charge, from the Fire Marshall that will allow our personnel, trained in sprinkler and fire alarms systems, to inform the contractors what is required by code and fire department personnel will perform inspections throughout the construction process; the effective date of this ordinance is January 1, 2013. Mayor Townsell asked if a certificate to the contractor and the permits office to let them know if the fire department has signed off on the project. Chief Castleberry stated yes. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderman Jones 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 Smith, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Hawkins, and Alderman Jones. The motion passed 6-0.

3. Ordinance authorizing personnel changes within the Conway Fire Department.

O-12-79

Bart Castleberry, Fire Chief, stated this is simply a reorganization of the department by reclassifying all Lieutenant's as Captain's; there will be no additional money tied to these title changes at this time, hopefully this will be addressed when administration and council looks at the salary study. Chief Castleberry explained this will bring the department in line with American Fire Service. Chief Castleberry stated one thing that was removed from the ordinance was the promotional criteria. Alderman Hawkins asked how many employees are affected by this change. Chief Castleberry stated approximately 23. Mayor Townsell reiterated this is just a change in title's, it does not equalize the pay. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderwoman Smith motioned to amend the ordinance by removing the "third Whereas" and "Section 2" and renaming "Section 3" to "Section 2". Alderwoman Whitmore seconded the motion. The motion to amend passed 6-0. There was no further discussion. The clerk called the roll for the main motion with the

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following voting "Aye": Alderwoman Smith, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Hawkins, and Alderman Jones. The motion passed 6-0.

D. Finance

1. Consideration to disposal of certain inventory for the Conway Finance Department.

Tyler Winningham, CFO, stated the police department has decided they want to keep the 1997 Ford Crown Victoria (46415). Alderwoman Smith motioned to approve the disposal of these assets excluding the 1997 Ford Crown Vic (46415). Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

- 1993 Dodge Spirit (65329) - Physical Plant - to be used as fire training
- 1995 GMC Truck (43831) - Physical Plant - to be used as fire training
- 1998 Chevy 4X4 2500 (15028) - Physical Plant - to be used as fire training
- 2003 Chevy Impala (68076) - CPD - to be auctioned
- 2002 Chevy Impala (94647) - CPD - to be auctioned
- 2003 Chevy Impala (69025) - CPD - to be auctioned
- 2003 Chevy Impala (78890) - CPD - to be auctioned
- 2007 Ford Crown Vic (59127) - CPD - to be auctioned
- 2007 Ford Crown Vic (59128) - CPD - to be auctioned
- 2007 Ford Crown Vic (59129) - CPD - to be auctioned
- 2007 Ford Crown Vic (59132) - CPD - to be auctioned
- 2003 Ford Crown Vic (49185) - CPD - to be auctioned

2. Consideration to approve the monthly financials reporting ending July 31st, 2012.

Tyler Winningham, CFO, gave a brief synopsis of the July 2012 financials. Alderwoman Smith motioned to approve the July 2012 financial reports. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

3. Consideration to accept the audit findings provided by Craft, Veach, & Company, PLC regarding federal grants for the City of Conway.

Item moved up on agenda.

Old Business

New Business

Adjournment

PASSED this 28th day of August 2012

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett