
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
September 11, 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 Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Rhodes, and Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderwoman Smith and Alderwoman Whitmore were not in attendance.

Call to Order: Mayor Tab Townsell

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

Minutes: August 28th, 2012 City Council Meeting

Alderwoman Mehl motioned approve the August 28, 2012 minutes as submitted. Alderman Vaught seconded the motion. The motion passed 6-0.

Announcements/Proclamations/Recognitions:

1. Report of Standing Committees:

A. 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 14 Morningside Drive for incurred expenses by the City of Conway.**

R-12-36

Alderman Hawkins stated the property address is 14 Morningside Dr; the cost of cleanup was \$199.60 (\$154.19 + Penalty \$15.41 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Mehl motioned to adopt the resolution. Alderman Vaught seconded the motion. There was no discussion. The motion passed 6-0.

- 2. Resolution ordering the condemnation and cleanup of property located at 445 Louise Lane.**

R-12-37

Grant Tomlin, Code Enforcement, explained this house was a victim of fire on May 22, 2012 and is abandoned and in foreclosure; Code Enforcement has received several complaints on this structure due to unsafe conditions. Mr. Tomlin stated the gables on this structure were leaning outward, which posed a threat to neighboring properties, the city stepped in and had the gables knocked in which cost approximately \$400.00. Mr. Tomlin went onto explain that his department has been in contact with the bank, but no progress has been made to date, with the exception of the work the city performed. Mr. Tomlin suggested council

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approve the condemnation of this structure. Alderman Hawkins motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

3. Consideration to approve various traffic calming (speed humps) throughout the City of Conway.

Ronnie Hall, City Engineer, requested council approve speed humps at the following locations; all being paid for by the residents/POA, except for Smoking Oaks & Tucker Creek, which are noted with an asterisk (*); these will be paid by the city. Alderwoman Mehl motioned to approve the speed humps recommended by Mr. Hall. Alderman Hawkins seconded the motion. After some discussion the motion passed 6-0.

- Centennial Valley - (1) on Centennial Club Dr, (2) on Bay Hill Dr.
- Catherine Place - (1) on TJ Drive between 2685 TJ and Grummer.
- Gardenia Drive - (1) between MK Circle and Chinook Dr.
- Gulfshore Drive - (1) Midway along this street.
- Sunderlin Park - (1) on Sunderlin Park Dr. and (1) on Tree House Dr.
- Fieldstone - (1) on the long section of Fieldstone.
- *Smoking Oaks/Tucker Creek - (2) on Morningside Dr, (2) on Tucker Creek Dr, & (1) on Smoking Oaks.

4. Ordinance accepting the annexation of land located west of the termination of Collins Drive with a zoning of R-1.

O-12-80

Alderwoman Mehl motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 6-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. Alderman Jones and Alderwoman Mehl concurred to include the emergency clause. There was no further discussion. The clerk called the roll with the following voting "Aye". Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Rhodes, and Alderman Jones. The motion passed 6-0.

B. Public Services Committee (Sanitation, Parks & Recreation & Physical Plant)

1. Ordinance appropriating revenue funds & waiving bids for the repair of a Dozer for the Conway Sanitation Department.

O-12-81

Alderwoman Mehl motioned to waive the readings of the ordinance. Alderman Rhodes seconded the motion. The motion passed 6-0. Danny Alford, Sanitation Dept., explained this piece of equipment (D6RDSXLA dozer) has no value in its current condition, and requested council allow them to waive bidding and utilize J.A. Riggs for repairs, labor and warranty in the amount of \$30,929.00. Alderman Jones motioned to waive bidding and approve the repairs. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye". Alderman Hawkins, Alderman

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Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Rhodes, and Alderman Jones. The motion passed 6-0.

- 2. Ordinance waiving bids for the purchase of a D6NXLA Dozer for the Conway Sanitation Department.**

O-12-82

Danny Alford, Sanitation Dept., explained we have rented this piece of equipment (2009 D6NXLA) for approximately 1 year, explaining the vendor will apply 80% of the rental payments toward the purchase, leaving approximately \$100,000.00 to purchase it. This will be funded by the 2012 Sale and Use Tax Bond. Alderwoman Mehl motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 6-0. Alderwoman Mehl 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". Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Rhodes, and Alderman Jones. The motion passed 6-0.

- 3. Consideration to approve the proposal from Rik Sowell Architects for the architectural services for a prototype restroom facility for the Conway Parks Department.**

Mayor Townsell stated this proposal will give us a prototypical design for updating/replacing all older type restrooms throughout the city parks system. Mayor Townsell stated this proposal is a fixed fee of \$9,000.00. Alderwoman Mehl motioned to approve the proposal. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0.

- 4. Ordinance appropriating funds for architectural services for a prototype free standing bathroom facility to be constructed in multiple locations within the Conway City Parks.**

O-12-83

Alderwoman Mehl motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 6-0. Alderwoman Mehl motioned to adopt the ordinance. Alderman Hawkins seconded the motion. The motion passed 6-0. Alderwoman Mehl motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye". Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Rhodes, 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.**

O-12-84

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

2. Ordinance appropriating and accepting reimbursements and grant funds from various entities for the Conway Police Department.

O-12-85

A.J. Gary, Chief of Police, was present to answer questions. Alderswoman Mehl motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 6-0. Alderman Jones motioned to adopt the ordinance. Alderswoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye". Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderswoman Mehl, Alderman Rhodes, and Alderman Jones. The motion passed 6-0.

3. Consideration to enter into an agreement with the Conway School District for School Resource Officers.

A.J. Gary, Chief of Police, explained this is an annual contract; we have 5 resource officers and the school pays one-half their salary. Chief Gary stated the contract needs to have the fifth officer's name added for signature purposes. Alderman Jones motioned to approve the agreement. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0. This agreement period is July 1, 2012 through June 30, 2013.

4. Consideration for additional temporary sworn positions within the Conway Police Department.

A.J. Gary, Chief of Police, stated we have an officer on military deployment and asked council to approve a temporary replacement for this position. Mayor Townsell stated this will not affect our budget, the replacement officer will be filled as a temporary position. After some discussion Alderswoman Mehl motioned to approve this temporary sworn position. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0.

Old Business

New Business

1. Consideration to execute an agreement to participate in a settlement with JP Morgan Chase & Co.

City Attorney, Michael Murphy, explained bonds issues, in general, have reinvestment product opportunities that are sold by various banking institutions; the city was touched by this scenario via a bond issue sometime between 2001 and 2005 with JP Morgan. Mr. Murphy stated that during this time, the city was identified as being an eligible party to a

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settlement being offered. Allegations have been made, by Attorney General Offices across the country, that these Wall Street firms were reeking bids, engaging in anti-competitive conduct, deceptive unfair/fraudulent conduct, and fixing prices etc. Mr. Murphy explained this type of conduct caused state, local, county, and non-profits, that used bond issues, to have a lower yield on their return of their investment. A \$65 million settlement has been reached with a group of Attorney General's, and Conway has been identified as being eligible for \$28,456.67. Mr. Murphy stated if the city enters into this agreement, we waive the right to proceed with other legal proceedings, or participate in another class action suit, which has a settlement of approximately \$44 million. Mr. Murphy stated our bond council, Gordon Wilbourn, advised us to accept the settlement since there is no way to know if the city pursues legal recourse on our own, or as part of a class action, weather we will get the same settlement; it could be more or less. Alderwoman Mehl asked if we accept this settlement will this be general fund money. Mr. Murphy reiterated the scenario which resulted in this settlement, but explained it does not have to be tied back to the particular bond issue. Mr. Murphy stated this settlement is good through October 8, 2012. Alderman Hawkins motioned to accept the settlement of \$28,456.67. Alderman Grimes seconded the motion. Alderman Hawkins suggested holding off on making a decision on this to see if more information can be gathered. Alderman Hawkins motioned to hold this item in committee. Alderman Grimes seconded the motion. There was no discussion. The motion passed 6-0.

Adjournment

PASSED this 11th day of September 2012

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett