
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
March 26, 2013

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 Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Ledbetter, Alderwoman Whitmore, and Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Clerk/Treasurer Michael Garrett, and City Attorney Michael Murphy.

Call to Order: Mayor Tab Townsell

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

Minutes: February 26th, 2013 City Council Meeting

Alderwoman Whitmore motioned to approve the February 26, 2013 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 7-0.

**Announcements/Proclamations/Recognitions:
Employee Service Awards**

5 Years

Kevin Gauvey - Street Dept.

Lydia Bland - Police Dept.

Eric Jackson - Parks & Recreation Dept.

Jonathan Bach - Physical Plant

Steven Thorpe - Police Dept.

10 Years

Ronald Teas - Sanitation Dept.

20 Years

Cindy Nutter - District Court

City of Distinction Award:

Paul Phillips, Crews & Associates, recognized the City of Conway with awards for its Main Street Preservation and Green Initiatives.

1. Report of Standing Committees:

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

1. Consideration for approval for cutting vegetation on the highway right of way for Cuerden Sign.

Alderman Hawkins motioned to approve the cutting of vegetation. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

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2. Consideration to approve nominations for the Conway Housing Authority Board.

Alderman Hawkins stated the Conway Housing Authority board has recommended the reappointment of Ruth Glover to another 5 year term beginning January 15, 2013, and to appoint Celesta Dokes to fill a vacated position which will expire in 2015. Alderman Hawkins motioned to approve these recommendations. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

3. Consideration to approve nomination for the Conway Corporation Board of Directors.

Alderman Hawkins stated Conway Corporation Board of Directors has recommended James Whitehouse to succeed Randy Crowell for term which will expire on May 8, 2013. Alderman Hawkins motioned to approve this nomination. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

4. Consideration to enter a ground option and lease agreement for a cell tower with Gridiron Towers.

Mayor Townsell stated this is not approval for the actual use, it is approval to become a landlord and to begin the planning process; the lease would be for \$4,000.00 a month. Alderwoman motioned to approve the city entering into this agreement as a landowner and begin the planning process. Alderwoman Whitmore seconded the motion. Alderman Grimes asked what is the current zoning of the property by the retention pond on the corner of Irby and Salem. Bryan Patrick, Planning and Development Director, stated R-2 or R-2A. Alderman Grimes asked what zoning allows cell towers. Mayor Townsell stated most of them come to us as conditional use requests. Mr. Patrick stated it is conditional use throughout the city and are not allowed by right in any zone; they will seek RU-1 for the lease area and an I-2 zone for the conditional use. Mike Murphy, City Attorney, stated "*Subleasing - paragraph 17*" of the lease gives the tenant the unlimited right to sublease without notice to the city and without monetary compensation. Mr. Murphy stated if other entities should utilize the tower the city could further benefit and it is possible that there are more municipal friendly templates than the one Gridiron proposed. Jack Bell, Chief of Staff, stated this would approve the lease agreement. Mayor Townsell stated he believes we can hold the contract until we receive better language for paragraph 17. Alderman Jones motioned to hold this item in committee. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

5. Consideration to enter a land lease agreement with AETN.

Alderman Hawkins explained the property is located on the ridge in northwest Conway and AETN wishes to rezone approximately one-quarter acre of land to build an 80 foot tower. Mayor Townsell stated he believes the tower is pre-existing. Tony Brooks, AETN Deputy Director, stated the existing tower dates back to 1967 and we wish to extend the existing lease; the lease will begin January 15, 2013 and end December 31, 2068. Alderwoman Smith motioned to enter into the lease agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

6. Consideration to acquire right of way for the Conway Western Arterial Loop (Baker Wills Parkway).

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Ronnie Hall, City Engineer, explained this is the initial steps toward acquiring properties for our portion of the South Interchange, which are lands west of Union Pacific Railroad. Mr. Hall stated our appraiser, OR Colan & Associates, has provided the appraisal for 21 tracts and asked council to approve these in order for offer letters to be mailed to the property owners. Alderman Hawkins motioned to approve the recommended appraisal amounts. Alderwoman Smith seconded the motion. Mr. Hall noted these acquisitions total \$168,375.00 which will be paid out of pay-as-you-go sales tax monies. There was no further discussion. The motion passed 7-0. The property acquisitions and are listed below.

• Gold Creek Baptist Church	(41, 41E-1) - 8,452 Sq Ft	\$ 5,000.00
• Gold Creek Baptist Church	(44) - 64,529 Sq Ft	\$15,250.00
• Gold Creek Baptist Church	(45) - 22,901 Sq Ft	\$16,000.00
• Larry Bishop et el	(42) - 8,556 Sq Ft	\$ 800.00
• Betty Dillard	(46) - 22,916 Sq Ft	\$ 7,300.00
• Herman Brundtner	(47) - 5,805 Sq Ft	\$ 1,000.00
• Aaron Sage	(48X) - 51,768 Sq Ft	\$10,000.00
• Patrick Rappold	(49X) - 44,777 Sq Ft	\$19,000.00
• Ronald John Lauritzson	(50) - 84,792 Sq Ft	\$24,100.00
• Thomas Rappold	(51) - 5,266 Sq Ft	\$ 2,800.00
• Thomas Rappold	(58) - 1,718 Sq Ft	\$ 1,250.00
• Tim Rappold	(53X & 53E-1)- 35,653 Sq Ft	\$10,750.00
• James Ingram	(54) - 920 Sq Ft	\$ 400.00
• Jerry Meyer	(55) - 5,552 Sq Ft	\$ 2,200.00
• Heriberto Loya	(57) - 11,307 (Esmt)	\$10,625.00
• Hi-Jo Ltd.	(59) - 10,713 Sq Ft	\$ 2,350.00
• Ark Game & Fish Comm.	(60 & 60E-1) - 2414 Sq Ft	\$ 1,800.00
• Robert L Rappold	(61X) - 15,714 Sq Ft	\$ 2,900.00
• Gary Maynard	(62) - 3,198 Sq Ft	\$ 1,600.00
• Carl Alan McKnight	(70) - 2,912 Sq Ft	\$ 900.00
• James Brownlee	(75X) - 21,693 Sq Ft	\$32,350.00

7. Consideration to approve the installation of a Pedestrian Hybrid Beacon on Salem Road at the Tucker Creek Trail Crossing.

Finley Vincent, Street Dept, explained the Tucker Creek Trail is now open across Salem Rd and recommends the installation of this beacon; the cost is expected to be approximately \$50,000.00. Alderwoman Smith motioned to approve the installation of the beacon. Alderman Hawkins seconded the motion. Mayor Townsell stated this equipment can be moved, in the future, if it becomes obsolete at this location due to street widening for approximately \$20,000.00. There was no further discussion. The motion passed 7-0.

8. Ordinance waiving bid requirement for the purchase of a central traffic management software upgrade system for the Street Department.

O-13-26

Finley Vincent, Street Dept, explained even though our current ACTRA software is only 4 years old the next version was unfortunately available approximately 6 months after we

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installed the current software. Mr. Vincent explained an upgrade is necessary in order for all the equipment to communicate with newer equipment and it is no longer supported by Siemens, in the future we will pay an annual fee so this large expense can be avoided. Mr. Vincent stated this proposed ordinance in the amount of \$73,608.56 will pay for the upgrade and for 1 year of the maintenance/upgrade fee. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to waive the readings of the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. Mayor Townsell stated this waives the requirements for competitive bids and makes Temple the sole source provider. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 7-0.

9. Consideration to accept annual bid for the FY2013 Gasoline & Diesel.

Ronnie Hall, City Engineer, asked council to allow us to rebid this item and to reject all bids. Alderwoman Smith motioned to reject all bids for gas and diesel. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

Alderwoman Smith motioned to suspend the rules to add an item to add a rezoning request to the agenda. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

Ordinance to rezone property located at 1845 Hairston from R-2A to R-2.

O-13-27

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Mayor Townsell stated this was unanimously approved by the Planning Commission. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 7-0.

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

Alderwoman Mehl entered the meeting in progress.

1. Ordinance accepting & appropriating donated funds to the Physical Plant Department.

O-13-28

Mayor Townsell explained the Conway Chamber of Commerce, the Downtown Partnership, and Conway Development Corporation each donated \$5,000.00 to the city which will increase the Physical Plants budget and allow them to add additional personnel to perform additional duties of maintaining the landscaping/vegetation for the summer season. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to

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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 Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

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

1. Ordinance accepting and appropriating grant proceeds to purchase bomb squad robot upgrade for the Conway Fire Department.

O-13-29

Asst. Fire Chief, Mike Winters was present to answer questions. Mayor Townsell stated the grant funds are in the amount of \$29,113.00 from Arkansas Dept of Emergency Management (ADEM) and the Dept of Homeland Security (HSGP). This ordinance also waived competitive bidding and recognizes a sole source vendor. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. 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 Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

2. Ordinance accepting donated items from Chestnut Animal Clinic to the Conway Animal Welfare Department.

O-13-30

Mayor Townsell stated Chestnut Small Animal Clinic has donated 7 cages to the city totaling \$2,306.00. Alderman Jones motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. There was no discussion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

3. Ordinance appropriating funds for pet cremation for the Conway Animal Welfare Department.

O-13-31

Shona Osborne, Animal Welfare, explained currently euthanized and other deceased animals are disposed of in the cities landfill; this will allow us to have these animals cremated, animals will be picked up weekly or as needed and the cost is \$10,000.00 and the cost is an estimation of what we would need to cover for the entire year; the money will be taken from the general fund account; Ms. Osborne stated it would cost approximately \$50,000.00 to build our own crematorium. Alderman Grimes asked how many animals are

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disposed of annually. Ms. Osborne stated this number varies. Alderman Grimes asked how many are euthanized annually. Ms. Osborne stated 800. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. There was no further discussion. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Alderwoman Smith stated we might want to consider building our own crematorium if this is something will be doing on an ongoing basis. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

4. Ordinance appropriating grant funds received from Arkansas Homeland Security Grant program for the Conway Police Department.

O-13-32

A.J. Gary, Chief of Police, stated this grant is for \$28,012.62 and is 100% reimbursable once all paperwork is completed and turned in and the funds would be used to purchase a computer aided dispatch simulator for training purposes, a pole camera for SWAT operations, and 12 shin guards for SWAT members. 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. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

5. Consideration to accept bids on a firearm training simulator for the Conway Police Department.

A.J. Gary, Chief of Police, stated this item was approved in our 2013 budget and recommended the low bidder, IES in the amount of \$21,580.00. Alderwoman Smith motioned to accept the low bidder IES. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

D. Personnel

1. Ordinance appropriating funds for Civil Service appeal hearing expenses.

O-13-33

Lisa Williams, HR Director, was present to answer questions. Mayor Townsell stated these expenses are not budgeted for and are approved as needed; the cost is \$3,200.00. 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. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman

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

2. Ordinance appropriating funds for Civil Service firefighter promotional testing expenses.

O-13-34

Lisa Williams, HR Director, was present to answer questions. The cost to cover the testing supplies is \$1,850.00. 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. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

E. Finance

1. Consideration to approve the monthly financials reporting ending February 28th, 2013.

Tyler Winningham, CFO, began with the general fund revenues stating sales tax are down also A&P taxes are down 6.5%. Mayor Townsell stated we do did not project any sales tax increase in the 2013 budget. Mr. Winningham stated the beverage tax revenues are showing zero as we have not received these numbers as of today due to external factors. Mr. Winningham pointed out that the Municipal Fines & Fees will be caught up soon; we have received only one month for 2013. Mr. Winningham stated the departments are doing well in keeping the expenditures down. Mr. Winningham explained the Street and Sanitation funds are keeping their expenditures under control as well and revenues are in line to here they should be. Alderwoman Smith motioned to approve the February 2013 financial reports. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

Old Business

New Business

1. Ordinance appropriating funds to replace the sound system for City Council meetings.

Mayor Townsell stated we are in need of a new sound system for our council meetings which will improve the sound quality to the both audiences in attendance and at home. Jack Bell, Chief of Staff, explained we received 3 bids, stating the 2 Conway companies were similar and would replace the current system, and the other company out of Memphis went several steps further and quoted a computer controlled system which is more advanced. After discussion among council Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-8-0. Alderman Ledbetter motioned to approve the bid from DeBoard Electronics and add additional speakers determined. Alderman Hawkins

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seconded the motion. Alderman Jones stated we should focus on the system as it is the problem. After further discussion Alderwoman Smith motioned to hold this item in committee. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 8-0.

Adjournment

PASSED this 26th day of March 2013

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett