
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
July 9, 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, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, and Alderman Pruitt. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderwoman Smith and Alderman Jones were not in attendance.

Call to Order: Mayor Tab Townsell

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

Minutes: June 25th, 2013 City Council Meeting

Alderwoman Whitmore motioned to approve the June 25, 2013 minutes as submitted. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

1. Report of Standing Committees:

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

1. Consideration to appoint Amanda Potter Cole to the Bicycle & Pedestrian Advisory Board.

Alderman Hawkins motioned to approve the appointment of Amanda Potter Cole. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

2. Ordinance authorizing the issuance of a promissory note to provide short term financing for certain infrastructure improvements for the Conway Street Department; and repealing (O-09-103) and Ordinance O-13-61.

O-13-67

City Attorney Michael Murphy stated after discussions with Ronnie Hall, City Engineer, and bond council Mr. Wilbourn, explained this will reduce the amount previously outlined at the June 25, 2013 meeting from \$2.5 million to \$2 million. Mr. Murphy explained Mr. Wilbourn recommended including any debt service on Amendment 78 financing (as a part of the original resolution R-11-73), to amend parts of the prior ordinance, in conjunction with this proposed ordinance, amend the resolution for the pay-as-you-go, to all include debt service. Mr. Murphy stated the wording does include "major street projects" but Mr. Wilbourn wanted to be sure the intent of the council is to include any debt service with payment for major street projects. Mayor Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0. Alderman Hawkins motioned to adopt the emergency clause.

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

- 3. Ordinance amending Ordinance No. O-12-47 which authorized the issuance of a promissory note to provide short term financing for the relocated Conway Municipal Airport.**

O-13-68

City Attorney Michael Murphy stated this is also Amendment 78 short term financing; in the course of the banks attorneys making reviews, Ronnie Hall, City Engineer, determined we could reduce the loan amount from \$8.5 million to \$6.5 million; it was also determined, after discussions with bond council, there is an opportunity to reimburse the pay-as-you-go fund for some project costs which have already been expended. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderman Hawkins seconded the motion. Alderwoman Mehl asked if the \$162,000.00 is to be reimbursed to the general fund. Mr. Murphy stated yes, CFO Tyler Winningham and Mr. Hall determined the amount from prior invoices for costs to fund the airport. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0.

Alderman Hawkins motioned to suspend the rules to add a resolution amending and clarifying R-11-73. Alderman Grimes seconded the motion. There was no discussion. The motion passed 6-0.

Resolution amending and clarifying Resolution No. R-11-73 to specifically allow the payment of debt service on the Prince Street Major Street Project.

R-13-25

City Attorney Michael Murphy explained R-11-73, section 2, showed one purpose, council committing to purchase up to 12 police cars annually or up to \$500,000.00 annually from the existing pay-as-you-go one quarter percent sales tax; the remainder of which will be fully dedicated to major street projects. Mr. Murphy stated Mr. Wilbourn advised us to add a clause which is in bold print and reads "**including payment of debt service on Amendment 78 short term financing for the Prince Street Project**". Mr. Murphy stated with this language added, there is no question debt service will be included for monies loaned to pay for the cost of these types of projects. Mayor Townsell asked Ronnie Hall, City Engineer, if this money will be needed for other street projects. Mr. Hall stated yes, we will need this as well for the western loop, Elsinger Overpass, and the parkway into the new airport. The Mayor asked if we eliminate the language "for the Prince St Project", from the proposed resolution, would this be sufficient in covering Mr. Wilbourns concerns. Mr. Murphy suggested the language "**including but not limited to the Prince St project**" as he feels this would leave room to add other upcoming street projects, explaining Mr. Wilbourn wanted this resolution tied to one project tonight. The Mayor stated so we are looking at more

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resolutions as future projects are nearing. Mr. Murphy stated we can confirm with Mr. Wilbourn if the other upcoming projects need to be spelled out and if general language is sufficient. Alderman Hawkins motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 6-0.

4. Ordinance to rezone property located at 2645 Prince Street from O-3 to C-2.

O-13-69

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Mehl seconded the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Mayor Townsell stated years ago there was a concern about commercializing the south side of Prince Street and wondered if this concern was brought up during the planning commission meeting. Bryan Patrick, Planning Director, stated he was unaware of past concern and that there is no larger scheme as the request seemed reasonable being there is O-3 still surrounding the property. Paul Buch, applicant, stated we opening a primary care family practice; the kitchen would be for cooking healthy meals for clients who are trying to lose weight. Mr. Patrick stated the medical office would be fine in the current O-3 zoning, the complication arose with the request to build the commercial kitchen; it is possible that restricted retail would allow a commercial kitchen, but more restrictions could be added by requiring a conditional use permit. After some discussion regarding this request and the future of this area the clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0.

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

1. Ordinance establishing and setting commercial dumping or "tipping" sanitation fees for businesses at the Conway Landfill.

O-13-70

Cheryl Harrington, Sanitation Director, stated this ordinance will increase tipping fees from \$22.74 to \$30.00 per ton and would still allow residents to come in for free with their Conway Corp bill with house hold trash. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion waived 6-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Ledbetter seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0. The ordinance has an effective date of September 1, 2013.

2. Ordinance establishing the rates for residential collection fees for the Sanitation Department.

O-13-71

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Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. James Quinn opposes the 68% increase stating after the level of financial difficulties the city has had over the last 4 years to increase these fees is wrong. Mr. Quinn believes there are a number of things wrong with having a proposed budget set out over a number of years, one being the growth in revenues for this budget was .2% but to think the revenues are not going to go up more than .2% is wrong as is to use this kind of logic to justify a 68% increase. Mr. Quinn stated he has heard talk of wanting Conway to have quality of place; he feels we do, and can continue to have this, but this increase will put us within 0.33 cents of being the highest rate of all the cities listed in the proposal. Mr. Quinn also disagrees with the proposed capital improvements; the newspaper reports this is needed to get to 5 year life out of garbage trucks and to be have good trade in values, but fire and police vehicles are not treated the same. Alderman Pruitt and Alderwoman Mehl both stated that garbage trucks are used much more than fire trucks are on a daily basis. Alderman Hawkins suggested we look at this annually instead of having automatic increases to ensure there is a need for the increase and suggested to recognize the first year increase and revisit this annually. Alderman Grimes and Alderwoman Mehl concurred. After some discussion Alderman Hawkins motioned to amend this to approve only the first year increase. Alderwoman Whitmore seconded the motion. Mayor Townsell stated this is to be discussed annually. Ms. Harrington asked if the dates need to be September 1 to September 1, the initial increase is from September 1 to January. Alderman Grimes suggested we leave it at \$17.00 until we determine if needs change and revisit this topic as needed. The Mayor confirmed the motion is for \$17.00 rate until we revisit the topic. Council concurred. The motion passed 6-0. Alderman Hawkins motioned to approve the amended ordinance. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0. The ordinance will be effective September 1, 2013 at a rate of \$17.00 per month.

3. Consideration to dispose of certain inventory from the Sanitation Department.

Mayor Townsell stated the first item is a 2006 Condor Freightliner (04345) which is a part of the Go Red Grant; part of the grant requirement is to destroy it; the next item is a 2008 rear load refuse truck (55037) which was totaled by the insurance company; parts will be salvaged. Alderwoman Whitmore motioned to dispose of these items and to remove them from the cities inventory. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0.

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

1. Ordinance accepting donated items to the Conway Animal Welfare Unit.

O-13-72

Mayor Townsell stated Animal Welfare received \$500.00 from Petco Foundation. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. There was no discussion.

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The clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0.

- 2. Ordinance appropriating funds for the Civil service expenses for the entry level firefighter and police officer testing.**

O-13-73

Alderwoman Whitmore motioned to waive the readings in the ordinance. Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. Mayor Townsell stated the cost for these testing supplies is approximately \$14,000.00 annually. Lisa Williams, HR Director, explained this is an estimate and hopes the costs will be less. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0.

D. New Business

- 1. Ordinance appropriating funding for the CEO's for Cities Central Arkansas Cluster.**

O-13-74

Mayor Townsell stated we will be joining other cities in the region in a partnership with CEO's for Cities of Central Arkansas Cluster; Conway, Little Rock, North Little Rock and our Chambers of Commerce have been asked to participate; the cost is \$2,000.00, Metroplan will be funding \$500.00. The Mayor feels this will be a benefit to the city and recommends council approve the funding. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0.

Adjournment

PASSED this 9th day of July 2013

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett