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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
August 13, 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 Smith, Alderman Jones, Alderwoman Whitmore, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Pruitt was not in attendance.

**Call to Order: Mayor Tab Townsell**

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

**Minutes: July 23<sup>rd</sup>, 2013 City Council Meeting & August 6<sup>th</sup>, 2013 Special City Council Meeting  
Recognition:**

**1. Report of Standing Committees:**

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

**1. Consideration to enter into an agreement with Garver Engineers to review and update the Wildlife Hazard Management Plan for the new relocated Conway Municipal Airport.**

Ronnie Hall, City Engineer, stated this update is necessary to get a recommendation regarding water fowl leases in the area, the cost of the study is \$56,600.00; the cities portion will be \$5,660.00. The cost is covered by the 2012 FAA grant. The Mayor stated we will pay for this with proceeds of the sale of the old airport as will be the case in all airport related costs discussed tonight. Alderwoman Whitmore motioned to approve these professional services. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**2. Consideration to accept bid for the access road construction on the new relocated Conway Municipal Airport.**

Ronnie Hall, City Engineer, stated bids were taken, one being the bid for the onsite access road (connecting the city street to the terminal); the base bid was \$1,796,556.65 which includes approximately \$300,000.00 of embankment work (not to be included in the apron contract). Mr. Hall recommended awarding this bid to Weaver Bailey and to modify the contract since we achieved a maximum price of \$1,304,767.00. Mr. Hall stated we will need to execute a change order with Weaver Bailey, concurrent to contract signing, would possibly eliminate some paving until the 2014 grant is available. Alderwoman Smith motioned to award the bid to Weaver Bailey in the amount of \$1,304,767.00 with the change orders to follow. Alderwoman Whitmore seconded the motion. After some discussion the motion passed 7-0.

**3. Consideration to accept bid for the Stage 2B Paving and Lighting Construction for the new relocated Conway Municipal Airport.**

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Ronnie Hall, City Engineer, stated we only received one bid on this project and recommended awarding the contract to Weaver Bailey with a concurrent change order to reduce the contract amount down to \$5,113,011.00. Mr. Hall stated this will provide us with a full parallel taxiway and will modify paving quantities and other items of work to provide a total amount for this contract that will fit the grant and budget requirements; these items can be covered in the 2014 grant proceeds. Alderwoman Smith motioned to award the bid to Weaver Bailey with the concurrent change order. Alderwoman Whitmore seconded the motion. Alderman Hawkins asked if we are approving the additional 1.5" of pavement thickness. Mr. Hall stated yes at an additional cost of \$66,000.00 which is not included in this contract. After some discussion the motion passed 7-0.

**4. Consideration to accept bid for the airport terminal for the new relocated Conway Airport.**

Ronnie Hall, City Engineer, recommended awarding the bid to Corco Construction in the amount of \$1,536,000.00 and explained that our architect is familiar with this contractor and is comfortable using them. Alderwoman Mehl motioned to award the bid to low bidder Corco Construction. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**5. Resolution authorizing the Mayor to accept a grant from the Federal Aviation Administration for the relocated Conway Municipal Airport.**

**R-13-31**

Ronnie Hall, City Engineer, stated a resolution is required by the FAA and it outlines the grant budget and will allow us to receive the grant proceeds in the amount of \$6,568,000.00; the city is responsible for 10%. Mr. Hall stated \$300,000.00 of our portion will come from the State Dept. of Aeronautics and we will be required to pay for the \$66,000.00 for the additional paving thickness. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**6. Consideration to accept a proposal received for the Cantrell Field Redevelopment for the current Conway Airport.**

Ronnie Hall, City Engineer, recommended proceeding with the proposal and negotiations from Conway Development Corp. (CDC) and Wilson & Associates in the amount of \$6,100,000.00. Alderman Hawkins motioned to accept the proposal and proceed with negotiations with CDC and Wilson & Associates. Alderwoman Smith seconded the motion. Brad Lacy, CDC, gave council an overview of their desires and stated they feel very comfortable with the plan that they submitted to the city. There was no discussion. The motion passed 6-0-1. Alderman Grimes abstained.

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

**1. Resolution setting a public hearing to discuss closing an easement located in the Westin Office Park Subdivision.**

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**R-13-32**

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0. The public hearing is set for Tuesday August 27, 2013 at 6:30 pm.

- 2. Resolution setting a public hearing to discuss closing a street in the Westin Office Park Subdivision.**

**R-13-33**

Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The public hearing is set for Tuesday August 27, 2013 at 6:30 pm.

- 3. Resolution setting a public hearing to discuss changing the name of Business Avenue to Princeton Drive in the Westin Office Park Subdivision.**

**R-13-34**

Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The public hearing is set for Tuesday August 27, 2013 at 6:30 pm.

- 4. Resolutions requesting the Faulkner County Tax Collector to place a certified lien on certain properties as a result of incurred expenses by the City.**

**R-13-35**

Alderman Hawkins stated the property address is 1640 East Oak; the cost of cleanup was \$169.27 (\$126.61 + Penalty \$12.66 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**R-13-36**

Alderman Hawkins stated the property address is 130 Locust St; the cost of cleanup was \$169.27 (\$126.61 + Penalty \$12.66 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**R-13-37**

Alderman Hawkins stated the property address is 241 Center St; the cost of cleanup was \$240.45 (\$191.32 + Penalty \$19.13 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

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**5. Ordinance authorizing reclassification of certain positions within the Conway Permits & Code Enforcement Department.**

Bart Castleberry, Permits & Code Enforcement Director, stated we are requesting to change the title of a code enforcement officer to an inspector; our goal is to hire an inspector with knowledge of HVAC, structural framing, and foundations; this position will serve a dual role as they can help out code enforcement as necessary when their schedule allows. Alderwoman Smith motioned to waive the readings of the ordinance. 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 Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

**6. Consideration of a counteroffer for Tract 57 (Loya) for right of way acquisitions for the Conway Western Arterial Loop Project (Baker Wills Parkway).**

Ronnie Hall, City Engineer, explained council previously approved an offer to Mr. Loya (Tract 57) which was accepted (\$17,697.00 for 11,616 sq ft) however a mobile home on the property had to be moved which presented numerous challenges and the daughter now refuses to move the mobile home. Mr. Hall stated the plans have been modified to add a retaining wall and need approximately 574 sq ft of right of way. Mr. Hall stated Mr. Loya has agreed to settle for \$200.00, the appraised value was \$184.00; Mr. Hall recommended approval of this request. Alderwoman Smith motioned to approve the counteroffer. Alderwoman Whitmore seconded the motion. Alderman Hawkins asked if we are building a retaining wall for \$50,000.00. Mr. Hall stated yes, apparently there was no way to force the daughter to move. The Mayor reminded council that we dealt with another mobile home where the move would have cost more; this is the most economical option. There was no further discussion. The motion passed 7-0.

**7. Consideration to purchase right of way acquisition for Parcel 22 (Higgs) for the Prince Street Improvements.**

Ronnie Hall, City Engineer, explained our original total offer was \$3,730.00 and stated Mr. Higgs has counter offered in the amount of \$9,793.29 that includes the following additions:

- \$3,730.00 – Original offer for sign relocation and 128 sq ft of Right of Way
- \$1,740.00 – Actual cost obtained by Mr. Higgs.
- \$313.20 – Cost of temporary sign
- \$2,475.00 – Restore masonry work around sign base
- \$1,535.09 – Replace landscaping
- \$9,793.29 – Total counter offer

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

**8. Resolution authorizing condemnation by eminent domain proceedings on certain properties related to the Western Arterial Loop Project.**

**R-13-38**

City Attorney Michael Murphy explained this pertains to 2 property owners and various parcels of the western arterial loop acquisition where an agreement on a price could not be agreed upon; this resolution is necessary to proceed with eminent domain proceedings. Mr. Murphy stated if at any time during negotiations an agreement is made we will bring this before council for consideration. Mr. Murphy went onto say a deposit of compensation, based on the appraisers value, will need to be made to the courts for the interim at which time we can then engage in the negotiation process; we will be allowed entry to the parcels in order to perform the necessary work. Mr. Murphy briefly explained if the court should decide to award more than 10% of what the city deposited to the courts, then the condemning party is responsible for reasonable attorneys fees. After some discussion it was determined to move forward with the passage of this resolution and to try to settle the Maynard parcel with a settlement offer. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

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

**1. Consideration to accept bids for the Rogers Plaza & Archway Project for the Parks & Recreation Department.**

Mayor Townsell stated the recommendation is to accept the low bid from Corco Construction in the amount of \$509,000.00. The Mayor reminded council that the cost will be divided 60%/40% with Parks A&P funds. Alderwoman Smith motioned to approve the low bidder. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0

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

**1. Consideration to remove certain items from inventory for the Conway Fire Department.**

Mayor Townsell state the request is to remove a 1996 Pierce Pumper (E-6), inventory tag #1988 to be traded in for \$12,000.00 toward the purchase of a new pumper truck. Alderwoman Smith motioned to approve removing the truck from inventory and allowing it to be used as a trade in. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**2. Ordinance authorizing an increase in full time personnel from the Animal Welfare Department.**

**O-13-85**

A.J. Gary, Chief of Police, explained we would like to reclassify one part time kennel tech position to a full time kennel tech position; this will result in a fund balance appropriation in the amount of \$7,189.00 from the general fund. 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. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following

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voting "Aye": Alderwoman Smith, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

**3. Ordinance authorizing an increase in sworn personnel for the Conway Police Department.**

**O-13-86**

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. A.J. Gary, Chief of Police, stated we currently have 5 school resource officers and we are requesting to add three additional as the school desires to add a resource officer. Chief Gary went onto say that the school is responsible for one-half of the salary of each officer. This will result in a fund balance appropriation of \$66,380.00 from the general fund and will increase sworn police personnel from 114 to 117. Chief Gary stated even with this increase we are way below our goal of 2.8 officers per 1,000 people. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. After some discussion the clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

**4. Ordinance appropriating asset forfeiture funds for the services related to the 2013 CALEA assessment for the Conway Police Department.**

**O-13-87**

A.J. Gary, Chief of Police, stated this will be our third re-accreditation and requests \$4,000.00 from asset forfeiture account to pay for temporary contract labor services to help us prepare for the 2013 CALEA Assessment. After a brief discussion Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

**5. Ordinance appropriating and accepting reimbursements and restitution funds from various entities for the Conway Police Department.**

**O-13-88**

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. It was pointed out that the amount in Section 5 did not match the list at the top of the ordinance. A.J. Gary, Chief of Police, stated the amount in Section 5 should read \$2,489.78. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

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**6. Consideration to apply for the 2013 JAG (Justice Assistance Grant) from the Conway Police Department.**

A.J. Gary, Chief of Police, explained this is an annual grant that requires no matching funds, however the grant must be shared evenly with the Faulkner County Sheriff's Dept.; we will be using our portion this year for patrol rifles and this will take us up to 13. Alderwoman Smith motioned to approve application of this grant. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**E. Personnel**

**1. Ordinance appropriating funds for the new market rate established by the 2013 JESAP Salary Study.**

O-13-89

Mayor Townsell stated this ordinance reflects the new market rates established by the 2013 JESAP Salary Study update that our human resource committee has been discussing for some time now. The Mayor stated the various upgrades are reflected in the ordinance and will be retro back to the first of the year. The Mayor stated an email from JESAP regarding the Network Systems Administrator has been discussed which recommended the salary to be \$63,270.00 but the department recommendation was \$62,000.00 and Alderman Ledbetter and Alderman Pruitt would rather see this salary reflect the JESAP analysis; however this number does not reflect that but if you would include another \$2,000.00 in the general fund breakdown it would cover the difference. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

**F. Old Business**

**G. New Business**

**Adjournment**

**PASSED this 13<sup>th</sup> day of August 2013**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**