
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 5:30 p.m.
December 23, 2008

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 Smith, Alderman Jones, Alderman Vaught, Alderman Thompson, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* December 9th, 2008

Alderman Vaught stated he voted against item 6A-6 (Harkrider St. Improvements) and would like the record changed to show the vote as 7-1. Alderwoman Smith motioned to approve the amended minutes. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

4. *Recognition of Guests:* Employee Service Awards

10 Years

Larry Lute - Police Dept.
Clay Smith - Police Dept.

5. *Public Hearings:*

- A. *Public Hearing to discuss closing a drainage and utility easement located in Cresthaven Subdivision Phase III.*

Mayor Townsell opened the public hearing. David Henze stated all required documents are in order to proceed. Mayor Townsell closed the public hearing.

1. **Ordinance closing the fifteen foot drainage and utility easement located on the southern lot line of lot 65 Cresthaven Subdivision Phase III and the fifteen foot drainage and utility easement on the western lot line of lot 66.**

O-08-155

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

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clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

6. Report of Standing Committees:

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

- 1. Resolution ordering the demolition of properties located at 407 & 411 Donaghey Avenue.**

R-08-49

Alderman Hawkins motioned to adopt the resolution. Alderman Vaught seconded the motion. There was no discussion. The motion passed 7-0.

- 2. Consideration to allow THA & JDA Development Group to cut vegetation and trim trees along the south side of Interstate I-40 at Exit 125 along the highway right of way.**

Todd Ashley was present to answer questions. Alderman Hawkins motioned to allow the cutting of vegetation. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

- 3. Consideration of annual bids on the following items: asphalt, gravel, concrete, concrete pipe, concrete blocks, concrete work, and gasoline and diesel.**

Ronnie Hall, City Engineer, stated annual bids have been received on materials and services and he gave a synopsis of the outcome and asked council to approve the 2009 low bids which are listed below. Alderwoman Smith motioned to award the bids to the low bidders. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

<u>Material/Service</u>	<u>Contractor</u>	<u>Price</u>
<u>Asphalt & Gravel</u>		
Asphalt Pre-Mix	Rogers Group	\$81.00 /Ton
Asphalt Hot Mix FOB Plant	Rogers Group	\$63.60/Ton
Crushed Stone FOB El Paso	Webco	\$6.99/Ton
Crushed Stone Delivered	Webco	\$10.59/Ton
Ballast Stone Delivered	Rogers Group	\$11.64/Ton
Stone Backfill Delivered	Webco	\$11.13/Ton

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Riprap Delivered	Webco	\$17.50/Ton
Concrete Class A	Mallard	\$84.97/CY
Concrete Class S	Mallard	\$87.14/CY
Added Cost for 1% Calcium added	Mallard	\$4.00/CY

Reinforced Concrete Pipe

12"	Hanson	\$9.14/Ft
15"	Hanson	\$12.49/Ft
18"	Scurlock	\$15.60/Ft
24"	Scurlock	\$22.75/Ft
30"	Scurlock	\$32.90/Ft
36"	Scurlock	\$50.30/Ft
42"	Hanson	\$63.19/Ft
48"	Scurlock	\$77.15/Ft

Concrete Blocks

Standard Weight Blocks	Conway Block	\$1.46/Ea
Interlocking Retaining Wall Blocks	Conway Block	\$4.25/Ea

Concrete Work

4" Curb/Gutter	Lasker Bros.	\$3.00
6" Curb/Gutter	Lasker Bros.	\$4.25
Sidewalk	Triple L Const	\$0.65/SF
Concrete Pavement Repair	Triple L Const	\$27.00/SY
Removal of Unsuitable Subgrade	No Bid	
Place/Shape Stone Backfill	No Bid	

Gasoline & Diesel

Regular Unleaded Gasoline	M. M. Satterfield	\$1.4305/Gal
Diesel	M. M. Satterfield	\$1.9570/Gal

4. Consideration to accept bids (second lowest) from Bale Chevrolet & Whiteside Chevrolet for a one ton truck (4 door crew cab) and a one ton standard cab truck for the Street Department.

Ronnie Hall, City Engineer, requested that the previous bids on a one ton truck crew cab and a one ton standard cab, originally awarded to Gwatney on Dec. 9, 2008, be reconsidered as the vehicles have been sold. Mr. Hall suggested awarding the bid on the one ton crew cab to Bale Chevrolet, the second lowest bidder, in the amount of \$23,773.00 and award the bid on the one ton standard cab to Whiteside Chevrolet, the second lowest bidder, in the amount of \$19,900.00. Mr. Hall suggested that if Whiteside should happen to sell the one ton standard cab that council approve the third highest bidder, Bale Chevrolet, in the amount of \$20,673.00 as an alternate. Alderwoman Smith motioned to approve the second lowest bids from Bale Chevrolet and Whiteside, and if the Whiteside bid falls through to approve the third lowest bidder, Bale Chevrolet, on the one ton standard cab. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

5. Consideration to enter into an agreement with Peters & Associates for traffic signal modification at Dave Ward Drive at South Donaghey Avenue.

Ronnie Hall, City Engineer, stated we need the expertise of a consultant to help prepare the traffic signal plans to meet Highway Dept. standards at both Dave

Ward Dr. & S Donaghey and at Hwy 64 (W) and the new Salem Rd. overpass. Peters & Assoc. would add this task to their contract they currently have with the city to provide traffic engineering services. Mr. Hall stated the cost is \$6,000.00 for Hwy 64 & Salem and \$9,000.00 for Dave Ward Dr. & S Donaghey for a total cost of \$15,000.00. Alderwoman Smith motioned to enter into this agreement. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

6. Consideration of an offer and acceptance to purchase property located at Lots 1, 2, 11 & 12, Block 15, Burns Addition to the City of Conway.

Mayor Townsell stated these lots are situated in the Pine St. Community and formerly occupied by Ebenezer Church, which had to be demolished. This offer and acceptance is representative of an appraised value which has conditions; one, the city would need to acquire two other lots (lots 10 & 3) before this proceeds. This is necessary to acquire more depth in order to make our redevelopment work. Mayor Townsell went onto say that he would encourage the city to move toward redevelopment programs in order to better the community. Mayor Townsell would like to start with the \$75,000.00 offer to start negotiations and allow him to come back to council with any other counter offers as needed. Linda Paxton, President Pine St. Area Community Development Corp., was present to answer questions. There was discussion among council as to how this redevelopment would work with Habitat for Humanity and other agencies. Alderman Thompson motioned to allow the Mayor to enter into this agreement. Alderwoman Smith seconded the motion. Mayor Townsell explained that the \$75,000.00 is CDBG monies. There was no further discussion. The motion passed 7-0.

7. Consideration of additional staffing personnel for redevelopment purposes within CDBG.

Mayor Townsell stated he would like to add additional personnel, whom will report directly to him, to work as a manager on redevelopment issues while following HUD guidelines. Mayor Townsell stated the total cost of this position would be \$41,519.34 and would be paid with CDBG monies. Alderwoman Smith motioned to approve the additional staffing personnel. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

B. Public Safety Committee (Police, CEOC, IT Technology, Fire, Dist. Court & City Att., & Animal Control)

1. Ordinance to accept donation proceeds for the Conway Police Department.

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A.J. Gary, Chief of Police, was present to answer questions. 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 Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

2. Ordinance to accept restitution for overtime performed by the Conway Police Department.

O-08-157

A.J. Gary, Chief of Police, was present to answer questions. 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. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

3. Ordinance to appropriate insurance funds received from Farm Bureau to the CPD.

O-08-158

A.J. Gary, Chief of Police, was present to answer questions. 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. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

Alderwoman Mehl entered the meeting.

4. Consideration to accept bids on the following items: Law Enforcement Motorcycle Vehicles, Automated License Plate Reader (ALPR), Leather Gear, and the annual uniform bid for the Conway Police Department.

A.J. Gary, Chief of Police opened discussion explaining once we purchase the two new motorcycles we will sell the two older motorcycles; an officer test drove a Honda motorcycle and was pleased with its performance. Chief Gary

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explained the license plate reader is a camera system that is mounted to the light bar on a patrol vehicle and it is capable of reading several license plates at a time while vehicles travel along the road. As the reader scans the license plates it can match those plates to various databases that can tell us if the registered owner of the vehicle has warrants etc. Chief Gary explained that Cruse Uniforms and Equipment was the low bid for leather gear and Conway Police Supply was the second lowest bidder for the 2009 police uniform bid. Mayor Townsell asked if the motorcycles and the license plate reader were budgeted. Chief Gary stated no, but these will be purchased with monies left over from the 2008 budget. Alderman Hawkins asked how many license plate readers are included in the bid. Chief Gary stated just one. Alderwoman Smith motioned to accept Chief Gary's recommendations. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0. The list of bids and amounts as follows:

Sunrise Honda - Two 2009 Honda Motorcycles - \$14,284.00
Federal Signal Corp - Automated License Plate Reader - \$29,205.00
Safariland Leather Gear - Cruse Uniforms and Equipment - \$391.20
2009 Uniform bid - Conway Police Supply - \$854.74

5. Consideration to accept legal service representation of management in Civil Service Commission appeal hearings.

Mayor Townsell stated a legal notice was placed in the Log Cabin and the Arkansas Democrat Gazette and we received no response. Mayor Townsell explained we still have three names from the last legal notice published and he recommends staying with Gary Jiles of Jack, Nelson, Jones, Fink, Jiles & Gregory, PA due to the fact he is a local attorney. Alderwoman Smith motioned to retain Gary Jiles. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

C. Finance

1. Consideration of salary increases for department heads & the employment of the Chief Financial Officer for the City.

Mayor Townsell stated that Robin Scott, CFO, has been part time since 2003 and as of late her duties have become full time and suggested hiring her full time; the salary for this position will have to be set. Mayor Townsell went onto say that he recommends giving department heads and elected officials a 1% increase now instead of later; thus matching what we did for basic employees. Alderwoman Whitmore motioned to give department heads and elected officials a 1% increase in pay. Alderman Hawkins seconded the motion. Alderwoman Smith suggested re-evaluating the pay increase at midyear. There was no further discussion. The motion passed 8-0. Alderman Jones motioned to adjourn to executive session. Alderman Grimes seconded the motion. The motion passed

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8-0. Council came out of executive session. Alderwoman Whitmore motioned to approve Ms. Scott's position as full time and set the salary at \$74,000.00 annually. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance adopting the FY 2009 City of Conway budget.

O-08-159

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore 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": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

7. Old Business

8. New Business

A. Consideration of a request from Rock-Tenn to terminate their lease with the City of Conway in accordance with the Act 9 Bond agreement.

Mayor Townsell explained that Rock-Tenn paid off their bonds back in 1989 and they wish to retain ownership of their facility thus taking it out of the city's name and deeding it to Rock-Tenn per the Act 9 Bond agreement for the amount of \$100.00. Alderman Hawkins motioned to terminate the lease with Rock-Tenn. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Mayor Townsell recognized John Thompson for his interim service on the city council as he filled the vacant position of Jack Bell.

Adjournment

PASSED this 23rd day of December 2008

APPROVED:

Mayor Tab Townsell

