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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
February 13, 2007

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

**1. Call to Order**

**2. Roll Call**

**3. Minutes:** *January 23<sup>rd</sup>, 2007*

Alderwoman Whitmore motioned to approve the Jan. 23, 2007 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**4. Recognition of Guests:**

**5. Public Hearings:**

**6. Report of Standing Committees:**

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

**1. Consideration to accept the resignation of T. Junior Storie from the Tree Board USA and to accept the nominations by Mayor Tab Townsell of Timothy Myers for member at large & Roy Martin as business owner.**

Alderman Hawkins motioned to accept Mr. Storie's resignation and accept Mayor Townsell's nominations of the above named individuals. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

**2. Consideration of the re-nomination of Michael Maggio to the Board of Housing Authority for an additional five year term.**

Alderman Hawkins motioned to accept the re-nomination of Mr. Maggio. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- 3. Resolution setting a public hearing to discuss closing a utility easement located across Lot 3 and extending on to Lot 2 of Daniel Subdivision.**

**R-07-02**

Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. The public hearing was set for Tuesday February 27, 2007 at 6:30 PM. There was no discussion. The motion passed 8-0.

- 4. Resolution ordering the removal of a dilapidated structure on property located at 1600 North Museum Road.**

**R-07-03**

Grant Tomlin, Code Enforcement Officer, stated several violations were found at this property and a certified letter stating the violations was sent to Mr. Augusta Pike, owner of said property, which was signed and received by Mr. Pike. The only thing that has been done to correct the violations is mowing. Alderwoman Smith motioned to adopt the resolution. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

- 5. Resolution ordering the removal of a dilapidated structure on property located on Meadowlake Road.**

**R-07-04**

Grant Tomlin, Code Enforcement Officer, stated the address is 1905 Meadowlake Rd. and noted the site contains a residence that is being rented out. There is also a dilapidated mobile home that housed homeless people when the property was first inspected. A warning was issued Sept. 15, 2006 to the registered property owner Johnnie Sue Coffman. A certified letter was sent to her residence for the violations and signed for by family members, they stated they would correct the problems. To date some of the trash and debris has been burned. Mr. Tomlin stated while driving by the property he noticed a back hoe and asked the driver what he was doing. The driver stated the owners asked him to dig a hole and bury the mobile home. Mr. Tomlin told the driver he could not do that. The hole was then filled back up with dirt. No other violations have been corrected. Alderman Hawkins motioned to adopt the resolution. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

- 6. Ordinance to rezone property located at the southeast corner of the intersection of Robins Street and Griffith Avenue from R-2 to O-2.**

**O-07-10**

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Alderman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Jones, Alderman Mehl, Alderman Smith, Alderman Whitmore, and Alderman Bell, Alderman Vaught, and Alderman Hawkins. The motion passed 8-0.

- 7. Ordinance waiving bids for the purchase of Vantage Plus video processors for traffic signal control for the City of Conway.**

**O-07-11**

Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 8-0. Alderman Grimes asked if the processors are for the cameras or the lights. David Vondron stated these controllers allow the camera to continue the trend that has been controlling the intersection when power is lost. Alderman Vaught motioned to adopt the ordinance. Alderman Grimes seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Jones, Alderman Mehl, Alderman Smith, Alderman Whitmore, and Alderman Bell, Alderman Vaught, and Alderman Hawkins. The motion passed 8-0. Alderman Whitmore motioned to adopt the emergency clause. Alderman Bell seconded the motion.

- 8. Ordinance to change the parking lot directly behind Simon Park to 2 hour parking in downtown Conway.**

**O-07-12**

Jamie Gates, Assistant to the Mayor, stated this is more for Front Street retailers than for city employees and Dayer Jewelers and Mikes Place have expressed the need for more 2 hour parking. Mr. Gates noted all retailers had increased volume this past holiday season and feels there is a desire to establish more parking to get ahead of the game as downtown is further developed. After talking with individuals from AMC about the inconvenience of losing those spaces and having to likely start parking in the Conway Corp. parking lot Mr. Gates stated they did not seem to mind. Mayor Townsell noted that Steve Strange with AMC has written a letter about this issue and dislikes the idea. Alderman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Smith motioned to adopt the ordinance. Alderman Bell seconded the motion. Alderman Whitmore motioned that she will not support any other parking change requests until AMC's parking is addressed. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Jones, Alderman Mehl, Alderman Smith, Alderman Whitmore,

and Alderman Bell, Alderman Vaught, and Alderman Hawkins. The motion passed 8-0.

**9. Discussion of a sidewalk variance for property located on London Road.**

Bryan Patrick, Planning Director, stated that Dwight Southerland has a desire to re-plat his property and would be liable for 640 ft. of sidewalk if he does the re-plat. Since there are no existing sidewalks on London Rd. Mr. Southerland is asking to build a sidewalk in another area of the city where it is needed. Alderman Hawkins stated that the east side of Salem Rd. that leads to Marguerite Vann School would be a good location for a sidewalk. Alderman Grimes stated that area would require more work than just building a sidewalk. Alderman Hawkins motioned to grant the variance and suggested the Salem Rd. section of land that leads to Marguerite Vann School. Alderman Bell seconded the motion. There was no further discussion. The motion passed 8-0.

***B. Public Safety Committee (Police, CEOC, Fire, Dist. Court & City Att., & Animal Welfare)***

**1. Ordinance waiving bids & providing sole source vendor status to SAIC-Science Applications for the purchase of bomb disposal equipment for the Conway Fire Department.**

**O-07-13**

Bart Castleberry, Fire Chief, was present to answer questions. Alderman Bell 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 Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Jones, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell, Alderman Vaught, and Alderman Hawkins. The motion passed 8-0.

**2. Consideration to accept bid from Flamebuster Supply for (40) Survivair 30 Minutes carbon cylinders with locking collars.**

Bart Castleberry, Fire Chief, was present to answer questions. Alderwoman Smith motioned to accept the bid from Flamebuster Supply for \$35,108.55. Alderman Jones seconded the motion. There was no discussion. The motion passed 8-0.

**3. Consideration to accept bid from Bumpus Harley Davidson of Memphis for a 2007 Harley Davidson Motorcycles for the Conway Police Department.**

Mayor Townsell stated that there was only one bid received for \$15,455.00 each and we have the funds in the budget to purchase 2 motorcycles. Alderman Hawkins motioned to accept the bid from Bumpus Harley Davidson of Memphis. Alderman Jones seconded the motion. There was no discussion. The motion passed 8-0.

**4. Ordinance to accept bid and appropriate funds for a phone system from Service Plus Telecommunications for District Court.**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell stated there was a misunderstanding on the original quotes and the quotes did not compare apples to apples. Lloyd Hartzell, CEOC Director, stated this phone system is a continuation of what was installed at CEOC and that system was chosen to handle future city growth. Mr. Hartzell stated he didn't want to purchase a phone system that would have to be replaced because it could not handle upgrades, with this system all it takes to add a smaller department is putting an IP phone in and they are tied to the system. Mr. Hartzell feels compatibility is important. Stacy Davis, Kirby Telephone Service, stated he has been doing telephone work for the city since 1984 and was a Comdial dealer from 1984 – 1991 but stopped selling the product due to so many problems with the product. Mr. Davis stated his company has a system that will match everything the Comdial system will do, however it will not match up with CEOC. Mr. Davis went on to say his company did the wiring at CEOC when it was being built, but Mr. Davis doesn't recall being offered to bid on the phone system, and stated it was approximately the same time frame that they stopped getting calls from the city on bidding, but they still get calls for service. Mr. Davis stated he appreciates the business the city gives him and doesn't feel he deserves the entire city's business exclusively. Comdial has been contacting him since August 2006 to become a dealer, but he resisted because the product line has cost his customers money in the long run, but considered carrying Comdial again when this bid came up. This is the second time that he has gotten a phone system for the city and was ready to install when he was overridden; the Street Dept. was the first. The Street Dept. now has a system that won't do any more than the system he bid; but it cost twice as much money. Mr. Davis stated that he contacted Comdial to discuss becoming a dealer and told them he was interested in the FX2 which met the bid specs because he wanted to give the city competitive pricing against Service Plus out of Russellville and once Comdial found this out he was told that the city of Conway's contract was with Kenny Biggs out of Russellville and he has that locked in and they were not interested in competing. Mr. Davis stated he was willing to get certification on the Comdial FX and MP500 line if this is what the city wanted, but feels that the Comdial technology wouldn't be utilized for another 6 – 10 years and by then that technology will be half the price it is now. Mr. Davis' concern when he met with Mayor Townsell after bid was put out that he could not bid anything that would be accepted, because the bid does not say the system has to be Comdial, it states it has to be compatible with what is already there. Mr. Davis feels that the system he had for District Court will work better for them than the system that was bid out. Alderman

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Grimes asked Mayor Townsell what bid he through out. Mayor Townsell stated he was informed that they had a bid of approximately \$18,000 and one for \$7,000 and he assumed it was an apples to apples bid but it was not, so he stopped it. Alderman Hawkins asked what the Comdial system will do that our current system will not. Mr. Davis stated he can't give details, but he can explain what VOIP systems can do and what the advantages and disadvantages are. Mr. Davis stated if calling another department was long distance it would give you free long distance, you have to buy VOIP service lines; there is a hot desking feature that is designed for 911 offices, fire stations etc that allows an individual to set preferences by entering a code at any phone, and this can be changed from shift to shift. Mr. Davis stated since District Court employees have their own office this feature would not be utilized unless the building were to be expanded. District Court asked him to bid a system that would have 16 lines, where they only have 5 now. The system Mr. Davis bid first had 8 lines available and 8 more lines could be added with a card and could be expanded up to 160 ports. Alderman Hawkins stated he understands that the system Mr. Davis bid will not communicate with the CEOC phone system. Mr. Davis stated that is correct and added that it will transfer a call out to another department, but it cannot tie into the voice mail at CEOC. Mr. Davis stated that only Comdial will work with a Comdial voice mail system. Mr. Hartzell stated he visited with Donna Clifton, District Court Clerk, about the needs of the court and were waiting to go out for bids when he found out that someone decided to go another way and that is when Mayor Townsell stopped it, and asked them to bid the system. Mr. Hartzell stated he did not know they had purchased a system and he did not get a call about the specifications. Alderman Hawkins asked Donna Clifton, District Court Clerk, if there was a need to make this change now. Ms. Clifton stated it was in the courts capital request for this year so she got quotes and decided to shop Conway first and submitted the purchase order. Alderman Hawkins stated he would like to see Mr. Davis get to bid the same system. Alderman Hawkins motioned to throw the bids out. Alderwoman Smith seconded the motion. Kenny Biggs, Service Plus, stated he has been working with the city in trying to connect all the departments as he was informed by Mr. Hartzell this was the way the city wanted to move forward and has no problem re-bidding the system. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Jones, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell, Alderman Vaught, and Alderman Hawkins. The motion passed 8-0. The motion passed 8-0.

***C. Public Safety Committee (Police, CEOC, Fire, Dist. Court & City Att., & Animal Welfare)***

**1. Consideration of certain items to be removed from the fixed asset inventory list.**

Robin Scott, CFO, stated most items will be sold by auction and the rest will be sold for scrap. Alderman Bell motioned to approve of the list of items. Alderman

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Hawkins seconded the motion. There was no discussion. The motion passed 8-0. The items are listed below.

Year-Make	Vehicle Vin #	Scrap	Auction	Location	Inventory Tag #	Book Value
1988 Ford 1-ton	11975	x		Street	201-24	0.00
1992 Ford Taurus	31271	x		Street	201-302	0.00
1976 Chevy 1-ton	20510		x	Street	201-14	0.00
1990 GMC Truck	20779	x		Street	120-2	0.00
1993 Dodge Dakota	9234	x		Street	201-03	0.00
1984 Flat Bed Truck	42516			Street	201-09	0.00
1983 Chevy Truck	16839			Street	201-15	0.00
1992 Tymco Sweeper	a35656			Street	201-30	0.00
1994 Chevy Long Bed	24821			Street	201-19	0.00
Hydro Clipper Mower	17464			Street	201-78	3,461.01
1992 Ford Taurus	31270	x		Street	201-301	0.00
Office Jet Fax/Printer	MY2B1D50W4	x		Finance	101-29	0.00
						<b>3,461.01</b>

**7. Old Business**

**8. New Business**

**A. Ordinance to clarify the inclement weather policy & an ordinance to clarify the Emergency call out and /or off duty court duty policy.**

Lisa Mabry-Williams, Human Resource Director, was present to answer questions. Mayor Townsell stated the question is if the Mayor closes the city do we pay our employees, in the past we have. The issue is when we pay employees who do not show up for work, and when essential employees show up for work and only get paid regular wages; some essential employees do not think this is fair. Alderman Hawkins asked Ms. Williams how many times this has happened since she has been here. Ms. Williams stated once. Alderman Hawkins stated since this type of event does not happen very often; and since the city does not pay the best wages, it is not right to dock our employees their wages. Alderman Hawkins stated he would rather *not pay* double time to essential employees who report for duty but possibly grant them a comp day off of work. There were various discussions as to how council member's employers handle inclement weather policies. Alderman Vaught stated we could limit the number of days an employee could be paid for time off due to inclement weather. Alderman Hawkins was in agreement

with this. Mayor Townsell suggested drafting an ordinance with changes and submit it to the council.

**B. Consideration for the City to enter into an agreement with the Conway Gun Club.**

Gary Duncan, Conway Gun Club, addressed the council and stated since his last visit with the council he has learned that the Arkansas Game and Fish Commission has adopted a program called the Arkansas Youth Shooting Sports Program which involves school age children working with coaches to teach them the proper way to handle firearms in a controlled environment and Conway would be a good place for this to start. This program would have to work through a gun club and the Conway Gun Club would be that instrument. Mayor Townsell stated that only certain kinds of guns will be allowed and the general public would be able to use the facility by paying a fee. Alderman Hawkins asked if any permanent structures would be erected. Mr. Duncan stated he would like to since they are requesting a 10 year lease with the option to extend. Mayor Townsell asked if the council is looking for options or details from the public hearing. The council stated just general comments. Alderman Grimes motioned to hold a public hearing for Tuesday February 27, 2007 at 6:30 pm. Alderman Bell seconded the motion. The motion passed 8-0.

**O-07-14**

Alderman Hawkins motioned to suspend the rules to add an item to the agenda. Alderman Bell seconded the motion. The motion passed 8-0. Mayor Townsell stated this ordinance is requesting funds for plants, planters, and fixed furnishings for the Downtown Partnership. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Hawkins seconded the motion. T.J. Johnston addressed the council and explained the process of this project since it began and stated additional funding is needed to help with management and maintenance of the plants, planters, and fixed structures. Mr. Johnston stated he is requesting \$40,000 for 2007 to hire the Downtown Partnership for the management, oversight, and maintenance of streetscape, physical improvements and beautification. Alderman Grimes motioned to adopt the ordinance and the emergency clause. Alderman Hawkins seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Jones, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell, Alderman Vaught, and Alderman Hawkins. The motion passed 8-0.

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**Adjournment**

There was no further discussion and the meeting was adjourned.

**PASSED this 13<sup>th</sup> day of February 2007**

APPROVED:

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Mayor Tab Townsell

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City Clerk Michael O. Garrett