
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
January 13, 2015

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, Alderwoman Mehl, Alderman Pruitt, Alderwoman Smith, Alderman Ledbetter, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson. Alderman Jones was not in attendance.

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett

Minutes Approval: December 23rd, 2014

Alderwoman Smith motioned to approve the minutes as submitted. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

1. Report of Standing Committees:

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

1. Resolution setting a public hearing to discuss the closing of a portion of Donnell Ridge in the Sherwood Estate Subdivision.

R-15-01

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. The motion passed 7-0. The public hearing will be set Tuesday January 27, 2015 at 6:30 pm.

Mayor Townsell stated the closing of the easement for this property was not included on the agenda and asked council to suspend the rules to add the item to the agenda tonight. Alderman Grimes motioned to suspend the rules. Alderwoman Smith seconded the motion. The motion passed 7-0.

Resolution setting a public hearing to discuss the closing of a portion of the 10' easement in the Sherwood Estate Subdivision.

R-15-02

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0. The public hearing will be set Tuesday January 27, 2015 at 6:30 pm.

2. Resolution setting a public hearing to discuss the closing of a portion of a utility easement located at Bronnie Lane.

R-15-03

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Whitmore motioned the adoption of the resolution. Alderman Smith seconded the motion. There was no discussion. The motion passed 7-0. The public hearing will be set Tuesday January 27, 2015 at 6:30 pm.

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

R-15-04

Alderman Hawkins stated the property address is 1725 Robins St; the cost of cleanup was \$194.63 (\$149.66 + Penalty \$14.97 + filing fee \$30.00). There was no one present to speak to this issue. Alderman Smith motioned to adopt the resolution. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

R-15-05

Alderman Hawkins stated the property address is 2133A Hickory; the cost of cleanup was \$211.13 (\$164.66 + Penalty \$16.47+ filing fee \$30.00). There was no one present to speak to this issue. Alderman Whitmore motioned to adopt the resolution. Alderman Smith seconded the motion. There was no discussion. The motion passed 7-0.

R-15-06

Alderman Hawkins stated the property address is 108 Fairway; the cost of cleanup was \$322.26 (\$265.69 + Penalty \$26.57+ filing fee \$30.00). There was no one present to speak to this issue. Alderman Smith motioned to adopt the resolution. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

4. **Resolution requesting support of an NEA Our Town Grant application submitted by the Community Development Department for the purpose of developing designs for the proposed performing arts amphitheater.**

R-15-07

Scott Grummer, CDBG, stated back in December the council approved the EPA ground filled clean-up, of the old scrap metal site; as a part of the cleanup process we need a design, in order to coordinate how we are going to clean up the site, to mesh with the actual design itself. Mr. Grummer stated the EPA actually contacted us and suggested that we apply for the NEA Our Town Grant and told council, this project has received a lot of attention nationally and regionally. Mr. Grummer explained these grants provide a level of visibility to the public and gives an opportunity for community engagement, similar to what we have with the Jumpstart Program. Mr. Grummer stated the design process is a two way street; the Jumpstart Program provided us an artistic design, which is an artistic rendering of planned redevelopment; other items needed are conceptual plans, schematic design, design development, construction documents, and construction administration. Mr. Grummer stated if you are familiar with construction, approximately 6-10% of your total construction costs goes towards net cost, but at this time we do not know the cost of the redevelopment. Mr. Grummer explained the NEA Our Town Grant will provide 100% of the conceptual design, schematic design, design development phases, and potentially 50% of the construction document phase and possibly more which will give us what we need to redevelop the old scrap metal yard. Mr. Grummer

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

stated the NEA grant is \$200,000.00, with \$100,000.00 being paid by NEA, and \$100,000.00 matching funds coming from the city. Mr. Grummer asked for clarification on the matching funds, because the match is an actual cash match, that would pay \$100,000.00 towards the design process; any staff time and other expenses, incurred by city, would be above and beyond that amount. Mr. Grummer stated the question here is, when designs are needed to go along with the cleanup process, which are costs the city will have to incur anyway, the question is how much would we pay if we did not have this or the designs. Mr. Grummer stated it would be close if not more than what we would see on this. Mr. Grummer stated the UACDC will receive the majority of the NEA grants in the state of Arkansas and he has worked with them before they do a lot of experience within low impact development strategies; they would be the ones that would also manage the engineering process, hiring the engineering firms, and getting the necessary engineering work done for the storm water drainage and detention design. Mr. Grummer stated his request is to for council to approve the NEA grant application knowing if we are awarded the grant, the city would provide the matching funding for the design process. Alderman Hawkins asked Mayor Townsell if A&P funds can be used for the cities part of the matching funds. Mayor Townsell stated yes, we used A&P, Street, and General Fund sources when we purchased the scrap yard, each contributed one-third, stating we can do this any way you want to; this does have distinctive park elements, but it will start as a functional detention system and park details can be added to it, but we do not need to lose the fact that it has a "job" to do also. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Mayor Townsell stated our engineering staff has some concerns; whatever we design it is going to be detention, it will not be retention, so there will be water flowing in, and water flowing out, and if it is integrated with a park we need to be careful with it as it is a high standard of design we are dealing with and getting professional help is appropriate in their concern. Mr. Grummer stated the written artist's rendering provided to council is not necessarily what the finished product will be, there is another process which will allow discussion and input in case it needs to be expanded or modified. There was no further discussion. The motion passed 7-0.

5. Ordinance accepting proceeds from Faulkner County for GIS work for the Planning and Development Department.

O-15-01

Bryan Patrick, Planning and Development, stated this is essentially the work that Jason Lyons, GIS Coordinator, does, providing mapping for Faulkner County. Mayor Townsell stated he recognizes it as a revenue and an expense. 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. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderwoman Smith, Alderman Ledbetter, and Alderwoman Whitmore. The motion passed 7-0.

6. Consideration to accept the nomination of Dustin Botsford for the Tree Board.

Alderman Hawkins motioned to accept the nomination. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

7. Ordinance appropriating funds and authorizing an increase in pay for the Construction Specialist with CDL position.

O-15-02

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Finely Vinson, Street Department Director, stated this was before you last year when the title we had was construction specialist, and council had created a new title which is now construction specialist with CDL. Mr. Vinson explained earlier in the year Mr. Hall pointed out to council that Sanitation CDL positions were being paid higher than CDL Street Dept. positions. Mr. Vinson stated the council decided to create the position, but not to move employees to that position until other position's pay in the city had been increased which has happened. Alderwoman Smith asked Mayor Townsell if Cheryl Harrington, Sanitation Dept. Director, has any employers that may seem suitable to reclassify in her department using her sanitation money. Mayor Townsell stated the only people that we have not set market rates for are the 3rd year of police officers are still down 1 step pay, determined by the study 2 years ago. Mayor Townsell explained all of the Fire Dept. is up to the pay they need to be, and 2 out of the three year officers are where they need to be; leaving the 3rd year officers who would need to get their step 2 raise, if we have the money available January 1st, 2016. Mayor Townsell explained we are on schedule as of right now, so we could consider raises to anybody else on market conditions. Mayor Townsell stated this is not the only issue with the Street Dept. has right now, as they are having a difficult time filling the engineer position, based on our salary. Mayor Townsell stated we have always kept to the idea that we will not give changes, unless everybody is considered. Alderwoman Smith stated she remembers Ms. Harrington requesting to give her collectors a raise, but was told she could not give a raise unless every department were given the raises they needed. Mayor Townsell stated having developed a study 2 years ago, we would tend to approach this lightly until we have a chance to view every department, and if it is based on specific conditions changed, we can then consider it; this situation obviously being a specific case, where we did not get the equity between 2 similar positions correct and we are trying to revenue that. Mayor Townsell stated we would need to look very carefully at the situation when reclassifying or repay consideration for some employees and not any other employees. Mayor Townsell stated last year we would not consider it at all because we were not able to honor pay increases for 2014, but now that we have honored both 2014 and 2015, we could consider it for this year. Alderwoman Smith asked how many positions will there be. Mr. Vinson stated he could not remember if it is 6 or 7, but one of the employees that will get this title will not receive an increase already having a higher salary than the proposed pay rate. Alderwoman Smith asked so one employee will not receive the raise. Mr. Vinson replied yes and we do have more specialists than that, but believes there are only 7 positions available for CDLs. Alderman Hawkins asked is this to get everybody at a certain level throughout the city at the same pay rate. Mr. Vinson replied yes this would put the market rate for the CDL drivers the same as the market rate for the Sanitation Dept. CDL drivers, while there will be some CDL drivers who would still have a higher pay rate than other CDL drivers. Alderman Hawkins asked what you deem to be just is an employee who is qualified for this position should receive this pay rate. Alderman Hawkins asked do you know the total amount. Mr. Vinson replied approximately \$11,000.00. Alderwoman Smith asked are the CDL drivers' pay rate \$15.00 hourly. Mr. Vinson replied yes to my understanding. Alderwoman Smith motioned to waive the three readings. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Ledbetter seconded the motion. Alderman Hawkins asked if this was discussed at last year's budget process. Mayor Townsell replied yes it was. Alderman Ledbetter replied I believe it was in last year's budget. Alderman Hawkins stated he was not sure why it was not in last year's budget. Mr. Vinson stated it was initially proposed to be in the budget but was recommended to wait until the council approves it and then put money in it when approved. Mayor Townsell stated most of the department discussions took place before December 1st when the budget was submitted to council and council did not raise revenue to them until after our discussion; we did discuss it, we did not have the money needed at the time. Alderwoman Smith asked the last time this was brought before council, it

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

was other positions that got their certificates, got the pay rate, so do you want to wait to bring that back up until that is done. Alderman Hawkins replied no I understand. Alderman Ledbetter asked how will it work if another one of the construction specialist obtains a CDL. Mr. Vinson replied there would need to be a new position created in this case, not quite sure what all that would entail. Mayor Townsell explained you would have to promote the driver. Alderman Grimes asked getting a CDL does not automatically promote an employee to this new level. Mayor Townsell replied no. Alderwoman Mehl asked it is not a certificate. Mr. Vinson stated that is correct and the year may not be done before this comes before you to ask for one of these positions because of the trouble with keeping street sweepers with low pay rates due to the fact that the State Highway Department requires street sweeper operators to have a CDL license. Alderman Ledbetter asked is this something new that is required now. Mr. Vinson replied yes it is new as of last year. Mayor Townsell stated to not forget that the hours are unusual too for the street sweepers. Vinson stated the hours can be unusual and is not sure if that is a requirement change or it has just become more restricted. Alderwoman Smith asked if you have this position open again to a new employee, would that employee automatically receive the same pay rate when having a CDL license, yet no experience. Mr. Vinson replied to my understanding that is the way it is in every department throughout the city. Alderwoman Smith asked it does not matter then if you have experience or not you will be paid the same pay rate as someone who has been there longer. Mr. Vinson replied yes I believe that was a change that was made when the study was done. Mayor Townsell stated we have no seniority in our pay system anymore so every position has one pay. Mr. Vinson stated this is why I have some construction specialists making more than their management. There was no further discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderwoman Smith, Alderman Ledbetter, and Alderwoman Whitmore. The motion passed 7-0.

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

1. Ordinance appropriating revenue funds received from the Municipal Vehicle Program for the Sanitation Department.

O-15-03

Alderwoman Smith motioned to waive the three readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passes 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Mayor Townsell stated the amount of money being recognized here is a revenue and placed in the expense accounts as \$21,881.89. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderwoman Smith, Alderman Ledbetter, and Alderwoman Whitmore. The motion passed 7-0.

C. Finance

1. Resolution requiring an audit of the FY2013 & FY2014 accounting records for the City.

R-15-08

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Tyler Winningham, CFO Finance Department, stated the goal is to have both 2013 and 2014 audits issued by June 30th 2015. Mayor Townsell stated this will get us caught up on a

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

more preferable schedule in getting the audit done within 6 months of a given year. There was no discussion. The motion passed 7-0.

D. New Business

1. Consideration to enter into an agreement with Conway Ministry for a warming & cooling center for the City.

Jack Bell, Chief of Staff, stated the Conway Ministry center is located in the old 2nd Baptist Church facility and is supported by individuals as well as churches and they do help out the homeless quite often. Mr. Bell explained the Conway Ministry center came to us in regard to instituting a warming facility and there was recognition that there is a need for a warming facility; we have had the warming center at the McGee center the last few years, which is not where many homeless people reside, and so the it has not been utilized very much, averaging 2 to 4 each night the last 2 years. Mr. Bell explained he thought there would be more occupants this year because the ministry offered to transport people out there and we still only have 4 the last night we opened. Mr. Bell stated we have a facility that we think is well suited for this, it has 2,100 sq. ft. with 2 restrooms, a kitchen, and a washer and dryer. Mr. Bell explained the ministry would be responsible for opening it up and we would staff the same individuals we used to staff the McGee center. Alderman Hawkins motioned to enter into this agreement. Alderwoman Smith seconded the motion. Mayor Townsell explained a situation when the Senior Citizen's facility caught fire, they domiciled everybody at Meadowlake Baptist Church who did not have a place to stay and we planned to have a meeting with the large group of people there and the American Red Cross was managing the facility, and they quite rightly stepped in and said that we could not come in, other elected and appointed officials, in the state and the federal government, and cameras were not allowed in because of purposes of habitation this is considered their domicile. Mayor Townsell stated the pastor of the church opened the sanctuary up for us to meet with them. Mayor Townsell asked if those kind of restrictions would cover us in this situation, because that is something that we need to protect in this agreement. Mr. Bell stated that he does not know the answer to that, and believes the same kind of situation would apply when we had our guests at the Don Owen center after Katrina, it was considered their domicile. Mayor Townsell stated we would not let the cameras in. Mr. Bell stated it may be the same situation, and does not quite know that answer to that as of right now. Mr. Bell explained we open up the warming and cooling facilities when it is determined by the Fire Chief or when he makes the recommendation to the Mayor based on a lot of different components such as temperature, wind chill, precipitation, etc. Mr. Bell explained we normally open it from 7 pm to 7 am but if it became media worthy, they would have to place restrictions on who comes in. Alderman Ledbetter asked if they have a facility that could be used over there for this type of meeting, such as a sanctuary. Mr. Bell stated yes if somebody was looking to speak with the press. Mayor Townsell recommended council amend the motion with the understanding that we will double check and if necessary include language that would create a domicile. Council concurred. Alderman Grimes asked is there

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

money being exchanged here other than our staff we had at the McGee center. Mr. Bell replied that is correct. There was no further discussion. The motion passed 7-0.

2. Resolution acknowledging and recognizing the election results of the general election for the City Council & City Attorney.

R-15-09

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

3. Resolution setting organizational rules and procedures for the Conway City Council.

R-15-10

Mayor Townsell stated this is a resolution accepting organizational rules and procedures for the calendar year of 2015 and we are drafting a written form for the first time, it is not in its final version and is ready for approval. Mayor Townsell stated we reviewed it at the committee meeting earlier and we will bring it back at the next council meeting but in the meantime we are charged with accrediting the organizational rules and procedures; this resolution simply says we will proceed under these general accepted rules and procedures, traditions and general adherence to Robert's rules of order. Alderwoman Smith motioned to adopt this resolution. Alderwoman Whitmore seconded the motion. Mayor Townsell stated to review those items again, read it carefully, and make sure it says what you want it to say and if you have any suggestions please get with me or the City Attorney. There was no discussion. The motion passed 7-0.

Adjournment

PASSED this 13th day of January 2015

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett