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## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
April 26, 2016

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

**Call to Order: Mayor Tab Townsell**

**Roll Call: Michael O. Garrett**

**Minutes: April 12, 2016 City Council Meeting**

Alderwoman Isby motioned to approve the April 12, 2016 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**Employee Service Awards**

**5 Years**

David Mitchell - Animal Welfare

**10 Years**

Brian Edwards - CEOC

**Monthly financial report ending March 31, 2016**

Tyler Winningham, CFO, explained revenues in sales tax, which is the largest revenue source to the city, is up 3.5% over the same time last year; year to date it is up 1% over last year. Mr. Winningham stated permit revenues were up and we have collected 53% of what was budgeted. Mr. Winningham stated the expenditures in all the departments are within range and the Airport line item reflects some activity, as things are finishing up at the new Airport; year to date the bottom line shows a slight net expense of \$6,000.00, but he is not concerned about this. Mr. Winningham moved on to the Street fund and stated things are running normal and explained the large deficit is due to the money we paid the Arkansas Highway Dept., and stated there is a budget ordinance on the agenda tonight to appropriate those funds. Mr. Winningham stated we still have \$2.5 million in operating cash for the Street fund. Mr. Winningham moved on to the Sanitation fund explaining they hold a large net revenue for the year and stated they have a large capital outlay, but they have not yet spent those funds; revenues are slightly ahead of schedule for sanitation fees, and we have a healthy amount of insurance proceeds. Mr. Winningham moved on to the Airport fund which shows a positive balance through the first quarter; fuel sales are almost double our fuel purchases. Mr. Winningham moved onto the major projects funds and stated these all have healthy balance through the first quarter. Mayor Townsell stated Alderman Grimes asked at the last meeting if the city had cash on hand to purchase land and pointed out that the Parks and Recreation A&P Tax and the Pay as You Go Sales Tax, show we do. Alderwoman Smith motioned to approve the March 2016 financials. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

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Mayor Townsell asked council to suspend the rules to consider the approval of a resolution expressing the intent of the city to issue economic development municipal bonds to promote an economic development project in the city.

**R-16-10**

Mayor Townsell stated Gordon Wilbourn our bond counsel with Kutak Rock and Brad Lacy with the Conway Development Corp. (CDC), are both present to answer questions and stated this is an opportunity for one of our local industries. Alderwoman Smith motioned to suspend the rules to discuss municipal bonds. Alderwoman Mehl seconded the motion. The motion passed 7-0. Mr. Wilbourn explained the resolution would allow the acquisition of the property to go forward by Atimus Corporation; we would come back at a later date with an ordinance to authorize the issuance of the bonds and stated this has been done many times before and is a property tax abatement. Mr. Wilbourn stated Arkansas law allows you to abate 65% of the property taxes to develop the industry and this request is for a period of 20 years. Mayor Townsell stated this will be funded by the corporation themselves, not the city. Mr. Wilbourn stated there is no liability to the city this is the lease payments that would go to the bond holders. Mr. Lacy explained they are excited about this opportunity and stated most of you are familiar with the Glover family and US Compounding and the growth they have had and stated Atimus Pharmaceutical, a publicly traded company out of southern California, has purchased them and asked council to support this economic development incentive for them. Alderwoman Smith motioned to adopt the resolution. Alderwoman Isby 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, Street, & Conway Housing Authority)**

- 1. Resolution approving the 2016 budget for the annual action plan and the five year strategies with the proposed budget for 2017 for the Community Development Block program.**

**R-16-11**

Lauralee McCool, CDBG, stated this year we will submit our 5 year plan and this is all rolled into one resolution; within the annual action budget we placed a priority on transportation and all the agencies that applied for transportation funds are listed. Ms. McCool stated the grant total is \$380,063.00 and we give 15% towards transportation, which is the cap and stated this is slightly less. Ms. McCool stated the other large expenditure is for the Pine Street project which we are beginning to see the light at the end of the tunnel and she believes we will roll into another year as well and stated Scott Grummer, Planning Dept. is still overseeing this project and can take questions. Ms. McCool stated our 5 year strategies look similar to the objectives and strategies that we had in place 5 years ago as she tried to give leniency to the next administration while still maintaining goals that you have expressed in this program. Ms. McCool stated we did a community survey and these goals reflect the feedback we received and stated she spent a lot of time talking to public service agencies i.e. Workforce, Conway Housing Authority, banks etc. in trying to access the needs of our low income and how we can help those individuals. Mayor Townsell stated you have also included the breakdown of the activities for the next years in Pine Street. Ms. McCool

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stated yes, we have approximately \$155,000.00 left in Pine Street that is unspent and with the \$247,042.00 for 2016 and the \$250,000.00 of accumulated past funds, that will be re-appropriated once this plan is submitted which is \$642,000.00, if council agrees to another amendment at a later date. Ms. McCool stated we needed all of this to finish the improvements on Siebenmorgen which will be our big expense later on this year. Alderwoman Mehl asked if the Pine Street project you are talking about here is different than the money we allocated to the Pine Street Development Corporation. Ms. McCool stated yes, this is a complete city project; we just completed the large water/sewer project for the first block as well as running cable and electric. Alderwoman Smith motioned to adopt the resolution. Ms. Isby seconded the motion.

### **2. Ordinance appropriating funds and entering into an agreement for a mosquito control abatement program.**

#### **O-16-38**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 7-0. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderwoman Smith motioned to adopt the emergency clause. Alderman Hawkins concurred. Bart Castleberry, Permits & Inspections Director, was present to answer questions. Vivian Hogue stated we have been informed of an abatement program but not what the program will involve and those of us who have lived in cities where trucks come by fogging the area as small children run along behind, or if it is fogging coming from airplanes, we would like to know which it is, how often, who else has used the company with success, and how long their service will be utilized. Ms. Hogue stated among the problems reported to her about rental units and tenants she has heard of unused picnic coolers left open, littering of disposable cups and fast food containers into yards, unmaintained overgrown brush on properties, and tires in city ditches and asked what can be done about the individual matters, other than fogging and asked if we will be able to report these violations to the Code Enforcement office with good results. Ms. Hogue asked how the 2 person Code Enforcement office will handle all of the reports that might come through, can these be done anonymously, and asked if there will be fines and stated if she paid an impressive fine one time, she would not want to repeat that offense. Ms. Hogue stated her suggestions are to inform the public of ordinances they do not know, create enforceable ordinances, landlords can help with sanitation issues and other matters by providing each new tenant a booklet listing the laws. Ms. Hogue stated we have a large enough population of new people and students who do not know our ordinances and some who do not care although, caring, and good taste should fill in the blanks, maybe a hang tag on a door could help with the listing of the most common violations and check that informs the residences of those offenses and they can be recorded and everyone knows of the receipt of notice. Ms. Hogue stated she is beyond wanting to police our city's health, just because; Conway has been her home town for 73 years and its people and wellbeing is her greatest concern. Mayor Townsell stated we have upgraded our ordinance to make it more responsive and nimble; we do not have to extend the time of getting things fixed, we can respond more quickly now because of that change we passed this last ordinance. Mayor Townsell stated it would be good to have a review of what the company and the \$150,000.00 will deliver to the city so people can hear it on our chance that we can say, even so the law is no excuse tells you that ignorance of law, it is probably going to always stay around. Brett Killingsworth, Vector Disease Control, explained this includes

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surveillance is one of the main components which involves setting traps around the city, collecting mosquitos to determine the species, because different species bite at different times of day and some carry West Nile Virus while others carry the Zika Virus; this will allow us to know what kind of mosquito we are dealing with and then we will test them for disease before someone actually gets the disease. Mr. Killingsworth stated we will know within an area if there is a disease in that trap at which time we will send the trucks out and spray that area within approximately a one-half to one 1 mile radius of that hot trap 3 nights in a row, which is what the Center for Disease Control (CDC) recommends. Mr. Killingsworth stated we will educate the public by hanging flyers on doors and also by attending festivals where citizens can ask questions and we can discuss mosquito control with them and inform them of what they can do to help. Mr. Killingsworth stated we can take citizen complaints regarding mosquitos and go to their homes and address issues such as standing water in their yards they cannot get rid of, in which case we can treat the water with a larvicide which is a chemical that kills the mosquito in their larval stage before they hatch and explained a mosquito spends three-quarters of its life in water and it is easier to treat in the water than when flying. Mr. Killingsworth we will bring in trucks when needed to spray whenever the trap numbers continue to grow or spray in areas where there are complaints when needed; its more than just spraying as that is just one-quarter what you really need to do for a professional mosquito control program. Alderman Jones asked if you will be spraying at certain times, around children. Mr. Killingsworth stated if children are out on baseball or soccer fields we will not spray and if we will stop spraying on a street if someone is out walking until we get past them and stated if there are people who do not want to be sprayed we will cut our sprayer off and not spray their home. Alderman Grimes asked if the spraying process is targeted or broad etc. Mr. Killingsworth stated it is a mist and it can be seen, it is not like a fog and it is not like it used to be; it carries 300 ft. for the kill rate and then it usually dies off. Alderman Grimes stated if you are driving down a street you will be spraying out the side. Mr. Killingsworth stated it will come from the back of the truck and it will carry depending on the wind and explained when it rains or when the wind blows in excess of 10 miles per hour by law, they are not supposed to spray. Alderman Grimes stated previously it was mentioned that the concentrations are very small. Mr. Killingsworth stated yes, very small. Alderman Grimes asked if it is safe for humans. Mr. Killingsworth stated yes. Alderman Grimes asked how long after a spray should people/pets avoid the area. Mr. Killingsworth stated 30 minutes probably; after it hits the ground there is really no residual trace of the chemical and stated it is a contact kill; we want it to stay in air as much as possible because it hits the mosquitos and we do want a little wind in order to carry it. Alderman Hawkins asked if you will drive all around town. Mr. Killingsworth stated yes, we will set traps and if we are catching 3 mosquitos in the north part of town and we are catching 250 mosquitos in the south part of town, we want to concentrate on the south side of town; we do not want to put chemicals into the environment if we do not have to and explained spraying is very necessary for mosquito control and there is no other way to kill them, in their adult stage. Ms. Hogue stated since we are already getting mosquitos, when would this start and what is it you are spraying. Mr. Killingsworth stated it is a premetherin based chemical and the active ingredient is what is found in dog collars etc. and explained the molecules that come out of the sprayer are so minute if the if the droplet size is too big it would actually bounce off of the mosquito and the sprayer is made for mosquitos. Mr. Killingsworth stated we are spraying one-half an ounce of chemical for per acre. Alderman Hawkins asked how much water is mixed with the chemical. Mr. Killingsworth stated we use water or oil based and that is something his associate would have to answer. Mr. Killingsworth stated we could start this week and this

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is a year round program. Mr. Killingsworth stated this is an Integrated Pest Management (IPM) and is a year round program and stated in 2012 we were spraying for mosquitos in February in Ruston, Louisiana. Alderman Grimes asked if dispatched, where you would travel from. Mr. Killingsworth stated probably Little Rock but if you want to use us we will probably get an office here. Alderwoman Smith asked if they are doing business in several states. Mr. Killingsworth stated we work throughout approximately 20 different states including Florida, Arkansas, Mississippi, Louisiana, California, Utah, and Illinois. Alderman Grimes stated previously we were told if someone was having a function at their home you would dispatch a truck to spray. Mr. Killingsworth stated yes. Alderman Hawkins asked if handheld units are used. Mr. Killingsworth stated yes, and the same chemical is used, and if a barrier perimeter is desired we can spray the bushes be sprayed using a different chemical to keep the mosquitos out. Mr. Killingsworth explained citizens can contact us and let us know they are having a problem with mosquitos we will go out to access the problem, and this includes spraying before a function. Alderman Grimes asked if the kill is instantaneous to the mosquito and larve. Mr. Killingsworth stated yes, the larvicide is liquid or granules and it only kills black fly and mosquito larve, it does not hurt the environment or fish etc. Alderman Hawkins stated he spoke with someone in Stuttgart today and stated he is more concerned with the \$150,000.00 and Stuttgart (population 10,000) budgets \$418,000.00 for this type of service and feels \$150,000.00 is not a bad deal. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

- 3. Resolution requiring an audit of the accounting records of the City of Conway for the fiscal year 2015.**

**R-16-12**

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

- 4. Ordinance amending Ordinance No. O-06-50 allocating all electric franchise fee revenue for capital projects associated with economic development.**

**O-16-39**

Alderwoman Isby 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 Isby seconded the motion. Mayor Townsell explained this will allow us to use franchise fee revenues for capital projects, which is certainly still associated with economic development, but to the extent needed for other purposes; this is the revenues we use to pay the debt service on the bond issue for the mobile radio system and trunk lines. Mayor Townsell stated this will give us the language in our franchise fee ordinance to do just that. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

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5. **Ordinance appropriating funds for the City's contribution to the AHTD for the Dave Ward Drive project related to Lewis Crossing.**

**O-16-40**

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

6. **Ordinance authorizing the reclassification of positions within the Street & Engineering Department.**

**O-16-41**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Isby seconded the motion. Jack Branscum, Street Dept., stated this is a part time position we need to make a full time position and requested an allocation of \$16,429.04 to finish out the year. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

7. **Ordinance accepting and appropriating donation funds for the Conway Historic District Commission.**

**O-16-42**

Alderwoman Isby 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 Isby seconded the motion. The grant amount awarded was \$600.00. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

8. **Consideration of a request from Chapel Hill POA to place a brick wall in the street right of way, on the southeast corner of the intersection of Prince Street and Chapel Hill Drive.**

John Humphreys, President, Chapel Hill POA, explained a single wall was built at the west entrance on the corner and the property owners feel it would be more esthetically pleasing duplicate that wall on the east corner. Bryan Patrick, Planning Director, stated the wall will sit outside the clear view zone. Alderwoman Isby motioned to grant permission to construct the wall. Alderwoman Smith seconded the motion.

9. **Consideration of a request from Ed McNutt to move a single family residence from 43 Mill Pond Road to 259 Mill Pond Road.**

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Ed McNutt, applicant, explained 43 Mill Pond is 4.5 acre lot and stated the house is 50 years old and explained the lot will be worth more money without the house and asked council to approve this request. Alderwoman Smith motioned to approve the mover permit request. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

**10. Ordinance to rezone property located at 4620 Prince Street from A-1 to O-2.**

**O-16-43**

Alderwoman Isby 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. Alderman Jones seconded the motion. Randy Garrett, Tim Tyler Surveying, asked council to approve the request. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

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

**1. Resolution instructing the City Attorney to file suit on a delinquent notice for the Parks & Recreation Department.**

**R-16-13**

Mayor Townsell stated this is regarding money owed to the city for a reservation on the Expo Center, which takes up a scheduled time slot that cannot be rescheduled on short notice. Alderwoman Smith motioned to adopt the resolution. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

**2. Discussion of counteroffer and acceptance of property (Hiegel/Joyner property) located off South German Lane.**

Mayor Townsell stated we brought an original offer to council from 2 property owners at the last council meeting and the city declined to accept the original offer but did make a counter-offer which were not accepted. Mayor Townsell stated he and Chief of Staff Jack Bell have spoken with the property owners and asked council how they would like to proceed. Mr. Bell stated he spoke with both property owners and they both felt strongly that the original purchase price was appropriate for the properties based on the appraisals we had. Alderman Pruitt asked if one of the appraisals was from 2007. Mr. Bell stated yes, he believes so. Mayor Townsell stated that was the one that was considerably higher than what they were asking; it was approximately \$12,800.00 and they were asking for \$10,000.00. Mr. Grimes stated the other appraisal was also higher than the asking price. Council concurred. Alderman Jones motioned to approve the original offer. Alderwoman Smith seconded the motion. Alderman Hawkins stated it is a situation where we have a sole source vendor that we have to go with prices on items on pretty much set, and he thinks we in this case, we are a sole source buyer. Mayor Townsell stated the land near the creek is where we would put a bike/pedestrian trail. Alderman Grimes stated the location is a good

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for what we need to do. After some discussion the motion passed 6-1. Alderman Pruitt voted in opposition.

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

**1. Ordinance appropriating reimbursement funds from various entities for the Conway Police Department.**

**O-16-44**

Jody Spradlin, Chief of Police, explained this is a general accounting ordinance you have seen many times and explained the insurance proceeds is higher due to the damage by hail to 9 of the patrol vehicles. Alderwoman Isby 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. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0. The reimbursements are as follows:

• Safety Fair Donations	\$ 3,100.00	Various companies
• Resuce Wagon	\$ 410.00	PetSmart
• Insurance Proceeds	\$12,650.96	Various insurance companies
• Extra Duty Services	\$ 2,374.10	Conway Public Schools
• Donation Funds	\$ 314.64	Fred's

**2. Ordinance amending the Conway Municipal Code regarding alarm systems for the City of Conway.**

**O-16-45**

Jody Spradlin, Chief of Police, stated the existing law we have on the books is 11 years old and after some complaints we reached out to the city attorney's office to revise this ordinance. Chief Spradlin stated in the last year answered 2,300 false alarm calls and we send at least 2 officers for every call which takes a minimum of 20-30 minutes per call, which is a waste of our manpower and resources. Chief Spradlin stated we removed he section that made not having an alarm permit a Class A Misdemeanor, which could stay on someone's criminal history forever. Chief Spradlin stated we also felt like the wrong people were receiving citations for false alarms and stated the existing ordinance reads the permittee, or the person in possession of the property would receive a citation, which means the maintenance man or the person on call would get the citation and we feel the person owning the business should receive the citation, so this has also been changed. Chief Spradlin stated we have developed a more accurate tracking system and instead of it being a criminal offense, we will now run it as a civil fine which would go through the city and he understands that the finance office will be billing this out. Graham Jones, Deputy City Attorney, stated the ordinance also takes some paperwork burden/processing burden off the Police Dept. as well as helping them to cut down on the false alarm calls and stated after the 4<sup>th</sup> false alarm within a calendar year there would begin to be a fee applied and this fee



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goes up as the number of false alarms continue to go up within the same calendar year. Mr. Jones stated there is an appeal process which allows people to be heard by either the Chief of Police or Fire Chief. Mr. Jones stated the ordinance also changes some things the Police Dept. in particular is obligated to do if they go a false alarm call and they cannot get anyone to come out and meet with them and secure the properties. Alderwoman Smith asked if it is mainly commercial. Chief Spradlin stated it is mainly businesses. Alderman Grimes asked on businesses who will get the fine. Chief Spradlin stated yes, to the local business owner. Mr. Jones stated it would be whoever is most directly responsible for the business. Alderwoman Isby 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 and the emergency clause. Alderwoman Isby seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

**Adjournment**

**PASSED this 26th day of April 2016**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**