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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
May 10, 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, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson. Alderman Pruitt was not in attendance.

**Call to Order: Mayor Tab Townsell**

**Roll Call: Michael O. Garrett**

**Minutes: April 26, 2016 City Council Meeting**

Alderwoman Smith motioned to approve the April 26, 2016 minutes as submitted. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

**1. Report of Standing Committees:**

**A. Economic Development Committee, (Airport, Conway Corporation, Conway Development Corporation, Conway Downtown Partnership, & the Conway Area Chamber of Commerce)**

**1. Resolution setting a public hearing for proposed water rate change for Conway Corporation.**

**R-16-14**

Alderwoman Isby motioned to adopt the resolution. Alderman Jones seconded the motion. Brett Carroll, CFO Conway Corporation, explained it has been 8 years since we came to council with a water rate increase proposal and it is time to have this discussion again. Mr. Carroll stated we are asking council to pass this resolution to set a public hearing for May 24, 2016, where council would see a ratification of the water rates that our board approved at our April 2016 meeting. Mr. Carroll stated this is a 3 phase rate increase that would be phased in over 2.5 years with a 15% rate increase in July 2015, 10% increase in January 2017, and 10% in January 2018. Mr. Carroll stated what this would do for the typical residential customer right now, if one used 7,000 gallons of water per month, you currently pay \$22.45 per month; at the end of that 2.5 years the rate increase would raise a typical bill to \$31.33, which is an increase of \$8.88. Mr. Carroll stated some of the factors driving this proposed rate change are increased capital expenditures related to our treatment process and relocation of infrastructure. There was no discussion. The motion passed 7-0. The public hearing is set for Tuesday May 24, 2016 at 6:30 pm.

**2. Ordinance fixing the rates to be charged for the services of the municipal waterworks system.**

**O-16-46**

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

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Mayor Townsell read the proposed ordinance for the first time. Mayor Townsell stated this proposed ordinance is on the city of Conway's website and Mr. Carroll stated anyone that would like a copy of this proposed ordinance can contact Conway Corporation, and they will provide them a copy.

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

- 1. Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 2108 Independence Street as a result of incurred expenses by the City.**

**R-16-15**

Alderman Hawkins stated the cost of cleanup was \$419.20 (\$353.82 + Penalty \$35.38 + filing fee \$30.00). Alderwoman Smith motioned to adopt the resolution. Alderwoman Isby seconded the motion. There was no one present to speak to this issue. There was no discussion. The motion passed 7-0.

- 2. Consideration to approve asphalt paving work for the FY2016 for the Street & Engineering Department.**

Finley Vinson, City Engineer, recommended Rogers Group, Inc. for the 2016 asphaltic concrete hot mix for asphalt and asked council to approve this request so we can use them for the remainder of 2016, for all of our asphalt work. Alderwoman Smith motioned to approve the use of Rogers Group for asphalt for the remainder 2016. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0. The concrete hot mix approved are as follows:

- ACHM Surface, PG 7-022 \$65.00
- ACHM Surface, PG 64-22 \$63.50
- ACHM Binder, PG 64-22 \$52.00

- 3. Ordinance accepting and appropriating funding for the demolition of property located at 2901 College Ave.**

**O-16-47**

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. Alderman Hawkins stated the bids came in at \$5,700.00 - \$12,000.00. There was no further discussion. The ordinance will appropriate \$5,700.00 for this demolition and the low quote was submitted by A&B Dirt Movers. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

- 4. Ordinance appropriating funds for the Street & Engineering Department that was received for the installation of two speed humps in Marlise Manor Subdivision.**

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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**O-16-48**

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

5. **Ordinance appropriating funds for the Street & Engineering Department that was received for the marking of seven speed humps in Chapel Creek Subdivision.**

**O-16-49**

Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Isby seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

6. **Discussion regarding potential changes with several positions within the Street & Engineering Department.**

Finley Vinson, City Engineer, explained the memo provided to the Mayor suggests changing two job titles from Engineering Technician and Electronics Technician to Sign and Pavement Marking Technician and Traffic Signal Technician respectively, as well as the creation of Certificate Pay Levels for each of these two positions. The proposed scales are as follows:

Sign and Pavement Marking Technician	Traffic Signal Technician
Entry level: \$28,056.00	Entry level: \$34,485.00
Level I: \$30,862.00	Level I: \$38,302.00
Level II: \$33,948.00	Level II: \$42,900.00
Level III: \$40,738.00	Level III: \$51,056.00

Mayor Townsell stated we are basically creating Certificate Pay Levels based on a market study from Johanson Group and stated we are suggesting that we create this in our pay scales, if not then you see at the bottom of the memo what the levels would be without this, they are as follows:

Engineering Technician	Traffic Signal Technician
\$29,757.00	\$41,000.00

Mayor Townsell stated we do think that this is a level of professional advancement and certification is something that is objective, it is not subjective nor is it where one would just keep getting pay raises, but one must achieve a certain level of certified technical ability to get the certifications. Alderwoman Smith asked if this will come from the Street Dept. budget. Mr. Vinson stated yes. Alderwoman Smith asked if it is budgeted in this year. Mr.

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

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Vinson stated no but the difference for Sign and Pavement Marking Technician from Engineering Technician is relatively insignificant; the person we have ready to take that position is currently Entry Level and will be Level I soon, and stated that could be a wash. Mr. Vinson stated he will bring an ordinance for the Traffic Signal Technician before years end, as this position has been vacant since last year and believes the position was vacant when the budget was adopted and he is unsure if the vacancy was not held and he is unsure if any money was put in for either one of those pay scales; if this is the case this would need to be corrected, regardless whether or not the certificate pay is adopted. Mr. Vinson stated for that one it is actually a savings, compared to the current pay rate of Electronics Technician because the gentleman we have selected to fill that position is Level I. Mr. Vinson stated he has information available to council regarding the International Municipal Signal Association, which is the certification agency that we use to identify the 3 levels. Alderwoman Smith motioned to approve the changes. Alderman Jones seconded the motion. There was no further discussion. The motion passed 7-0.

**7. Ordinance establishing standards and specifications for the restoration of excavations and cuts in 6<sup>th</sup> Street from Ingram to I-40 for the Street & Engineering Department.**

Mayor Townsell stated this is on the agenda for draft purposes only to start a discussion because we need direction, and will likely need a more full discussion later. Mayor Townsell stated Richie Arnold, Conway Corp. is present to speak and answer questions. Mayor Townsell stated we have a situation at the old Airport where there is an existing water line that is under 6<sup>th</sup> Street, which is designed to be the westbound lanes of the new boulevard for Central Landing. Mayor Townsell stated the eastbound lanes are being built on the old Airport property and when we get that built we are going to transfer the road over to the new lanes (both eastbound and westbound) while we re-build the existing 6<sup>th</sup> Street into a matching boulevard causeway. Mayor Townsell stated as Brett Carroll, Conway Corp., mentioned earlier there is no reserves in the water department due to relocating water lines and making upgrades and they are out of money. Mayor Townsell stated Conway Corp. cannot pay for it with water money, they could pay for it with electric money, but that is not what electric reserves are for and explained we have paid for some improvements and relocations on Dave Ward Drive. Mayor Townsell stated the cost is approximately \$675,000.00 to relocate this water line and we could pay for it ourselves, but that is money that could go towards Salem Road, or some other improvement that is needed in the Street Dept. Mayor Townsell stated if we do nothing we will have a \$3 million road, that as soon as it becomes operational, there will be developmental pressures on both sides. Mayor Townsell stated this is a lot of money and the ordinance before you is not to be passed tonight, but it will buy us time and would not allow any new taps to that water line; the road cannot be cut to get access to that water line, but it can be maintained according to these standards. Mayor Townsell stated that would be detrimental to the development of property particularly the north side, as the south side will be serviced by some degree by a future water line in the middle of the old Airport; this would not be the case for the entire south side of the road. Mayor Townsell stated the question to council is what to do with this road and stated he does not know if he can go the public and say we will allow this road to be cut at will for whoever develops property on either side of it. Mayor Townsell stated on the other hand Conway Corp. is pressed for money too and based on the timing, they are having to raise rates. Mayor Townsell stated this would be a bookend policy; this would be as hard core as we could get protecting the roadway. Richie Arnold, CEO Conway Corporation, stated he has not had ample time to study the proposed ordinance but based

on discussions we have had today we have no concerns about the repair standards, as he feels they follow these now. Mr. Arnold believes the problem is there is a water main that fronts those properties on the north side of the street, and if that property redevelops they will not have water without a main extension, and that increases their development costs. Mr. Arnold stated as he understands Section 2 one could possibly petition the Mayor's designated department for a permit to tap it, but that is a slippery slope because after the first tap, you will tap it from now on; you cannot ever say no, once you say yes. Mayor Townsell concurred. Mr. Arnold stated Section 2 should have the last sentence removed. Mr. Arnold stated the north side of the street is mostly residential property which will probably be served with nothing larger than a 3/4" or 1" service line, and these are not sufficient enough capacity to serve what we foresee happening along the 6<sup>th</sup> Street redevelopment; the best use of property will be something other than residential. Mr. Arnold stated this is what you are looking at and reiterated that when someone looks to redevelop the north side of the street, there will be no water there which means they will have to extend that main. Mr. Arnold stated he knows there have been conversations around possibly the conflict with the drainage elevations as a vertical problem and we have been discussing horizontal applications that could push this around to the north that might address some of this, but it is very difficult to do because when you place bends in a water main that is under pressure each bend has a potential for a leak. Mr. Arnold stated he would like to sit down with the city to discuss this further and explained they will review the estimated cost, as well as alternatives to see if it would solve any issues because he believes we are okay on the south side except for one section, but the north side is the problem. Mr. Arnold stated we could fund it with electric reserves, but it would have to be repaid as we try to make each physical department stand on its own and the rates support those departments; we would actually be borrowing the money from the electric department and we would consider that, but that may be all we can do. Mr. Arnold stated we did move other infrastructure within this project that cost \$951,000.00, which is some of the reason we have no reserve. Mayor Townsell stated you have done other work for us as well and this has been drained down over time. Mayor Townsell stated we needed council to hear this information because it does impact the quality of everyone's product and we want that property on the north side to take advantage of this public investment, we want it to develop we do not want it boxed out from future expansion of water. Alderwoman Smith motioned to hold this item in committee. Alderwoman Isby seconded the motion. There was no further discussion. The motion passed 7-0.

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

**1. Ordinance authorizing the reclassification of a position within Physical Plant.**

**O-16-50**

Mayor Townsell stated our Assistant Physical Plant Director retired and we are not looking to replace this position, but we are looking to reclassify that position down to a Crew Leader Physical Plant position which is a savings in the budget and those savings we would like to add one additional part time Grounds Keeper position. Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Isby motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Mayor Townsell stated the city council sets the number of employees we have. Alderman Hawkins stated he has been informed by the

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Permitting Dept. that there might be a need for a part time person in the summer months, when grass is at its peak growing season. Mayor Townsell stated that item is on the agenda tonight. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

**2. Consideration of a request from Rush Soccer to renovate the soccer fields (Fields 1, 5, & 9) located at Centennial Soccer Park.**

Mayor Townsell stated our agreement with Rush Soccer, who is managing and operating our soccer fields, included a clause that required them to come to council for approval for any major changes to our fields. Michael Surtees, President/Technical Director Arkansas Rush, stated we brought in two engineering firms Barrett Engineering and Dave Holtz, Bright Surveying, who did a full 3-D map overlap of a GPS, and two different estimating companies that have come up with a plan to help stop the flooding. Mr. Surtees stated we basically have huge crown soccer fields and in the plan you will see we will take the grade down from 15% to 1%, which will leave us with 9" from center to edge. Mr. Surtees stated we will be using most of that to fill out the edge and in the estimate you will see the list of items needed as well as the scope of work; the general contractor is Chris Olson who is with Advanced Sprinkler & Landscape. Mr. Surtees stated we have had great success within the community to bring in supporters and explained one concern brought to his attention was the concrete, but explained all the labor on that will be donated as well as the excavation etc. Mr. Surtees stated for a nominal cost we can bring these fields up to tournament level so we can bring the State Cup here, as well as other tournaments and a Men's League. Alderwoman Smith motioned to authorize the renovations from Advanced Sprinkler & Landscape in the amount of \$66,300.00. Alderwoman Isby seconded the motion. Alderman Grimes stated he believes in the contract the threshold is \$2,500.00 and he is not sure if they need to come to council every time they want to spend \$2,500.00 and suggested amending the contract within the next few weeks. Mayor Townsell concurred. There was no further discussion. The motion passed 7-0.

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

**1. Ordinance authorizing the transfer of positions within Animal Welfare Unit and the Conway Police Department.**

O-16-51

Jody Spradlin, Chief of Police, explained over the past few years the Animal Welfare Unit (AWU) has submitted one of their Customer Service Representative (CSR), which is a part time position upgraded to a full time position, which has been cut each budget year. Chief Spradlin stated they have not increased their staffing, except for one part time position over the last 10 years and they have a great need out there. Chief Spradlin stated also in 2016 the Police Dept. submitted to create a new full time position to assist our Fleet Manager, which was also cut. Chief Spradlin stated the Police Dept. has a CSR in the Records Dept. that has been unfilled for approximately 9 months and we would like to take the vacant CSR position in the Records Dept. and give it to the AWU so they can upgrade their part time to a full time, and in return we would take their part timer and reclassify it into a part time

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

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Mechanics position in order to get our fleet manager some help. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 7-0. Alderwoman Isby motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

**2. Ordinance accepting & appropriating donation funds to construct a 9/11 Memorial at the Conway Fire Department.**

**O-16-52**

Mike Winter, Fire Chief, explained approximately 6 years ago we applied for and received a piece of steel from the World Trade Centers through the Port Authority of New York and it is currently at the Central Fire Station on a roller, draped with a flag. Chief Winter stated initially we had plans to build some type of public memorial but in 2010 we fell on financial hard times, and had to back off of our plans. Chief Winter stated several months ago Kevin Bass came into the Fire Dept. and noticed the plans for the memorial and asked why this had not been completed, we explained to him the financial reasons. Chief Winter stated Mr. Bass took it upon himself to open a GoFundMe page to raise funds to build the memorial and has raised approximately \$10,000.00, and along with other donors including Conway Corporation, we are ready to build the memorial. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 7-0. Alderwoman Isby 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, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

**3. Ordinance specifying the purposes of the fire hydrants, restricting their use and establishing fines for the unlawful use for the Conway Fire Department.**

**O-16-53**

Mike Winter, Fire Chief, explained there was an ordinance passed in 1976 that has governed the use of fire hydrants in the city and the authority over those fire hydrants and stated with cooperation of the City Attorney's office and Conway Corp., we have identified some possible issues that has corrected them and this now give the Conway Fire Dept. authority along with Conway Corp. to remove any appliances that may be attached to the hydrants by citizens for various reasons, should we deem that any type of public safety issue or concern. Chief Winter stated Conway Corp. will notify us whenever they rent out a water meter for a hydrant; these are used to fill up swimming pools etc. and we hope to eliminate any future problems by giving the Fire Dept. authority to have those removed as well. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 7-0. Alderwoman Isby motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

**E. Personnel**

**1. Discussion regarding additional code enforcement personnel for the Permits & Inspection and Code Enforcement Department.**

Mayor Townsell stated per Alderman Grimes request we determined that a full time Code Enforcement Officer with benefits would cost \$44,487.90, and a part time Code Enforcement Officer would cost \$22,826.90. Mayor Townsell stated there is a possibility of a Building Inspector position coming open and he and Bart Castleberry, Director of Permitting and Inspections, discussed the possibility of converting the Building Inspector position over to a Code Enforcement position; there is a concern that we would still need a higher level of commercial plan review; we can replace that position as a Building Inspector and seek someone with commercial plan review, or if we decide to migrate over to Code Enforcement as a second Code Enforcement position it would have no budgetary impact on the personnel but it would require us to up the training level of the remaining Building Inspector positions. Mayor Townsell stated on the other hand we can maintain that Building Inspector position where it is and simply replace it and add \$44,487.90 to the budget for additional Code Enforcement officer. Mayor Townsell stated at one time we had three Code Enforcement Officers and now we only have one full time Code Enforcement Officer. Alderwoman Smith asked if we need an extra officer through the winter months. Mayor Townsell stated we always have issues with Code Enforcement but the primary demand is during the summer growing season, particularly if we are going to be more diligent in enforcing our mosquito abatement rules. Alderwoman Smith stated we first of all need to keep that Code Enforcement Officer we already have in place and rehire the Inspector, not migrate them over to Code Enforcement. Alderwoman Mehl concurred. Mayor Townsell stated we have a window of time where we can expect a lot of commercial plan development, but we managed building inspections with fewer inspectors during our growth, which we are now past. Alderwoman Smith stated she does not think we have any inspectors that can review etc. Mayor Townsell stated we can get them trained in a short period of time and we are possibly looking at contract work, in commercial planning review if needed; for a short term fix you do not want to make a long term personnel decisions, which is what this is. Alderwoman Smith stated yes but we have that person already in place, long term. Mayor Townsell stated we have an open position and asked if council wants to keep three or four building inspectors long term; we can fix the commercial plan review issue, in a short period of time and then we could possibly make it with three inspectors. Alderman Grimes stated he would hate to move backwards but as far as permitting and planning he does not want see us move backwards. Alderwoman Mehl stated she does not want us to move backwards in the Building and Inspections side of things either and asked if there are any other open positions within the General Fund. Mayor Townsell stated he is sure there is, we always have turnover. Alderman Jones stated we definitely need Code Enforcement personnel. Alderman Grimes stated he would like council to vote tonight to add this one permanent full time Code Enforcement Officer which would cost the city approximately \$23,000.00 for 2016 and as we look to 2017 budget we can discuss whether to add part time summer help as a third Code Enforcement Officer, or to maybe do another full time position. Mayor Townsell stated we need Code Enforcement personnel. After some discussion Alderman Grimes motioned to fill this position for the rest of 2016 on a full time basis. Alderman Hawkins seconded the motion. Mayor Townsell stated this is hiring a second full time Code Enforcement Officer and stated we will get the

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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ordinance ready for the next agenda. There was no further discussion. The motion passed 7-0.

**Adjournment**

**PASSED this 10th day of May 2016**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**