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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
July 12, 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 Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and Attorney Chuck Clawson. Alderman Grimes was not in attendance.

**Call to Order: Mayor Tab Townsell**

**Roll Call: Michael O. Garrett**

**Minutes: June 28, 2016 City Council Meeting**

Alderwoman Smith motioned to approve the June 28, 2016 minutes as submitted. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

**1. Report of Standing Committees:**

**A. Public Hearings**

**1. Public hearing/Ordinance to discuss the naming of a new road that would connect Mill Pond Road to Old Military Road to Empty Trail.**

Mayor Townsell opened the public hearing. There was no one present to speak to this issue. Mayor Townsell closed the public hearing.

**O-16-75**

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

**2. Public hearing/Ordinance to discuss the renaming of Sand Gap Road to JW and Pat Brown Blvd.**

Mayor Townsell opened the public hearing. Twig Satterfield, 1601 Lollie Road, stated he has known the Brown family and naming this road after them would be a wonderful way to honor their lives. Mayor Townsell closed the public hearing.

**O-16-76**

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Alderman Isby motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 7-0. Alderman Isby motioned to adopt the ordinance. Alderman Smith seconded the motion. Mayor Townsell stated this will be in effect October 1, 2016. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, Alderman Jones, and Alderman Isby. The motion passed 7-0.

**B. 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 the unbuilt right of way in Block 4, Allinder Addition from Harkrider Street.**

**R-16-22**

Alderman Isby motioned to adopt the resolution. Alderman Smith seconded the motion. The motion passed 7-0. There was no discussion. The public hearing is set for Tuesday July 26, 2016 at 6:30 pm. The motion passed 7-0.

- 2. Resolution requesting the Faulkner County Tax Collector place a certified liens on property located at 26 Briarwood Circle as a result of incurred expenses by the City.**

**R-16-23**

Alderman Hawkins stated the cost of cleanup was \$209.82 (\$163.47 + Penalty \$16.35 + filing fee \$30.00). Alderman Smith motioned to adopt the resolution. Alderman Isby seconded the motion. There was no one present to speak to this issue. There was no discussion. The motion passed 7-0.

- 3. Resolution to approve the support of the Urban Watershed Framework Plan for the City.**

**R-16-24**

Alderman Smith motioned to adopt the resolution. Alderman Isby seconded the motion. Raven Lawson, Lake Conway Watershed Alliance board member, was present to answer questions. Scott Grummer, Planning & Development Dept., explained this began in 2012 and a grant was applied for to help develop a Watershed Framework Plan for the city of Conway to utilize, and stated one-half of Conway is within a watershed. Mr. Grummer stated the framework is designed to give us tools and options to use as a riparian for the stormwater and service water that runs off from the city. Mr. Grummer stated this is not an ordinance or a tax, it is a framework plan that city staff can utilize as we look at future options, such as tree ordinances etc. Mr. Grummer stated this could offer other opportunities for greening up the city, as well as provide options for developer's verses detentions etc., and low impact development strategies that could potentially be utilized as credits towards their detention requirements. Mr. Grummer stated the best part about this plan is it actually gives the city a good step forward in being a partner regionally with those around us, especially Lake Conway which has been impacted for generations with urban runoff from the city. Alderman Pruitt asked if this is more looking forward, and are we

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doing the best we can for our money. Mr. Grummer stated one question that came out of the meetings is why do we want to do these things when bile swells or repairing corridors could end up being overgrown, slow down water, and create more flooding problems, and stated these are tools in which we can retrofit or implement in the areas where the water run off starts. Mr. Grummer stated if we can slow the water down as it moves, it can actually have a positive impact on the stormwater drain system and relieve some of the pressure going into it; this is something that would occur over a period of decades. Mr. Grummer stated this coupled with stormwater utility, and all the other tools that the city has, we can use these to improve our stormwater outlook over the future and stated we would be partnering with the utility and possibly looking at these as strategies. Ms. Lawson stated when the stormwater flushes across the system it washes sediment, nitrogen, phosphorus, oils, debris etc. into the nearest creek which eventually dumps into Lake Conway; these are all detrimental because when you flush the landscape from the city you are potentially filling in the lake with sediment, but also taking that phosphorus and nitrogen which causes alga blooms, fish death, and other temperature related issues, and stated these are all ways to spread out and slow down the water run off which would also help decrease the flooding of creeks and streets. Mr. Grummer the framework plan covers multiple sections including farming, agriculture, urban development, and stream repairs; it is very comprehensive and has been developed for potentially utilizing in other watersheds across the state and the nation. There was no further discussion. The motion passed 7-0.

**4. Consideration to approve the bid for sidewalk improvements and a pedestrian hybrid beacon at Salem and Tucker Creek for the Street & Engineering Department.**

Finley Vinson, City Engineer, stated a pedestrian hybrid beacon is a traffic signal for pedestrians and will be placed at the Tucker Creek Trail on Salem Road. Mr. Vinson recommended the low bid from Paladino Construction in the amount of \$152,775.00. Alderwoman Smith motioned to accept the low bid. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

**5. Ordinance waiving the competitive bid requirements for the purchase of vibratory compactor for the Street & Engineering Department.**

O-16-77

Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Pruitt asked why we are waiving bids. Finley Vinson, City Engineer, stated the memo enclosed in the packet explains we originally planned on leasing this equipment and we received 3 quotes and the lease payments were going to be well under the necessary amount for bidding, but we had issues getting a lease agreement that the city and their finance company could agree on. Mr. Vinson explained as we worked on this issue, Scott Equipment allowed us to use this equipment at no charge and he and Chuck Clawson, City Attorney, decided it would be best to purchase the equipment. Mr. Vinson explained Scott Equipment had the lowest quote and the lease terms were clear, which included a monthly lease price, total purchase price and they also had lowest lease price and purchase price and Mr. Vinson recommends purchasing the equipment from Scott Equipment for a total of \$76,408.32, which is the price including tax. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman

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Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

- 6. Consideration to approve the construction and maintenance of Amity Road crossing within Entergy Arkansas, Inc., Conway Industrial - Conway South, Line 931, right of way.**

Finely Vinson, City Engineer, explained a portion of the new road we designed for the Lewis Crossing project (north of Dave Ward Dr./east of Amity Road) goes underneath an Entergy transmission line, which is in an existing easement, and they informed us we need permission from Entergy to build the road; they call it right of way rather than an easement and stated this agreement formalizes this. Mr. Vinson asked Chuck Clawson, City Attorney to look over Exhibit B of the agreement before the Mayor signs it. Alderwoman Smith motioned to approve the agreement. Alderwoman Isby seconded the motion. Mayor Townsell stated if Mr. Clawson finds any problems we will bring this back before council. There was no further discussion. The motion passed 7-0.

- 7. Consideration to approve the RFQ from FTN for Stormwater utility for the Street & Engineering Department.**

Alderman Hawkins motioned to approve FTN for the stormwater utility for. Alderwoman Smith seconded the motion. Mayor Townsell stated this is for the first phase of the stormwater utility and the consulting fees for the contract are \$63,000.00 which will be paid from the in-lieu detention fund. There was no discussion. The motion passed 7-0.

- 8. Discussion regarding level of compensation for positions within the Street & Engineering Department.**

Finley Vinson, City Engineer, stated this was discussed 2 meetings ago and he also emailed information which is in the packet. Alderman Hawkins motioned to approve Jack Branscum to receive his certificate pay. Alderwoman Smith seconded the motion. Mayor Townsell asked if we need more direction than that. Mr. Vinson stated yes, he needs council to select either option 1, option 2A, option 2B, or option 3. Mayor Townsell stated we need a structure by which to justify funding him in that position, but what does this mean for the rest of the engineering salaries. Alderman Hawkins asked why we need to look at every salary in the engineering department. Mr. Vinson stated we don't this would clarify what Mr. Branscum would be paid. Alderman Hawkins asked Mr. Vinson to repeat what he said. Mr. Vinson stated these options would clarify what Mr. Branscum's salary would be. Mayor Townsell stated it would also give us clarity with other engineering positions. Mr. Vinson stated it would certainly affect other engineers in the future. Mayor Townsell stated this would possibly line out a career path more so than just "I am being paid this right now" and we need direction as things now are vague, in what we can do. Alderman Hawkins stated his direction now is to pay the certificate that is on the table, which was put off 2 meetings ago, determine what that number is and recommended taking a look at all other salaries in that department, during the 2017 budget. Mayor Townsell stated we can do that and that would be choosing to stay within salary ranges established under section 1, or let the city engineer pick a number, and asked Alderman Hawkins if that is that what he is saying. Mayor Townsell stated he is not sure this is the freedom you want to allow and reiterated it is not structured in the fashion that we can justify one salary verses another

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salary etc., because we do not know how else to compile it, with the other positions in the department. Alderman Hawkins asked how many employees have engineering certificates that would/could be affected by this. Mr. Vinson stated he believes Mr. Branscum is the only one affected right now. Alderman Hawkins stated he is okay with that. Alderwoman Smith asked if Mr. Vinson is looking down the road. Alderman Hawkins stated it is okay if they are down the road, if the department wants to bring us something in 2017. Mayor Townsell stated that is what he is doing now. Mr. Vinson stated certificate pay was option 2 but specifically he feels we are all in agreement that a promotion is in order, the question is what the pay is for that promotion and is certificate pay the direction council wants to go, then he needs to establish a certificate pay scale. Alderwoman Smith stated you want us to choose from options 1, 2, 2A, 2B. Mr. Vinson stated option 1, 2A, 2B, or 3. Alderman Hawkins asked if Mr. Vinson has a suggestion. Mr. Vinson stated option 1 would be more similar to what other municipalities do, which is his preference but he is unsure if council would agree with this. Mr. Vinson stated option 2A is a certificate pay scale that is based on the Johanson Group, option 2B is certificate pay scale that is based more loosely on the Arkansas Highway & Transportation Dept. (AHTD), and this would probably be his suggestion, and option 3 would be the last option. Alderman Hawkins stated he is not in favor of the AHTD option. Alderwoman Smith stated the thing with option 1 leaves it up to Mr. Vinson's discretion, as to what pay they will be paid. Mr. Vinson stated yes, with option 1 he would set the pay for Mr. Branscum, in the same manner as when he hired an engineer last year and annually he would do the same thing for existing employees and it would approved and adopted by the Mayor and city council. Alderman Hawkins asked what certificate Mr. Branscum holds. Mr. Vinson stated using the language in the memo "general certificate". Alderman Hawkins stated so he would fall under option A3. Mr. Vinson stated that is correct, or option B4. Mr. Vinson stated if we went with option 1 based on the range and given that he has just received his license with the understanding that would provide him the opportunity to re-evaluate salaries annually, he would probably start him at the bottom of that range. Alderwoman Smith stated option 1 would range anywhere from \$70,000.00 - \$90,000.00. Mr. Vinson stated that is correct, that is the range that was established by this council for hiring purposes last year. Alderman Hawkins stated the rest of our employees are under the Johanson Group Study at this point and time. Mayor Townsell stated yes. Alderman Hawkins asked if there is a reason to make a change with this department. Alderman Ledbetter asked if we are losing most of our engineers to the AHTD. Mr. Vinson stated they are the largest employers of engineers in the State of Arkansas and they are located just down the road. Alderman Pruitt stated option 2A is the Johanson Group. Mr. Vinson stated yes, that is correct. Alderwoman Mehl stated both the salaries are about what you are recommending. Mr. Vinson stated they are similar; it happens a little faster with Johanson Group, but they do begin and end similarly. After some discussion Alderman Hawkins motioned to approve option 2A. Alderman Pruitt seconded the motion. Mayor Townsell state the basis, he assumes, is that this ties back to Johanson Group Study which ties into the studies we have done for everything else. Mr. Vinson stated his reason for providing an alternative (option 2B) was mostly because this council asked him for recommendations and he felt like he should give a recommendation based on what he would do, rather than the survey, but he is not saying that selecting option 2A does not make sense. Mayor Townsell stated like Mr. Vinson stated there is not much difference and they give more steps than the AHTD range, than the 5 in the Johanson Group. Alderman Pruitt stated it looks like they have a potential to make more with option 2A than option 2B. Mr. Vinson stated yes and the Johanson Groups study actually went higher up with their steps, as there are more steps above the last one he proposed in the

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Johanson Group Study, but he does not feel it is appropriate for an engineer to work his way up via certificate pay, he thinks this should be a separate promotion in the same way that Mr. Branscum is not getting a promotion because he has gotten his license and that is something we can talk about later, but this takes care of Mr. Branscum. Mayor Townsell stated that is exactly right; this is much better suited to our scale of hiring engineers than a bureaucratic agency that hires engineers; it's a whole different career path/ promotion into a new scale of job duties and would be better than earning certificate pay to move up the ladder. Mr. Vinson stated it may be that there is a certificate pay levels for a higher level at some point in the future, but for now this does what we needed to do for the employee in question. Mayor Townsell reiterated the motion is to select the certificate pay levels elucidated in option 2A. Alderman Hawkins asked if we talked about making this retroactive to the day he received his certificate. Mr. Vinson stated he thinks we may have to come back with an ordinance for that. Council concurred that their intent is to make it retroactive. There was no further discussion. The motion passed 7-0.

**9. Consideration to amend a conditional use Permit No. 1323 allowing a public stable to change the name of the person tied to the permit due to change in property ownership.**

Joan White-Wagoner and Darren Wagoner were present to answer questions. Alderwoman Smith asked if they are aware of the hours of operation as far weekends and how late bands can play, etc. Ms. Wagoner sated yes, there was one event scheduled that we were not aware of prior to us taking over the business, and it was scheduled until midnight. Alderwoman Smith stated when area residents contact the police because of the noise she receives emails, and asked the Wagoner's to be mindful of the residents across the street. Alderman Pruitt why one planning commissioner voted in opposition. Bryan Patrick, Director of Planning and Development, stated Planning Commissioner Brown suggested removing this condition from the conditional use permit so it would not transfer to any owner, it would basically run with the land. Alderwoman Smith stated she likes the condition being in place for the simple fact that the purchaser was not aware of the hours of operation. Ms. Wagoner stated we were aware of the operations, we were not aware of the event as it was already scheduled. Alderwoman Smith stated she would like to see this evaluated in 6 months. Alderwoman Isby concurred and stated she feels there is no process for a business, when it changes ownership for any type of action to be taken; if the seller does not disclose the information, like in this case, the purchaser continued to operate for 2 months because they were not aware of the conditions and then they had to wait until June for a Planning Commission meeting and then waited to bring it before the council. Ms. Isby stated she feels that once someone is aware of the condition's there should be some type of an appeal process that is more expedient, so this does not drag out and the residents are subjected to something that was done on the front end, and it continued to occur. Mayor Townsell stated that is really above and beyond this, but it is a worthwhile discussion and asked Mr. Patrick if he has any initial thoughts. Mr. Patrick stated he feels the city should have business licensing. Alderwoman Smith asked if the A&P permit is in place. Michael Garrett, City Clerk, stated we received the A&P and Supplemental Beverage permit applications this afternoon. Alderwoman Smith motioned to approve the amendment to the conditional use permit and re-evaluate it in 6 months from today. Alderman Pruitt seconded the motion. There was no further discussion. The motion passed 7-0.

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

**1. Consideration to dispose of inventory (vehicles) for the Conway Police Department.**

Jody Spradlin, Chief of Police, explained the first VIN number should read 46781. Chief Spradlin stated the following Crown Victoria Police Interceptors are no longer being used and would like these removed from inventory and dispose of them. Chief Spradlin also asked that the proceeds of this sale be appropriated into the Police Department Vehicle Maintenance account (001-121-5450). These vehicles will be sold through auction "as is" on [www.publicsurplus.com](http://www.publicsurplus.com). Alderwoman Smith motioned to approve the disposal and auction. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

- 2004 Ford Crown Victoria - VIN # 46781
- 2004 Ford Crown Victoria - VIN # 46782
- 2006 Ford Crown Victoria - VIN # 64266

**2. Ordinance approving the donation of fleet vehicles to the Arkansas State Police from the Conway Police Department.**

**O-16-78**

Jody Spradlin, Chief of Police, explained this is a unique situation, approximately 2 years ago we looked at implementing the PIT (Precision Immobilization Technique) which is used when officers are in pursuit of a vehicle and they get on the rear bumper and spins the car out; this essentially stops the engine and ends the pursuit. Chief Spradlin stated we looked into doing that a few years back as we had an opportunity to equip 4 vehicles to prepare for that training which requires modifications to a vehicle which the (ASP) Arkansas State Police did for us, but we never implemented this policy and being in a city setting we are limited where it can be used, and he is not comfortable in using the technique. Chief Spradlin stated these vehicles are not legal and cannot be used and feels that donating these to the ASP is better, than trying to sell them on Public Surplus. 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. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0. The following vehicles will be donated to ASP:

- 2005 Ford Crown Victoria - VIN # 08914
- 2007 Ford Crown Victoria - VIN # 59130
- 2007 Ford Crown Victoria - VIN # 59133
- 2008 Ford Crown Victoria - VIN # 62807

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

**O-16-79**

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Jody Spradlin, Chief of Police, explained this is an accounting ordinance but lists a donation by Back the Blue which is an organization that held a 5K and 10K race in town and donated the funds to the Police Dept. 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. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0.

• Various Companies	\$1,337.13	Extra Duty Proceeds
• U.S. Marshals	\$3,070.36	Reimbursement Lt. Harris.
• Back the Blue	\$ 435.00	General Donation
• Various Companies	\$ 145.00	Child Safety Fair
• Petsmart Charities	\$ 410.00	Rescue Waggin

**D. New Business**

**1. Consideration to approve the reassignment of certain 457 Plans to Conway Wealth Management.**

Mayor Townsell explained this is a retirement plan that is privately funded and the city does not contribute money to this but we do work with an outside financial consultant to offer this service to our employees; we currently have 2 different plans for the city and one has been with the firm owned by Senator Jason Rapert, and he is getting out of the business and would like to migrate over to his former partner, Greg Pillow with Conway Wealth Management to take over these services of the 457 Plans. Mayor Townsell stated council would approve the change of the agent and these will still be the American Funds Plan that most of our employees can utilize. Alderwoman Smith motioned to approve the reassignment to Greg Pillow. Alderwoman Isby seconded the motion. There was no further discussion. The motion passed 7-0.

**2. Discussion regarding a waterline relocation by the City of Mayflower for the project associated with the Conway Western Loop (Baker/Wills Parkway).**

Mayor Townsell explained this deals with a Mayflower water line that affected by the Conway Western Loop project that ties into the new South Interchange being constructed south of Conway, into Sturgis Road. Mayor Townsell stated a portion of this road loops across Sturgis Road and converges over a section of waterline that belongs to the City of Mayflower. Mayor Townsell stated our roadway is a higher elevation than Sturgis Road which puts for a long course for these 2 roads to merge together, and the new road is much wider than Sturgis Road which puts this old waterline very deep the elevation of our existing road. Mayor Townsell stated if there was ever a problem with the waterline we do not want the road to be cut into, which would affect the pavement forever. Mayor Townsell stated it is also more difficult for Mayflower to maintain the waterline in an expedient manner, as they would have to dig down through a lot of roadway and this is problematic for everyone. Mayor Townsell stated the City of Conway is encroaching on an area served by Mayflower Water for a long time and recommended we pay the cost to relocate the waterline at a total cost of \$197,985.00, which includes 10% contingency. Alderwoman Smith motioned to approve paying the costs to relocate the waterline. Alderman Jones



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seconded the motion. Alderman Hawkins stated he supports this but this seems like it is a design problem for whoever put the road where it is located and wonders why they should not participate in some of this relocation. Mayor Townsell stated he disagrees because the roadway had to come back to Sturgis Road and funnel 4 lanes of traffic down to a narrow 2 lane county road; there is no way to really get around 4 lanes of a median down to a narrow 2 lane county road, without dealing with a waterline that was adjacent to the county road. Alderman Hawkins asked if they knew about the waterline. Mayor Townsell stated there was no way around it, we had to get back to that road or we would not have the connectivity to the road system. Alderman Hawkins asked if this could have been done before construction began and the cost may have been reduced. Mayor Townsell it is possible we could have relocated it prior to the new road construction, but we did not know exactly where the waterlines were and what needed to be altered, but we agree that this needs to be done. There was no further discussion. The motion passed 7-0.

**3. Discussion regarding five year financing of certain Sanitation capital purchases.**

Mayor Townsell stated we would like to make some major purchases for the Sanitation Department totally approximately \$3 million; we feel we would be better served to use 5 year financing and asked council for the authority to do so, and explained we would have to come back to council for you to approve rates etc. Alderwoman Smith motioned to approve to seek 5 year financing quotes. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

Mayor Townsell explained due to the events nationwide that have threatened our civil society due to racial unrest with deaths of African American men in Minnesota and Louisiana, and the deaths of the police officers in Dallas, Texas, that we have looked at ourselves and decided we need to make sure, the best we can, that those types of events do not happen here. Mayor Townsell stated we have started working to meet with other community leaders and deal with this and to have concrete objectives moving forward. Mayor Townsell explained we cannot be asleep at the wheel when the nation is in turmoil with these issues and we are not immune to these types of things happening in Conway, Arkansas.

**Adjournment**

**PASSED this 12th day of July 2016**

**APPROVED:**

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*Mayor Tab Townsell*

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*City Clerk Michael O. Garrett*