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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
July 28, 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, Alderman Ledbetter, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Townsell, Deputy City Attorney Graham Jones, and Karen Francis. Alderwoman Smith, City Clerk Michael O. Garrett, and City Attorney Chuck Clawson were not in attendance.

**Call to Order: Mayor Tab Townsell**

**Roll Call: Karen Francis**

**Minutes: July 14, 2015 City Council Meeting**

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0. Alderman Jones entered the meeting after the vote.

**Employee Service Awards**

**5 Years**

Arthur Hightower - Sanitation Dept.

Bibi Rodriguez - Animal Welfare

**10 Years**

Luke Williamson - Fire Dept.

Jamie Brice - Finance Dept.

James Duvall - Fire Dept.

**15 Years**

Jeff Hill - Fire Dept.

**20 Years**

Jimmy McJunkins - Police Dept.

David Groves - Fire Dept.

Farris Park - Fire Dept.

Shon Randles - Fire Dept.

Danny Shock - Fire Dept.

Phillip Short - Fire Dept.

Mike Winter - Fire Dept.

**Monthly Financial Report June 30, 2015**

Tyler Winningham, CFO, explained that sales tax for the month of June was up 16% explaining this is not a "pure" increase and after researching and one of the sectors that is reported and a lot of rebates were reported last year but this year was a normal year and stated there was also a big jump in the grocery store sector and telecom sales which accounted for the increase. Mr. Winningham stated this increase puts us at almost 5% for the same time last year and if we should hit some lows months we will have a

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cushion to work with between now and the end of the year. Mr. Winningham explained the General Fund state grant revenue line item reflects a reimbursement of \$175,000.00 from the Dept. of Aeronautics for T-Hangar building at the new airport; this is one-half of the grant so we will have another \$175,000.00 coming once that is completed and stated as you can see year to date \$417,000.00 is all the money we fronted to finish out the airport buildings, and we are beginning to see this money being reimbursed. Mr. Winningham stated the expenditures are low key and we have a healthy bottom line going into the second half of the year which is at \$439,000.00. Mr. Winningham moved onto the Street Fund and explained the bottom line is healthy sitting at \$863,067.00 and the revenues are shy 45% as this is what has been collected so far this year, but the expenditures being low is why we see a healthy bottom line. Mayor Townsell stated we are not hoarding Street Fund monies it is just most of this gets spent typically in the warmer season so this time of year you look like you are well behind but you are in the catch up mode in terms of expenses; a large part of our state revenues is Ad Valorem which are back loaded in the year anyway. Mr. Winningham moved onto the Sanitation Fund and stated revenues are on track at 50% for sanitation fees and the sale of recycling materials continues to be good; expenses are way down and there is a bottom line net revenue sitting at \$925,915.00 and explained there are purchases in the works which will be reflected soon. Mr. Winningham moved forward to the Airport Fund and stated we have a positive bottom line but the budget numbers are a bit off, but this is to be expected being the first year for the Airport budget. Mr. Winningham explained we have only hit 42% of airport fuel sales and the overall revenue is in a good place; the miscellaneous revenue line item reflects revenues from structures at the old airport we have sold which is a one-time revenue and the ground lease line item reflects an increase in the Axiom lease which will be seen going forward. Mr. Winningham stated the last sheet reflects our major project funds stating these all have healthy balances, the A&P tax always sits at \$1.2 million, the impact fees has a balance which can be used for projects coming up, and pay as you go sales tax looks good as well. Alderman Jones motioned to approve the June 2015 monthly financial reports. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

### **1. Report of Standing Committees:**

#### **A. Public Hearing**

##### **1. Public Hearing / Ordinance to abandon the alley in Block 7 of the Burns Addition running north and south from Siebenmorgen Road to Spruce Street.**

Mayor Townsell opened the public hearing. Lauralee McCool, CDBG Director, explained this particular block is our first potential model block in the Pine Street Revitalization that has been in the works for some time; all the alleys in this neighborhood run north/south and our goal is to open a new alley in the block that will run east/west allowing us to develop homes facing Spruce Street. No one else was present to speak and Mayor Townsell closed the public hearing.

#### **O-15-82**

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

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**B. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Downtown Partnership, and Conway Area Chamber of Commerce)**

- 1. Resolution of intent regarding the reimbursement of certain costs and expenses in connection with the acquisition, construction and improvement to the electric system of the City of Conway.**

**R-15-39**

Brett Carroll, Conway Corporation CFO, explained this is not unlike other resolutions of intent we have brought before council in the past, essentially to the extent that we want to reimburse ourselves for any preliminary costs/expenses that we incur related to these projects prior to the issuance of bonds; the IRS requires that we have this type of resolution adopted. Mr. Carroll stated before bonds are issued we will come back before council and give more details about the project, how the funds will be used, and how they will be repaid. Mr. Carroll stated our primary 3 projects that will be funded by this bond issue is a new building on the northwest corner of our property which will also improve our parking situation, building a substation at 1725 Middle Road, and also for the acquisition and installation of certain automated electric and water metering equipment which will allow us to read meters remotely, notify Conway Corp. of outages without the customer having to notify us, and upgrading all street lights to LED. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

**C. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, and Conway Housing)**

- 1. Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 817 Teal Street as a result of incurred expenses by the City.**

Mayor Townsell informed council that this clean-up has been paid and a lien is not necessary.

- 2. Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 1935 Puma Street as a result of incurred expenses by the City.**

**R-15-40**

Alderman Hawkins stated the property address is 1935 Puma Street; the cost of cleanup was \$213.50 (\$166.82 + Penalty \$16.68 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

- 3. Consideration to approve the nomination of Danny Patel to the Advertising and Promotion Commission.**

Alderman Hawkins motioned to appoint Danny Patel for a five year term as recommended by the Advertising & Promotions commission. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**4. Ordinance accepting and appropriating insurance funds for the Administration Dept.**

O-15-83

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

**5. Consideration to approve right of way acquisition for Tract 5A and 5B (Kuettel) in regards to the Cantrell Field Access Improvement Project.**

Finley Vinson, City Engineer, was present to answer questions. Shantelle Mears, O.R. Colan Group LLC, referenced the letter she sent to Mr. Vinson on Friday that shows the Kuettel's estimate to replace the trees from The Plant Outlet and stated the conflict involving the trees was because there are 23 Crape Myrtle trees that will be taken as a result of this project; these are along the property line and our appraiser only counted 7. Ms. Mears stated she went out to the property, with the appraiser last week to determine exactly what was in the taking, and it was determined that the appraiser was short by 13-14 trees and stated the property was not staked at the time of the appraisal. Ms. Mears stated the proposal is for the replacement of the trees to be approved by the council in the amount of \$17,492.22. Ms. Mears moved forward with the next counteroffer from the Kuettel's and stated the original offer made was \$2.00 per sq. foot, but Mr. Kuettel is requesting council to consider his counteroffer based on the comparisons he provided that range from \$2.50 - \$6.00 per sq. foot and Ms. Mears stated he would like to be right in the middle at \$3.00 per sq. foot. Ms. Mears explained that Mr. Kuettel used the example of a previous acquisition in June 2015 in the amount of \$3.15 per sq. foot for another tract on the same project which used some of the same comparisons that he produced; he did not produce nor was he required to produce an owner's appraisal. The counteroffer for Tract 5A is \$27,714.40 and \$8,532.00 for Tract 5B, for a total counteroffer in the amount of \$53,758.62 for 2 tracts and tree replacement. Mayor Townsell asked Mr. Vinson if this is satisfactory. Mr. Vinson stated yes. Alderman Hawkins motioned to approve the counteroffer for right of way acquisition. Alderman Grimes seconded the motion. There was no discussion. The motion passed 7-0.

**6. Consideration to approve the bid for the Tucker Creek Pathway Improvement Project (College Avenue to Adamsbrooke Drive).**

Finley Vinson, City Engineer, recommended the low bid from J's Construction in the amount of \$423,825.00 and stated this project will complete the Tucker Creek Trail. Alderwoman Whitmore motioned to approve the low bid. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

**7. Consideration of counter offer from Jerrell Spradlin for a pathway easement on Tucker Creek Pathway project.**

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Jerrell Spradlin was present to answer questions. Finley Vinson, City Engineer, explained Mr. Spradlin was offered \$7,000.00 for 6,674 sq. feet of pathway easement and that Mr. Spradlin has counteroffered with \$8,500.00 which Mr. Vinson feels is fair. Alderman Pruitt motioned to accept the counteroffer of \$8,500.00. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**8. Consideration of counter offer from Trinity Development for an easement north of College Avenue for the Tucker Creek Pathway project.**

Finley Vinson, City Engineer, stated an offer was made to the previous owners and since then Trinity Development has purchased the property, and they counteroffered compensation equal to the amount that they paid for the property per sq. foot which is \$994.00. Alderman Pruitt motioned to accept the counteroffer. Alderman Grimes seconded the motion. There was no discussion. The motion passed 7-0.

**9. Consideration to approve a conditional use permit by The Hound's Hideaway, LLC to operate a pet lodge and grooming facility at 1238 McNutt Road.**

Alderman Hawkins motioned to approve the conditional use permit. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0. The conditions set forth are as follows:

1. Hours of operation: Public hours are 6:00 am to 6:30 pm Monday – Friday; 8:00 am to 5:00 pm on Saturday and Sunday. Staff hours are 6:00 am to 10 pm 7 days per week.
2. Noise abatement curtains shall be installed in exterior play area fencing per submitted conditional use permit application.
3. No dogs shall remain outside the building after 10:00 pm.
4. The conditional use permit is limited to the applicant, The Hounds' Hideaway, LLC.

**10. Consideration for a conditional use permit to allow a homeless shelter in a C-3 Zone for property at 701 Polk Street and 766 Harkrider Street.**

Mayor Townsell explained the sole issue for us is a homeless shelter an appropriate land use in this zone, at this location, and at this time in the City of Conway. Greg Pillow, Chairman of the Board - Ministry Center, stated we have held two public forums which allowed them to clear up a lot of information, and explained the Ministry Center is a separate 501c3 organization and we have a long term lease with Second Baptist Church (SBC), who has tried to sell the property for 7 years but has been unsuccessful. Mr. Pillow stated approximately 5 years ago some of the SBC members thought it would be a good idea to use the campus to help others in need, and in 2012 the church voted to repurpose the property and opened in April 2014. Mr. Pillow stated we have approximately 12 ministry partners (Soul Food Café, Glenhaven Youth Ranch, Deliver Hope, Celebrate Recovery, Young Life, Choosing to Excel, Rock Church, Mosaic Church, Healthy Families of Arkansas, Compass Ministries, Renewal Ranch, and The Call. Mr. Pillow stated we also have approximately 13 churches that support us and the services we are providing are food, clothing, and case management services (CMS) which is handled by their Case Manager Spring Hunter. Ms. Hunter had 37 case appointments last month. Mr. Pillow stated we are here because we want to provide long term assistance to the people we see on a daily basis, whether they need food or long term assistance; everyone here agrees that there is a need. Mr. Pillow explained they started

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several months ago formulating a plan to be to provide shelter for people, and he knows the perceptions of the homeless, but many homeless people we see are in that situation because of crisis, it is not just about someone who does not want to work or do their part; there are fires, family tragedies, death of a bread winner, natural disasters, and loss wages due to weather to name a few. Mr. Pillow stated he feels they have addressed most of the concerns and wanted to speak briefly on these concerns. Mr. Pillow stated safety is one issue as people feel the area will no longer be safe if a homeless shelter is in the area, but we believe that having the shelter in the area will improve the safety noting there is a lot of foot traffic in the area, especially at night. Mr. Pillow stated another concern is that it will bring a lot of homeless people into the area, but he does not believe that this will be the case, as anyone who stays at the shelter will have to participate in CMS and if someone does not want help, we do not think they will want to come to the shelter. Mr. Pillow stated another concern was turning people away at 9:00 am due to possible loitering but our intention of turning out at this time is vague because if someone has a job or go to school they will be out, if they have no job or do not attend school they will have to participate in CMS; there will be things for them to do through CMS so we do not envision a flood of people hitting the streets at 9:00 am. Mr. Pillow stated lastly one concern they have heard is it will take a lot of money to get this up and running and that we will "just open up" and haphazardly do their job. Mr. Pillow stated he can assure you that we would not open the facility until we are fully funded and ready to open, which could take up to 1 year; all the research we have seen shows the quality of the program dictates the outcome, especially the way it effects the neighborhood.

Spring Hunter, Case Manager Ministry Center, began by explaining why it makes sense to open a homeless shelter in this location: Ms. Hunter stated because of her CMS experience at this location in the past year she has seen that there is already a concentration of the homeless population in this particular area of Conway; approximately 4 blocks from where we reside is probably the largest homeless camp in Conway. Ms. Hunter stated she was not aware of the degree of Conway's homeless population until coming to the Ministry Center and seeing this is where they already are. Ms. Hunter explained the services available to our homeless are very near this area, which is why we see the foot traffic as Bethlehem House, Work Force, DHS, CAPCA, and First Staff are nearby in the downtown area. Ms. Hunter stated approximately 40% of her clients are actively homeless or are imminent danger of becoming homeless very soon; she sees 30-40 CSM appointments, which does not include the 150 boxes that we may send out with people, that never get an appointment with her because her case load is full for the month. Ms. Hunter stated we offer many services and assists with helping them obtain medical insurance since many of the people she sees has major medical problems as well as counseling/mental health care/setting up rehabilitation stays, finding primary health care so they can be healthy enough to become employed. Ms. Hunter went onto say some of the other services we currently offer are assistance with affordable housing and keeping them housed, utilities, car repairs, finding proper employment, continued education, parenting classes, filling out various forms for them, assists in navigating government systems via the internet, and helping them obtain vital records which is sometimes the first step to becoming employed. Ms. Hunter stated she also assists them with their legal issues and tries to get them to face some of the issues they had in the past so it can be cleared up and they can move forward with employment; all these things are barriers that come up when we say "just go get a job" which will get you out of homelessness. Ms. Hunter stated her biggest issue is sitting down with someone over the period of a month trying to work through these issues and then she sends them out the door at night, with a list of things she needs them to do while they are motivated, and then some major event happens over the

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weekend whereas if we could meet this basic need of housing, it would be easier for them to get up, shower and go looking for a job and stressed no one is going to hire you if have, poor hygiene and no photo I.D. Ms. Hunter stated many times she has seen where people cannot keep a job because they have hygiene issues or other basic barriers that could be met, if we could provide housing and minimal transportation. Mayor Townsell asked if these are things you already do for the clientele you already see coming through your facility at this location. Ms. Hunter stated yes. Ms. Hunter explained often times she loses these people because they do not return after sending them out for a week and since they do not have phones, and stated she has even gone as far as driving around into a grove of trees yelling someone's name to locate them to let them know she finally got them a much needed appointment. Ms. Hunter stated we are requesting approval of the conditional use permit since these individuals already reside in this area, the limited services they have are concentrated in this area and we have a two story 7,000 square foot facility, which is on our property; the way it is set up it already resembles a residential facility. Ms. Hunter stated we have posted our intended hours of operation is to check in at 4:00 pm 9 am; part of our reasoning with choosing these hours is the Ministry Center currently operates from 9 am - 4:00 pm. Ms. Hunter stated individuals who do not get up and go to work/school, or those who are not meeting the criteria of where they are going will be required, as a part of the program, to leave the shelter and stay on the property and attend life skills training. Ms. Hunter stated the population we serve, and the actual people she has worked with are senior adults, men, women, children, many being single mothers with children and we desperately want to be able house women and children as well as older single males on our property. Ms. Hunter stated the property is laid out where the bunks are already a beautiful design; there is a single men's bunk, a women's bunk, and a central room that has satellite rooms that would make perfect family units that could house a parent and young children and they are completely separated and have firewalls in between them and already set up to take men, women, and families. Ms. Hunter stated we will not take registered sex offenders because we want to take in children. Ms. Hunter stated the goal for the Intended Programming is to get clients to a state of employment as quickly as possible, but to be honest, many people she works with are not employable when they come in the doors for all the reasons previously mentioned, so as a condition of being allowed to enroll in the Ministry Center's program we will allow someone to stay approximately 60 days and as a part of this stay, you either go to work or scheduled various appointments. Ms. Hunter stated within 7 days a client would meet with a case manager for assessment, their needs would be determined, and the client would be provided a case plan and goals for the next 60 days. Ms. Hunter stated these goals are attainable and people could be checking on obtaining their GED, going to Work Force Center and filling out job applications etc. but as she mentioned previously, these clients are not in an employable state and we have already entertained the "what if " conversations with Work Force Center and Goodwill Jobs Seeker Service, and explained AETN currently has a homelessness to stability program that uses the county extension office to teach people how to plan meals etc.; they have a relationship with local credit unions to help people learn financial planning and budgeting. Ms. Hunter stated we are not just interested in sheltering people we are interested in changing lives and if they refuse to be a part of that program they will not be allowed to stay. Ms. Hunter stated we chose 60 days because after speaking with Judy Lively with the Bethlehem House, we know that 60 days is not going to solve all their issues and in other cases some families, who may have lost their home due to a fire, will need a couple of months to get on their feet and it likely they were living pay check to pay check so while they are at the facility they will learn life skills so this type of issue does not set them back again. Ms. Hunter stated but those who need transitional ongoing programming we feel

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within 60 days we can refer them to a more long term transitional housing. Alderman Pruitt asked if adequate staffing is on hand for all those who will require longer term housing for 6 months. Ms. Hunter stated we have applied for numerous grants to get this program off the ground and our intention is to have a full time director for the crisis shelter whose job is solely related to the homeless shelter is taken care of; the life skills training will almost all be outsourced by the organizations mentioned earlier, but most of them have offered to come to our facility to teach these skills and transportation will be provided to transport clients off-site for other skills training. Ms. Hunter stated we plan to have the full time director, on-site trained security staff that will live on the property and we are looking at having 1 security staff for every 10 residents but we cannot take the next step until this is approved. Alderwoman Whitmore asked if violent offenders will be housed. Ms. Hunter stated during intake a back ground and warrant check will be ran and as long as they are in good standing with the authorities and they do no show violent behavior, they will be allowed to stay at the shelter as long as they obey the rules; if they show violence or threats of violence they will not be allowed to stay on the property. Alderwoman Whitmore stated her concern is the initial intake process and the only requirement she sees on the conditional use request states a registered sex offender will not be housed. Alderwoman Whitmore asked if during intake a background check reveals someone has a violent history or has committed a violent crime etc., will they be allowed to be housed from 4:00 pm to 9:00 am. Ms. Hunter stated if they are in good standing with the authorities, do not have a warrant, and they are doing everything that the law has asked them to do we will assume that they are making strides towards having a better life. Alderwoman Whitmore asked if you will be able to assess that at intake at 4:00 pm. Ms. Hunter stated we will be able to assess that only via a background and warrant check; the former director of homeless services for the Union Rescue Mission is a violent felon but has gone on to lead a stellar life and pastors a church. Ms. Hunter stated we feel like because of a poor choice one made at an early age, and now that they are older they have hit a wall because they cannot get a job or rent an apartment; we will assume that one is making strides to be a better person and until someone gives us any indication that they are not safe, if they are violent, or break the rules they will not be allowed to stay; the difference between shelters that ruin or adds to a community is the programming. Ms. Hunter stated when you have a shelter with excellent programming it runs like a well-oiled machine, these boys behave because they know that this is probably their last chance; we also are working on other policies regarding loitering and sexual advances, as these will not be tolerated. Alderman Pruitt asked if someone was released 30 days ago, how you know if they have rehabilitated in 30 days and how will initial background checks be performed. Ms. Hunter stated we are looking at a background check program called Criminal 411 which will provide immediate reports and findings of warrants, violent criminal history, and weapons charge. Alderman Pruitt asked it there will a timeline on history found. Ms. Hunter stated if you are in good standing with authorities at that moment, you will be allowed to stay and this may be something we could work with the city on adding a condition. Ms. Hunter stated she does not know how to determine how to stipulate a timeframe on past felons without saying you are in good standing and we are going to give you "this inch" to prove yourself in and technically if you are in good standing with the authorities, you are a free man. Alderman Jones also feels there should be a time frame place on criminal charges in order to make sure that individual is not going to be a repeat offender and feels you should look into this, as it takes time for a person to stop doing whatever it is they have been in trouble for. Alderman Grimes stated there is already a homeless shelter on the outskirts of town (Bethlehem House) and to his knowledge it has not been a big problem for anyone and went onto say he asked the Chief of Police for a list of calls to that address over the past 12 months and there were 48,

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approximately 1 per week and half of those were medical runs. Alderman Grimes asked what makes this proposed shelter different and if it is ran like the Bethlehem House it should not be a problem, but he keeps hearing that it may be a little different and asked someone to address the differences.

Judy Lively, Bethlehem House, stated she does believe there are some differences and some are still unknown, we do not take violent offenders, mentally ill and un-medicated individuals, or individuals who are real active in their addiction, but beyond that she does think the program makes the difference, you have to make sure that people understand the rules are in place for everyone. Ms. Lively stated we have been blessed by not having more issues than we have and agrees with Ms. Hunter that when people move in with us, or just come to dinner, they understand if you are going to mess up here you are leaving and you are not coming back, and this could be your last place to take a shower and feels the program does make a difference. Ms. Lively stated emergency housing is general shorter term, up to 60 days and our program goes up to 24 months, we do some emergency housing since moving into our new building; the plan was truly to only help people in emergency situations, but we have found the majority of those people move into our transitional program. Ms. Lively stated less than one-fourth of them are ready to move out so there may be some need to move them on down the road, but there definitely is a need as the Mayor mentioned, but we see more and more of that and stated we feed approximately 70 people every night, and one-half of those are ours, but the need does exist.

Mr. Huttle addressed council and explains he works with veterans searching for employment and knows when someone is homeless, they are not ready for a job; this location is centrally located and very near to various service providers they need. Mr. Huttle stated we cannot provide transportation but he can send someone to the Ministry Center and they can provide transportation to them and have a place to stay. Mr. Huttle stated taking a census of homeless people every 6-12 months is useless because all it does it take a look at the facilities and many people he has coming into his office live in their cars and they are living in the woods all through Conway. Mr. Huttle stated Conway has the reputation that there are jobs here and he wishes we had more and wished we had more factories because that is where a lot of need is, but this is another issue. Mr. Huttle stated many people live with family but they are still considered homeless, and in many cases that is more stressful on a jobseeker than living in a car because they are under pressure from the family to get a job and move out. Mr. Huttle supports this proposed shelter and asked council to do the same.

Scott Hayes, property owner of 770 Factory St, stated he has an interest for the tenants in his building regarding their safety and welfare, and there are several things touched on tonight that he would like to address. Mr. Hayes stated they have identified 165 homeless people in the community, and they want to help 30; national statistics show approximately 45% of homeless people have some type of mental health issues, and another 45% have substance abuse issues, which leaves 10% of the truly needy that need their services. Mr. Hayes applauds them for what they are doing but stated nothing has been said as to how they are going to make application for people who will stay in the facility and how they will determine who will be allotted these services. Mr. Hayes stated if you open your doors to 165 people, 10 of which are the truly needy who want to better their life and the other 90% are not quite ready to do this. Mr. Hayes stated you will draw them all to this location, and they have only discussed how they will control happenings on their property, but nothing has been said about controlling what goes on outside their property, as they have no control

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over that. Mr. Hayes stated after-market back ground program checks only check what is a matter of public record and will only tell you what a person has been convicted of, unless you involve local law enforcement you cannot tell if someone has active warrants, so even now they could be taking people in with active warrants and are unable to identify this. Mr. Hayes stated in a previous meeting Mr. Pillow communicated that he was hesitant to turn in anyone he was aware had an active warrant over to local authorities and he finds this troubling. Mr. Hayes stated there are many departments in the state that oversee these types of facilities such as Adult Protective Services, Youth Protective Services, and Health and Human Services but because they are a church based organization they fall outside of these parameters and does not have to meet state criteria. Mr. Hayes stated if it were a privately run organization there would be specific criteria that would have to follow such as life safety, staffing etc. but no one will be able to impose any criteria and he has major concerns in that regard. Mr. Hayes stated he does not feel they have adequately put in place a mechanism to determine a person's legal status regarding active warrants and back ground checks and there is no clear understanding of what the security on the property will be and how they intend to take care of the people who will be off property, on the adjoining properties. Mr. Hayes stated the city has spent a lot of money revitalizing the downtown area and have retail stores in the works, St. Joseph School is nearby and he feels this is the wrong location.

Larry Pillow, Chairman of the Board and Chaplin for Renewal Ranch, stated he has lived in Conway since 1969 and explained he has a historical perspective of what we are talking about here tonight; he has been active in the Ministerial Alliance, while he does not claim to speak for its members he can speak from a seasoned understanding of the perspective of a pastor and the 100+ churches in this city and respects your desire not to address the issue. Mr. Pillow stated he came prepared tonight to persuade you to have compassion, but he can see you already have that, and stressed that this is a critical matter that has been a critical need for a long time and trying to break down the 165 homeless people into percentages, does not address the weekly issues that pastors face in trying to get help for people who are facing crisis. Mr. Pillow stated you asked for us to specifically address whether this location is a good location and whether this time is a good time to make this location viable. Mr. Pillow stated there are at least 3-4 reasons this is a good location, one being it comes at no cost to the city, secondly it is a location that has already demonstrated that they are providing viable, well regulated, well managed social services to this community. Mr. Pillow stated while he respects Mr. Hayes perspective as a property owner and the information he provided about how this ministry would be ran outside the boundaries of government regulation, he takes issue with that as he believes the integrity of the ministry board and the ministers involved is, as if not more trustworthy to do things right, than a government entity. Mr. Pillow stated this is a great location from that stand point and saving money, and the collective support of the churches in the community that will get behind this, and it will provide a safer environment. Mr. Pillow stated Mr. Hayes had a concern that there was no mention of police protection off the bounds of the property and reminded council that when starting the Bethlehem House there was a lot resistance in the community, but to his knowledge there never has been, in the history of that organization, police protection around the boundaries of that facility. Mr. Pillow stated he thinks we will all agree that this facility is a wonderful asset to the social conscious and compassion of this community in meeting needs and feels it would be an additional supplement to that. Mr. Pillow stated another reason it is a good location is because it is a good opportunity to have a facility that is paid for and can be renovated at minimal expense, without taxpayer dollars. Mr. Pillow stated having pastored that church and knowing how hard it was to raise money for its buildings he

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believes you can appreciate the fact that if someone came along today and offered you well designed Olympic swimming pool, at virtually no cost you would seize that opportunity and this as a great opportunity to meet a need that has existed for a long time at no cost. Mr. Pillow stated you can ask yourself these questions; if not here, where, if not now, when, if not us, who and feels council should support this request.

Charles Simmons, Pastor of The Rock Church, which resides in the old Second Baptist Building explained he is aware some of the concerns are safety and what types of people will be housed at the facility etc. Mr. Simmons stated he lives in the Rock Creek Apartments which are nearby and has been in Conway since 2009; he loves the people and feels the community is innovative and progressive and stated since coming here he has only seen people who care about the betterment of the community as a whole. Mr. Simmons stated included in this, is the investment in people just like economic development, building homes/apartments and the things we do to make sure the community continues to develop and investing in people is important. Mr. Simmons stated he used to be a homeless person while finishing his college degree when his scholarship ran out and he chose to work and pay for his tuition but his parents could not afford room and board. Mr. Simmons stated he kept food in his car and had a gym membership so he could shower and he lived that way until a co-worker found out and opened up his home to him until he graduated a few months later. Mr. Simmons stated he respects and appreciates this person because he took advantage of an opportunity to invest in someone like me and stated life happens to everyone and we have all made bad decision and mistakes, some worse than others, just like homeless people. Mr. Simmons stated he lives in the area and has a wife and children and has the same concerns for safety as everyone else; he is a Chaplain at his apartments and has seen crime increase and decline in that community just from outreaching and taking an interest in the lives of the people. Mr. Simmons stated he has run into people who have made bad decisions and do not want to change, but he also meets people who fell into situations where life has just happened; sometimes you invest in people and you wish you hadn't, but then there are times you are grateful that you did take the time to invest in someone who appreciated it, like me. Mr. Simmons stated some questions are unknown and we have to make sure our situations are safe and our community continues to progress in a positive way but you have to consider that this may be the opportunity, the time to make this investment in someone who actually may in return live in this city and invest in other people's lives and stated he supports this facility and asked council to also consider approving this request.

Melinda Saxon, Conway resident, stated Ms. Hunter spoke about people you have concerns about, those who have a past violent history and she addressed that type of person. Ms. Saxon stated she took in a family this past spring who lost their home to a fire, this family did not live on government assistance but they could barely make ends meet even with both parents working 2 jobs. Ms. Saxon explained the Red Cross put them in temporary housing for 3-4 nights but being a college town there was very few affordable houses available so after a week we took them in for 30 days until they could find a house. Ms. Saxon stated there are individuals who have violent histories but there are also individuals in our community who have a families who work as hard as they can work and still cannot always make ends meet when a devastating event happens. Ms. Saxon stated the question has been asked if this location right, many people it is not because it is in the center of town we are trying to revitalize but she feels it is a good location for temporary housing and could make a huge difference in our community. Ms. Saxon stated we have floods and tornados that occur and there needs to be crisis housing in place. Ms. Saxon stated some people ask where a

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good location would be, and most would say there is not one, no one wants it in the center of town but it is already there, they already help people, they are willing to fix it up, and are willing to do what it takes to make it happen and supports this request.

Joy Williams, business owner - Monroe St, stated she has had her business in this location for 6 years and she has seen the change from Second Baptist to the new Ministry Center and stated we are here to decide if the property is a good location for a homeless shelter. Ms. Williams stated in the past year she has seen the condition of the property decline, the grass right now is 8.5 inches tall and our shopping center is maintained every 2 weeks. Ms. Williams stated her salon is open from 8:00 am until almost 10:00 pm because she has 5 stylists and they are there all hours of the day; we have a lot of solicitation now that we never had before, lots of loitering, and on a weekly basis she is having to call and have a car removed from the parking lot because it is taking up her customers parking. Ms. Williams stated this is a great plan but she does not think this is a good location and safety is a concern as it is for everyone, if someone is turned away where will they go; will they camp out behind her building where her staff and customers park and enter/exit the building. Ms. Williams stated having something of this nature so close is a scary situation; she loves Conway, our downtown and she eats and shops downtown and feels alternative locations should be considered because this part of town has been revitalized and feels if this moves forward she will lose her staff and asked council to deny this request.

Linda Tyler, Conway resident, stated she too has been homeless, when she was a child she lived in a home environment that many of you knowing me and looking at me today would not expect, but her mother and siblings found themselves, on a few occasions, living in a park and sleeping on a park bench or in the car. Ms. Tyler stated when you think of safety she thinks about the safety of her family when they were homeless, where do they go and she feels it is important to consider having a safe place for homeless people to go. Ms. Tyler stated she has heard the testimonies of others if this is the right place and the right time and she is dismayed if Ministry Center is not taking care of their property the way they should and that is an expectation we should have, should this move forward or not. Ms. Tyler stated we have heard tonight that we already have homeless people in this area sleeping in the woods, in camps, and in cars so wouldn't we be better off having those 30 people sleeping in a safe place where they are away from violence each night, and asked council to support this request.

Phillip Fletcher, Executive Director of The Up Outreach, explained this is a good location because the reason is also tied to why we should do this, there is value rooted in a lot of the objections we have heard tonight but first of all this is the right place for it to be because that is a sacred space, it is a church, and the church in the biblical sense is the body of Christ and he said when I was a stranger, you welcomed me and since we are all sacred, those with or without homes, why should not sacred people be in a sacred space. Mr. Fletcher stated it is a torturous logic to use stereotypes of crime, drug abuse, and laziness as the reason to prevent a solution to that matter and if this is the case then where is the solution. Mr. Fletcher stated are we then implying we should keep them on the street and he does not think we are that kind of city and he does not think you are that kind of city council as you just showed a few months ago a fight for equality in other people when this room was filled supporting the vote for LGBT community and asked where is that same compassion for the homeless; we should not assume the worst about these people. Mr. Fletcher stated downtown is the perfect place for a shelter because we have no public transportation, it is close to many resources they need

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to get a job etc. to become a contributor to Conway's economy and asked council to imagine homeless people moving from homelessness to stability because buildings do not make a city, people make the city and asked council to support this request.

Ms. Corbin, Conway resident, stated since coming to Conway in 1987 she has been a part of conversations about Conway's great need for crisis housing and seems that each time a group gathers around this idea an obstacle arises and often the obstacle is "not here". Ms. Corbin stated the argument of "not here" stopped us from having such a facility for many years and feels that Reverend Pillow is trying to say if not here where, and the answer would tend to be that people do not want it. Ms. Corbin stated in her years of working with the homeless or poor she heard their stories and struggles of trying to live and get by on very little; these people are wonderful people and very giving to each other and they needed to be in the downtown area. Ms. Corbin stated homeless people are like the rest of us, they live on hope and there is hope where there are resources, and there are resources in a place that is revitalizing itself. Ms. Corbin stated she is overwhelmed at the resources the Ministry Center has pulled together to help the homeless and we should do well by them and in doing so you will do well by Conway and asked council to support this request.

Brent Salter, Salter Properties, stated we owns the shopping center on Monroe Street across from the Ministry Center and began by saying he is not against the homeless and supports individuals who follow what the Lord is guiding them to do, and he is here to speak about his personal experience as a property owner. Mr. Salter stated when Second Baptist was across the street they were a benefit because everyone knew where it was, the property was well maintained, and it was safety was perceived. Mr. Salter stated since April of 2014 the number of complaints from his tenants went from zero to very frequently; complaints range from loitering, people asking to use the restrooms, and even asking for money. Mr. Salter stated from what we have seen happen since April 2014, opening a homeless shelter could directly affect his business, his shopping center and grow to affect the neighborhood in general. Mr. Salter stated he does not believe the conditions placed on this request are adequate and believes if this is approved it is forever and the concerns raised tonight would come to fruition and if the supporters are wrong, then what do we do. Mr. Salter stated he attended the public hearings and have spoken with Greg Pillow and he does not feel the structure, and the way this is presented today is good enough, there are too many questions to be answered and there are too many gray areas. Gene Salter, Salter Construction, stated he is the owner/developer of the shopping center across the street and he applauds what the Ministry Center is trying to do but he too feels this is not a good location and it is all about perception a much as anything. Mr. Salter stated this facility needs to have better structure and better stipulations, and stated it is great as a mission/outreach center but to he never envisioned it as a shelter with living quarters asked council to deny this conditional use request.

Greg Reddin, Conway resident, stated our revitalized downtown and Central Landing is not just for people who are fortunate it is for everybody in Conway and there are people here in unfortunate circumstances and they need a place too. Mr. Reddin stated since these people are already there and they will better off in a maintained facility than in the woods. Mr. Reddin stated he spent a few weeks in San Francisco and noticed there were homeless people everywhere, but no one seems to be threatened by them and the commerce that takes place in San Francisco is not threatened or diminished by the homeless people. Mr. Reddin stated the

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notion of having homeless people around is an invitation for crime, in fact maybe putting them out somewhere else is a bigger invitation for crime and stated he supports this request.

George Covington, Conway resident, stated he was chairman of the Downtown Partnership for 12 years and has a business on Front Street and his family have been here for 93 years. Mr. Covington stated he has nothing against homeless people and has known Greg Pillow and most of the others most of his life, and he has not talked to anyone in town that thinks this location is an appropriate place to put a homeless shelter. Mr. Covington stated we have put 12 years into downtown Conway making it safe and just put in for a grant to place lighting in the alleys, and not to mention it is an area you bring industry to tour when trying to bring jobs to the area, which will not look good if you have people wandering around downtown, standing on corners, panhandling etc. Mr. Covington went onto say that our downtown is an entertainment district and safety is the main issue, and he does not believe this is the best place for a homeless shelter.

Mr. Barber, Conway resident, agrees that we have put a lot of effort into making the downtown area walkable which will be important if you are going to situate a shelter in the area. Mr. Barber conveyed a situation from the U.K. where buildings were erected to house people, they were well away from where the jobs were and they did not have transportation and the outcome was an increase in crime. Mr. Barber stated from an infrastructure prospective this is a good place, if you house them in other areas that you feel would be more convenient, he is not sure they could get to and from anywhere.

Scott Taylor, Ministry Center Executive Director, stated his vision for this and in coordination with the board and by God's grace he has started different outreaches all over Arkansas, Texas, the Dominican Republic, and one in this town called Green House. Mr. Taylor stated he does not want to refute anything he has heard, but the way the property looks does make a difference and encouraged everyone to view the property as we have planted flowers, mowed the grass, power washed the building, and next week the parking lot will have coat asphalt be stripping put down. Mr. Taylor stated council is here to balance and it is a difficult job between commerce and compassion, and obviously you are compassionate or you would not be here and we are not here to cause trouble. Mr. Taylor stated we are a needs driven ministry and the need has presented itself and we felt it would be great to get people off the street initially, so Ms. Hunter would have time to work them into permanent housing and employment while teaching them life skills. Mr. Taylor stated we do not have all the details worked nor all the money we need because we do not have your approval to move forward. Mr. Taylor stated if you want a perfect picture of everything without approval we do not have it yet; we have a good plan, a policy and procedures manual started, and we have spoken to other directors, at the Union Rescue Mission in Little Rock, that would run the facility. Mr. Taylor stated of our board of 11 people, 3 have PhD's, and the other have their masters or bachelor's degrees and wants you to know that we have experience and we know what we are doing and is willing to answer any questions you may have.

Jim Bruce, Conway resident, stated it is surprising to him that the people who praise our growth do not realize that when a city grows, problems come along with that growth and it should not be surprising that the homeless would be attracted to Conway the same way that investors are. Mr. Bruce stated he feels that it is time for us to step up and do our civic

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responsibility to help the poor and the homeless that are in our community and stated where is a better place to help them than where they are.

Alderwoman Whitmore stated we have heard both view points and knows for the homeless there are success stories, but as for herself and what everyone here needs to understand is that we are looking at a conditional use for a piece of property and whatever conditions we approve tonight stay with that piece of property. Alderwoman Whitmore stated she understands what everybody here is saying and thinks intent is great, and the need is recognized and if she was assured that a background check was going to be done to protect others there from criminal offenders, she might feel a lot differently but she does not see that tonight nor does she see that there is a plan in place. Alderwoman Whitmore stated her heart strings have been pulled and she is very compassionate to the homeless and aside from city council she works at a community mental health center, and there are a lot of people with a need there, there are people out there who are not on their medications. Alderwoman Whitmore stated when people are medicated and doing what they are supposed to do, they are great but she can also tell you when those people are not actively medicated it is a sad story. Alderwoman Whitmore stated if she could see other things put in place and additional wording added she would be more apt to support it, but with the conditions listed tonight she cannot support it. Alderman Pruitt asked Alderwoman Whitmore if we could talk through some of those items. Alderwoman Whitmore stated she is not sure they have those answers tonight. Alderwoman Whitmore stated she had issues with another housing project that included screening process and what the residents would do for daytime activities. Alderwoman Whitmore stated she know there are homeless people out there, but as a citizen it concerns her that someone will come to you at 4:00 pm and you only run a background check, which will not give you all the information, and she would hate for us to pass this tonight with what we have here and heaven forbid this opens, and somebody falls through the cracks and you have homeless people, who have fallen upon hard times, be in a situation with a violent offender. Alderwoman Whitmore stated they are not any safer if that happens here than they are on the streets and this concerns her heavily. Greg Pillow stated that is a legitimate concern and explained they looked at other shelters and how they do this and the input we received from them, and the experience of the people working there will help dictate that. Mr. Pillow stated when he visited the shelters he envisioned this chaotic process coming in, and when there is order and rules he does not think we will face that and feel like if we do the background checks and an assessment at the door with our experienced staff he does not feel that will be a problem. Alderwoman Whitmore asked Chief Gary when the Police Dept. runs a background check what shows up. Chief Gary stated a criminal history background check will show everything, local and active warrants. Alderwoman Whitmore asked if he was aware of the agency that they are planning to use. Chief Gary stated no, he is not. Ms. Hunter stated they are not opposed to utilizing the local Police Dept. if that is something the city would be willing to provide as a service to us; we are looking at various options, the Criminal 411 seemed like a very thorough background search but it is not written in stone; while it is their hearts desire to take felons and if there are stipulations that the city wants to impose we are open to those discussion. Deputy City Attorney Graham Jones stated he is sure the local officer would be happy to assist with the background check process there are limitations on our ability to do that, in fact the information they get is from the Arkansas Crime Information Center and they are not allowed to disseminate that outside of the law enforcement world, so this is not an option. Ms. Hunter stated that puts us in a catch if you are going to take anyone at all we want to know that this thorough background check has been ran so we have to look to the next best source which is what we are still in the

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process of looking for. Mr. Graham stated the only source that he know comes from an official access point is the Arkansas State Police and that process requires a waiver to be signed by the person being checked and a fee is to be paid which is not practical at 4:00 pm. Alderwoman Whitmore stated she came tonight with 6 items to ask you and she does not think we will be able to accomplish, or even suggest everything we see that would need to go into a conditional which is why she cannot support it. Ms. Hunter stated if we had enough time we could go through the policy and procedures manual. Alderwoman Whitmore stated she does not think we need to get that intense into your operation, she was merely giving you an example of what she saw immediately based on the conditions that are here that would definitely concern her. Alderman Pruitt suggested a committee meeting to discuss the topic further. Alderwoman Whitmore stated they have held public meetings and is unaware of know what the residents have said but she cannot support what is presented tonight. Mr. Pillow asked what other issues you have. Alderman Grimes stated we are talking specifics but we still have not talked about whether or not the property is suitable for this request and thanked everyone who spoke tonight as he knows that homelessness is a difficult topic to discuss. Alderman Grimes stated he received call and emails from people who work downtown who share many of the same concerns as you, but were not comfortable in coming tonight to speak. Alderman Grimes stated we are talking about people here and that is the most important thing, but there are other things to consider to make sure this works out for everyone involved and he agrees that no one should sleep in the woods at night and we need to have a place for these people to seek shelter. Alderman Grimes stated he is somewhat confused about the message as he understands this plan is still being designed; he believes that a family's home being burned out is different than someone who's been in jail and he is not worried about the 30 people you have sleeping there, he is worried about the ones who do not fit in there, those are the ones that will cause the issues; even if it is just perception, perception is reality. Alderman Grimes stated some think they will have panhandlers/solicitors and he does not know this, but he does not think we can take that chance. Alderman Grimes stated everyone knows we need a homeless shelter and in his 13 years of being on city council it has never come up, and he does feel now is the time, but he does not think this is the place and feels like we need to get our Planning Director involved in trying to find a good location and he will help as well. This request failed due to the lack of a motion.

**11. Consideration to approve the side letter agreement in advance of the right of way acquisition from Conway Commons Development properties for the I-40/6th Street Overpass Project.**

Mayor Townsell explained we received a draft of the side letter agreement and asked council to review it as it concerns the acquisition of the properties associated with the Conway Commons Development in order for us to build the overpass tying it into Elsinger Blvd; it will impact the Conway Commons area and we are trying to come to a compromise with them, but he does not feel we have adequately reviewed this updated draft. Mayor Townsell stated we are buying property, replacing elements above and beyond that property that we will be impacting and there are things we are mandatorily required to do. Mayor Townsell stated it is not negotiating for purchasing those, as we did not act quickly enough, but it is an effort to try to stem going to imminent domain because the prices involved are so great that we are asking council to review and consider this document as we fine-tune and get it back to you and take action likely at a special meeting so we can get on the property as soon as possible, but we are not ready at this time and asked council to hold this in committee.

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Alderman Whitmore motioned to hold this item in committee. Alderman Hawkins seconded the motion. There was no discussion. There was no discussion. The motion passed 7-0.

### **12. Consideration to apply for a grant from the Arkansas Department of Aeronautics in partnership with Baptist Health Hospital – Conway.**

Mayor Townsell stated this is a request Baptist Health Medical Center (BHMC) to consider a relationship in partnership with them where they could apply for a grant from the Arkansas Department of Aeronautics (ADA) is very interested in building helipads but they do not often get the opportunity to do so with the last time being at Mr. Carter's previous employer. Mayor Townsell explained the ADA does not offer these grants to private entities, they offer them to public entities and what envisioned here is council's approval to move forward with the application of this grant. Mayor Townsell explained if approved BHMC will deed this land to the city and we would then lease it back to BHMC, who will pay funds to match the grant as the city will only be the conduit for the grant, we will not be maintaining the helipad or matching any funds and by their nature they will be open to any helicopter to land and use the services provided. Jamie Carter, Administrator Baptist Health Medical Center – Conway, stated the Mayor covered the topic well and stated we would like the opportunity to deed approximately 0.68 acres to the city, which would allow us to complete the grant applications for the helipad project that we are proposing on our property, the city would then submit the grant because the ADA requires a public entity to apply. Mr. Carter stated this is a 90/10 matching grant and BHMC would obviously pay the 10% and there would be no cost to the City of Conway. Mr. Carter stated we would deed the property to the city and would come prepared with an agreement that we would be responsible for maintaining the property and the improvements as well. Alderman Pruitt asked if we had done this for other entities. Mayor Townsell stated he is unsure if we have done one for a private entity through the ADA but we have been the conduit for other things like it; i.e. Act 9 Bonds, industries etc. Mr. Carter stated the contractor would submit the bills to the City of Conway, the city would pay those and then be filed to the board of Aeronautics, and as we heard earlier tonight, they reimburse in a timely fashion, usually in 3-4 weeks. Alderman Mehl asked what kind of reporting is required post grant and would BHMC do that and would there be administrative costs incurred by the city related to that. Mayor Townsell stated those are things we can work out because one of the things we would have to do is come up with a lease arrangement back to BHMC. Alderman Mehl asked what about on the front end before the helipad is constructed. Mayor Townsell stated before they would deed the city the land they would have a lease back provisions in which we would get to accept, this is only authorization to apply for the grant, but upon awarding of the grant we would have to have the relationship built into place through a lease agreement back that council would have the opportunity to approve, and those administrative items could be elements of that lease agreement. Mr. Carter stated this is not near as complicated as you are articulating, the last grant he applied for with the ADA required a very simple paperwork process and we plan on completing all the paperwork on behalf of the city and allow the City of Conway to file the grant. MR. Carter stated we also will assist the city with the administration of paying the bills if not provide all that oversight and provide the documentation. Alderman Mehl stated we would still have administrative work to complete. Mayor Townsell stated we could make this a part of the deal. Alderman Ledbetter asked if it is one pad. Mr. Carter state it is two pads each being 40 X 40. Mayor Townsell stated at this point this is only the authorization to proceed with the grant application. Alderman Mehl asked if the city

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applies for this grant would it preclude us from applying for another grant for say another hospital. Mayor Townsell stated no, the only issue that he knows of is it is a cash flow issue for the ADA, as they can only award grants as funds are available. Josh Zylks, Airport Manager, explained the way the ADA awards grants is that you are limited to one grant of each type per year, but the way they look at it is on a per facility basis and not in part owner basis. Alderman Ledbetter motioned to proceed with this proposal. Alderman Grimes seconded the motion. Linda Tyler, Chairman Conway Regional Foundation Board, stated she is not here to speak against BHMC and applaud them for choosing Conway as it will bring jobs to the area. Ms. Tyler stated she would like council to consider that we have two competing entities in our community; Conway Regional Medical Center (CRMC) has been here for many years and has supported the community and she expects that we will have a good community member as well with BHMC as they continue to grow roots in our community. Ms. Tyler stated she draws a distinction between what we do with Title 9 bond financing with entities in our community for economic development and being the funnel for grant funding. Ms. Tyler stated when we finance bonds for an industry, that is a financing mechanism which allows it to be built and that industry has a responsibility to see pay that bond off, and stated this is different. Ms. Tyler stated this is a grant of state taxpayer money and the city is choosing to pick one or the other in competition in granting those funds, but she does not feel the city should be in the place where they are choosing one over the other and asked council to vote in opposition. Lorie Scroggin, CRMC, explained CRMC has been a part of this community for a very long time and has serviced your families in good times and bad while providing compassionate care for you. Ms. Scroggin stated we have worked to help with the economic development of the community because of its strong health care system that already existed with CRMC. Ms. Scroggin stated we are led by a volunteer board and their mission driven not money driven and we are very blessed by this; many of us in the industry have heard the term no money, no mission so we know that we have to operate as efficient business so we have the money to carry out our mission. Ms. Scroggin stated we respectfully disagree with your intent to apply for a grant for several reasons; we believe the city should not be in a position to intervene with a purpose of obtaining state funding which would result in giving benefit to one business over another as it would benefit BHMC in that they do not have to put their own money into the helipad that they originally had planned to construct as they can invest that money into other areas of competition. Ms. Scroggin stated the grant will not impact whether or not they have a helipad, as it will be built regardless, and stated the grant funding won't save lives, it will save dollars. Ms. Scroggin went onto say that this places the city in the position of providing financial benefit to one business over another and reminded council that the city owns the brick and mortar of CRMC on top of which sits a helipad and we obviously do not agree with this and ask you not to proceed with this grant application, but stated if you do CRMC can provide you a list of capital improvement needs that we have for our own helipad. Wayne Cox, Conway resident and CRMC volunteer, stated both hospitals are Level 3 Trauma Centers so we are covered, we have a helipad and asked council to not approve the application of this grant. James Reed, CRMC employee, stated we have over 1400 employees and asked council to think of the message this could send to those employees in effect choosing one facility over another. Alderman Grimes stated his respectfully disagrees. Alderman Pruitt stated he does not feel we are choosing any hospital over another and feels if there are ways for us to assist CRMC in getting capital improvements without the city being out any money, then he is all for that. Alderman Pruitt stated if we did not approve this request then it would be necessary to tell CRMC no if they came to us in the future with such a request. Alderwoman Whitmore stated she will abstain from voting as she serves on the board for CRMC. Alderman Hawkins asked

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if the wording "partnership" is standard language as he feels that does send a message. Graham Jones, Deputy City Attorney, stated he cannot comment on whether or not that is required by the grant process but a partnership from a legal perspective does not necessarily mean that we are bound to them in any sense other than what is set forth in the agreement. Mayor Townsell stated this is us pursuing a grant in anticipation of a future partnership with if we are successful with the grant, this is not entering into a partnership with them right now and stated we could also turn the grant down. Alderwoman Mehl asked if we will be able to approve the grant before it is submitted. Mayor Townsell stated no. Alderwoman Mehl stated we do not know what we are approving. Mayor Townsell stated we are applying for a grant for a certain amount of money. Alderwoman Mehl asked how much money. Mr. Carter stated \$99,700.00. Alderman Grimes stated he believes that you feel later we will not have the opportunity to accept the grant or reject it. Mayor Townsell stated it does not commit us to accepting the grant it only is allowing us to apply for a grant. Mayor Townsell stated we can email the grant to council if you choose. Alderwoman Mehl stated this is quick and we have very little information on it before being asked to vote. Mayor Townsell stated he believes there is a timing issue. Mr. Carter stated that is correct and explained the Board of Aeronautics will meet in August and we would like to get the grant application before them in order to keep the project moving forward and would be glad to email the application to council tomorrow. Alderman Hawkins stated he has some conflicts of interest as well and asked Mr. Carter if he would like him to vote or not. Mr. Carter stated that is your decision to make. Mayor Townsell stated if you have a financial interest at stake he feels it would be better if you did not vote as there are ethic concerns. Alderman Jones does not want it to appear as we are taking sides on this issue. Mr. Jones asked if the partnership language is the way it is worded on the agenda. Mayor Townsell stated that is correct, we are not entering into a partnership at this point we are applying for a grant. Mayor Townsell stated we are not choosing one over the other because as was brought up if we do this for BHMC we would need to be just as willing to it for CRMC; just because we are doing this for BHMC does not mean we are choosing them over CRMC. Alderman Grimes stated the word "partnership" could be addressed when and if we accept the grant. Mayor Townsell stated yes. Alderman Hawkins asked how often a helipad is used. Amanda Irby, Director Emergency Dept. Level 3 Trauma Center at CRMC, stated on average it is used 10-12 times per month and stated it is a necessity and can often make the difference between life and death. Ms. Irby stated with everything set aside to her it is more simple as she applies for all types of grants and grants are very specific in what they will pay you for and their guidelines are very specific; this grant from ADA says it is for public entities, end of story. Ms. Irby stated CRMC is not a public entity and she should not be able to get that grant, neither is BHMC and feels for them to come ask the city council to apply for the grant for them is questionable and feels a suitable alternative, if we want another helipad, would be to have the airport apply for it and install a centralized helipad at the airport that any air service can use which she feels is a happy medium. Alderman Grimes stated a helipad is probably best being located next to a hospital. Mr. Carter stated you do need access at the hospital and with respect to his colleagues at CRMC there is nothing keeping anyone from applying for this grant, the other hospital can apply for the same grant as the ADA will tell you they do not have many opportunities to fund this type of grant. Mr. Carter stated this is a lease arrangement we can call it something other than a partnership; it is a legal instrument that will drive how we perform this, which is all the ADA is looking for. Alderman Pruitt asked if the grant could be split. Mayor Townsell stated he believes they are looking at funding a particular location. Mr. Carter stated it is funded per project but stated if we could combine improvements to CRMC's helipad into this project that would be good, but it is a question

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that would need to be directed to ADA. Mayor Townsell stated we could also come in with a second grant at a second location. Mayor Townsell stated it would be cleaner if we had separate grants tied to separate physical locations. Alderman Hawkins asked if BHMC would keep a helicopter in Conway. Mr. Carter stated the Little Rock campus is looking at Conway as a secondary location because the city is centrally located, so that is a possibility. Ms. Scroggin stated we obviously would not need to ask for \$99,700.00 for a helipad because we have already invested that money years ago and we have also maintained it. There was no further discussion. The motion passed 5-1-2. Alderman Jones voted in opposition, Alderwoman Whitmore and Alderman Hawkins abstained and Mayor Townsell voted with the majority.

**D. Public Services Committee (Sanitation, Parks and Recreation, and Physical Plant)**

**1. Consideration to accept the bid for a 2016 Front Load Commercial Refuse Truck (CNG) for the Sanitation Department.**

Danny Alford, Sanitation Dept., recommended bid #1 from Truck Component Services in the amount of \$140,919.00 after a trade-in of \$115,000.00. Mr. Alford explained they have 4 service trucks that can be dispatched and on-site within 24 hours. Alderman Hawkins motioned to accept bid #1 from Truck Component Services. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**2. Consideration to accept the bid for a 2016 Hook Lift Roll-Off Truck for the Sanitation Department.**

Danny Alford, Sanitation Dept., recommended accepting the bid from River City Hydraulics, Inc. in the amount of \$148,500.00 after trade-in of \$35,500.00. The price includes taxes and delivery and explained the bid meets all specifications and the stellar hook system is compatible with the roll-off containers. Alderman Jones motioned to accept bid #1 from Truck Component Services. Alderman Ledbetter seconded the motion. There was no discussion. The motion passed 7-0.

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

**1. Ordinance appropriating funds for Civil Service expenses related to the entry level firefighter testing.**

O-15-84

Lisa Williams, HR Director, stated these are expenses incurred relating to entry level firefighter testing in the amount of \$4,100.00 which is not budgeted for as the cost is unknown from year to year. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance with the emergency clause. Alderman Jones seconded the motion. There was no discussion. The Ms. Francis called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt,

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Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

**2. Resolution requesting the adoption of the Conway Civil Service Commission Rules and Regulations.**

**R-15-42**

Lisa Williams, HR Director, gave a brief synopsis of the changes. Alderwoman Hawkins motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

**F. Personnel**

**1. Ordinance amending Ordinance No. O-10-25 that adopted the Employee Handbook and Personnel Policy in regards to probationary period for employees.**

**O-15-85**

Lisa Williams, HR Director, was present to answer questions. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance with the emergency clause. Alderman Jones seconded the motion. There was no discussion. Ms. Francis called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

Mayor Townsell asked council to suspend the rules to discuss a law suit filed against the city to limit our liability. Graham Jones, Deputy City Attorney, explained there has been a lawsuit filed against Police Chief A.J. Gary relating to release of records under the Freedom of Information Act (FOIA) specifically the record sought by this law firm relating to traffic accidents. Mr. Jones stated until recently it was our belief that FOIA required the release of those reports; there is a federal act called the Drivers Privacy Protection Act (DPPA) that was brought to our attention in the form of an Attorney Generals opinion in a U.S. Supreme Court case that specifically prohibits disclosure or re-disclosure of personal information that is derived from State Office of Motor Vehicle records i.e. information found on your driver's license etc. Mr. Graham stated we reviewed this with Chief Gary and in conjunction and agreement of the Arkansas Attorney General and that of the Arkansas State Police agreed that due to the federal statute we should not be releasing that information. Mr. Graham stated subsequent to that time a law suit had been filed against the Arkansas State Police in which the Pulaski County Circuit Court ruled against the Arkansas State Police and held that the state FOIA law still controlled the release of that information indicated that this information should be released and that lawsuit is still ongoing as it has been appealed by the Attorney General. Mr. Jones stated we have not gotten direction on that yet but in the meantime the Brad Hendrix Firm has filed suit against Chief Gary seeking the release of that information. Mr. Jones stated the Pulaski County Circuits Courts ruling is not binding on the Faulkner County Circuit Court however it is potentially persuasive of that court and we think there is at least a reasonable possibility that our Circuit Court may rule against us in that suit. Mr. Jones stated he and City Attorney Chuck Clawson personally believe that our

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interpretation of the law, that the federal act governs and trumps the state FOIA is accurate and feel they advised Chief Gary appropriately. Mr. Jones stated we do believe that there is a chance that we may lose, despite our best efforts in Circuit Court so there is an opportunity to settle this matter for \$705.00, which represents a couple of hours of this attorneys time in filing this law suit but stated if council chooses we can fight this lawsuit. Mr. Jones stated there is a good chance we could lose or win and if we lose the attorney's fees will be higher than \$705.00. Alderman Grimes asked if part of the settlement is that we open back up our traffic records. Mr. Jones stated we have already done that. Alderman Grimes motioned to suspend the rules. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderman Jones motioned to pay the \$705.00. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

**Adjournment**

**PASSED this 28th day of July 2015**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**