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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
November 9, 2010

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, Alderwoman Smith, Alderman Rhodes, Alderwoman Mehl, Alderwoman Whitmore, Alderman Jones, Alderman Vaught, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

**Call to Order**

**Roll Call**

**Minutes:** *October 26<sup>th</sup>, 2010*

Alderwoman Whitmore motioned to approve the October 26, 2010 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 8-0.

**Announcements / Proclamations / Recognition:**

**1. Report of Standing Committees:**

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

**1. Resolution requesting the Faulkner County Tax Collector to place certified liens on property located at 335 Natchez as a result of incurred expenses by the City.**

This item was removed from the agenda as the lien has been paid.

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

**1. Consideration to enter into a Consent Administrative Order with ADEQ for the Class 1 Landfill located at the Conway Sanitation Department.**

Cheryl Harrington, Sanitation Director, stated the state issues a Consent Administrative Order (CAO) when a landfill is out of compliance; we were given the CAO for an overflow issue, in cells 1-7, back in the early to mid 1990's. Ms. Harrington stated this year, they changed the format, and you are specifically asked if there is an overflow and our answer was yes. Ms. Harrington stated when we met with ADEQ we agreed upon a penalty of \$5,000.00, and of that, we can use \$1,750.00 for Supplemental Environmental Projects (SEP's). Ms. Harrington stated she would like to use this money, to offer residents, the opportunity to dispose of their fluorescent bulbs; this SEP is approved by the EPA, but must also be approved by ADEQ. Mayor Townsell explained that on overflow is where a certain elevation in the landfill is exceeded; a landfill is permitted by the state to meet certain elevation criteria, and sometime back in the early ninety's the city began to overflow one area beyond that set elevation we were permitted for. Alderman Jones motioned to enter into the CAO agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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**2. Consideration to approve a change order request from Grayco Construction for the Bottom Liner Preparation Zones 18 & 19 for the Conway Sanitation Department.**

Ronnie Hall, City Engineer, explained the initial bidding process took place prior to obtaining surveys of the site using quantities we had experienced in the previous zone preparation, but this was not enough; instead of the site excavation being 18,000 cubic yards it was 32,638 cubic yards. Mr. Hall stated more clay material was needed which increased the cost by \$120,900.82 and asked council to modify the contract and approve this change order. Alderman Hawkins motioned to approve the change order. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**3. Consideration to approve a change order request from Salter Construction for the Conway Expo Center & Fairgrounds.**

Jack Bell, Assistant to the Mayor, explained that the lint trap for the washout bay initially called for a shut off valve, but storm water is not allowed into the sewer system, and was not allowed by Conway Corporation; this cost was \$4,200.00. Mr. Bell explained that we had to add a sewer extension for the washout bay which was also required by Conway Corporation at a cost of \$6,000.00. Mr. Bell explained the last two items were to add lights/meter for the monument sign at a cost of \$2,479.00, and lastly the addition of lights/photocell for building signage at a cost of \$1,679.00; the total change order cost is \$15,076.00. Mr. Bell explained we are under budget on this project. Alderman Hawkins motioned to approve the change order. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

**4. Ordinance appropriating funds for the appraisal services on a lot on Beaverfork Lake & Hwy. 64.**

**O-10-121**

Mayor Townsell explained we have been approached by the Hart family in regards to a possible trade of land that is immediately north of the fairgrounds, which is the residual part of the Hart property they did not sell to us; it consists of approximately 38 acres. Mayor Townsell stated the Hart's are interested in trading this land, for the property that we call Picnic Point at Beaverfork Lake, which is approximately 7.8 acres. Mayor Townsell stated we have struggled to come up with a use for this peninsula due to the limited access from the east. The Hart family appraised both properties, as did we and we have been comparing appraisals and negotiating. Mayor Townsell stated our appraisal and the Hart appraisal, on Picnic Point, came in significantly lower than the appraisal on Picnic Point 3-4 years ago which was around \$1 million, now it appraised for approximately \$600,000.00. Mayor Townsell stated we are still negotiating with the Hart family but we need an ordinance authorizing us to appropriate funds from special revenue, A & P tax/Parks tax monies. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes,

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Alderman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

**5. Ordinance establishing fees to be assessed for the rental of the Conway Expo Center and Fairgrounds.**

**O-10-122**

Rhonda Cox, Parks Dept., explained this is a work in progress as this facility will continue to grow, but for the moment the items listed are the ones we feel we need approved to get us started. Ms. Cox gave a brief synopsis of the fee schedule. Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 8-0. Alderman Smith motioned to adopt the ordinance and the emergency clause. Alderman Whitmore seconded the motion. After much discussion the clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Mehl, Alderman Smith, Alderman Rhodes, Alderman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

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

**1. Ordinance waiving the competitive bid requirement for the immediate repairs to a fire apparatus at the Conway Fire Department.**

**O-10-123**

Bart Castleberry, Fire Chief, explained these repairs are for Truck 1 in which a turbo blew out and caught the engine on fire. Alderman Smith motioned to waive the readings of the ordinance. Alderman Mehl seconded the motion. The motion passed 8-0. Alderman Whitmore motioned to adopt the ordinance and the emergency clause. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Mehl, Alderman Smith, Alderman Rhodes, Alderman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

**2. Ordinance appropriating funds for new vehicles for the Conway Police Department.**

**O-10-124**

Lowell McClanahan, CFO, explained he feels that our police car situation is the highest priority capital issue we have to date; explaining cash flow is still an issue. Mr. McClanahan stated we have the money in an account that is not committed, restricted, or assigned which can be used for the purchase of police cars; the amount is for \$794,000.00 for 20 police cars and recommends council approve the purchase of the cars. Ralph Screeton, Police Fleet Maintenance, was present to answer questions. A.J. Gary, Chief of Police, stated we can actually purchase 22 cars and will be purchased from the state bid contract and will be purchased with all the equipment. Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The

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motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderman Jones seconded the motion. Alderman Vaught asked why we continue to borrow money from the sanitation fund. Alderman Vaught stated the sanitation enterprise fund was set up to separate funds collected from sanitation fees to have them available for the sanitation department. Mr. Vaught also expressed he is in favor of purchasing the police cars and will vote for this ordinance. Mayor Townsell stated in a time when we have an obvious need, why not fund the purchase of police cars when we can leave an abundance in the sanitation fund, which is a general revenue of the city. Alderman Vaught stated he does not believe that the intent of this council, when the sanitation enterprise fund was created, was to become a "slush" fund to supplement the general fund of the city. After some discussion the clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

*D. Personnel*

- 1. Consideration to approved the purchasing polices & procedures for the City of Conway.**

**O-10-125**

Lowell McClanahan, CFO, stated the updated Purchasing Policies & Procedures will be inserted into the employee handbook. Lisa Mabry-Williams, HR Director, stated the hand book needed some revisions; on page 46 - bereavement leave, for clarification of the policy; our bereavement is issued in 8 our increments just as holiday pay. Ms. Williams stated we also inserted the correct rates that firefighters and police officers contribute to LOPFI, we also removed the section on firefighters and police officers where it addresses departing employees since the pension contributions go to LOPFI and not the City of Conway; this is referred to on pages 52-53. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

*E. Finance*

- 1. Consideration of 2011 Medical, Dental and Life Insurance Bids.**

Lisa Mabry-Williams, HR Director, explained we put these out for bid and the initial information that you all received was in the original council packet; then after discussion with UHC River Valley, they informed us they could bundle the medical and life and give us a discount on the medical. Ms. Williams stated we contacted Health Advantage and gave them the same opportunity, and before you is what they offered the city. After some discussion Ms. Williams stated she believes that staying with Health Advantage would be best for the employees, even with the increase in premiums due to the difference in the prescription card. Ms. Williams stated that in this economy this would

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negatively impact our employees that would have to pay more for their prescriptions. Ms. Williams stated if we bundle the Health Advantage plan it will be a 3% increase, if we don't bundle it will be a 5% increase. Alderman Hawkins motioned to stay with Health Advantage with the bundled package. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

***F. Old Business***

***G. New Business***

**Annual Resolutions for Quorum Court**

Mayor Townsell stated if you wish to address increasing the 1.9 millage rate we would have to address any change within the next week if it is possible for all of us to meet and take public input. Mayor Townsell stated that these millage rates are no different from last year and they have not changed since approximately 1981.

- 1. Resolution of a voluntary levy of two-tenths (.2) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a Animal Shelter for the City of Conway.**

**R-10-67**

Alderman Grimes motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-1. Alderman Vaught voted in opposition.

- 2. Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a Policeman's Pension and Relief Fund.**

**R-10-68**

Alderman Grimes motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-1. Alderman Vaught voted in opposition.

- 3. Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a Fireman's Pension and Relief Fund.**

**R-10-69**

Alderwoman Smith motioned to adopt the resolution. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-1. Alderman Vaught voted in opposition.

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4. **Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for paid Non-uniformed employees.**

R-10-70

Alderman Grimes motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-1. Alderman Vaught voted in opposition.

5. **Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue the exclusive purpose of operating and maintaining the cemeteries for the City of Conway.**

R-10-71

Alderwoman Smith motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-1. Alderman Vaught voted in opposition.

6. **Resolution of a voluntary levy of four-tenth's (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a recreation assessment raising special revenue for the sole and exclusive purpose of providing additional funds for the purpose of construction, equipping, operating and maintaining the public recreation and playgrounds of City of Conway.**

R-10-72

Alderman Hawkins motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-1. Alderman Vaught voted in opposition.

7. **Resolution of a levy of one and nine-tenth's (1.9) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising General Fund Revenues.**

R-10-73

Alderman Grimes motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-1. Alderman Vaught voted in opposition.

Alderwoman Whitmore motioned to suspend the rules to discuss scheduling a special council meeting to hear public comment and consider the issue of possibly raising the 1.9 millage rate for general fund revenues. Alderman Rhodes seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to pursue a special council meeting on the question of property tax for general

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revenue with proper notification to the public. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

Mayor Townsell stated we have an employee who is soon to retire and explained he would like to address his pay at this time. Alderwoman Smith motioned to suspend the rules to add the Mayors request to the agenda. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell handed out to council a spreadsheet showing what other cities around the state pay their Parks Director; the second sheet is the salary study we looked at for all of our positions we could not discuss at this time due to falling general fund revenue. Mayor Townsell stated that this is not coming from Mr. Knopp; this is coming from me in a promise I made to him. Mayor Townsell explained that, in looking toward his retirement, I told Mr. Knopp that I would try to raise his salary to be more in line with what other park directors around the state are being compensated. Mayor Townsell stated Mr. Knopp's salary is not the only one in the city that is out of line; it is primarily department heads that get out of line because we as a council set department heads by a set single while everyone else is set up on a grid. Mayor Townsell stated a few years ago city council recognized that our Parks Director was way underpaid in Conway; by looking at the averages across the state, as shown on the spreadsheet, it would be justified to pay him a much higher salary, given the parks system we were beginning to build and acquire. Mayor Townsell stated we did not feel at that time we could adjust Mr. Knopp's salary up the entire way, so we took him part of the way and waited to consider moving him up the rest of the way when we had a more comparable parks system that Mr. Knopp was director over. Mayor Townsell stated immediately after that the recession began and we have built/acquired \$20 million worth of new park facilities. Mayor Townsell stated that Mr. Knopp has been instrumental in designing and conceiving those parks, following through on the construction, and putting forward the plans on continuing operation of those parks. Mayor Townsell stated you can see on the JESAP study to justify his mid range to be \$75,000.00; he is being paid \$62,500.00 which is a 20% shortfall. Alderwoman Smith stated we have the salary survey and we need to look at everyone across the board not just one individual. Mayor Townsell stated I am suggesting that in Mr. Knopp's last pay check we increase his salary up, which will cost the city approximately \$500.00; the ongoing cost of his pension will be funded by the non-uniformed pension fund. Alderwoman Smith asked are we going to do this for every person that retires. Mayor Townsell stated he would be willing to look at that on a case by case basis. There was no motion made for this item.

*Adjournment*

**PASSED this 9<sup>th</sup> day of November 2010**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**