
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
November 8, 2016

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members being a quorum were present and acting: Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. Also, present and acting: Mayor Townsell, City Clerk Michael Garrett, and Deputy City Attorney Graham Jones. City Attorney Chuck Clawson was not in attendance.

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett

Minutes: October 25, 2016 City Council Meeting

Alderwoman Smith motioned to approve the October 25, 2016 minutes as submitted. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

1. Report of Standing Committees:

A. Public Hearings:

1. Public Hearing regarding ACT No. 9 revenue bonds for Adamis Pharmaceuticals Corporation.

Mayor Townsell opened the public hearing. Gordon Wilbourn, Kutak Rock, stated this is a \$3,750,000.00 bond issue for acquisition and equipping of the U.S. Compounding facility by Adamis Corporation located at 1270 Don's Lane; this allows a 65% property tax abatement with an affiliate of the company actually owing the bonds so there is no real transfer of revenues as one entity of the company owns the bonds, and the other leases the project. Mayor Townsell closed the public hearing.

a. Ordinance authorizing the issuance of taxable industrial revenue bonds under the authority of Act No. 9 for Adamis Pharmaceuticals Corporation.

O-16-122

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

2. Public hearing regarding ACT No.9 revenue bonds for Douglas Companies, Inc.

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Mayor Townsell opened the public hearing. Gordon Wilbourn, Kutak Rock, stated this is the same type of issue as the previous ordinance and is a \$7,000,000.00 bond issue which will fund and equip the expansion of Douglas Companies and stated only the new expansion, is subject to the property tax abatement. Mayor Townsell closed the public hearing.

- a. **Ordinance authorizing the issuance of taxable industrial revenue bonds under the authority of Act No. 9 for Douglas Companies, Inc.**

O-16-123

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Isby seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

B. Community Development Committee (Airport, Planning & Development, Street & Engineering, Permits & Inspections, Code Enforcement, & Community Development)

1. **Resolution setting a public hearing to discuss the closing of a portion of an easement located within Lot 2 in Pediatrics Plus subdivision.**

R-16-54

Alderwoman Smith motioned to adopt the resolution. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0. The public hearing will be held on Tuesday November 22, 2016 at 6:30 pm.

2. **Resolution requesting the Faulkner County Tax Collector place a certified lien on property located at 1335 South Donaghey as a result of incurred expenses by the City.**

R-16-55

Alderman Hawkins stated the cost of cleanup was \$217.35 (\$170.32 + Penalty \$17.03 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

3. **Resolution requesting the Faulkner County Tax Collector place a certified lien on property located at 7 Ridgewood Drive as a result of incurred expenses by the City.**

R-16-56

Alderman Hawkins stated the cost of cleanup was \$180.44 (\$136.77 + Penalty \$13.67 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

4. Consideration to purchase pedestrian pathway easements and enter into a memorandum of understanding for the Siebenmorgen Half Road Improvements for Community Development Department.

Scott Grummer, Planning Dept., these were approved earlier in the year and this will finalize these agreements with the property owners; the improvements are being performed on the State Highway right-of-way drainage and the sidewalks, which are on private property on the opposite side of the street. Mr. Grummer stated the memorandum of understanding was developed because there is a set of large Oak trees on 2 lots between Factory and Lincoln Streets that came into conflict with the sidewalk, and we are afraid of losing those oak trees. Mr. Grummer stated since these documents were compiled he, the Faulkner County Extension office, and the Tree Board met to find alternative ways to save the Oak trees and have decided to reduce the width of the sidewalk in that area from 6 ft. to 4 ft. Mr. Grummer explained the Oak trees are likely too large for any future development there and stated there will be some smaller trees removed. Mr. Grummer stated the Agape Church has agreed to let us take the pedestrian easement on the very edge of their property but we will utilize their parking lot, which is part of the designs from the engineers. Alderwoman Smith motioned to approve the easement and memorandum of understanding. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

5. Ordinance granting a temporary franchise to utilize street rights of way and parks for horse-drawn carriage rides in Downtown Conway.

O-16-124

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Isby motioned to adopt the ordinance and the emergency clause. Alderwoman Isby seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

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

1. Ordinance repealing certain ordinances, waiving bids, & appropriating funds for the moving and restoration of the Springfield/DesArc Bridge.

O-16-125

Mayor Townsell stated this ordinance will eliminate any previous ordinances regarding this issue so we can have a single ordinance dealing with all the funding and waiving of bids; one ordinance set aside matching funds for a Faulkner County grant, another ordinance that was going to fund all the monies when we decided not to use the grant, and then we devised another way to handle the abutments which will consist of 2 smaller bridges leading up to the bridge, which will make it more attractive, but will cost more money. Mayor Townsell stated we have since deferred to a more conservative approach of lifting the bridge which will require a larger crane, as well as a crane that will stay on site. The

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grand total for lifting, restoration, replacement and ramps attaching the small bridges to the historic bridge is \$508,760.00. Alderwoman Smith asked if the city is paying the difference. Mayor Townsell stated we are picking up the full cost. Alderwoman Smith stated she thought there was a grant. Mayor Townsell stated there is, but we decided to transfer that to the Dave Ward Drive Pedestrian Bridge. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance and the emergency clause. Alderman Ledbetter seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

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

1. Ordinance waiving the bids requirement for the purchase of criminal intelligence software for the CPD.

O-16-126

Jody Spradlin, Chief of Police, explained we are requesting to waive bids and use CrimeNtel as a sole source vendor for this software. Chief Spradlin stated we do collect criminal intelligence on criminal activity, criminal organization, and individuals in our community and in the past we have had a system that was more specific to drug intelligence and we would like to open that up to capture intelligence beyond narcotics activity. Chief Spradlin stated CrimeNtel meets the requirements of federal regulations and our accreditation standards through CALEA; the cost of the software is \$21,400.00. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Isby motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

2. Ordinance appropriating funds for the Operation Shop Secure program for the CPD.

O-16-127

Jody Spradlin, Chief of Police, stated we requesting \$50,000.00 in over-time funds which will allow us to put police officers in a retail areas; this will allow us to not only have a presence of police cars in the parking lots, but will also include foot patrol and interactions with customers inside of businesses. Alderwoman Isby 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 Jones seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

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E. Personnel

1. Consideration to approve the fitness center proposals for the FY2017.

Lisa Williams, HR Director, explained the city received from 365 Fitness for \$14,500.00 (\$15,768.75/with tax), Sync Fitness for \$18,000.00 (\$19,575.00/with tax), and Anytime Fitness proposed \$29.99 (\$32.60/with tax) per employee per month. Ms. Williams stated 365 Fitness has provided fitness facility membership for city employees and retirees since 2006; they lowered their membership in 2015 to \$14,500.00 plus tax and explained the price will remain the same for 2017. Ms. Williams stated we feel this is a way we encourage our employees to maintain a healthy lifestyle and it is a requirement for our fire fighters are required to exercise while on duty. Ms. Williams recommended that council approve the renewal of our contract with 365 Fitness for 2017. Alderwoman Smith motioned to renew the contract with 365 Fitness. Alderman Jones seconded the motion. Alderwoman Smith asked how many employees use the facility. Ms. Williams stated she does not track this information. There was no further discussion. The motion passed 8-0.

2. Consideration to approve the medical benefit proposals for the FY2017.

Lisa Williams, HR Director, explained we published our bid specifications for group health benefits on October 24, 2016 and stated Health Advantage and Legacy Capital Group requested reporting, however none of the vendors elected to submit a bid other than the Arkansas Municipal League (AML) based on our loss ratio. Ms. Williams explained we have provided council with 3 scenarios on how we can fund the 22% increase from the AML, they are as follows:

Scenario #1: The percentage of the premium the city and the employee pay, remains unchanged.

- The city would contribute 94.4% for employee only option and would cost the employee \$4.00 more per month.
- The city would contribute 80.5% for employee + spouse option and would cost the employee \$32.75 more per month.
- The city would contribute 83.6% for employee + children option and would cost the employee \$27.50 per month.
- The city would contribute 74.6% for employee + family option and would cost the employee \$44.04 per month.

Scenario #2: The city absorbs 100% of the premium increase, the employee contribution remains unchanged.

- The city would contribute 95.4% for employee only option.
- The city would contribute 84.0% for employee + spouse option.
- The city would contribute 86.6% for employee + children option.
- The city would contribute 79.3% for employee + family option.

Scenario #3: The employee absorbs 100% of the premium increase, the city contribution remains unchanged.

- The city would contribute 77.3% for employee only option and would cost the employee \$76.50 more per month.

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- The city would contribute 65.8% for *employee + spouse option* and would cost the employee \$171.00 more per month.
- The city would contribute 68.3% for *employee + children option* and would cost the employee \$171.00 per month.
- The city would contribute 61.0% for *employee + family option* and would cost the employee \$171.00 per month.

Mayor Townsell stated the recommendation coming from our committee meeting was to go with Scenario #1 which means we will absorb the cost of the increase collectively between the city and the employee, keeping the same ratios as we currently have. Alderwoman Smith motioned to select Scenario #1. Alderwoman Isby seconded the motion. There was no further discussion. The motion passed 8-0.

Adjournment

PASSED this 8th day of November 2016

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett