
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
August 27, 2013

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

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett, City Clerk/Treasurer

Minutes: July 23rd, 2013, August 6th, 2013 (Special) & August 13th, 2013 City Council Meeting

Alderwoman Whitmore motioned to approve the July 23, 2013, August 6, 2013, and the August 13, 2013 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Recognition: Employee Service Awards

10 Years

Joe Lachowsky - Sanitation Dept.

Jacob Reynolds - Street Dept.

15 Years

Kenny Bartlett - Fire Dept.

Dale Battles - Fire Dept.

Brian Cannon - Fire Dept.

Jeff Moix - Fire Dept.

Fritz Wunstel - Fire Dept.

1. Report of Standing Committees:

A. Public Hearings

- 1. Public Hearing/Ordinance to discuss closing an easement located in the Westin Office Park Subdivision.**

O-13-90

Mayor Townsell opened the public hearing. Kim Tyler, Tyler Group Inc., speaking on behalf of the applicant Keller Johnson; Ms. Tyler explained it is necessary to close this easement in order to level the street during redevelopment of the neighborhood. The Mayor closed the public hearing. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman

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Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

2. Public Hearing/Ordinance to discuss closing a street in the Westin Office Park Subdivision.

O-13-91

Mayor Townsell opened the public hearing. Kim Tyler, Tyler Group Inc., speaking on behalf of the applicant Keller Johnson; Ms. Tyler stated this street runs adjacent to the easement just closed. The Mayor closed the public hearing. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

3. Public Hearing/Ordinance to discuss changing the name of Business Avenue to Princeton Drive in the Westin Office Park Subdivision.

O-13-92

Mayor Townsell opened the public hearing. Kim Tyler, Tyler Group Inc., speaking on behalf of the applicant Keller Johnson; Ms. Tyler explained the street has no tenants with addresses; the name change would go along with the naming scheme of the PUD. The Mayor closed the public hearing. 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. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

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

Alderwoman Smith motioned to move item B-7 up on the agenda. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

Consideration of a request from Kent Holder to review in-depth the implementation status of the Scherman Heights PUD and lot 7D (575 Club Lane).

Kent Holder, 620Whispering Wind Circle, stated in 2003 the final plans for Scherman Heights PUD were approved and created as a binding document, it is unalterable without following procedures established in the Conway Zoning ordinance. Mr. Holder stated the public has to place their trust in the Architectural Control Committee and in the Conway Planning Director, to follow the approve plans and promises of the developer; for clarification the Architectural Design Committee of the Scherman Heights PUD consist of Jim Rankin Jr. and Gene Salter, Mr. Rankin is the developer of the PUD and Mr. Salter is the builder of the building on Lot 7D. Mr. Holder stated in 2004 Mr. Rankin

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began requesting the 7 am to 9 pm business hour restriction be changed along with certain traffic restrictions; Walgreens was interested in building on the property and over the next 8 months Mr. Rankin brought his request to the city council and was denied 3 times before approved. Mr. Holder stated during these negotiations regarding the operating hours there was discussion regarding providing added protection for the residential properties in close proximity. Mr. Holder stated Planning Director Bryan Patrick's report to city council asked council to make amendments specific to the Walgreen development; this is important as you can see the specificity of that amendment when you study it. Mr. Holder stated Mr. Rankin came before council to assure them he would leave a 35 ft green space on the western boundary of the PUD adjacent to Windcrest Subdivision; Mr. Holder directed council to an email sent by Mr. Rankin to Mr. Patrick in December; in the email Mr. Rankin remembers the 3 dedicated green spaces to be only Lot 9, 7A, and 3; Mr. Rankin had forgotten his promise of the 35 ft green space buffer made to council in order to secure a favorable condition for Walgreen. Mr. Holder stated in 2007 Mr. Salter applied for a building permit on Lot 7B; Mr. Holder reminded council that Lot 7 was to have one story buildings only; the plans submitted for a building were more than one story and Mr. Holder feels that Mr. Rankin and Mr. Salter should not have proceeded and the city should not have approved these plans. Mr. Holder stated the obvious options were to place the building in another location or to request an amendment that would permit them to make the major changes required to build this building on Lot 7B of the PUD, they did neither; instead Mr. Salter presented the plans for approval and the city gave approval. Mr. Salter received his building permit on March 18, 2007. Mr. Holder provided council copies of the plans submitted to the city. Mr. Holder explained page 1 stated the square footage of the mezzanine, page 2 shows the access to the mezzanine, and pages 3&4 are the tower and lighting plans. Mr. Holder stated though the building was more than one story, as the plan required, Mr. Salter proceeded with construction and on September 26, 2007 a certificate of occupancy was issued; on this day Mr. Holder had a conversation with Mr. Salter and Mr. Wiedower, the building inspector at the time, in which he protested the loudness of the air conditioning unit and the two story status of the building; explaining he expected the city would require compliance on both issues, they did not, nor did Mr. Salter or Mr. Rankin do anything to address my concerns; they simply hid their violations and continued to use the building. Mr. Holder stated Faulkner County tax records support his fact; city officials and the developer had not addressed the issues and my protest only became evident upon my research into the property in December 2012. Mr. Holder stated he is compelled to ask why nothing was done when the violation was first brought to light in 2007; the tax records clearly show on the back page there is 1200 sq ft, county official called Salter Properties and inquired about the property which was confirmed by them in the comments section on page 1 of the county tax record. Mr. Holder stated Mr. Salter has argued that this space could be considered attic space, but if you look at the tax records closely you can see how Mr. Salter profited from his decisions; on page 1 there are comments which shows verification of the second floor, the square footage is included in the tax appraisal on page 2 which gives a property value of \$1,484,902.00 which is stated on page 1. Mr. Holder stated with this assessment the second floor is worth \$138,900.00; the north half of the building is on the market now for \$11.00 per sq ft which would give the second floor a potential rent value of \$13,200.00 per year; if this is multiplied by 6 years existed it equals \$79,200.00. Mr. Holder stated if you add the appraised value and the potential rental value Salter Properties could realize a net profit of \$218,100.00 since the construction of this building. Mr. Holder stated Mr. Salter and Mr. Rankin chose to approve a major plan to the PUD without the proper procedures, even though the building was clearly out of compliance and for profit gained the citizens of Conway have been denied the due process that would give us a voice in the matter, our trust in the developer, and the city is eroded. Mr. Holder stated in August 2012 Pediatric Plus became the tenant of Lot 7B, an intuitional playground has been placed on the green space buffer and is used up to 7 hours each day Monday – Friday by clients and staff of Pediatrics Plus, the sod has been replaced by rubber matting, the playground structure overlooks the adjoining residential properties and there is an ongoing problem with excessive noise due to the proximity of the playground in relation to adjoining residential properties and denies the surrounding residents the private and peaceful existence as we should expect as homeowners; an institutional playground in such close proximity to homes is not an appropriate use for the buffer zone Mr. Rankin

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designated as green space. Mr. Holder went over Article 1101, Site Plan Review which was adopted by the city September 26, 1994 which states the purpose is to preserve property value, preserve the quality of life and take steps necessary to allow the existence of different uses in close proximity to one another. Mr. Holder stated in recent months Conway city council has had an extra awareness of the importance what constitutes green space, buffer zones, transition zones, and the uses they permit; in February 2013 while considering a conditional use request by Salem Place Nursing Home, Alderman Grimes suggested a 50 ft parcel shall not be eligible for use by the nursing home facility and Mr. Patrick stated the noise level should be under control in the area, City Attorney Michael Murphy suggested the following language "the southern 50 feet of the parcel shall not be eligible for use as nursing home or nursing home facilities, it shall be maintained as a green space buffering for perpetuity and no structure, equipment, or improvement of any type shall be allowed". Mr. Holder stated this type of definition works for us and requested that you give all consideration to define a buffer zone that will return the peace and privacy we had prior to the encroachment of this institutional playground and give us the full consideration of the original intent and the spirit of protection that was envisioned for Windcrest and Scherman Heights subdivisions when the Scherman Heights PUD was first being considered. Alderman Grimes stated he believes the nursing home suggested the 50 foot buffer and he suggested that the wording be improved. Larry Taylor, Robert Ott Circle, stated there are others in his subdivision that are also bothered by the noise of the playground; the board of Scherman Heights has held several internal meetings and discussed this at length; Mr. Taylor explained one of the biggest concerns they have is related primarily to the fact that what was laid out in the PUD implementation plan was not exactly followed and the trust we put into those who are leading the various aspects of the PUD plan and amendments has been compromised. Mr. Taylor stated if the building is out of compliance we need to know that these issues will be addressed, which may be by changing the requirements etc. Renee Thrash, Windcrest Subdivision, concurred with Mr. Taylor stating she wants the city to make sure the developer is held accountable to develop the PUD per city regulations. Gene Salter, owner of the property in question, stated it has already been established that the land use and the zoning is correct for the child care facility; stating one of the three issues is that the building is two story; architects have reviewed it and under their definition this is a structure with a mezzanine, it has no openings to the outside of the structure. Mr. Salter stated it was likely a mistake on his part that he allowed the county tax collector to tax him a two story unit as he did not notice this when he received his tax bill. Mr. Salter stated he did not realize the siding was in excess of what was allowed until someone actually measured it and can only apologize for that at this point. Mr. Salter stated as far as mechanical equipment, it is hidden by screening as required by the city, to be hidden from a public access street; this has been accomplished. Mr. Salter stated his building is in compliance 95% and was approved by council at the time and has been built and occupied for 6 years. Jim Rankin, 1307 Main St, was present to answer questions and concurred with Mr. Salter and stated he feels it meets the requirements of what they tried to do back in 2005 and requested that council deny this request. Alderman Grimes asked what exactly the request is. Mayor Townsell stated the request is to open up the PUD to look at items that could be out of compliance; 3 courses of action can be taken per Mr. Patrick's suggestions. The Mayor stated we would need to accept that the PUD is not in compliance and then recommend how to rectify these issues. Mr. Patrick stated a two story building has a floor to ceiling space with walls that encompass the entire space; if you took the same space and placed it on top of itself you would have a two story building. Alderwoman Smith asked Mr. Salter if he markets the property as being 1 story. Mr. Salter stated yes, the mezzanine has never been in any calculations for lease per square foot; he has never had income of any income based on the square footage of that area. David Tapp, co-owner Pediatrics Plus, explained prior to building the playground he met with Mr. Holder in his home and got his thoughts on Pediatrics Plus being in the PUD; Mr. Holder stated if they were to do 4 things he could support them. Mr. Tapp stated the 4 items were: 1) place a damper on the air units; the Salter's did place a damper on the units at a cost of approximately \$850.00. 2) place window blinds on the back windows which was done. 3) keep the exterior lights off at night to prevent lights from shining in the bedrooms; the lights have been off per Mr. Holder's request. 4) install a privacy fence which he was prepared to do and then this issue was brought up. Mr. Tapp stated he and Mr. Holder have

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met several times and he has requested us to move the playground to the front, which was not viable due to safety reasons. Mr. Tapp is still willing to build a privacy fence but at this point Mr. Holder does not want a privacy fence, he wants the playground moved; unfortunately a compromise could not be made. Mr. Tapp stated the playground is a necessity, even daycares with pre-school aged children need a playground. Mr. Tapp stated he has had one neighbor call him regarding the noise, this is the first he has heard that Scherman Heights had a problem with the noise. Mr. Patrick stated he has reviewed this development in an unbiased manner in order to find any infractions and or non-compliance issues. Mr. Patrick stated this PUD review request is a first for Conway and explained when we crafted the PUD ordinance and allowed Article 1101 to be included it allowed for a review of a PUD. Mr. Patrick stated the procedure is not as perfect as it could be and 3 things can be done; to allow the situation to be "as is", require revisions to the final PUD plan, or any other reasonable action can be taken to ensure an appropriate development. The Mayor stated before we can take any of these actions we must have a finding that there is non-compliant issue. Mr. Patrick explained the zone is PUD which allows other uses within the PUD that are attached to certain lots; this area is zoned O2 allows such businesses as a daycare, public park, medical office etc. Mr. Patrick stated he does not believe there is any question that Pediatrics Plus, or their operation is not allowed in its current location. Mr. Patrick stated the building itself would be considered one and one-half story; it is neither one story nor two story. Mr. Patrick stated the required 20% green space has been met on this lot and the siding material is slightly more than the 10% allowed, so siding is a minor infraction. Mr. Patrick stated prior development reviews, nor the current review does not require any noise protection; it does require screening of mechanical equipment and this may be something for us to look at. Mr. Patrick stated even though there is a drainage easement that runs along the north side of the property there are no drainage issues in this development. Mr. Patrick stated the issues are narrowed down to 3, one being a 4 ft perimeter strip and this has since been corrected. The Mayor stated this has been reviewed extensively by administration, the planning department, and the city attorney's and Mr. Patrick findings come down to 2 primary issues (siding and number of story's of building). After further comments from Mr. Holder Michael Murphy, City Attorney, advised council to determine what is reasonable when making a decision on this issue. Alderwoman Smith stated she would like to see some agreement reached in order to protect both the residents and the clients of Pediatrics Plus. Alderwoman Whitmore concurred with Alderwoman Smith and motioned to require an additional fence be built to an agreeable height. The motioned failed due to the lack of a second. Alderman Ledbetter stated that he was unaware of the offer from Mr. Tapp to build a fence. Mr. Holder apologized for not mentioning that offer, but stated the offer was rescinded once he and Mr. Tapp became advisories over the "Kids Play" business. The Mayor reminded everyone that we need to have a finding that this PUD was not developed in an appropriate manner. Alderman Grimes stated he does not know that we can actually do anything here due to State laws. Alderman Hawkins motioned to find this development was not developed inappropriately. Alderman Pruitt seconded the motion. There was no further discussion. The motion passed 8-0.

- 1. Resolutions requesting the Faulkner County Tax Collector to place a certified lien on certain properties as a result of incurred expenses by the City.**

R-13-39

Alderman Hawkins stated the property address is 2450 Landover Trail; the cost of cleanup was \$208.60 (\$162.37 + Penalty \$16.23 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

R-13-40

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Alderman Hawkins stated the property address is 209 South Mitchell; the cost of cleanup was \$229.30 (\$181.15 + Penalty \$18.15 + filing fee \$30.00). There was no one present to speak to this issue.

R-13-41

Alderman Hawkins stated the property address is 4 Gwen Lane; the cost of cleanup was \$231.70 (\$183.37 + Penalty \$18.33 + filing fee \$30.00). There was no one present to speak to this issue.

R-13-42

Alderman Hawkins stated the property address is 2745 Glohaven; the cost of cleanup was \$268.68 (\$216.99 + Penalty \$21.69 + filing fee \$30.00). There was no one present to speak to this issue.

R-13-43

Alderman Hawkins stated the property address is 2108 Independence St; the cost of cleanup was \$285.18 (\$231.99 + Penalty \$23.19 + filing fee \$30.00). There was no one present to speak to this issue.

R-13-44

Alderman Hawkins stated the property address is 1914 Weems St; the cost of cleanup was \$308.00 (\$252.73 + Penalty \$25.27 + filing fee \$30.00). There was no one present to speak to this issue.

R-13-45

Alderman Hawkins stated the property address is 2902 Pheasant Rd; the cost of cleanup was \$1,231.98 (\$1,092.71 + Penalty \$109.27 + filing fee \$30.00). There was no one present to speak to this issue.

Alderwoman Smith motioned to adopt resolutions R-13-39 through R-13-45. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

- 2. Resolution rescinding Resolution R-11-28 and ordering the continued monitoring of a structure located at 912 Front Street.**

R-13-46

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Mayor Townsell stated resolution R-11-28 was to condemn said property; we hired a company to monitor and verify any movement of the structure, but no movement has been detected. The new resolution will require a continued monitoring to ensure there is no movement in the structure. Alderwoman Mehl asked will anyone have to do anything to occupy the building. The Mayor stated Section 2 outline the cost of such monitoring and testing will be borne by the owners. After some discussion the Mayor suggested adding "the building" in front of "is hereby" There was no further discussion. The motion passed 7-1. Alderwoman Mehl voted in opposition.

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3. Consideration to award the 2013 engineering contract to Garver for the new relocated Conway Municipal Airport.

Ronnie Hall, City Engineer, stated the 2013 FAA Grant for the airport relocation is \$530,000.00 with \$357,000.00 that being for full time construction observation. Mr. Hall stated as required by FAA, an independent fee analysis (IFA) was secured from Kutchins & Groh Consultants; they arrived at an estimated total fee of \$657,000.00 for the work included in the Garver scope of work. Mr. Hall stated the various contracts included in the grant will be reimbursed 90% from the 2013 FAA Grant and 10% from the Arkansas Dept of Aeronautics grant (\$300,000 max state match) with the remainder \$29,777.00 being paid by the city of Conway and recommend awarding the bid to Garver. Alderwoman Smith motioned to award the bid to Garver. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

4. Ordinance amending Ordinance O-13-67 in regards to the Prince Street Improvement Project.

O-13-93

Tyler Winningham, CFO, explained the previous ordinance was written to show where we record these funds but once the funds were received we determined it would better to segregate this project money into its own fund, since the loan is specific to the project. 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 Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

5. Ordinance accepting grant proceeds and appropriating funds received from the Arkansas Historic District Commission for Conway's Historic District Commission.

O-13-94

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. Alderwoman Whitmore seconded the motion. The grant amount received was \$8,700.00. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

6. Ordinance to rezone property located at 2015 Cross Street from R-1 to HR.

O-13-95

Frank Shaw, Attorney at Law, stated the proposed rezoning will allow us to subdivide the property into 2 lots, each being approximately 154.5 ft X 121 ft; we wish to build something

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

- 7. Consideration of a request from Kent Holder to review in-depth the implementation status of the Scherman Heights PUD and lot 7D (575 Club Lane).**

Item moved up on the agenda.

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

- 1. Ordinance accepting grant proceeds and appropriating funds received from ADEQ for the Conway Sanitation Department.**

O-13-96

Cheryl Harrington, Sanitation Director, explained this is an annual Go Red Grant in the amount of \$50,000.00; this will provide funding to replace an engine in one of the trash compactors and requires a match of city funds. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0. Alderman Ledbetter was no present for the vote.

- 2. Ordinance accepting funds received by the Municipal Vehicle Program for the Sanitation Department.**

O-13-97

Cheryl Harrington, Sanitation Director, explained we received 2 insurance proceeds checks to cover repairs to a 2010 International 7000 Series Work Star Roll-off truck (\$17,045.44) and a 2007 Freightliner M2 (\$98,380.00). Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. Alderman Ledbetter rejoined the meeting. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

3. Ordinance accepting donated items from the EPI for the Conway Sanitation Department.

O-13-98

Cheryl Harrington, Sanitation Director, explained EPI wishes to donate 2 lay down machines; they are valued at \$12,000.00 and we wish to add these items to our inventory. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0. Alderman Grimes was not present for the vote. Listed below are the donated items:

- 1 - IJ630 #2D 002 152 01 0102 M18 - valued at \$8,000.00
- 1 - #445 28D-11 - valued at \$4,000.00

4. Consideration to accept the bid for a 2014 Commercial Front Load Refuse Truck for the Conway Sanitation Department.

Cheryl Harrington, Sanitation Director, stated recommended awarding the bid to River City Hydraulics, Inc, who was the only bidder, in the amount of \$203,850.00; this is after a trade-in of \$15,000.00 on a 2005 Mack VIN # 1M2K189C55M027755, and \$12,500.00 on a 2007 Freightliner VIN # 55XHANCY17RY77139. Alderwoman Smith motioned to accept the bid from River City Hydraulics. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0. Alderman Grimes was not present for the vote.

5. Consideration to accept the bid for a 2014 Hook Lift Roll-Off Truck for the Conway Sanitation Department.

Cheryl Harrington, Sanitation Director, recommended the low bid from Diamond Int'l of Little Rock in the amount of \$117,510.15 which includes a trade-in of a 2004 Freightliner (VIN # 1FVHCYDC45HN82906). Alderwoman Whitmore motioned accept the low bid. Alderwoman Smith seconded the motion. Alderman Grimes rejoined the meeting. Alderman Hawkins exited the meeting. There was no discussion. The motion passed 7-0.

6. Consideration to accept the design for the proposed comfort stations and approval to proceed with competitive bidding for three locations for the Park & Recreation Department.

Steve Ibbotson, Parks Director, asked council to approve bidding for 3 comfort stations, and to approve the design shown. Mr. Ibbotson proposed Laurel Park, Beaverfork Lake, and Gatlin Park, as a possible alternative to 5th Ave Park; Gatlin Park is the trail head and has no rest room facilities. Mr. Ibbotson explained at Beaverfork we will raze the concession building and restroom by the gate in order to construct a new facility that will contain both. Mayor Townsell stated compensation for this project will be funded by Parks A&P monies, and we anticipate the cost will be \$200,000.00 each. Alderwoman Smith motioned to accept the design and approve for bidding 3 comfort stations; Alderwoman Whitmore seconded

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the motion. Alderwoman Smith seconded the motion. The Mayor stated the park locations are to be determined. There was no further discussion. Alderman Hawkins rejoined the meeting. The motion passed 8-0.

- 7. Ordinance waiving bids for the purchase of holiday Christmas décor to be placed in Rogers Plaza for the City of Conway.**

O-13-99

After some discussion Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. The cost for the tree and decorations is not to exceed \$130,000.00 which is expected to be funded by the A&P Commission. After some discussion Mayor Townsell stated we will ask the A&P Commission to join us in splitting the cost of funding this project, however it is possible they may not agree. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

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

- 1. Ordinance appropriating insurance funds received for the Animal Welfare Department.**

O-13-100

A.J. Gary, Chief of Police, was present to answer questions. The amount received was \$3,371.34. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

- 2. Consideration to accept bids for the CNG Conversion kits for the Conway Police Department.**

A.J. Gary, Chief of Police, recommended awarding the bid to Crain Automotive in the amount of \$114,992.25 as the low bidder did not meet bid specs. This will allow conversion kits to be placed on 8 police units and 1 animal welfare unit. Alderwoman Smith motioned to accept the bid from Crain Automotive. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

E. Finance

- 1. Consideration to approve the monthly financials ending July 2013.**

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Tyler Winningham, CFO, started with the General fund explaining sales tax was up 9% over this time last year and all other revenues and expenses are within budget. Mr. Winningham explained the Street fund shows no activity for state turnback or severance tax; we have received this money, however we accounted for it last month and stated we are where should be. Mr. Winningham went onto say the sanitation fund is in good shape as well. Alderwoman Smith motioned to approve the July 2013 financials. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration to approve the fee proposal from BKD for the FY2012 audit.

Tyler Winningham, CFO, stated he hopes council had an opportunity review the memo he sent last week that details why we are pushing for an independent audit. Mr. Winningham stated this is a need, not a want; he would not be pushing for an independent audit only for the fact that they take longer than independent audits. Mr. Winningham stated legislative audits are considerably longer and at this point he has yet to hear from the state on the status of the FY2011 audit; we have discussed this for several months now and some council members oppose it due to the cost and asked that we keep this in perspective; the fee presented is \$85,000.00, which is .29% of the general fund budget and feels it is a worthy item to spend money on. Alderwoman Smith motioned to approve the audit proposal. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-1. Alderman Ledbetter voted in opposition.

F. Old Business

G. New Business

1. Consideration to change to an alternative date or cancel the next regularly schedule City Council meeting (September 10th, 2013).

Alderman Jones motioned to move the September 10, 2013 meeting to September 17, 2013. Alderwoman Smith seconded the motion. There was no discussion.

Adjournment

PASSED this 27th day of August 2013

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett