
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
July 24, 2012

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 Grimes, Alderman Hawkins, Alderman Vaught, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, Alderman Jones, and Alderwoman Whitmore. 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: June 26, 2012 & July 5, 2012 (Special) City Council Meeting

Alderwoman Whitmore motioned to approve the June 26, 2012 and July 5, 2012 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Announcements/Proclamations/Recognitions: Employee Service Awards

5 Years

Daniel Hogan - Police Dept.

Dan Teague - Police Dept.

10 Years

Gerald Arters - Sanitation Dept.

Josh Odom - Fire Dept.

Leanard Neal - Sanitation Dept.

15 Years

John Zanin - Police Dept.

Alderman Grimes motioned to suspend the rules to move "Item C-5" to the beginning of the agenda. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Ordinance establishing and amending rules and regulations for parks and park facilities in the City of Conway.

O-12-62

Steve Ibbotson, Parks Director, was present to answer questions. Mayor Townsell stated we are taking existing State statutes and inserting it into our regulations for the Conway Park system for benefit of our citizens. Mayor Townsell stated the new language "Section 1 (one) or I" states "Any person who has a concealed hand gun license issued under the authority of ACA 5-73-301 may carry a concealed hand gun in a city park or park facilities, unless the city has prohibited the carrying of handguns in the park by posting proper written notice pursuant to ACA 5-73-36". Mayor Townsell explained we are only recognizing State statutes tonight; we are not authorizing posting. Moving forward Mayor Townsell

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stated ACA 5-73-306, Section 11 states, "The carrying of a licensed concealed handgun is prohibited at any athletic event, not related to firearms within in a city park or park facility. No other firearms are allowed in city parks or park facilities pursuant to ACA 5-73-122, unless for the purpose of participating in an authorized firearms related activity, authorized by the Parks Director. Mayor Townsell explained we are liberalizing our city code, that dates back to 1971, to mirror State law; current code does not reference concealed handguns, and ban handguns altogether. City Attorney Michael Murphy stated we are trying to update our Parks Rules and Regulations and Mr. Ibbotson pointed out that our current rules and regulations are inconsistent with State law; the original draft made the provision of firearms subject to Arkansas code dealing with concealed firearms to acknowledge the rights and responsibilities of licensed concealed permit holders. Mr. Murphy stated the draft would repeal the 1971 ordinance and makes the firearms provision subject to, and consistent with State law regarding firearms. Alderman Vaught agreed the outdated ordinance should be repealed and asked what if we omit any language regarding firearms; would the city be covered by State law. Mr. Murphy stated yes. Alderman Jones stated he would prefer to omit the language as anyone who has a concealed carry firearm permit knows the law. Mayor Townsell stated it is more of a convenience for our citizens. Mr. Murphy stated it is also to repeal the outdated law; but as Mr. Vaught points out, if you repeal the section dealing with firearms, we would default to the State law. Mr. Murphy stated one reason the original proposed draft quoted ACA 5-72-306 is state legislature likes to amend this law every 2 years or so, this way by referencing state law as amended, the city would be in line with any amendments the legislature makes regarding this law. Mr. Murphy stated if omitted, we would not have to change our ordinances, we would just default to state law, but it is necessary to repeal the firearms section in Ordinance No. A-518. Alderman Grimes stated he feels we should repeal the firearms section of the old ordinance. Alderman Grimes motioned to strike out "I" in "Section 1" from the ordinance. Alderwoman Smith seconded the motion. After some discussion the motion passed 7-1. Alderman Rhodes voted in opposition. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-1. Alderman Vaught voted in opposition. Alderman Grimes stated in the past there have been questions regarding "Section 1 - C, the sale or giving away of food and drink". Mr. Ibbotson explained one cannot go to a public park and charge for tennis lessons without entering into an agreement with the city; birthday party food/beverage is a non issue because they have written permission from the department for that party. Mr. Ibbotson stated this is in here to protect the facilities from individuals making profit from a city facility. Alderman Vaught suggested striking from "Section 1 - C" the words "give away". Mr. Ibbotson stated that is not an issue with him. Alderwoman Mehl motioned to strike the words "give away without charge" in Section 1 - C. Alderman Grimes seconded the motion. The motion passed 8-0. Mayor Townsell suggested adding to the end of "Section 3" the following wording; "Ordinance A-518 Section 3 (E) regarding firearms is hereby repealed". Alderwoman Mehl motioned to add the following language to the end of Section 3 "Ordinance A-518, Section 3 (E) regarding firearms is hereby repealed". Alderman Vaught seconded the motion. There was no discussion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance as amended. Alderman Grimes seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 8-0.

1. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, Conway Development, Historic District, Chamber of Commerce)

- 1. Resolution authorizing the Mayor to accept a grant from the Federal Aviation Administration for the Relocated Conway Airport Site in the Lollie Bottoms Area.**

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R-12-27

Ronnie Hall, City Engineer, stated this resolution authorizes the Mayor to sign the FAA Grant for Stage 2A runway paving at the new airport facility. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Mayor Townsell stated we are required to fund 10% of the project cost; in addition, we are making a choice to consciously pay for an extra inch and one-half inch (1 ½) in concrete thickness to achieve the ultimate paving thickness that we desire, to avoid shutting down the runway in the future. Mayor Townsell explained we will pursue a reimbursement of 10% from the State of Arkansas Dept. of Aeronautics up to the grant limit (currently \$300,000.00). There was no discussion. The motion passed 8-0.

2. Consideration of a change order (No. 2) from Garver Engineers for the Stage 1A Grading and Drainage for the Relocated Conway Airport.

Ronnie Hall, City Engineer, stated this change order moves some work on the detention ponds and ditch paving from contract to another; these will be brought back before council with a change order to add these items of work into the second earthwork contract. Alderwoman Smith motioned to approve the change order. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Resolution requesting the Faulkner County Tax Collector place a certified lien against property located at 200 Fairway Drive & 401 Oliver Street for incurred expenses by the City of Conway.

R-12-28

Alderman Hawkins stated the property address is 200 Fairway Drive; the cost of cleanup was \$161.84 (\$119.86 + Penalty \$11.98 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

R-12-29

Alderman Hawkins stated the property address is 401 Oliver Street; the cost of cleanup was \$361.59 (\$301.45 + Penalty \$30.14 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. Resolution to certify the local government endorsement of Brash, LLC (dba Otto Dental Supply) to participate in the Arkansas Investment Tax Credit Program.

R-12-30

Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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- 3. Resolution entering into a joint agreement with the Conway Public Schools for use of Laurel Park tennis courts.**

R-12-31

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Mayor Townsell explained the Arkansas Dept. of Education has awarded a grant to Conway Public Schools for new lighting on Laurel Park tennis courts; a joint use agreement is necessary for funding. There was no discussion. The motion passed 8-0.

- 4. Consideration to enter into an easement agreement & impact fee agreement with The Village at Hendrix.**

Lawrence Finn, Hendrix College, was present to answer questions. Mayor Townsell stated Hendrix has installed infrastructure in roughly a 17 acre area of Hendrix that has been, and can continue to be used by the public. Mayor Townsell explained Hendrix is willing to grant a permanent easement to the City of Conway for the public's use of this watershed as a park; Hendrix has agreed to maintain this area. Mayor Townsell stated we will grant them a park impact fee credit up to \$400,000.00. Mr. Finn gave a brief synopsis of the uses of the watershed area. Alderman Rhodes motioned to enter into to both easement and impact fee agreements. Alderman Hawkins seconded the motion. Alderman Vaught stated he would not be voting in favor of these agreements. David Crow, Conway resident, requested council delay any specific decision on this tonight while the citizens have an opportunity to review this, as he knows there is some opposition. Mr. Crow stated this area is already used by the public and does not feel that the city should gift Hendrix \$400,000.00 for the use of facilities that area already being made available. Mr. Finn stated that right now that property is private and is not open to the general public; this agreement will create the opportunity to afford opening the use to this area for the impact fee credit. Mr. Crow again asked council to delay any decision to be sure that \$400,000.00 is the correct figure and possibly could be less. After some discussion the motion passed 7-1. Alderman Vaught voted in opposition.

- 5. Ordinance accepting & appropriating funds for the planting of trees along Dave Ward Drive.**

O-12-63

Mayor Townsell stated Campus Crest is donating the city \$4,800.00; we will waive quotes for the purchase and installation of eight canopy trees and accept a quote from Paladino Construction. Alderwoman Mehl 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 Rhodes, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 8-0.

- 6. Ordinance accepting grant proceeds and appropriating funds for Conway Eco-Fest 2012.**

O-12-64

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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. Alderman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Smith, Alderman Rhodes, Alderman Vaught, Alderman Mehl, Alderman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 8-0.

7. Consideration of bids for the relocation of signs on various tracts for the Prince Street Improvement Project.

Ronnie Hall, City Engineer, explained O.R. Colan of Lock Wood Electric, tried to figure the costs of relocating the electricity, for the signs, along with the original offer price agreed upon by the property owners and the city. Mr. Hall stated the electrical costs are out of line as these are difficult to quote, and suggested deducting these costs out of what we are paying for the parcels, and pay these as the signs are placed. Mayor Townsell asked if we would approve these up to the amounts listed and then work with the electrical contractors ourselves. Mr. Hall stated yes; we will obtain quotes for each individual sign as needed and the city will incur these costs. Mr. Hall stated these numbers are just for the electrical relocation and will need to be deducted from the approved offer, which originally included these costs. Alderman Smith motioned to remove the electrical relocation costs from the land cost. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. The listed amounts will be deducted from the approved offer:

Tract 5	Fred's/Little Caesars/Bank of America	up to \$ 3,501.00
Tract 6	Sonic	up to \$ 7,536.00
Tract 9	Los Amigos	up to \$10,812.00
	U-Haul	up to \$10,812.00
	Exxon	up to \$12,239.00
	Salem Place	up to \$12,239.00
Tract 19	Bank of the Ozarks	up to \$ 9,644.00

8. Ordinance to rezone property located at 1605 East Oak Street from R-1 & C-3 to PUD.

O-12-65

Bill Adkisson, Attorney representing Danny and Linda Linn, explained the applicants have been at this address for decades and own approximately 17.5 acres, which is mostly zoned C-3, with a small portion zoned R-1. Mr. Adkisson stated the bulk of their business is buying damaged cars from insurance companies; due to the change in this industry the Linn's business has declined; they have laid off nine employees and reduced salaries on the remaining employees. Mr. Adkisson stated they are requesting the rezoning to allow for a PUD on 6.2 acres which would allow a metal recycling center. Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 8-0. Alderman Whitmore motioned to adopt the ordinance. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Smith, Alderman Rhodes, Alderman Vaught, Alderman Mehl, Alderman Whitmore, Alderman Grimes,

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Alderman Hawkins, and Alderman Jones. The motion passed 8-0. The conditions are as listed below:

1. Hours of operation shall be from 7:00 am until 6:00 pm Monday through Friday and possibly 7:00 am to 1:00 pm on Saturdays.
 2. Ingress/egress - A curb cut shall be allowed on East Oak Street as presented.
 3. Outdoor sound system must comply with Conway codes.
 4. Metal buildings shall be allowed as part of this PUD.
 5. Green space - 20% of the PUD area shall be set aside as green space/buffer as shown on the submitted site plan.
 6. Signage - Any new signage shall conform with current Conway sign regulations.
 7. Sidewalks, common space, and a property owner's association shall not be required.
 8. An existing metal canopy can be used elsewhere on site.
 9. Driveway shall be allowed within 100 feet of the property line.
 10. Site is to be used for the recycling of metal and non-ferrous materials, and the necessary and related handling of these materials as defined in the PUD application.
 11. Landscaping shall be limited to 20% green space area only; no further is required.
 12. Parking Lot Ordinance shall not be enforced; gravel is permitted.
9. **Ordinance to rezone property located at 2000 Dave Ward Drive; 706 & 708 S. Donaghey; and 703 & 707 S. Elizabeth from R-1 and O-2 to C-2.**

O-12-66

Frank Shaw, Attorney at Law representing Kum & Go Properties, stated the comprehensive plan prepared in 2004 specifically marks this property as being a Neighborhood Commercial center (NC); Mr. Shaw read from the plan and stated their proposal meets the requirements set forth. Mr. Shaw stated the plan was approved by the planning commission by a vote of 6-2 after substantial aesthetic changes and input from neighbors. Mr. Shaw feels this is the center stone for future development down the Donaghey corridor, and if this project is allowed, you will set the tone for quality in standards, not only north on Donaghey, but east on Dave Ward Dr. Mr. Shaw feels this project will be a boost to Conway's economy. Dave Lemmons, representing Kum & Go, stated they came to Central Arkansas 2 years ago with plans to build approximately 20-25 stores in Central Arkansas; we operate about 420 stores in 11 states throughout the mid-west. Mr. Lemmons explained changes, to our proposal were asked for and made. Mr. Lemmons stated, among other changes, we have offered to create a buffer on the backside of the building, which is an 8 foot fence, brick front at the corner, softened the canopy color from bright red to taupe and offered to brick the column to match the store. Ernie Peters, Peters and Associates Engineers, stated a comprehensive traffic study was completed relating to this proposed development that included doing existing traffic counts at the intersection of Donaghey and Dave Ward Dr.; the estimated traffic volume projected to be generated by this development. Mr. Peters stated convenience stores, with gas stations, use many of the existing traffic flows of the adjacent street traffic stream, and because of the magnitude of the volume generated, new trips by a site like this is fairly minimal. Mr. Peters stated the total drive way volume (vehicles that enter and exit in both directions) during the a.m. peak hour is 204; the p.m. peak hour is 268. Mr. Peters stated if you account for the fact that most traffic is in the existing traffic stream, the net increase in volume, to the adjacent street totals 77 in the a.m. peak hour, and 118 in the p.m. peak hour. Mr. Peters feels this development will not over

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tax the capacity of the streets, and the capacity will remain for future growth. Mr. Peters feels the access is well designed and the intersection will continue to operate as well as it operates today. Corey Boyd, Kum & Go Central Arkansas District Supervisor, stated our stores are most successful because of our employees we hire; unlike any other place you have ever been, these stores will have the best customer service you will see; the selection of products are great, and the children will love making their own malts and slushies; bathrooms are door free and very clean. Mr. Boyd stated each associate we hire are offered benefits i.e. medical, vision, and 401K, etc.; Kum & Go is not your typical convenience store. Mr. Shaw made closing comments. Mayor Townsell asked Wes Craiglow, Planning & Development, can the city preserve neighborhoods, in the wake of fallen property values in areas of re-developments across the city. Mr. Craiglow stated our ordinances currently address these types of properties making a 20 foot buffer ample screening; to date we have had good success with the regulations in place. Mr. Craiglow stated additional easements and or rights of way would guarantee an increased buffer, but this is beyond the scope of tonight's proposal. Mr. Craiglow went onto say a growth formula or a sector plan could be developed for this area to help preserve the character of this neighborhood for possibly another generation or so. Alderman Jones stated this area was rezoned for quiet office to preserve the neighborhood. Chris Sullivan, property owner of 2000 Dave Ward Dr, stated since the widening of Dave Ward Dr his home became unlivable due to the traffic and noise; since the rezoning and developments, the rental property has increased and has become a harder place to reside and is supports the rezoning because of the changes to the area. Carl Johnson, 1972 Dave Ward Dr, stated he no longer lives in the home, which is just due east of the proposed development due to the noise from traffic, parties at rental homes, and drug trafficking in the area. Mr. Johnson stated Harlan Park Subdivision has deteriorated in many ways and has lost its pleasing and desirable quality of life for its residents and feels the proposed development could increase the value of his property and others and spoke in favor of the proposed development. May Vogel, property owner of 707 S Elizabeth, spoke in favor of the proposed development. Ken Wilcox, 14 Justin Slade, stated he feels the proposed development would be a benefit to Conway and spoke in favor of its passage. Mary and Chris Beecham, 605 S Baridon, spoke in opposition of the proposed development as they are concerned about cut through traffic, gas fumes, noise, and safety. Barbara Feller, 706 S Elizabeth, stated if the development is approved the entrance to the store will be directly across from her house; her concern is loitering in the parking lot and feels a 24 hour a day gas station is not good for the neighborhood. Ms. Feller stated getting in and out of the business will be very difficult as it is difficult now to get onto to Dave Ward Dr. and feels there are other areas along Dave Ward Dr where the business could be built. Mr. Boyd stated our company has a no loitering policy and it our top priority to notify the police when loitering occurs, we also give free beverages to local fire and police officials to get them into the store which enhances safety to the area. Bob Bell, Bell Brothers Oil Co, stated he, and other convenience store/gas station owners, purchased C-3 property to build their businesses on, and encourages this business to do the same. Mr. Bell believes they chose this location to gain a competitive edge over existing and future competitors; Conway needs these stores but we should not rezone to give them a competitive advantage over others who have played by the rules and suggested zoning it C-3, because that is what it truly is. After other individuals spoke in regards to traffic concerns, gas fumes, safety, and delivery of gas to the business, Mr. Shaw explained that UCA law enforcement could patrol this area as it is within their boundaries to do so. Mr. Shaw also stated that Kum & Go operates their own gasoline tanker trucks and it has been designated that these tankers will enter the business from Donaghey and loop around and exit the business onto Donaghey.

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After discussion among council Alderman Hawkins stated he would be willing to discuss phase II gas filters that we required Kroger to install. Alderman Hawkins motioned waive the readings of the ordinance. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderman Grimes suggested agreeing upon the conditions before voting on the rezoning; council concurred. After some discussion among council the clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Vaught, Alderwoman Mehl, Alderman Grimes, and Alderman Hawkins. The motion passed 5-3. Alderman Jones, Alderwoman Whitmore, and Alderman Rhodes voted in opposition.

10. Consideration of a conditional use permit on behalf of Kum & Go to allow gas pumps in C-2 zoning for property located at 2000 Dave Ward Drive, 706 & 708 S. Donaghey and 703 & 707 S. Elizabeth.

Alderman Grimes stated the traffic on Elizabeth Street concerns him and suggested placing speed humps on this street to slow traffic and install no parking signs as needed. Mayor Townsell stated we should also consider placing speed humps on other streets where cut through traffic could flow. Alderwoman Smith suggested placing a condition on the tanker trucks entrance and exit plans. Mayor Townsell stated if you wish to stipulate the Phase II Vapor Collection System that would be added as another condition. Mr. Lemmons, Kum & Go, stated most municipalities across the country require Phase I recovery systems, which capture fumes at the tanker level upon pumping fuel into the underground tanks. Mr. Lemmons stated Phase II systems capture fumes at the vehicle level; explaining the EPA recently decided, within the last 4 months, to eliminate requiring Phase II system in any local across the country as most vehicles have ample recovery systems. Mr. Lemmons stated he has provided documentation on this issue. Mr. Lemmons also addressed the 24/7 hours of operation stating inside sales, as a whole between 12:00 a.m. and 5:00 a.m. are approximately 7% but that increases to 8-20% in college towns but beer is sold in other markets, of course will not sell beer here, so he cannot break these numbers down for Conway. Alderman Hawkins stated he would like to add no parking signs, speed humps, and allow no trucks on Elizabeth Street. Mayor Townsell stated we should also add these to other streets, as we agreed to do with the Wal-Mart Market. Mr. Lemmons stated he can control tanker trucks, but he has no control over other delivery vendors. Alderwoman Whitmore suggested the hours be limited to 6:00 a.m. to 12:00 a.m. Mayor Townsell asked for a show of hands in favor of hours of operation being 6:00 a.m. to 12:00 a.m. Mayor Townsell did not call the vote, but stated the hours for now will remain 24/7. Council returned to voting on Item 1B-9 above. Mayor Townsell in addition to the 9 conditions with the addition of no parking signs, speed humps, and no truck signs. Alderman Hawkins suggested adding that all conditions are in affect for this property as long as this property is owned and operated by Kum & Go; if it changes hands it will need to come back before council for a review of conditions. Mr. Lemmons stated we purchase the property, build the building, apply a lease on the property and sell it to an investor which would make it change hands. Alderman Hawkins asked if it would still be Kum & Go. Mr. Lemmons stated yes it would still be operated by Kum & Go. Mr. Lemmons stated that they have offered to guarantee the landscaping for a period of 3 years. Alderwoman Mehl suggested adding this as well. Alderman Grimes asked to reserve the right to ask for more than 1 speed hump on Elizabeth Street. Alderman Hawkins motioned to accept the 11 conditions as laid out and amended. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 7-1. Alderwoman Whitmore voted in opposition.

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1. The convenience store shall be constructed as shown on submitted site plans, building elevations, and renderings as approved under the Development Review process. Scheme 1 or Scheme 2 will be determined in consultation with UCA and property owners.
2. Hours of operation shall be 24 hours per day, seven days a week.
3. Previous conditional use permit #1298 allowing book sales becomes null and void.
4. Landscaping, appropriate canopy and understory and varied landscaping shall be included on the property in accordance with Conway development review requirements.
 - Brick wall feature as proposed, sans the UCA name, is required
 - Eight (8) foot high capped privacy fence along north property line is required
 - Landscaping vegetation is guaranteed for three years by Kum & Go
5. Outdoor sound system is prohibited.
6. Canopy columns shall be wrapped in brick as presented in proposed renderings.
7. Canopy colors shall be muted as proposed as presented in proposed renderings.
8. Brick shall be UCA Blend from Acme Brick.
9. Construction hours - Hours of external construction are limited to between 7:00am to 7:00pm.
10. "No Trucks" and "No Parking" signs for Elizabeth Street and one speed hump on South Elizabeth and one speed hump on Hillman they will pay for with the City reserving the right to require more than the two.
11. These conditions are set for operation of the facility to remain with Kum & Go Corporate; a new operator would be required to bring the conditional use back before the city council before operation commences.

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

1. **Ordinance accepting & appropriating grant funds from ADEQ to the Conway Sanitation Department.**

O-12-67

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. There was no discussion. For clarification this emission reduction grant project was approved on February 23, 2010 via Ordinance No. O-10-14 in the amount up to \$64,800.00. On May 23, 2012 the city received \$68,569.99, a difference of \$3,769.99. The clerk called the call with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 8-0.

2. **Consideration to accept the proposal from Pepsi for beverage vending rights at all City of Conway facilities for a period of five (5) years.**

Steve Ibbotson, Parks Director, explained after receiving RPF's Pepsi Beverages Company was the best option for the city; after visiting with Pepsi, they increased their original offer

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adding \$5,000.00 to their initial payment, and a \$5.00 per case rebate for cases sold at City of Colleges Park and Conway Station Park. Mr. Ibbotson stated this would result in an additional \$10,000.00 based on 2011 numbers and requested council approve this 5 year agreement (8/1/12 through 7/31/17). Alderwoman Smith motioned to approve the Pepsi RFP/beverage agreement. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

3. **Resolution accepting a proposal from Aramark for concession services at City of Colleges Park and Conway Station Park.**

R-12-32

Steve Ibbotson, Parks Director, explained the current contract ran through May 2012 and we are asking that this contract will be extended through November 30, 2014 and requested approval of this agreement. Alderwoman Whitmore motioned to approve the contract. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

4. **Ordinance appropriating funds for professional services for Curtis Walker Park & Conway Station Park.**

O-12-68

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 Mehl seconded the motion. There was no discussion. The motion passed 8-0. Steve Ibbotson, Parks Director, stated he hopes by the next council meeting we will have the master plan and costs and stated we will provide portable restroom facilities for the interim. After some discussion on bathroom facilities in other parks the clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 8-0.

5. **Ordinance establishing and amending rules and regulations for parks and park facilities in the City of Conway.**

Item moved up on the agenda.

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

1. **Resolution to award a service weapon to the retired Fire Marshall at the Conway Fire Department.**

R-12-33

Alderwoman Smith motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

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E. Finance

1. Consideration to disposal of certain inventory for the Conway Finance Department.

Mayor Townsell stated the items will be sold for scrap or offered for sale through "as is" sealed bid auction or via auction, whichever appears to provide the best price to the city. Alderwoman Smith motioned to approve the disposal of public property. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. The items to be disposed are listed below:

- Conway Police Dept - Browning Invector Plus 12-gauge (30591NRT02 - Auctioning Online
- Conway Police Dept - Glock pistol (MSE519) account equipment - Retirement Gift/Danny Moody
- Conway Police Dept - Mossberg 500A, 12-gauge (P686376) - Auctioning Online
- Conway Police Dept - Remington 870 Express 12-gauge (W848500M) - Auctioning Online
- Conway Police Dept - Remington 870 Magnum (W737707M) - Auctioning Online
- Conway Police Dept - Remington Wingmaster 870, 12-gauge (T528174V) - Auctioning Online
- Animal Welfare - 2007 Ford Ranger (06615) - total \$11095.51
- Conway Fire Dept - Glock 17 pistol (ETT970) - Retirement Gift/Randy Freeman

2. Consideration to approve the monthly financials reporting ending June 30, 2012.

Tyler Winningham, CFO, gave a brief synopsis of the June 2012 financials. Alderwoman Smith motioned to approve the June 2012 financial reports. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

Old Business

New Business

Adjournment

PASSED this 24th day of July 2012

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett