
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
June 25, 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, Alderwoman Smith, Alderman Ledbetter, Alderwoman Whitmore, Alderman Jones, Alderman Grimes, and Alderman Pruitt. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy, and Karen Francis.

Call to Order: Mayor Tab Townsell

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

Minutes: June 11th, 2013 City Council Meeting

Alderwoman Whitmore motioned to approve the June 11, 2013 minutes as submitted. Alderwoman Smith seconded. There was no discussion. The motion passed 8-0.

Recognition: Employee Service Awards

5 Years

Bill Hayes - Code Enforcement

10 Years

Lois Spencer - Police Dept.

15 Years

Officer Chris Derrick - Police Dept.

Officer Bradley Fornash - Police Dept.

20 Years

Captain Ed Prout - Fire Dept.

Captain Mike Rhoades - Fire Dept.

Division Chief Kenny Wiedower

1. Report of Standing Committees:

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

1. Consideration to approve a lead developer for the Spruce Street Pocket Housing Development.

Scott Grummer, CDBG Program Director, explained after an extensive scoring process we recommend Dakota Development out of North Little Rock as lead developer for the Spruce Street Pocket Housing Development. Alderman Hawkins motioned to approve the selection of Dakota Development. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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2. Consideration to approve the destruction of court records for District Court.

Susan Weaver, District Court Judge, requested council approve the destruction of various records dating from 1969 through 2009; this will allow us more room in our storage area. Alderman Grimes asked if these could be shredded. Ms. Weaver stated the court does not have a mass shredder. Alderman Grimes suggested getting a quote from Independent Living Services as they provide this service at a reduced rate. Mayor Townsell suggested approving the destruction, and then determine if it is possible to shred the documents. Alderwoman Smith motioned to approve the destruction of court records. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

3. Ordinance amending Ordinance O-05-142 clarifying the collection and enforcement and criminal penalties authorized by the Advertising and Promotion Act.

O-13-60

Michael Murphy, City Attorney, explained this ordinance is basically inserting new state laws into our municipal code. 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 and the emergency clause. Alderwoman Smith seconded the motion. 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.

4. Ordinance to establish a preference on competitive bids for contracts funded solely with city general fund.

Mayor Townsell recommended holding this item in committee at the request of City Attorney Michael Murphy. Mr. Murphy stated some Attorney General opinions call this matter into question and he would like to confer with other cities before passing this item. Alderwoman Whitmore motioned to hold this item in committee. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

5. Consideration for approval for counteroffers on parcels 62, & 71 for right of acquisitions for the Conway Western Loop Project/South Interchange (Wills Baker Parkway).

Jan Wardell, O.R. Colan & Associates, was present to answer questions. Ronnie Hall, City Engineer, explained Mr. Maynard property owner of Tract 62 has reduced his request to \$8,000.00, which is \$6,400.00 more than the market value. Mr. Hall confirmed that Ms. Valvia Smith, property owner of Tract 71, is entitled to all of the values discussed at last council meeting including the \$13,400.00 of eligible relocation assistance and as he understands it, Ms. Smith is also eligible for moving expenses once she is in the moving phase. Mayor Townsell asked if this expense should be added to this offer. Mr. Hall stated no, generally quotes are taken and the city will pay the low quote. Mr. Hall asked Ms. Wardell if Ms. Smith elects to include the \$2,400.00 uneconomical remnant amount she is entitled to \$80,450.00. Ms. Wardell stated yes. Mr. Hall stated Ms. Smith's request is for \$110,000.00 is her estimate for construction of a stick built home; she no longer wishes to live in a manufactured home. Alderwoman Smith asked if her manufactured home can be

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moved to another piece of property. Mr. Hall stated he believes they priced a new mobile home. Ms. Wardell stated we have done both, the issue with her property is its higher elevation and explained the mobile home is half way up the hill and her driveway is difficult to get up. Ms. Wardell stated to move the mobile home out of the way would take the mobile home even further up the hill; explaining Ms. Smith is up in years and she barely makes it now, coupled with the fact she has to climb stairs to get into her home which is why she is not interested in moving into another mobile home. Ms. Wardell stated the property she wants to build on is north of this project, she owns the property and it is also next to her brother. Alderwoman Smith asked about the trees on Tract 62. Ms. Wardell stated we normally do not compensate for trees, the issue with the owner is he is in poor health and has breathing difficulties; he feels that by doing away with his trees will impact his breathing abilities. Alderman Pruitt asked how many trees are involved. Ms. Wardell stated there are 18-20 trees and is somewhat heavily wooded. Alderman Grimes asked if he is requesting tree transplantation. Ms. Wardell stated yes. Alderman Grimes stated he would rather not approve this request. Mr. Hall suggested that they provide us a price for planting nursery size trees. Ms. Wardell stated that was suggested to the owner but this option was not a welcomed suggestion; he is adamant he wants the \$8,000.00. Ms. Wardell stated if we choose to condemn rather than settle it will be more costly. Alderwoman Smith asked who will maintain the trees if they are transplanted. Ms. Wardell stated she does not believe he is going to replant them, he just wants compensated. Alderman Grimes motioned to deny the request for Tract 62. Alderwoman Smith seconded the motion. Alderman Jones asked what the cost might be if we had to condemn. Michael Murphy, City Attorney, stated condemnation is a time and manpower issue; it is possible the jury or fact finder could award the landowner more than initial estimate. Mr. Murphy stated it is necessary to see if condemnation itself is more an issue of taking city resources from our daily duties and focusing on the pleas and trial involved in condemnation. Ms. Wardell stated according to the law all the courts have to do is award him an additional 10% over our appraised price; we would end up paying for all his court costs, attorneys fees, and everything that is involved with condemnation. Mayor Townsell stated there is also a cost with "knuckling under" and giving in; it is \$6,400.00 in this case and there are 71 other parcels involved in this project in addition to other upcoming projects. Ms. Wardell stated Tract 71 could be paid out as "damages" at this point; it is not that you are agreeing with him, it is to reach a settlement and move forward so the project stays on budget and on time. There was no further discussion in regards to Tract 62. The motion passed 8-0. Alderman Grimes asked if Ms. Smith, property owner of Tract 71, now stand to receive \$80,450.00. Ms. Wardell stated yes explaining that relocation is based on the criteria of reasonable and necessary and what is required to get the property owner from point A to point B and it is also predicated upon actual costs, so if she is requesting \$110,000.00, Ms. Wardell suggests approving this up to \$110,000.00 only with the Ms. Smith provides us copies of her itemized bills etc that are involved with building the new home; we would fall within the federal relocation guidelines of actual, reasonable, and necessary. Ms. Wardell explained when you compensate someone for buying their property and their home, you are paying the appraised price, which in this instance is not enough to get the individual moved to something that they can live in that is comparable to what they had; the value of their home is not high enough. Alderwoman Smith asked how much a new mobile home cost. Ms. Wardell stated for a comparable unit the cost is \$78,000.00, the issue is the external stairs. The Mayor asked what would be needed to get her nearer to \$110,000.00. Ms. Wardell stated by requiring her to obtain 2 bids for all work and agree to pay her only up to \$110,000.00; the bids would have to be reasonable and necessary; only moving expenses,

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based on quotes, will be paid over the \$110,000.00. Smith stated she was unaware of the additional funds for relocation and she is agreeable with this offer. Alderman Jones motioned to approve up the offer up to \$110,000.00 with Ms. Smith being required to obtain 2 bids for all work performed. Alderwoman Smith seconded the motion. Ms. Wardell stated that the federal regulations are broad brushed and designed to get an individual from point A to point B as not everyone fits into the same peg; this is reasonable and necessary and we are falling within those guidelines. After some discussion Alderwoman Mehl suggested it may be simpler to just approve up to \$110,000.00 than to have to keep up with all the quotes/paperwork. Alderman Grimes concurred stating the paperwork would be an added burden on Ms. Smith. Alderman Jones withdrew his main motion to approve up to \$110,000.00 requiring 2 bids. Alderwoman Whitmore withdrew her second. Alderman Jones motioned to approve Ms. Smith of up to \$110,000.00. Alderwoman Whitmore seconded the motion. The Mayor asked for clarification to still allow the moving expenses on top of the \$110,000.00. Alderwoman Mehl motioned to allow moving expenses in addition to the \$110,000.00 which requires quotes to determine the amount. Alderwoman Smith seconded the motion. Ms. Wardell stated the guidelines allow you to choose packing/moving yourself, the amount you are paid for this is based on a schedule, or you may hire a professional mover which requires 2 quotes. Ms. Smith stated her date to move is July 24, 2013 and asked if this could be pushed out. Mr. Hall believes the highway dept plans to advertise their job in October and feels we can move Ms. Smith's moving date out to September or October. The Mayor suggested October 1, 2013; Mr. Hall and Ms. Wardell concurred. Ms. Smith is comfortable with the October 1, 2013 date. There was no further discussion. The motion passed 8-0.

6. Consideration for approval for counteroffers on parcels 21 & 23 for right of acquisitions for the Prince Street improvements (Western Avenue to Shady Lane).

Ronnie Hall, City Engineer, stated the original offer to Mr. Rankin (Parcel 21 Four Winds) was for \$13,660.00, which includes the appraised value for the land and replacement of a decorative 4 ft fence. Mr. Hall stated since we are moving the street and sidewalk closer to his building, Mr. Rankin has counter offered with \$16,660.00, which would replace the 4 ft fence with a 6 ft fence; Mr. Hall stated he feels this is reasonable.

Mr. Hall stated Tony and Rita Salter (Parcel 23) have agreed to the original settlement offer of \$6,240.00, but have requested the city remove an island in parking area and pave it, to waive parking requirements if they should ever expand their building, and also try to alleviate the drainage obstructions at the southeast corner of parking area. Mr. Hall stated he is fine with the first 2 requests, and stated he does not want to promise the drainage obstruction can be fixed, but will try. Alderwoman Whitmore motioned to approve Tract 21 & 23 with the stipulation we do not guarantee to alleviate the drainage obstruction on Tract 23. Alderman Grimes seconded the motion. There was no further discussion. The motion passed 8-0.

7. Ordinance amending (O-09-103) authorizing the issuance of a promissory note for short term financing for Prince Street Improvement Project.

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Mayor Townsell stated in order to complete all of our proposed major street projects we will need to borrow money; the projects are the western loop, overpass and roads by the old airport. Mr. Hall, City Engineer, stated there will be 3 loans and they will be paid off by 2019. The Mayor asked Mr. Hall if the amount for the ordinance is \$2 million or \$2.5 million. Mr. Hall suggested \$2.5 million. The Mayor stated the ordinance amount of \$2 million will need to be changed throughout the ordinance to read \$2.5 million. The Mayor stated we received quotes for 5 year promissory notes from First Security in the amount of 1.92% secured and 2.42% unsecured. Centennial Bank quoted 2.97%. The Mayor stated the recommendation is to approve the quote from First Security Bank. The Mayor asked what is needed for the secured rate. Jack Bell, Chief of Staff, stated we will get the 1.92% rate. The Mayor stated we will insert 1.92% for the interest rate in section 1. 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 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.

8. Consideration to approve a conditional use permit request from St. Peter's Episcopal Church to allow religious activities at property located at 1926 Prince Street.

Alderman Hawkins motioned to approve the conditional use permit request. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. The conditions are listed below:

- Hours of operation from 8:00 am to 10:00 pm.
- Limited to St. Peter's only - if Church vacates or sells the property, the conditional use permit becomes null and void.
- No signage allowed other than a 2-foot-by-2-foot non-illuminated sign near the house but not on the street.
- No outdoor sound system allowed.
- No additional lighting except for normal outdoor residential flood lighting attached to the house. Lighting is to be inward, downward, and shrouded.
- Use as office space is prohibited.

9. Consideration to approve a conditional use permit request from Shaver Properties to allow MF-1 density in R-2 zoning for property located at 702 Third Avenue and 727 Fourth Avenue.

Allen Shaver, Shaver Properties, was present to answer questions. Alderman Hawkins motioned to approve the conditional use permit request. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. The conditions are listed below:

- The property may have a maximum of 6 residential units.
- The development will be generally constructed as shown on the submitted site plan.
- A re-plat of the property is required.

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10. Ordinance amending the Conway Zoning Ordinance (O-95-54) in regards to the regulation of transmission towers.

O-13-62

Bryan Patrick, Planning & Development Director, gave a brief synopsis of the proposed changes, explaining wireless coverage is increasing and we are receiving more requests for installations. Mr. Patrick explained this will allow a transmission tower anywhere in the city through the conditional use process and federal legislation requires us to provide spaces for towers. 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. Alderman Hawkins seconded the motion. 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.

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

1. Ordinance requiring any person transportation litter, waste, etc. within the City of Conway to take reasonable steps to prevent its contents from blowing, dropping, etc. from the vehicle or trailer.

O-13-63

Cheryl Harrington, Sanitation Director, explained City Attorney Michael Murphy has made the requested changes to the ordinance and requested council approve the ordinance which requires tarping of litter/waste to prevent it from blowing or dropping from the vehicle or trailer. Ms. Harrington stated there will be a fee of \$5.00 charged, to un-tarped loads, before they will be allowed to enter the landfill to dispose of their waste; there is also a penalty section that will be applicable if an individual is given a citation for, and convicted of a violation of said ordinance. Alderwoman Smith asked if notice will be given. Ms. Harrington stated we will put a notice in the newspaper and we will have signs made and posted on the front gate of the facility. Ms. Harrington stated she does not see where a timeframe is specified in the ordinance. After some discussion 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 without the emergency clause and having an effective date of August 1, 2013. Alderwoman Smith seconded the motion. 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.

2. Ordinance establishing and setting commercial dumping or "tipping" sanitation fees for businesses located within the City of Conway.

Cheryl Harrington, Sanitation Director, asked for clarification on this ordinance; her intentions are to increase gate fees from \$22.74 to \$30.00 per ton for any individual that is required to pay these fees, which are commercial carriers or a resident who is dumping C&D material; individuals dumping household items can enter for no charge, but she is

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unclear if the language used in the ordinance includes households if they are dumping construction debris. Ms. Harrington stated currently if a resident brings in construction debris or anything that is not household waste, the \$22.74 is collected. Michael Murphy, City Attorney, stated if there is an opportunity to clarify other aspects of the ordinance we should. Mayor Townsell recommended holding this ordinance until the language can be addressed. Alderwoman Smith motioned to hold this item in committee. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 8-0.

3. Ordinance establishing the rates for residential sanitation collection fees for the Conway Sanitation Department.

Cheryl Harrington, Sanitation Director, explained approached this in a manner that clarifies the needs of the department, and implements the proposed increases by approximately 5% each year for 5 years; the initial increase would be effective September 1, 2013 with the rate increasing from \$12.90 to \$17.00, which would go through December 31, 2013; at which point the proposed rates are as follows (in italics):

Beginning January 1, 2014, rates shall increase each year by approximately 5% each year for 5 years as follows:

*2014 - \$17.85
2015 - \$18.74
2016 - \$19.68
2017 - \$20.66
2018 - \$21.69*

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderman Jones asked how much residents in surrounding areas paying. Alderwoman Mehl read the rates from other cities around the state, they are outlined as follows (specifics of the services can be found in the 2013 Sanitation Dept Fee Increase Proposal that was discussed at the May 28, 2013 committee meeting):

- Bentonville - \$14.69 per month
- Cabot - \$19.50 per month
- Fayetteville - Pay-as-you-throw
- Ft Smith - \$17.50 per month
- Hope - \$14.50 per month
- Hot Springs - \$18.00 & \$11.50 per month
- Jonesboro - Paid with ½ cent sales tax
- Little Rock - \$22.02 per month
- Maumelle - \$15.50 per month
- Morrilton - \$14.00 per month
- North Little Rock - Paid for by General Fund
- Rogers - \$13.76 per month
- Sherwood - \$15.72 per month
- Springdale - \$12.21 (trash) / \$2.40 (recycling) per month

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James Quinn, Conway resident, feels is in unconscionable to vote on an ordinance that only appeared in the newspaper early this morning; no one has been given a chance to review this issue. Mr. Quinn stated those who look at the cities website have seen the proposal, but you are proposing to increase this fee by 68% and voting on it tonight and, increasing it 5% a year with no further action or transparency. Alderwoman Mehl asked if the proposal was discussed in depth at the May 28, 2013 committee meeting. Ms. Harrington stated yes. Alderwoman Mehl stated yes, this was discussed at length. Mr. Quinn stated the proposal was discussed but contents of the ordinance were not, there were 3 amounts listed in the proposal and nothing in the proposal addressed yearly increases. Mayor Townsell stated the concept has been well represented for a while. Mr. Quinn went onto say that the sanitation dept so far this year has turned a profit of \$138,000.00 and he finds it difficult to justify a 68% increase; if we desired, the needed expenditures could be stretched out. Mr. Quinn stated it is hard to understand how this department has a surplus, and has been doing so well that the city borrows from it to justifying a 70% increase in rates. Judy Burney, Conway resident, stated that the sanitation department has always seemed to be the most solid departments in the city and feels it is managed well. Ms. Burney stated one must consider need, just because we can raise the rates does not mean we mean we need to raise the rates. Ms. Burney stated the decision is up to the city council, but she is against the rate increase as she has not seen any specifics that show the department is suffering; she is of the opinion that this is not a need, it is a want. The Mayor asked Ms. Harrington if the departments projected capital budget is available on the cities website. Ms. Harrington stated yes. The Mayor stated the proposal did show that even with revenue increases, we still did not match the expenditure needs identified in the proposal. The Mayor stated we set the department up as an enterprise fund so we could clearly set our rates as to cover our necessary expenses. The Mayor stated the sanitation fund is making money this year, but not enough to purchase one new garbage truck or a half a million dollar dozer that we need on top of the landfill; collection is only part of the story, we also have landfill operation, landfill expansion, landfill closure, and the annual recycling sorter payment that is approximately \$420,000.00. The Mayor stated as we maintain new equipment this keeps our operating costs lower, the older the equipment, the lower the operating costs are; we can push capital expenditures out, but there is a price to pay. Alderman Grimes motioned to hold this item in committee in order to receive more public input and bring the item back on the agenda for the July 9, 2013 council meeting. Alderwoman Smith seconded the motion. Alderwoman Whitmore inquired as to why the increase is 5%, and stated with growth, it may not be necessary to implement the 5% increase. Alderwoman Whitmore also asked if there were figures available. Ms. Harrington stated yes, right now we have 26,200 households but not everyone pays \$12.90, only residential homes; 5% growth in 262 homes annually paying \$12.90 would be \$3,379.80 per month or \$40,557.60 annually; over a 5 year period that would be \$202,788.00. The Mayor stated we should be lowering rates if growth would pay for itself. Alderwoman Mehl has concerns about the automatic increases, we as a council should evaluate these each year to determine if an increase is needed and how much, we should base an increase on what is actually happening. Alderwoman Smith stated we should have looked at increasing the rates with a small annual increase than a larger increase now. Alderman Jones concurred. Alderwoman Mehl stated the sanitation department has increased services at our current rate for years and is appreciative that we have curb side trash service, recycling, glass recycling, and yard waste. There was no further discussion. The motion passed 8-0.

Alderman Jones exited the meeting.

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

1. Consideration to accept bids on a fire suppression system in the server room located at the Conway Emergency Operations Centers.

Lloyd Hartzell, IT Director, was present to answer questions. Mayor Townsell stated the recommendation is to accept the low bid from Reliable Fire Protection, LLC in the amount of \$25,069.00. Alderwoman Whitmore motioned to accept the low bid. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

2. Ordinance allowing the Conway Fire Department members in the local plan to leave accrued balance on deposit with LOPFI.

O-13-64

Mayor Townsell explained this is a change the city can authorize LOPFI to accept; it has no effect on the city and pertains to local members on the DROP plan and is permissive legislation. The Mayor recommended approving this ordinance. 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. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

3. Ordinance appropriating and accepting reimbursement and restitution fund from various entities for the Conway Police Department.

O-13-65

A.J. Gary, Chief of Police, was present to answer questions. 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. 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, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0.

Alderman Jones re-entered the meeting.

4. Ordinance appropriating funds for the purchase of land on Hogan Road for additional parking for the Communication Center.

O-13-66

A.J. Gary, Chief of Police, explained during a discussion with City Engineer, Ronnie Hall, it was determined that that now might be a good time to purchase land for additional parking at our Communications Center while land is still available. Chief Gary stated as you can see

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from the pictures, the rocks on the northeast corner of the hill are washing down and landing next to one of our towers, and covering the drainage area. Chief Gary stated the rocks can be pulled up and the area can be filled with existing materials, and the parking lot expanded sometime in the near future. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Mayor Townsell stated this will be a fund balance appropriation in the amount of \$58,000.00 which consists of 1.7 acres. 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.

D. Finance

1. Consideration to approve monthly financials ending May 31st, 2013.

Tyler Wunningham, CFO, stated the sales tax is higher than expected for this time of year; revenues and expenditures for the general fund are below where they need to be. Mr. Wunningham stated we will receive a substantial check from the county soon which will be helpful. Alderman Hawkins asked where we stand with our sales tax revenues over this time last year. Mr. Wunningham stated essentially flat. Mayor Townsell stated we have been flat for some time, and slightly down, but nothing budget breaking. The Mayor reminded council that sales tax for 2013 was budgeted flat; during any typical year we would be tightening the belt at this point, but because we budgeted very conservatively this past December we are okay. The Mayor went onto say we have been flat for approximately a calendar year, we had a weak ending to 2012 versus a strong ending to 2011, so as we move forward to the end of 2013, we have a better chance of performing well against a weaker last half of 2012. The Mayor stated hopefully things will turn around, but for now sales tax is flat and we are working straight off our budget numbers. Mr. Wunningham stated the street fund is also expecting Ad Valorem taxes that are larger than normal which will help the bottom line; the revenues and expenditures are below budgeted levels. Mr. Wunningham went onto say the sanitation fund is also doing well. Alderwoman Smith motioned to approve the May 2013 financial reports. Alderman Jones seconded the motion. There was no discussion. The motion passed 8-0.

E. Old Business

F. New Business

Adjournment

PASSED this 25th day of June 2013

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett