
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
July 23, 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 9th, 2013 City Council Meeting

Alderwoman Whitmore motioned to approve the July 9, 2013 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Recognition: Employee Service Awards

5 Years

Jack Bell – Administration

Luke Birdsong – Fire Dept.

Steve Lachowsky – Street Dept.

10 Years

Ryan Britton – Police Dept.

Gary Woodley – Sanitation Dept.

15 Years

Steven Ashcraft – Fire Dept.

Billie Carter – Fire Dept.

Scott Erwin – Fire Dept.

Jason Fulfer – Fire Dept.

Chad Upton – Fire Dept.

20 Years

Ray Davie – Street Dept.

Alderman Pruitt joined the meeting.

1. Report of Standing Committees:

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

- 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.**

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Alderman Hawkins stated the property address is 1270 Pyramid Drive; the cost of cleanup was \$179.71 (\$136.10 + Penalty \$13.61 + 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-13-27

Alderman Hawkins stated the property address is 29 Brierwood Circle; the cost of cleanup was \$188.96 (\$144.51 + Penalty \$14.45 + 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.

R-13-28

Alderman Hawkins stated the property address is 2821 West Port Circle; the cost of cleanup was \$190.77 (\$146.16 + Penalty \$14.61 + 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.

R-13-29

Alderman Hawkins stated the property address 415 South Ash Street; the cost of cleanup was \$195.82 (\$150.75 + Penalty \$15.07 + 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-13-30

Alderman Hawkins stated the property address is 2522 Robinson Ave; the cost of cleanup was \$204.31 (\$158.47 + Penalty \$15.84 + 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. Consideration of a counteroffer for Tract 47 for right of way acquisitions for the Conway Western Arterial Loop Project (Baker Wills Parkway).

Ronnie Hall, City Engineer, stated the Mr. Buendtner (Tract 47) has requested an additional \$100.00 compensation (total \$1,100.00) and driveway access to the new roadway and recommended accepting this counter offer. Alderman Hawkins motioned to approve the counter offer. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

3. Consideration to reject & rebid the utility construction project for the new Conway Municipal Airport.

Ronnie Hall, City Engineer, stated we feel we can modify the plans to reduce the cost of the sewer construction substantially, with plan modifications, in order to fit our 2013 budget. Mr. Hall stated Garver, LLC has made this recommendation. Alderwoman Smith motioned

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to reject and rebid the utility construction project. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

4. **Ordinance granting a franchise to Sigma Investment to utilize specific alley right of the on the south side of Oak Street just west of 1011 West Oak Street.**

O-13-75

Alderman Hawkins stated this request will allow Sigma Investment to construct an entrance for to become ADA compliant. 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. 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. **Consideration of a request from Vafa Ferdowsian for a conditional use permit to allow restricted retail in an O-3 district for property that is located at 705 Donaghey Avenue (former prosthetic office).**

Vafa Ferdowsian, applicant, stated the request is only for 705 Donaghey which he leases to Jennifer McMillen, owner of Unhinged Attitudz, whose business is basically wholesale. Mr. Ferdowsian explained there could be up to 20 cars daily, the hours are 10am to 6pm Monday - Friday and 10am to 4pm on Saturdays. Mr. Ferdowsian referenced the Donaghey Corridor Study to support his request. Jamie Gates, Conway Chamber of Commerce, stated the chamber supports this request. Ms. McMillen stated the hours could vary during Christmas and the sometimes the birthday parties run until approximately 8-9pm; we will never be open past 7pm for retail purposes. Bryan Patrick, Planning Director, stated the corridor study was done due to the fact that we knew Donaghey was changing and a majority of it has become rental property, with this being said we can allow it stay rental property or allow conditional use requests on a case by case basis, especially on the west side as the study suggests; homes of historic nature should obviously be preserved. Mr. Patrick stated this request is limited retail and from a planning perspective we do not have an issue with it; long range if more businesses move into these existing homes we may want to take another look at the area. Mr. Patrick agrees that the permit should be limited to the applicant and read over the conditions which are listed below:

- No additional parking areas shall be constructed off-street.
- A perpetual shared parking agreement between lots 15 and 16 must be filed at the County Clerk's office and a copy stored by the Conway Planning and Development Department.
- Any exterior renovations, additions, or new construction on either parcel must be approved by the Conway Historic District Commission.
- Landscaped screening measuring 40" minimum (large, dense shrubs) must be installed along the northernmost property line to shield adjacent residence from retail parking area.
- All sight lighting must be fully shielded, downward facing, and create no light trespass onto adjacent properties or street rights-of-way.

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- Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m. due to adjacent residential uses.
- No exterior sound systems are permitted.
- This conditional use permit is limited to Vafa Ferdowsian for Jennifer McMillan only.

Alderman Grimes stated we should be cautious in regards to this corridor on a case by case basis but agrees this is a good fit. Alderwoman Smith motioned to approve this conditional use permit. Alderman Grimes seconded the motion. There was no further discussion. The motion passed 8-0.

6. Consideration of a request from Conway Corporation for a conditional use permit to allow an electric substation in an A-1 zoning district for property that is located at 1725 Middle Road.

Alderman Hawkins motioned to approve the conditional use permit with the conditions listed below. Alderwoman Whitmore seconded the motion. Bill Bethea, Conway Corp, stated they have spoken with Faith Church in regards to screening and requested condition #2 be amended to read "Conway Corp agrees to install an 8 ft fence with wood side facing the church to be placed on the property line between the church and the substation." Alderman Hawkins and Alderwoman Whitmore agreed to the amendment of condition #2. There was no further discussion. The motion passed 8-0. The conditions are listed below:

- All lighting shall be inward, downward, and shrouded.
- Conway Corporation shall install an 8-foot fence with wood side facing Faith Church on the property line between the Church and the new substation.

7. Ordinance to rezone property located east of South Salem at the termination of Josh Drive and Zoysia Lane from A-1 to R-1.

O-13-76

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.

8. Ordinance to rezone property located at 1830 Village Commons Drive from RU-1 to MF-3.

O-13-77

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

9. Ordinance to rezone property located at 2900 and 2920 Prince Street from R-1 to O-2.

O-13-78

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. Ronnie White, 2920 Prince St., stated as council is aware the city acquired the property at 2900 Prince and took up over 3,000 sq ft of the front yard which most likely took away the opportunity for residential along with all 4 lots in this tract. Mr. White stated he and others would like for the council to consider rezoning the property due to the expansion of Prince Street. Shelby Huff, 5 East Post Oak Dr, read from the abstract of the River Drive Subdivision "the land use the building type states there will be no lot or site to be used except for residential purposes and no building shall be erected, altered, or permitted to remain on any lot or site other than one detached single family dwelling not to exceed two and one-half stories in height and shall be for residential use". Ms. Huff stated the covenants are to run with the land and will be binding on all parties/persons for a period of 25 years beginning in 1966 at which time they were recorded. Ms. Huff went onto say the covenants shall be automatically extended for succession periods of 10 years unless an instrument signed by a majority of the owners of the lots has been recorded, agreeing to change the covenants in whole or in part. Ms. Huff stated we understand Mr. White's concerns for his property but she feels it should remain R-1 but she would be agreeable to a quiet office zoning with conditional use. Mike Cummings, 6 E Post Oak Dr, stated he has gathered 75 signatures from area residents whom do not wish to see this property rezoned to O-2, citing reasons such as intrusive lighting, trash from parking areas, and increased traffic in the neighborhood. Mr. Cummings concurred with Ms. Huff that a quiet office setting with conditional use would be preferable so conditions could be placed which could include fencing, landscaping, and shrouded lighting, as well as eliminating the drainage problem. Mr. Cummings stated 75% of our neighborhood does not want commercial property and we are concerned our property values will be impacted. Jerry (last name inaudible) 1 W Post Oak, stated he has no issues with an O-2 zoning but would like to see conditional use restrictions put in place. Alderman Grimes asked the status of the conditional use permit that went along with this proposed rezoning. Mayor Townsell stated the proposed O-2 zoning was approve at the planning commission level, the conditional use permit for the Family Dollar Store was denied, that item was no appealed. Adrian Huff, 5 Post Oak Dr, spoke against the proposed rezoning, but would be agreeable with a quiet office zoning. The Mayor and Bryan Patrick, Planning Director, spoke to the standards in place for quiet office. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Ledbetter, , Alderman Grimes, and Alderwoman Mehl. The motion passed 4-5 with the Mayor voting to approve. Alderman Hawkins, Alderman Pruitt, Alderman Jones, and Alderwoman Whitmore voted in opposition.

10. Consideration of a request from Kum & Go for a conditional use permit to allow gas pumps for a convenience store for property that is located at the northeast corner of Hogan at Tyler.

Frank Shaw, Attorney representing Kum & Go, explained Kum & Go is very aware of the complaints made at the Planning Commission last week, which includes the concerns of the proposed location being next to a day care facility. Mr. Shaw wishes to distinguish the

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difference between this property and that at Salem and Meadowlake. Mr. Shaw stated the comprehensive plan, which was adopted in 2004, calls for a C-2 parcel at this location; of the 4 corners of this location three are O-2, and one is C-2. Mr. Shaw went onto say the property at Salem and Meadowlake was zoned agricultural, not C-2; the property surrounding Salem and Meadowlake is R-1, office, and multi-family. Mr. Shaw stated the second difference of Salem and Meadowlake was it adjoined the daycare; at Hogan and Tyler a divided street, Westlake Dr, separates the daycare from this property. Mr. Shaw stated Hogan is a western bypass and an arterial street; convenience stores will be needed. Corey Boyd, Kum & Go, Matt Whitney, Conway Store Mgr, Mark Sabers, Sage Partners; Real Estate Specialist, Chris Haggard, Seneca Companies; Petroleum Engineer, and Aaron Rushing, CEI Engineer, were all present to answer questions. Mr. Whitney stated free drinks are offered to all first responders which brings their presence to the store on a daily basis which makes the environment safer to our customers; overall, our store policies do not tolerate loitering of any kind and this has been the policy since 1959. Mr. Boyd followed by stated this store, and any future stores will not have car washes and reiterated that we are a professional business and we require our employees to wear professional attire. Mr. Boyd stated this store could provide up to 20 more jobs for the community; we offer our associates college tuition, medical for full and part time associates, and our company gives back 10% of their profits annually to the community. Mr. Shaw stated the 3 ingress and egresses are to the west on Hogan, a partial right in/right out n Tyler, and the east entrance is just across from Ms. Carrie's daycare entrance but we will agree to close the east entrance if we can get full in and out access from Tyler. Mr. Shaw stated we will agree to fence the property north to south as far as the city will allow, which will eliminate foot traffic etc. from the proposed development, we will also fence Ms. Carrie's Daycare property from Westlake Apartments down to the driveway of the daycare with fencing similar to Westlake Apartments fencing, which is brick with metal, and brick posts which should help keep individuals off their property. Mark Sabers, Sage Partners, explained concern has been voiced as to what this development will do to property values; the current property value of this parcel of land is \$1.88 per sq ft, after improvements it will be worth \$3 million or \$37.60 per land foot which is 20 times the current value of the land today. Mr. Sabers stated Ms. Carrie's Daycare is valued at \$10.00 per sq ft which includes all the improvements and Dr. Garry Stewart's property is valued at \$15.99 per sq ft explaining this is a large increase in property taxes for Conway and this would increase the property values in the area including the residential areas. Mr. Haggard stated he understands the concerns of the area residents and went onto say that back in Tulsa his children attend school across the street from a service station that his company services and stated he would never put his children at risk and he knows his children are safe. Mr. Haggard stated the United States Environmental Protection Agency (EPA) has changed the game for petroleum equipment companies and gas stations over the last 5-7 years; as of January 10, 2008 the EPA established guidelines for hazardous air pollutants and the systems they install adhere to these regulations; the trucks are equipped with a 2 stage system that recovers fumes, one where they drop fuel and one where the vapors are recovered while dumping the fuel. Mr. Haggard stated with this system in place we are recovering 95% of the vapors. Mr. Haggard read an excerpt from the American Cancer Society in regards to Benzene and stated they recommend limiting gasoline fumes by pumping gas carefully and by choosing gas stations with vapor recovery systems; these stores capture more fumes than any store you will visit. Mr. Rushing stated the distance from the canopies is 335 feet to the playground area, and 320 feet from the fuel tanks to the playground area, this is further than a football field. Alderwoman Whitmore asked for the hours of operation to be addressed. Mr. Shaw stated Kum & Go business model is a 24/7,

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365 days per year project; we have found that store security is much better while open than closed. Mr. Whitney stated by closing the store the area would be well lit and would invite undesirable intent as we can serve as a watchman for our neighbors not only with store employees but with security cameras. Dr. Garry Stewart, 3725 Monarch Cove, explained that he worked in the oil business while putting himself through school and unfortunately was injured in an oil tanker explosion, explaining the common denominator of an industrial catastrophe is these are accidents. Dr. Stewart went on to say he is an emergency room physician explaining it only takes a small amount of gasoline to be lethal to a child. Dr. Stewart stated the distance of the curb cuts are to be 100 ft from the neighborhood property, but one curb cut abuts against the Meadowlake property, which is clearly not 100 ft. Dr. Stewart also expressed concerns over the safety of children in the area, lighting, lack of green space, and the lack of the overlay district standards being met. Bryan Patrick, Planning Director, stated the overlay district no longer exists, while development review controls are currently in place city wide; the overlay district applied to Hogan, Dave Ward Dr, and Prince St; these 3 corridors were the first ones to fall under developmental review controls. Mr. Patrick stated he and City Engineer, Ronnie Hall, both have issues with the curb cuts on the proposed development but stated they are meeting most of the standards on green space. Mr. Patrick stated the curb cut on the north side is satisfactory as well as the one off of Westlake, but the Tyler curb cut is not needed. Aaron Beard, 1122 Gum St, stated his daughter is in school at Ms. Carrie's Daycare and stated there is a shortage of quality pre-schools in Conway. Mr. Beard went on to say that after researching other cities around the country they actually have zoning amendments that prohibit any type of gas station within 1,000 ft of a school. Mr. Beard stated he also has concerns regarding increased traffic flow, safety, well fair, and compatibility which should all be considered by council when voting on this issue. Mr. Beard feels there are many other locations the development could be built and recommended the city look at drafting a permanent solution to keep gas stations from being built within a certain proximity to schools. Gene Prescott, 4100 Raleigh, stated he has owned car washes in other cities and would call law enforcement on loiterers who made them leave the premises only to have them return a short time later. Mr. Prescott stated he had to persuade the Chief of Police to have the loiterers arrested; things did not change until arrests were made. Mr. Prescott asked if local law enforcement will actually arrest loiterers or not. A.J. Gary, Chief of Police, stated we have arrested loiterers in the past. Chuck Tucker, 455 West Plains Dr, spoke in opposition to the proposed development due to safety concerns for the children who catch the bus at Ms. Carrie's Daycare among other things; he is not opposed to commercial businesses in the area, but a business that is open 24/7 is not what the neighborhood wants. Jim McNeal, 1565 Edgestone Circle, spoke in opposition of the proposed development concurring with others that have spoken tonight. Mr. McNeal went on to ask council to consider the scenario of the county becoming a "wet" county as this would change the dynamics for this proposed business. Carrie Hillis, Ms. Carrie's Daycare, spoke in opposition of the proposed development stating accidents do happen and believes, from what she had read that Benzene is a harmful substance. Ms. Hillis stated this has been denied, in another area, next to a child care facility and Jim Stone Elementary school and wondered why we allow these developers to continue to come back again and again. Ms. Hillis stated there is a lot of traffic in the area; the cut through comes directly out of her driveway and this will cause tremendous problems and believes she will lose business if this development is allowed to be built. Leslie Cottingham, 3745 McConnell Dr, stated she has 2 children that attend Ms. Carrie's Daycare and explained she is not opposed to commercial use for the parcel, but she is opposed to the gas pumps and the hours of operation and feels the area is not appropriate for this type of establishment. Bart

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Trakia, 4200 Pergola Place, spoke in opposition to the proposed development. Ms. Hillis gave council a petition of 150 signatures of individuals who oppose this development. Bryan Patrick, Planning Director, read the staff recommended conditions for this proposed request. Mr. Shaw stated the conditions we offer are to build a fence on Ms. Hillis' property and to remove the eastern entrance from Westlake. Alderman Jones motioned to deny the conditional use request. Alderwoman Whitmore second the motion. The motion to deny passed 7-1. Alderman Hawkins voted in favor.

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

1. Ordinance appropriating funds from auction proceeds for the Conway Parks Department.

O-13-79

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. The items sold via Public Processing LLC in the amount of \$2,403.70 were a wrecked 25 ft Gooseneck Trailer and a scraped 1989 Chevy S10 pickup. 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.

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

1. Ordinance appropriating funding for expenses related to District Court automation.

O-13-80

Judge David Reynolds was present to answer questions. Mayor Townsell stated there is a variety of equipment needed. 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. Alderman Jones 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 items to be purchased are as follows which total \$45,000:

- Telephone System and Equipment
- Video Arraignment Technology Equipment
- Computer Software Licensing and Equipment
- New Surveillance Equipment
- New Scanning Equipment and related supplies

2. Ordinance appropriating funds for the purchase of accountable equipment for District Court.

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O-13-81

Mayor Townsell stated this \$5,931.77 will purchase office furniture for the new Judges position that was added this year. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl 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 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. Consideration to approve bids for turnout gear for the Conway Fire Department.

Interim Fire Chief Brian Moix was present to answer questions. Mayor Townsell stated Sunbelt Fire, Inc is our current supplier and this price will be valid for a three year period not to exceed 5% per year with options for a fourth or fifth if council wishes to pursue. Alderwoman Smith motioned to approve the bid from Sunbelt Fire, Inc. in the amount of \$2,023.00 per set. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

4. Ordinance accepting and appropriating donated funds from Centerpoint Energy for the Conway Fire Department.

O-13-82

Interim Fire Chief Brian Moix was present to answer questions. The donated amount is \$700.00 to go toward a cyanide gas detector. 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.

5. Ordinance waiving competitive bids for the purchase of an aerial apparatus and pumper for the Conway Fire Department.

O-13-83

Interim Fire Chief Brian Moix explained the main reason is to keep continuity and also because there is a service center located in Conway. Chief Moix asked council to waive competitive bidding and select G&W Diesel as a sole source vendor; the aerial apparatus and pumper will cost \$1,473,167.00, after a prepay discount and a trade in allowance. 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 further 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.

D. Finance

1. Consideration to approve the monthly financials reporting ending June 30, 2013.

Alderman Grimes stated after being briefed on the financial reports by CFO Tyler Winningham earlier this evening the general fund sales tax is on target as we have collected 50% to date; stating May 2013 sales tax were up 9% over same time last year. Alderman Grimes stated the IT Dept expenditures reflect payment on their bucket truck and the servers that were previously approved. Alderman Grimes stated the Ad Valorem taxes for general and street funds came in earlier than usual and revenue was higher than expected. Alderman Grimes stated the street fund overall is in good shape. Alderwoman Whitmore motioned to approve the June 2013 financial reports. Alderman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Alderman Grimes motioned to suspend the rules to add discuss RFP's for 2012 Audit. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Grimes explained we received approximately 6 qualifications; council will rank the firms in order of how the city wishes to negotiate with them on securing a price; if the city cannot negotiate a price with the first firm, we move forward with the second firm. Alderman Grimes stated the Audit Committee recommends allowing administration to negotiate first with BKD then if needed with Frost. Alderwoman Smith motioned to allow administration to negotiate a price for 2012 audit with BKD first, then Frost if needed. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

E. Old Business

F. New Business

Adjournment

PASSED this 23rd day of July 2013

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett