

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



City Council Members

- Ward 1 Position 1 – Andy Hawkins
- Ward 1 Position 2 – David Grimes
- Ward 2 Position 1 – Wesley Pruitt
- Ward 2 Position 2 – Shelley Mehl
- Ward 3 Position 1 – Mark Ledbetter
- Ward 3 Position 2 – Mary Smith
- Ward 4 Position 1 – Theodore Jones Jr.
- Ward 4 Position 2 – Shelia Whitmore

City of Conway - City Council Meeting

www.cityofconway.org

Tuesday, May 28th, 2013 @ 6:30pm

Judge Russell L. "Jack" Roberts District Court Building – 810 Parkway St., Conway, AR 72032

5:30pm - Committee Meeting:

Discussion of Sanitation Fee Increase Proposal

Call to Order: Mayor Tab Townsell
Roll Call: Michael O. Garrett, City Clerk/Treasurer
Minutes: May 14th, 2013 City Council Meeting
Recognition: Employee Service Awards

1. Report of Standing Committees:

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

1. Consideration to acquire the Conway Scrap Metal Yard located at 1110 Spencer Street.
2. Consideration for approval for various parcels for right of acquisitions and approval of an additional screening fence (Tract 52) & payment for moving cost (Tract 73) for the Conway Western Loop Project/South Interchange (Wills Baker Parkway).
3. Consideration for approval for right of way acquisition parcels for Prince Street Improvement (Western Avenue to Shady Lane).
4. Ordinance to rezone property located at 5105 Tyler Street from A-1 to R-1.
5. Ordinance to rezone property located at 192 Commerce Road from I-1 to I-3.
6. Ordinance to rezone property located at 1370 Sturgis Road from A-1 to I-3.
7. Ordinance to rezone property located at 2725 College Avenue from R-2 to RU-1.
8. Consideration of a conditional use permit request from Kids Play Properties to allow general retail, indoor commercial recreational facility and veterinarian clinic for property located at 2725 College Avenue.

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

1. Ordinance establishing responsibility for tarping and securing materials/debris during transportation within the Conway Sanitation Department.
2. Ordinance authorizing city officials and city employees to be employed by or otherwise serve in a dual capacity with the Faulkner County Solid Waste Management District.

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

1. Ordinance appropriating funds received from the Municipal Property Program for the Conway Fire Department.

D. Finance

1. Resolution requiring an audit of the accounting records for the fiscal year 2012 for the City.
2. Consideration to approve the monthly financial ending April 30th, 2013.

Old Business

New Business

Adjournment

Memo:

To: Mayor and City Council Members
From: Scott Grummer, CDBG Program Manager
Date: 5/22/2013
Re: Conway Scrap Metal Acquisition

Mr. Mayor and City Council Members,

The City of Conway has been in communication with the owners of the Conway Scrap Metal Yard located at 1110 Spencer St. over the last few years in an effort to determine potential for acquisition of the site for remediation, storm water retention to assist in mitigating flooding issues downtown and possible conversion to a community amphitheater/park. In coordination with the owners last year, environmental Phase I and Phase II studies were conducted on the site to determine the extent of environmental contamination, conclusions and recommendations of which are attached to this memo for your review.

In addition, two appraisals were performed last year in October and November to determine land value based on non-contaminated, best use and shovel ready for new development, for the purpose of determining initial values for negotiation purposes. Also, the City of Conway has entered into the Arkansas Department of Environmental Quality (ADEQ) Voluntary Cleanup Program (VCP) which allows the City to pursue negotiation for acquisition, while retaining liability protection for contamination on the site (note: the city is not obligated to stay in the VCP program, and may withdraw at any time, at no cost to the city). Upon entering the VCP program, ADEQ began its evaluation of the current Phase I & II studies conducted by EPA, and have initiated further assessments on site (with the owners approval) to assist the city in developing a Property Development Plan (PDP) which would provide multiple remediation strategies as well as estimated cost estimates for remediation

Although the estimated remediation costs are needed before project feasibility can be determined, we would like the authorization to provide the owners with a Notice of Intent to Purchase and begin negotiations based on current information obtained, with any offer being contingent on final cost estimates from ADEQ, allowing the city the ability to withdraw from negotiations if cost estimates for remediation exceed the resources available to do the work. The following is proposed for negotiation.

Total Just Compensation: \$275,000, contingent on environmental remediation costs not exceeding \$50,000 based on ADEQ's estimates due in July of 2013 and approved by city council upon receipt.

- 1) Purchase Price: \$263,000 (Average of two appraisals). Appraisals are for land value only, best use, cleared, non-contaminated and shovel ready for new development, and does not include improvements.
 - a. Appraisal #1: \$251,216
 - b. Appraisal #2: \$275,000

2) Relocation Expense: \$12,000 if relocation is chosen as an option by the current owners.

- a. A fixed payment, in lieu of payment of actual, reasonable and necessary moving costs and reestablishment expenses- \$12,000

Sources of funding for the acquisition are to be provided by the Mayor, and supplemental funding for remediation are to be applied for through EPA Brownfield remediation grants of up to \$200,000 as well as potential assistance from the CDBG program, which will be determined upon final completion of all required assessments, plans and public notification processes.



5. CONCLUSIONS AND RECOMMENDATIONS

5.1. Conclusions & Recommendations

The ADEQ recognizes the US EPA Region 6 RSLs as its established regulatory guidance to evaluate soil and groundwater for COCs.

To assess affected conditions at the Site, MEC^x compared the detected concentrations of constituents in soil and groundwater to the US EPA Region 6 RSL Summary Table dated April 2012, accessed online at http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/Generic_Tables/pdf/master_sl_table_run_MAY2012.pdf. DRO was compared to the ADEQ TPH screening levels.

Findings of this TBA are presented below.

- **Groundwater** - The water sampled at the Site came from a very shallow water-bearing unit located approximately 6-18 inches below ground surface (bgs). Water samples were collected from an open borehole without the benefit of well screen and sand pack to reduce the suspended fines. The resulting water samples were very turbid and therefore sample results may be biased high. Because assessment of groundwater quality was not part of this investigation, the analytical results were not compared with possibly less stringent action levels allowed for Class IIIB-type water sources. Further examination would be necessary to categorize the groundwater on-site based on quality, the limited recharge and suspected natural isolation from drinking water sources.
- **Metals** - Soil samples from the Site indicate that eight (8) metals including antimony, arsenic, chromium, cobalt, copper, iron, lead, and nickel were detected throughout the Site at concentrations exceeding the RSLs.

While drilling the soil borings, staff identified significant flow of the discontinuous shallow water within the low lying areas of the Site when the TMWs were established for CSM-SB-2 and CSM-SB-5. A field determination was made to add unfiltered metals to the analytical suite for these two (2) TMWs that produced groundwater due to the potential for the groundwater from the low lying areas of the Site to flow off-site as run-off water either along or via the concrete box culvert on the northeast and down-gradient side of the Site. Filtered groundwater samples yielded only one TMW with one contaminant that exceeded the MCL and that was for manganese. Unfiltered groundwater samples from two (2) temporary monitoring wells (TMWs) demonstrated levels that exceeded Maximum Concentration Levels (MCLs) for twelve (12) metals including aluminum, antimony, arsenic, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, and zinc. The filtered ground samples exceeded MCLs for (1) metal, manganese. A complete list of metals detected in soil and groundwater is presented in Appendix B, Tables 6 & 8 respectively.

- **DRO** - DRO was detected in two (2) soil samples at concentrations exceeding the ADEQ TPH screening level for soil. DRO detections in soil and groundwater are presented in Appendix B, Tables 6 & 8 respectively.
- **Volatile Organic Compounds (VOCs)** - VOCs were not detected in any soil samples at concentrations exceeding the US EPA Region 6 RSLs. Groundwater sampled from CSM-TMW-05 detected vinyl chloride at a concentration that exceeds the US EPA Region 6 MCL for water. A complete list of VOC



contaminants detected in soil and groundwater is presented in Appendix B, Tables 6 & 8 respectively.

- **Semivolatile Organic Compounds (SVOCs)** - SVOCs were detected in samples at concentrations exceeding the US EPA Region 6 RSLs and MCLs. Soil samples had detections exceeding the RSLs for eight (8) SVOCs including bis(2-chloroethyl)ether, anthracene, indeno[1,2,3-cd]pyrene, bis(2-ethylhexyl)phthalate, hexachlorobenzene, n-nitrosodi-n-propylamine, benzo[b]fluoranthene, benzo[a]anthracene, benzo[a]pyrene, and dibenz(a,h)anthracene. Groundwater samples from one temporary monitoring well, CSM-TMW-05, contained bis(2-ethylhexyl) phthalate at a concentration exceeding the MCL. A complete list of SVOC contaminants detected in soil and groundwater is presented in Appendix B, Tables 6 & 8 respectively.
- **Polychlorinated biphenyls (PCBs)** - PCB 1242 and PCB-1254 were detected in two (2) TMWs (CSM-TMW-02 and CSM-TMW-05) at concentrations that exceed the water RSLs.

Geophysical Survey - A review of the geophysical data revealed an anomaly that appeared to be a possible UST.

Recommendations

Based on the results of the Limited Phase II Subsurface Investigation, it appears that soil and groundwater beneath the Site have been adversely affected by operations at the Site. Additional investigation activities would be required to determine the horizontal and vertical extent of chemical constituents in environmental media beneath the Site. Based upon the observations of groundwater infiltration it is suspected that groundwater sampled during this assessment is from a shallow discontinuous water source recharged from poorly draining surface waters discharged into loose fill materials with natural isolation from any usable groundwater bearing units. Unfiltered samples collected from this turbid water may be biased high.

Based on our understanding of the Site investigation objectives, MEC^x recommends the actions below be taken to mitigate any potential environmental concerns with the Site.

- MEC^x recommends that the Site be enrolled into the applicable ADEQ Cleanup Program. Depending on the status of the Site and the property owner, one of the cleanup programs below may be applicable.
 - **Elective Site Clean-Up Program (ESCP)** - For the current owner, the ADEQ administers an ESCP which allows responsible parties to enter into an agreement with ADEQ which will govern the clean-up of sites. The ESCP does not offer a release of liability but does offer participants a means to address historic contamination on their site without penalty and with known objectives. ADEQ is working to promote the ESCP to maximize clean-ups of sites within the state.
 - **Voluntary Clean-Up Program (VCP)**- For the City of Conway, the ADEQ maintains and administers a VCP under the provisions of the Arkansas Hazardous Waste Management Act (A.C.A. §§ 8-7-201 et seq.), the Arkansas Remedial Action Trust Fund Act (A.C.A. §§ 8-7-501 et seq.), and the Arkansas Voluntary Clean-Up Act (A.C.A. §§ 8-7-1101 et seq.). Under the authority of the Voluntary Clean-Up Act, and using the provisions of the other two acts, the ADEQ has established a Brownfields program to address abandoned properties which may have either real or perceived hazardous substance contamination. The Brownfields Program benefits all Arkansans by encouraging the clean-up and re-use of these abandoned or underutilized properties while continuing to protect



human health and the environment. The program is intended to accelerate the pace of clean ups, return unproductive, potentially contaminated properties back to beneficial use, to define the financial liabilities associated with a clean up early in the process and to ensure environmentally sound redevelopment in the future.

Perspective purchasers who did not cause or contribute, through their acts or omissions, to the contamination at and who wish to purchase one of these abandoned or underutilized properties may enter into an agreement with the Department for the clean-up (if required) and redevelopment of the property. Based on the terms of the agreement, the purchaser of the property will be able to define his or her financial obligations early in the process and, after approval from the Department, the purchaser will not be held responsible for fines or penalties related to past contamination identified in a comprehensive site assessment to be completed by the participant. Lending institutions also will be able to quantify financial risks associated with foreclosing on a contaminated property and will not be considered responsible parties after foreclosure if they did not participate in the prior management of a facility on the property.

- o MECX recommends a subsurface investigation to determine if an abandoned UST is physically present on the western portion of the Site as determined by the geophysical inspection. If the UST is determined to be physically present, it should be removed in accordance with ADEQ regulations.

- o The federal Clean Water Act requires each state to develop Water Quality Standards (WQS) to protect lakes, reservoirs, rivers, streams, creeks, and ditches. The Arkansas Pollution Control and Ecology Commission adopts WQS for Arkansas. ADEQ uses these WQS to ensure that designated uses of state waterways are being protected. ADEQ Regulation, Regulation 2.409 - Toxic Substances states that discharges shall not be allowed into any water body which, after consideration of the zone of initial dilution, the mixing zone and critical flow conditions, will cause toxicity to human, animal, plant or aquatic life or interfere with normal propagation, growth, and survival of aquatic biota. Based upon the results of the unfiltered water samples at the near surface of the Site in select locations at the Site, a storm water run-off/discharge investigation should be completed to determine if the Site is in contravention of the ADEQ WQS with respect to water being discharged at the Site.

CITY OF CONWAY
 CONWAY WESTERN LOOP (BAKER WILLS PARKWAY)
 South Interchange - Right of Way Acquisition
 Summary of Appraised Value (By OR Colan & Associates)
 And including additional Owner Request
 May 10, 2013

		Area Acquired (Sq. Ft.)	Market Value	Temp. Constr. Esm,t	Cost to Cure	Damages	Total Original Offer For Right of Way	Owners Option Uneconomical Remnant	ADDITIONAL OWNERS REQUEST TO SIGN		TOTAL REVISED AMOUNT WTH REQUEST	Eligible Relocation Assistance
49X	Patrick Rappold	44,777	\$ 9,700			\$ 9,300	\$ 19,000		\$ 1,900 Add. Comp.	\$ 20,900		
50	Ronald John Lauritzson	84,792	\$ 18,600	\$ 400		\$ 5,100	\$ 24,100		\$ 2,400 Add. Comp \$ 3,027 Privacy Fence	\$ 29,527		
52	Gertrude J. Rappold	5,266	\$ 2,700	\$ 100			\$ 2,800		\$ 270 Add. Comp.	\$ 3,070		
53X & 53 E-1	Tim J. Rappold	35,653	\$ 8,900	\$ 50		\$ 1,800	\$ 10,750		\$ 1,075 Add. Comp. \$ 1,200 Move MH off ROW Add Driveway Access	\$ 13,025		
57	Heriberto Loya	11,307 (Esmt)	\$ 9,900	\$ 725			\$ 10,625		\$ 3,616	\$ 14,241		
58	Thomas Rappold	4,609	\$ 350	\$ 600		\$ 300	\$ 1,250		\$ 235 +10% + Fee for Esm,t	\$ 1,485		
73X	Charles & Frankie Collins	53713	\$ 28,600	\$ 50		\$ 4,100	\$ 32,250	\$ 3,600	\$ 1,646 Eligible Relocation Assist for Closing Cost	\$ 37,496	\$ 27,500	



City of Conway
Street and Engineering Department
100 East Robins Street
Conway, AR 72032

Ronnie Hall, P.E.
City Engineer
ronnie.hall@cityofconway.org
501-450-6165

May 28, 2013

Mayor Tab Townsell
1201 Oak Street
Conway, Arkansas 72032

**RE: Conway Western Arterial Loop (Baker Wills Parkway)
AHTD Job 080174
FAP No. HPP2-0169(4) & HPP2-3742(1)
South Interchange
Right of Way Acquisition**

Dear Mayor Townsell:

The Tract 52 owner, Gertrude Rappold, request the addition of a screening fence along the new street right of way to preserve the privacy of her residence (on Tract 49). The house is located approximately 25 feet from the right of way line. In addition, a request is made to increase the market value by 10% or \$270. With the addition of the fence the compensation for this tract would be as follows:

Market Value (5,266 Sq. Ft.)	\$2,700
Temp Construction Easement	\$100
Additional Comp. Requested	\$270
8' Privacy Fence (318 feet – Legacy Quote)	<u>\$6,595</u>
TOTAL COMPENSATION	\$9,665

Please advise if you are in agreement with this request.

Funds for the property acquisition have been previously identified as the street project sales tax revenue.

Thanks,

Ronnie Hall, P.E.



City of Conway
Street and Engineering Department
100 East Robins Street
Conway, AR 72032

Ronnie Hall, P.E.
City Engineer
ronnie.hall@cityofconway.org
501-450-6165

May 28, 2013

Mayor Tab Townsell
1201 Oak Street
Conway, Arkansas 72032

**RE: Conway Western Arterial Loop (Baker Wills Parkway)
AHTD Job 080174
FAP No. HPP2-0169(4) & HPP2-3742(1)
South Interchange
Right of Way Acquisition**

Dear Mayor Townsell:

The Tract 73 owners, Charles and Frankie Collins, request payment for eligible moving expenses of \$4,327.04 based on the attached quote from Downey Moving & Storage. This is the lower of the required two quotes obtained and is recommended for payment by O.R. Colan & Associates.

Please advise if you are in agreement with this request.

Funds for the property acquisition have been previously identified as the street project sales tax revenue.

Thanks,

Ronnie Hall, P.E.

DOWNEY MOVING & STORAGE INC.

CONWAY, ARKANSAS

534 Bruce Street, Conway, AR 72032
501-329-8582 phone 501-329-6303 fax

Name City of Conway- Jan Wardell
Address 360 A Sturgis road
City, State, Zip Conway, Ar
Phone Jan 214-287-7447 **Phone**
Moving to 2410 orchid
Conway, Ar

Date of Survey 5/10/2013
Requested Move Pack 6/3/13 Ld 06/4/2013 Del 6/5/2013 un pk 6/6/2013

<u>Description</u>	<u>Quantity</u>	<u>Price</u>	<u>Totals</u>	<u>Notes</u>
Transportation*****	9224	\$ 9.69	\$893.81	complete move 1 day to packing, 1 to Loading
Transportation*****	0	\$ 12.93	\$0.00	1 day Delivery, 1 day unpacking 4 day process
Whse Handling	0	\$ 1.75	\$0.00	we will pack deer heads in 15
one month Stg	0	\$ 1.75	\$0.00	2 x bulky Gun safes
FAIW Valuation	0	\$ -	\$505.00	\$55,000.00 Valuation
Gun Safe x2	2	\$ 100.00	\$ 200.00	
extra labor to pack TV	2	\$ 25.00	\$ 50.00	member has boxes
	0	\$ -		
fuel surcharge	\$0.00	6%	\$ -	
fuel surcharge	\$893.81	6%	\$ 53.63	
Total No Pack			<u>\$1,702.43</u>	

PACKING

UNPACK

Dish Carton	13	\$ 33.79	\$ 439.27	Dish	13	\$ 8.45	\$ 109.85
Book Carton (1.5)	40	\$ 8.52	\$ 340.80	Book	40	\$ 2.13	\$ 85.20
3.0 carton (3.1)	40	\$ 12.49	\$ 499.60	3.1	40	\$ 3.12	\$ 124.80
4.5 carton (4.5)	40	\$ 13.15	\$ 526.00	4.5	40	\$ 3.29	\$ 131.60
6.0 carton (6.1)		\$ 15.61	\$ -	6.1	0	\$ 3.90	\$ -
wardrobe 16"		\$ 15.29	\$ -	wardrobe 16"	0	\$ 3.82	\$ -
wardrobe 24"	7	\$ 18.44	\$ 129.08	wardrobe 24"	7	\$ 4.61	\$ 32.27
mirror - small	5	\$ 21.42	\$ 107.10	mirror - small	5	\$ 5.36	\$ 26.80
mirror - lg	2	\$ 28.90	\$ 57.80	mirror - lg	2	\$ 7.22	\$ 14.44
Crib Mattress		\$ 9.58	\$ -	Crib Mattress	0	\$ 2.40	\$ -
Twin (2 outers)		\$ 29.66	\$ -	Twin (2 outers)	0	\$ 7.42	\$ -
Full (2 -4/6)		\$ 21.96	\$ -	Full (2 -4/6)	0	\$ 5.49	\$ -
Full (2 - in/out)		\$ 47.57	\$ -	Full (2 - in/out)	0	\$ 11.89	\$ -
Queen (2 - in/out)		\$ 47.57	\$ -	Queen (2 - in/out)	0	\$ 11.89	\$ -
King (1 - in & 3 outer)		\$ 52.09	\$ -	King (1 in & 3 outer)	0	\$ 13.02	\$ -
Flat Screen 46" less		\$ 29.69	\$ -	Flat Screen small	0	\$ 7.42	\$ -
Flat Screen 47" +		\$ 34.93	\$ -	Flat Screen lg	0	\$ 8.73	\$ -
Total to Pack			\$ 2,099.65	Total to Unpack			\$ 524.96

Total with Pack/Unpack

\$4,327.04 Not to Exceed

ESTIMATE/ORDER FOR SERVICE BINDING PRICE PROPOSAL

Order:

Shipper Charles & Frankie Collins 368 Sturgis Rd. MAYFLOWER, AR 72106 jwardell@orcolan.com (h) 501-470-1395	Consignee Charles & Frankie Collins 2410 Orchid CONWAY, AR 72034 (h) 501-470-1395	Orig Agent Brandon Moving & Storage, Inc. 10505 Maumelle Blvd. North Little Rock, AR 72113 501-228-5757 (FAX) (501) 228-0200
Book Agent Brandon Moving & Storage, Inc. 10505 Maumelle Blvd. North Little Rock, AR 72113 501-228-5757 (FAX) (501) 228-0200		
Packing 6/3/2013	Delivery 6/3/2013	Estimate 5/16/2013
Loading 6/3/2013	Unpacking	Storage

In the event Bekins cannot pick up or deliver the shipment in the spreads set forth above, Bekins shall reimburse the Shipper for reasonable expenses including 100% of lodging and 50% of meals resulting from the delay up to \$150 per day upon presentation of paid receipts, provided further that the shipment's actual weight is in excess of 3,500 pounds. See Bekins tariff at <http://www.bekins.com> for full terms.

This BINDING PRICE PROPOSAL is based on articles and services listed. In the event unknown additional services are required to effect delivery, these costs will not be added to the amount stated below. Such services and applicable charges will be based upon the tariff rates in effect on the date of this estimate. This estimate is valid for 60 days from date of signature.

Based on Tariff BVL-100 (Non-Peak), Effective 6/3/2013

05/15/13 FM 4.0.458

TRANSPORTATION (12,000 lb, 10 miles)

CUSTOMER'S DECLARATION of VALUE (60 cents per pound per article) -----\$ 2259.74

CARTONS, PACKING & UNPACKING -----\$ 0.00

MISCELLANEOUS SERVICES -----\$ 2240.26

-----\$ -0.01

TOTAL BINDING PRICE PROPOSAL\$ 4,500.00

PROTECTION OPTIONS	Maximum Level of Protection	Total Move Price
\$ 0 Deductible	\$	\$ 4,500.00
Basic Coverage (60 cents per pound per article)	\$ 7,200	\$ 4,500.00

WARNING: If a moving company loses or damages your goods, there are 2 different standards for the company's liability based on the types of rates you pay. BY FEDERAL LAW, THIS FORM MUST CONTAIN A FILLED-IN ESTIMATE OF THE COST OF A MOVE FOR WHICH THE MOVING COMPANY IS LIABLE FOR THE FULL (REPLACEMENT) VALUE OF YOUR GOODS in the event of loss of, or damage to, the goods. This form may also contain an estimate of the cost of a move in which the moving company is liable for FAR LESS than the replacement value of your goods, typically at a lower cost to you. You will select the liability level later, on the bill of lading (contract) for your move. Before selecting a liability level, please read "Your Rights and Responsibilities When You Move," provided by the moving company, and seek further information at the government website www.protectyourmove.gov.

Remarks

METHOD OF PAYMENT: COD ___ PPD ___ NAT'L ACCT ___ CREDIT CARD _____

All COD charges are to be paid in cash, certified check, traveler's check or bank check (per tariff).

I have received a copy of 1) Estimate and the Additional Services Price List, 2) Your Rights and Responsibilities When You Move Brochure 3) Inventory of Items Valued in Excess of \$100 Per Pound Per Article (High Value Inventory) form, 4) Here's what you need to know about placing a value on your shipment before you move brochure.

Customer X _____ Date _____ Agent X _____ Date _____

I acknowledge receipt of a copy of this Order for Service. I request the above named carrier to furnish the services described in this order, subject to the terms and conditions of the carriers household goods bill of lading issued at the time carrier takes possession of this shipment

Customer X _____ Date _____

Consideration for approval for right of way acquisition parcels for Prince Street Improvements

Mr. Ronnie Hall will provide the document prior to the meeting.

Thank you,

Felicia Rogers



City of Conway, Arkansas
Ordinance No. O-13- _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 5015 TYLER STREET FROM A-1 TO R-1:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1: The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **A-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Lot 38, Block 1, Golden Meadow Subdivision

to those of **R-1**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

Section 2: All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 28th day of May, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

May 21, 2013

Council Members
Conway, AR 72032

Dear Council Members:

Esmeralda Castro request for a rezoning from A-1 to R-1 for property that is located at 5015 Tyler Street with the legal description

Lot 38, Block 1, Golden Meadow Subdivision

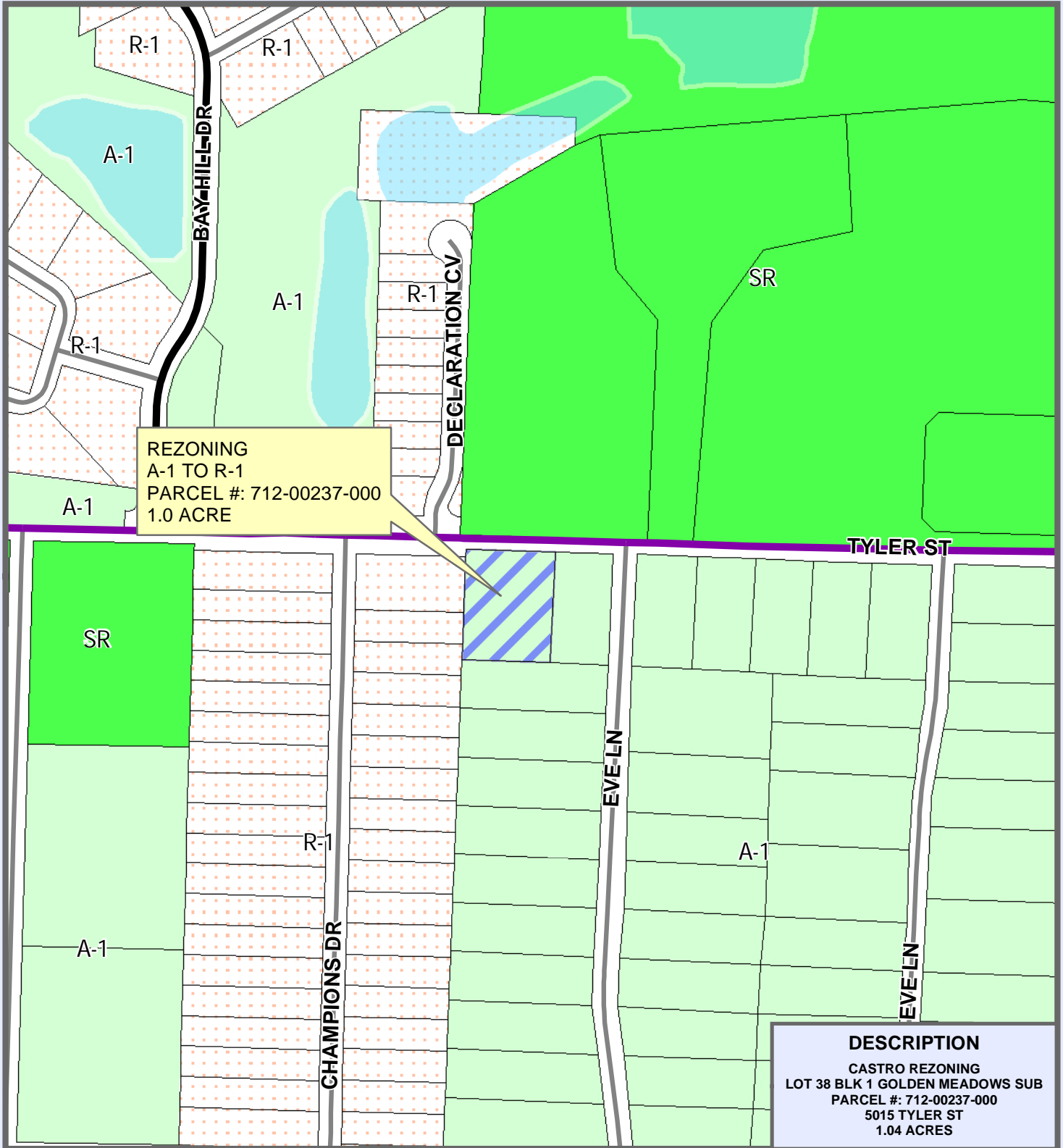
was reviewed by the Planning Commission at their regular meeting on May 20, 2013. The Planning Commission voted unanimously to forward this request to the City Council with a recommendation for approval.

Sincerely,

Jon Arms, Chair
Planning Commission

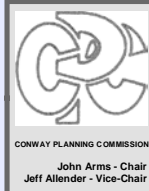
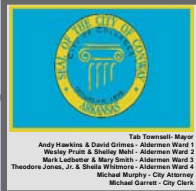
CITY OF CONWAY

CASTRO REZONE A-1 TO R-1

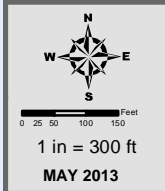


REZONING
A-1 TO R-1
PARCEL #: 712-00237-000
1.0 ACRE

DESCRIPTION
CASTRO REZONING
LOT 38 BLK 1 GOLDEN MEADOWS SUB
PARCEL #: 712-00237-000
5015 TYLER ST
1.04 ACRES



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	I-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-2
COLLECTOR	CITY LIMITS	R-2	MF-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		Commercial	Office
RAILROADS		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	
		Special	SP
			S-1
			A-1
			PUD
			TJ



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
WWW.CONWAY-PLANNING.ORG/GIS
E-MAIL: Jason.Lyon@CityOfConway.org



City of Conway, Arkansas
Ordinance No. O-13- _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 192 COMMERCE ROAD FROM I-1 TO I-3:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1: The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **I-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Lot #1, Rock-Tenn Subdivision, Conway, Arkansas, Faulkner
County

to those of **I-3**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

Section 2: All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 28th day of May, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

May 21, 2013

Council Members
Conway, AR 72032

Dear Council Members:

Conway Machine request for a rezoning from I-1 to I-3 for property that is located at 192 Commerce Road with the legal description

Lot #1, Rock-Tenn Subdivision, Conway, Arkansas, Faulkner
County

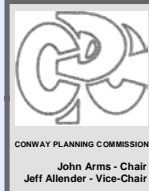
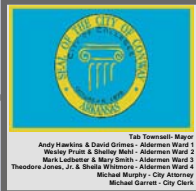
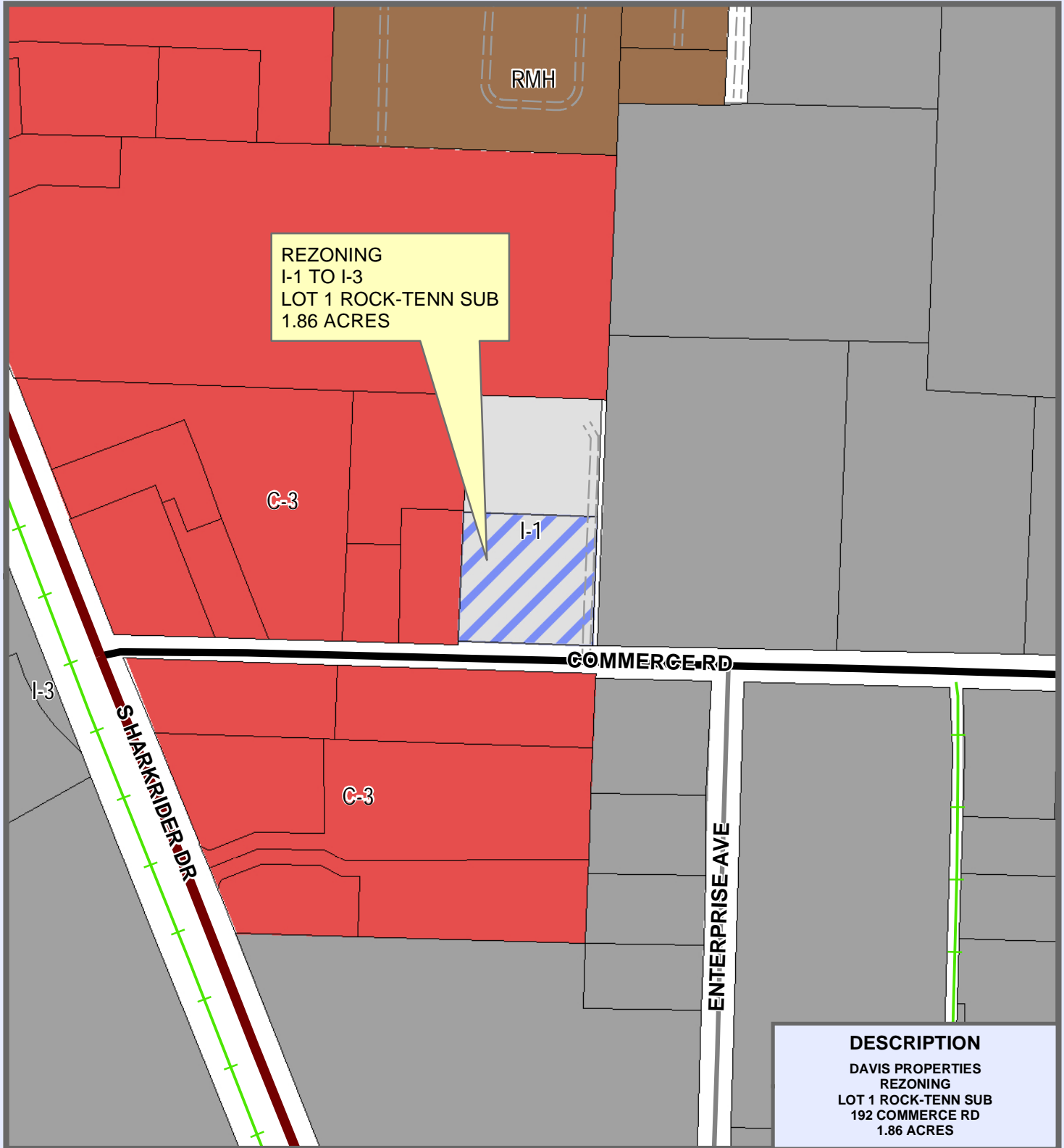
was reviewed by the Planning Commission at their regular meeting on May 20, 2013. The Planning Commission voted unanimously to forward this request to the City Council with a recommendation for approval.

Sincerely,

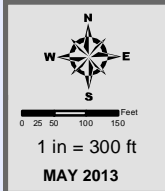
Jon Arms, Chair
Planning Commission

CITY OF CONWAY

DAVIS PROPERTIES REZONE I-1 TO I-3



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	I-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-1
COLLECTOR	CITY LIMITS	R-2	MF-2
RESIDENTIAL		HR	MF-3
PRIVATE ROAD		SR	RMH
INTERSTATE RAMP			
RAILROADS		Commercial	Office
		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	
			Special
			SP
			S-1
			A-1
			PUD
			TJ



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CONTACT INFORMATION
WWW.CONWAY-PLANNING.ORG/GIS
E-MAIL: Jason.Lyon@CityOfConway.org



City of Conway, Arkansas
Ordinance No. O-13-_____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 1370 STURGIS ROAD FROM A-1 TO I-3:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1: The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **A-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Part of the West ½ of the NE ¼, Section 19, T5N, R13W, Faulkner County, Arkansas, described as commencing at southwest corner of the W ½ NE ¼; thence north 89 degrees 57 minutes 12 seconds east 40 feet to a point on the east right of way line of Sturgis Road; said point being the point of beginning; thence north 89 degrees 57 minutes 12 seconds east 1302.33 feet to a point on the west right of way line of the Missouri Pacific Railroad; thence along the said right of way line North 23 degrees 11 minutes 00 seconds west 328.97 feet thence leaving the said right of way line west 1173.44 feet to a point on the East right of way line of Sturgis Road. Thence along the said east right of way of Sturgis Road, South 00 degrees 07 minutes 38 seconds east 302.38 feet to the point of beginning.

to those of **I-3**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

Section 2: All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 28th day of MAY, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

May 21, 2013

Council Members
Conway, AR 72032

Dear Council Members:

Coreslab request for a rezoning from A-1 to I-3 for property that is located at 1370 Sturgis Road with the legal description

Part of the West $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 19, T5N, R13W, Faulkner County, Arkansas, described as commencing at southwest corner of the W $\frac{1}{2}$ NE $\frac{1}{4}$; thence north 89 degrees 57 minutes 12 seconds east 40 feet to a point on the east right of way line of Sturgis Road; said point being the point of beginning; thence north 89 degrees 57 minutes 12 seconds east 1302.33 feet to a point on the west right of way line of the Missouri Pacific Railroad; thence along the said right of way line North 23 degrees 11 minutes 00 seconds west 328.97 feet thence leaving the said right of way line west 1173.44 feet to a point on the East right of way line of Sturgis Road. Thence along the said east right of way of Sturgis Road, South 00 degrees 07 minutes 38 seconds east 302.38 feet to the point of beginning.

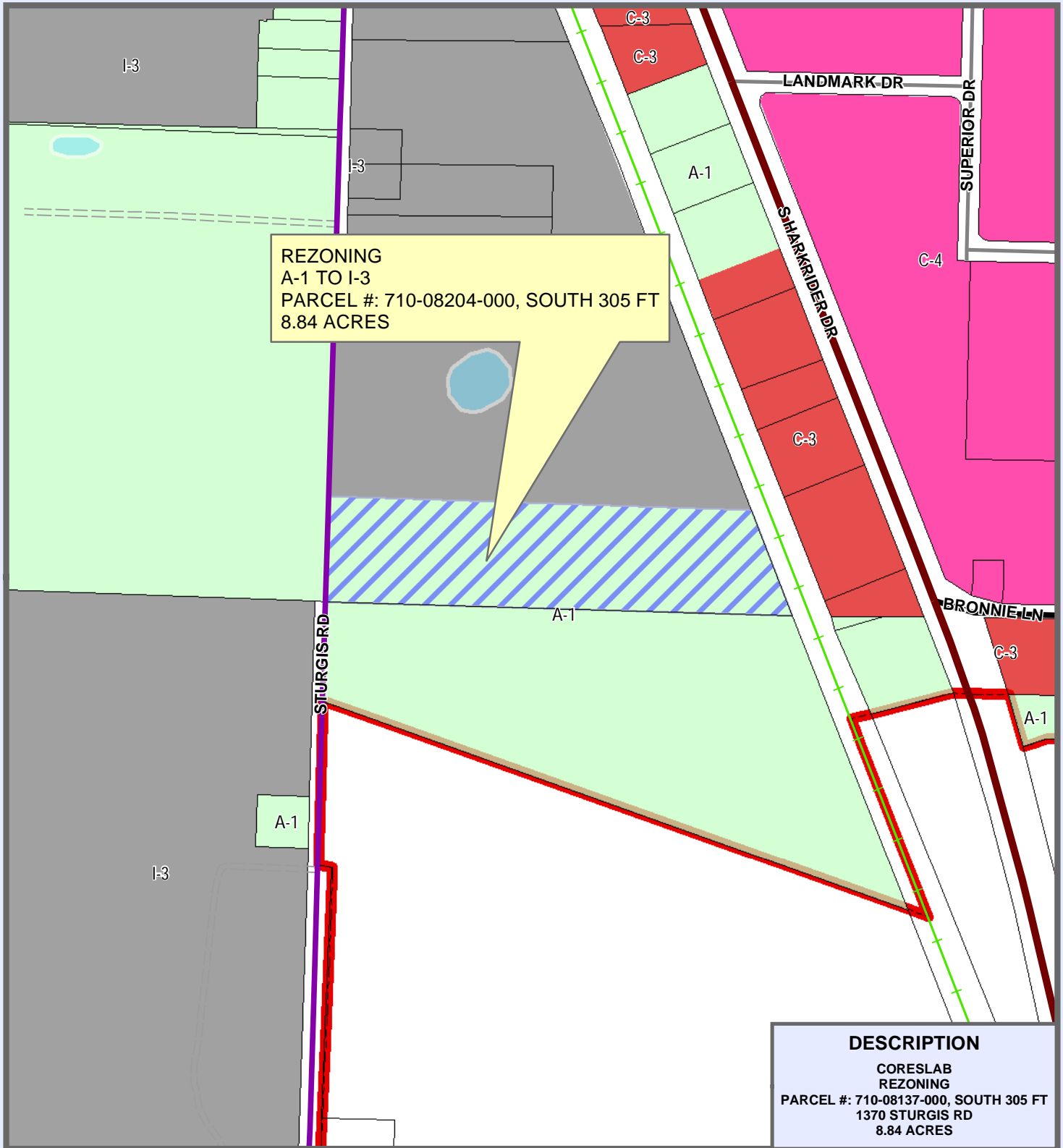
was reviewed by the Planning Commission at their regular meeting on May 20, 2013. The Planning Commission voted unanimously to forward this request to the City Council with a recommendation for approval.

Sincerely,

Jon Arms, Chair
Planning Commission

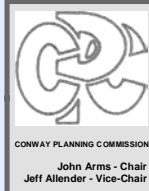
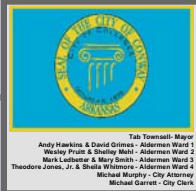
CITY OF CONWAY

CORESLAB REZONE A-1 TO I-3

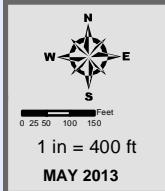


REZONING
A-1 TO I-3
PARCEL #: 710-08204-000, SOUTH 305 FT
8.84 ACRES

DESCRIPTION
CORESLAB
REZONING
PARCEL #: 710-08137-000, SOUTH 305 FT
1370 STURGIS RD
8.84 ACRES



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	I-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-1
COLLECTOR	CITY LIMITS	R-2	MF-2
RESIDENTIAL		HR	MF-3
PRIVATE ROAD		SR	RMH
INTERSTATE RAMP			
RAILROADS		Commercial	Office
		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	
			Special
			SP
			S-1
			A-1
			PUD
			TJ



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CONTACT INFORMATION
 WWW.CONWAYPLANNING.ORG/GIS
 E-MAIL: Jason.Lyon@CityOfConway.org



City of Conway, Arkansas
Ordinance No. O-13- _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 2725 COLLEGE AVENUE FROM R-2 TO RU-1:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1: The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **R-2** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

NW¼, SW¼, Section 11, T-5-N, R-14-W, Faulkner County, Arkansas

to those of **RU-1**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

Section 2: All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 28th day of May, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

May 21, 2013

Council Members
Conway, AR 72032

Dear Council Members:

Kids Play Properties request for a rezoning from R-2 to RU-1 for property that is located at 2725 College Avenue with the legal description

NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 11, T-5-N, R-14-W, Faulkner County,
Arkansas

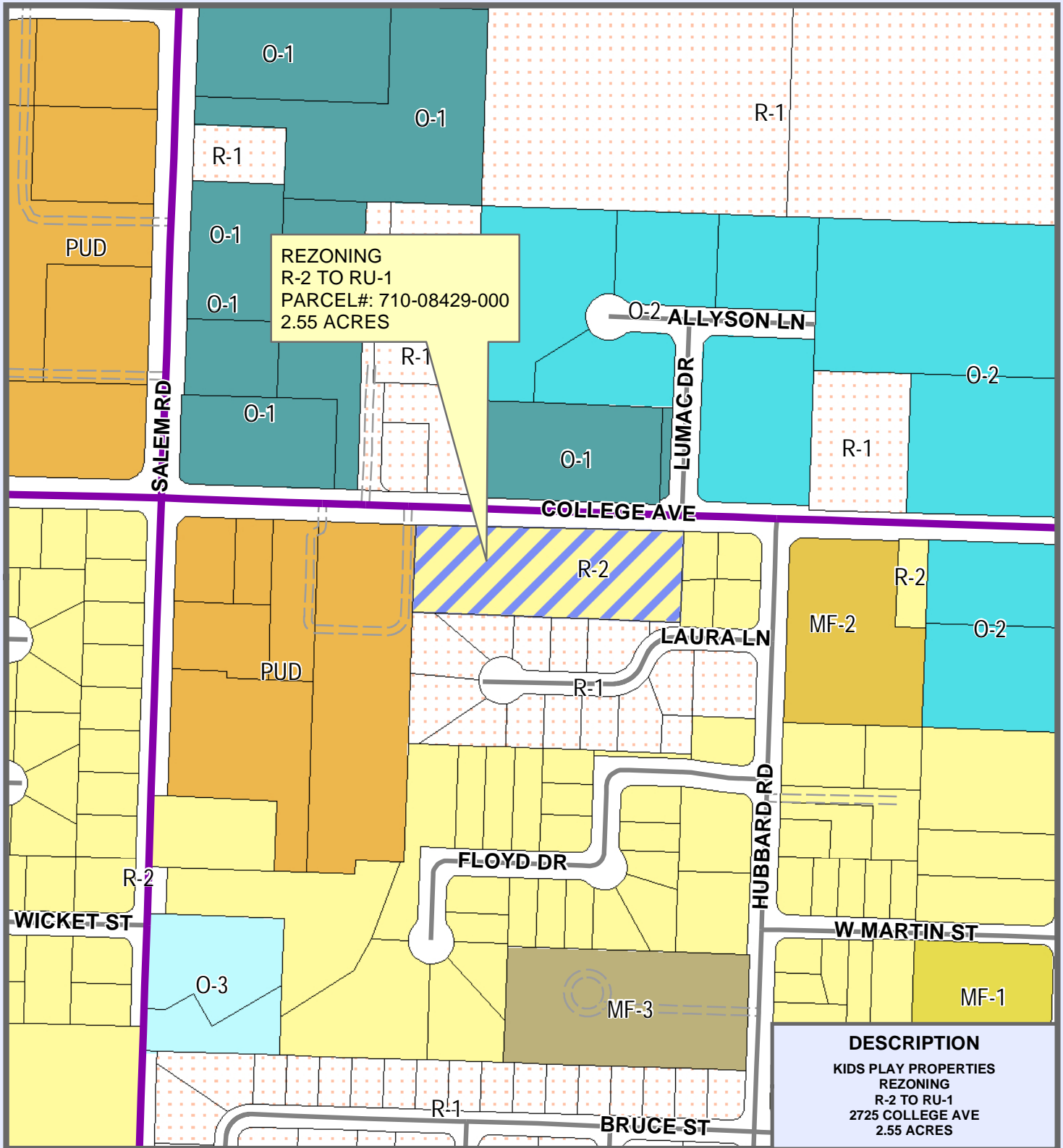
was reviewed by the Planning Commission at their regular meeting on May 20, 2013. The Planning Commission voted unanimously to forward this request to the City Council with a recommendation for approval.

Sincerely,

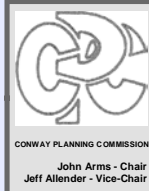
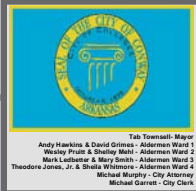
Jon Arms, Chair
Planning Commission

CITY OF CONWAY

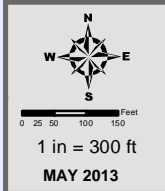
KIDS PLAY PROPERTIES REZONE R-2 TO RU-1



DESCRIPTION
KIDS PLAY PROPERTIES
REZONING
R-2 TO RU-1
2725 COLLEGE AVE
2.55 ACRES



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	I-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	RU-1
COLLECTOR	CITY LIMITS	R-2	I-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		Commercial	Special
RAILROADS		C-1	SP
		C-2	S-1
		C-3	A-1
		C-4	PUD
			TJ
		Office	
		O-1	
		O-2	
		O-3	



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CONTACT INFORMATION
 WWW.CONWAY-PLANNING.ORG/GIS
 E-MAIL: Jason.Lyon@CityOfConway.org



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

May 21, 2013

Council Members
Conway, AR 72032

Dear Council Members:

Kids Play Properties request for a Conditional Use Permit to allow General Retail, Indoor Commercial Recreational Facility, and Veterinarian Clinic for property that is located at 2725 College Avenue with the legal description

NW¼, SW¼, Section 11, T-5-N, R-14-W, Faulkner County,
Arkansas

was reviewed by the Planning Commission at their regular meeting on May 20, 2013. The Planning Commission voted unanimously to forward this request to the City Council with a recommendation for approval subject to the following stated conditions.

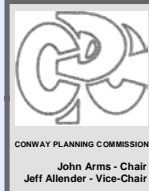
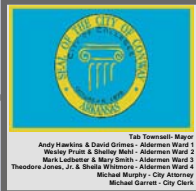
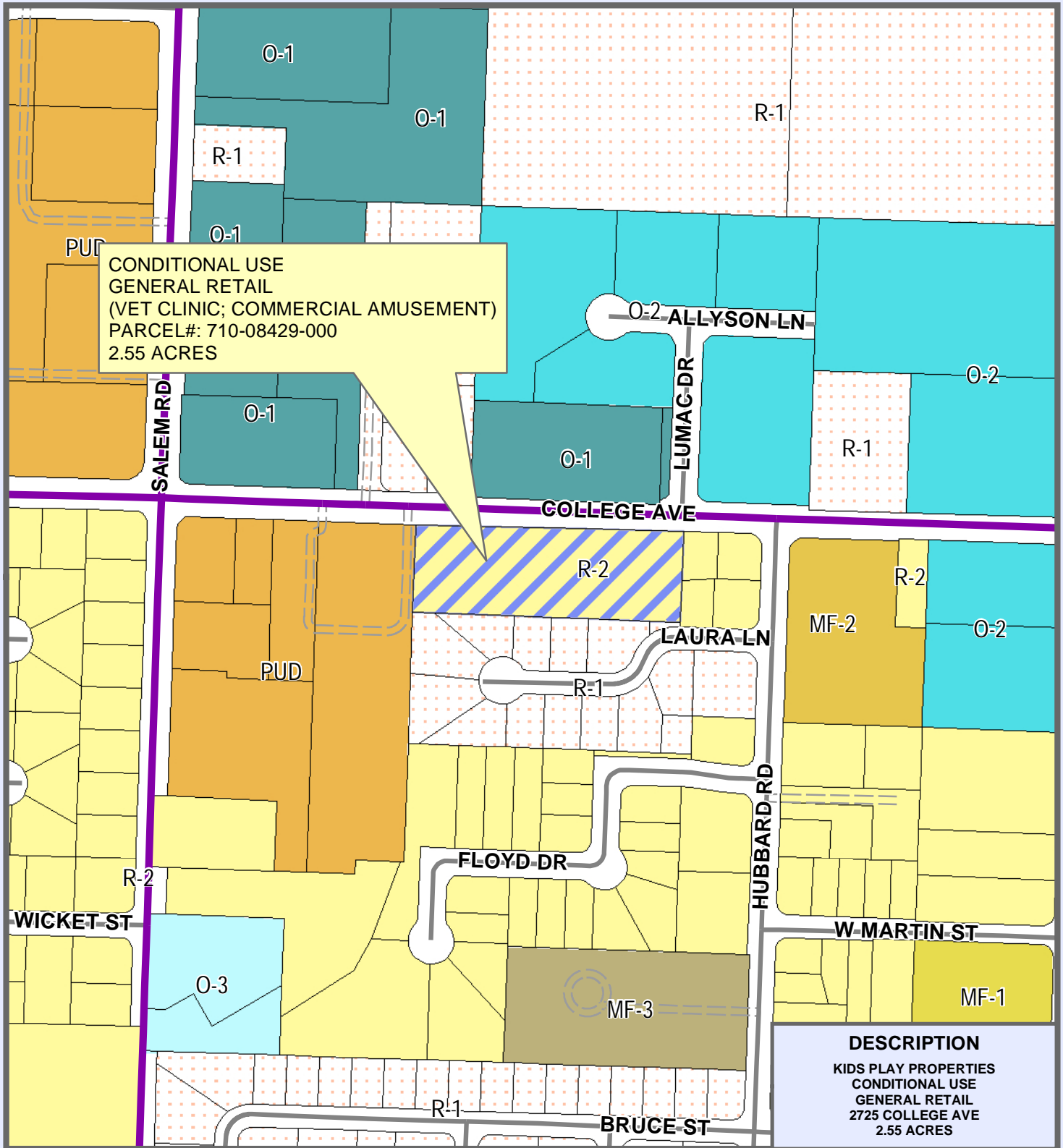
1. Hours of operation: 9am to 9pm for the club house; 7am to 5pm for the veterinarian clinic; and 6am to 11pm for the coffee shop.
2. General retail is allowed.
3. A 6-foot high privacy fence is required along the south and east property lines.
4. No exterior kennel areas are allowed. Overnight exterior boarding of animals is prohibited.
5. Screening evergreen trees, one per 15 feet, shall be required along the south property line in addition to canopy trees as required by development review.
6. Indoor recreational facility is limited to a children's play facility. Includes indoor activity only.
7. Conditional Use Permit 1310 shall be repealed and replaced by these new conditions.
8. Construct ditch to city standards.
9. No outdoor sound system allowed.

Sincerely,

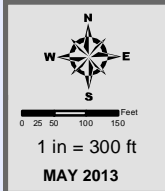
Jon Arms, Chair
Planning Commission

CITY OF CONWAY

KIDS PLAY PROPERTIES CONDITIONAL USE



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	I-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	RU-1
COLLECTOR	CITY LIMITS	R-2	I-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		Commercial	Office
RAILROADS		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	PUD
			TJ
			Special
			SP
			S-1
			A-1



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CONTACT INFORMATION
WWW.CONWAY-PLANNING.ORG/GIS
E-MAIL: Jason.Lyon@CityOfConway.org



**City of Conway, Arkansas
Ordinance No. O-13-__**

AN ORDINANCE ESTABLISHING RESPONSIBILITY FOR TARPING AND SECURING MATERIALS AND DEBRIS DURING TRANSPORTATION WITHIN THE CITY OF CONWAY; AND FOR OTHER PURPOSES; AND DECLARING AN EMERGENCY

Whereas, It is beneficial to the health and well-being of the citizens of Conway that the City of Conway continues its being pro-active in litter abatement.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

Section 1. Any operator of a motor vehicle transporting materials within the corporate limits of the City of Conway must soundly secure the entirety of said load to the vehicle and or trailer in/on which materials are being transported.

Section 2. All loads of materials presented for disposal at the City of Conway landfill must be tarped to the extent that they cannot deposit litter onto any public street, avenue or thoroughfare.

Section 3. Any person operating a motor vehicle that presents a load for disposal at the City of Conway landfill arriving unsecured and /or untarped shall be fined an amount of not less/nor greater than \$5.00.

Section 4. Any person arriving at the City of Conway landfill with a load of unsecured and/or untarped materials shall not be permitted to leave said facility without first securing and/or tarping said load.

Section 5. Any ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 6. This ordinance is necessary for the protection of health and safety of the citizens of Conway and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 28th day of May, 2013.

Approved:

Mayor Tab Townsell

Attest:

**Michael O. Garrett
City Clerk/Treasurer**

8-6-407. Commercial refuse hauling by uncovered vehicles.

It shall be unlawful for any person engaged in commercial or for-hire hauling to operate any truck or other vehicle within this state to transport litter, trash, or garbage unless the vehicle is covered to prevent its contents from blowing, dropping, falling off, or otherwise departing from the vehicle. In addition, any person operating his or her own truck or other vehicle to transport litter, trash, or garbage shall take reasonable steps to prevent its contents from blowing, dropping, falling off, or otherwise departing from the vehicle. However, no vehicle hauling predominately metallic material shall be required to be covered if it is loaded in a manner which will prevent the material from falling or dropping from the vehicle

A.C.A. § 27-35-110 (2012)

27-35-110. Spilling loads on highways prohibited -- Covers required for loads of sand, gravel, and rock -- Exceptions.

(a) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom.

(b) Sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(c) For a motor vehicle or a trailer with an open bed manufactured after September 30, 2001, no sand, gravel, or rock shall be transported on the paved public streets and highways of this state in a motor vehicle or trailer with an open bed unless the open bed is securely covered with a material which will prevent the load from dropping, sifting, leaking, or otherwise escaping therefrom. The cover shall be securely fastened to prevent the covering from becoming loose, detached, or in any manner a hazard to other users of the highway.

(d) For a motor vehicle or a trailer with an open bed manufactured on or before September 30, 2001, a vehicle with an open bed transporting sand, gravel, or rock is required to be covered as prescribed in subsection (c) of this section unless six inches (6") of freeboard is maintained at the perimeter of the load within the open bed of the vehicle or trailer carrying the load. Measurements are to be taken at the perimeter of the vehicle's or trailer's bed and measured from the top edge of the bed down to the sand, gravel, or rock being transported.

§ 9.03 Standards

All collection and transportation systems shall meet the conditions outlined below. Failure to comply with these conditions shall result in a revocation of the hauler license.

- All persons driving collection and/or transportation vehicles shall hold the appropriate driver's license as required by state law.
- Solid wastes shall be collected and transported so as to prevent public health hazards, environmental hazards, safety hazards, and nuisances and shall be kept in a sanitary condition.
- Collection and transportation equipment shall be designed and constructed so as to be leak-proof. The waste shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vectors or creation of other nuisances, in accordance with ADEQ Regulation 22. This means that vehicles must have either: enclosed waste storage areas; or for vehicles with open waste storage areas, such as caged pickups, they must be tarped when traveling in excess of 35 miles per hour. Haulers should require customers to utilize animal resistant containers and bags of suitable strength to reduce tearing and spilling of litter.
- Collection and transportation of chemicals, medical wastes, poisons, explosives, radiological wastes and other hazardous materials shall be in accordance with the requirements of state and federal regulatory controls.
- All solid wastes collected shall be transported to a permitted facility in accordance with ADEQ Regulation 22.
- All vehicles hauling solid waste within the District shall display the registration sticker issued by the District near the driver's side door and in plain sight. In addition, beginning January 1, 2007, all licensed vehicles must display both the business name and phone number in letters no less than 2 inches high on both sides of the vehicle.
- Commercial refuse haulers will provide service at a minimum once a week. Haulers may skip hauling on major holidays, provided they provide service to those customers affected during that week. Customers should be provided a minimum of two weeks' notice of any change in collection schedule. Inclement weather may excuse haulers from this provision. This schedule does not apply to business's hauling their own waste or that of their customers.
- Haulers are responsible for cleaning up any spills and/or loose trash caused by the hauler.
- Haulers may provide service in any zone they wish. When licensing, haulers will be required to indicate in which zones they wish to provide service. A hauler who indicates that they provide service in a zone must provide service to any customer within that zone that requests it, unless that hauler can show good cause why they will not. Good cause may be a history of failing to pay bills or other dispute between the customer and hauler. The location of the customer will not be considered good cause.



City of Conway, Arkansas
Ordinance No. O-13-_____

AN ORDINANCE PURSUANT TO ARKANSAS CODE ANNOTATED § 14-42-107(b)(1) PRESCRIBING THE EXTENT OF THE AUTHORITY FOR CITY OFFICIALS AND CITY EMPLOYEES TO BE EMPLOYED BY OR OTHERWISE SERVE IN A DUAL CAPACITY WITH THE FAULKNER COUNTY SOLID WASTE MANAGEMENT DISTRICT; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

Whereas, the City of Conway, Arkansas (the “City”) from time to time enters into contracts and agreements with the Faulkner County Solid Waste Management District (the “District”) for solid waste services, including but not limited to “roll off” services for county cleanups whereby the District contracts with the Sanitation Department for a container to be placed at the cleanup and pays the Sanitation Department for that service; and

Whereas, from time to time, City officials and City employees serve in a dual capacity and are employed by the District and some may receive salaried compensation from the District; and

Whereas, pursuant to Arkansas Code Annotated § 14-42-107(b)(1), no municipal official or municipal employee shall be interested, directly or indirectly, in the profits of any contract for furnishing supplies, equipment, or services to the municipality unless the governing body of the city has enacted an ordinance specifically permitting officials or municipal employees to conduct business with the city and prescribing the extent of this authority; and

Whereas, the Attorney General has suggested in Opinion No. 2011-166, that such circumstances of dual capacity employment with compensation may require an ordinance be enacted pursuant to Arkansas Code Annotated § 14-42-107(b)(1) prescribing the extent of the authority for City officials and employees to serve in such dual capacities; and

Whereas, the City desires to pass an ordinance authorized by Arkansas Code Annotated § 14-42-107(b)(1) prescribing the extent of the authority for City officials and employees to

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1: That pursuant to the authority of Arkansas Code Annotated § 14-42-107, City officials and City employees are permitted to serve in a dual capacity and be employed by the District, including the receipt of salaried compensation from the District, as long as such official or employee is not interested, directly or indirectly, in the profits of any specific contract for furnishing supplies, equipment, or services to the City. For purposes of this ordinance, receiving regular compensation from the District or the City as an employee shall not be considered an “interest” in such contract.

Section 2: That in the event any title, section, paragraph, item, sentence, clause, phrase, or word of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not be affect the remaining portions of this Ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Ordinance.

Section 3: That all ordinances or resolutions of the City in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: That it is in the interest of the City that any dual capacity employment with officials or employees with the District be immediately clarified pursuant to applicable state law and that this ordinance is necessary for the protection of the public peace, health and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

Passed on this 28th day of May, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-13-_____

AN ORDINANCE APPROPRIATING FUNDS RECEIVED FROM THE MUNICIPAL PROPERTY PROGRAM FOR THE CONWAY FIRE DEPARTMENT; AND FOR OTHER PURPOSES

Whereas, the Conway Fire Department requests \$1,645 for the use of purchasing services to clean and possibly remove mold due to damage caused by a leak at Station 3; and

Whereas funds in the amount of \$1,645 were received from the Municipal Property Program for services including but not limited to cleaning of station walls and mold removal.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1. The City of Conway shall appropriate \$1,645 from the Insurance Proceeds Account (001.119.4360) to the Fire Department Fire Department Building Maintenance Operating Account (01.131.5410).

Section 2. All ordinances in conflict herewith are repealed to that extent of the conflict.

PASSED this 28th day of May, 2013

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Resolution No. R-13-___**

**A RESOLUTION REQUIRING AN AUDIT OF THE ACCOUNTING RECORDS OF THE CITY OF CONWAY FOR
THE YEAR 2012**

WHEREAS, Arkansas Code Annotated § 14-58-307 requires that cities of the first class be audited annually by either an independent certified public accountant or by the Division of Legislative Audit; and

WHEREAS, Arkansas Code Annotated § 14-58-101 gives municipalities the option to adopt an annual resolution requiring that their audit be performed in accordance with the guidelines and format prescribed by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants, and the United States Government Accountability Office; and

WHEREAS, the City Council finds it beneficial and in the best interest of the City to have an audit for its fiscal year 2012 that complies with the aforementioned guidelines.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS,
THAT:**

SECTION 1. The City of Conway shall have an audit for the year ended December 31, 2012 that is conducted by an independent certified public accountant, and is in accordance with the guidelines and format prescribed by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants, and the United States Government Accountability Office.

Passed this 28th day of May, 2013.

Approved:

Mayor Tab Townsell

Attest:

**Michael O. Garrett
City Clerk/Treasurer**



City of Conway - Finance Office
Tyler Winningham, CFO
1201 Oak Street
Conway, AR 72032
www.cityofconway.org

Memo:

To: City Council Members

From: Tyler Winningham, CFO

Date: May 28th, 2013

Re: Audit questions

In light of our discussion on audits at the May 14th Committee Meeting, I have researched your questions and my findings are provided below:

1. What, on average, do peer cities pay for their independent audits?

Answer: I contacted six cities – North Little Rock, Jacksonville, Bentonville, Springdale, Fort Smith, and Hot Springs. Of the responses, \$20,000 was the lowest and \$80,000 was the highest. I feel that if we were to seek an independent audit, it would cost us in the range of \$60,000 to \$80,000.

2. Will issuing audited financial statements that are not fully GASB compliant potentially have any effect on future bond issues in the form of higher interest rates or downgraded bond ratings?

Answer: Mostly no, but it's difficult to say for sure. Our rating should not be adversely impacted because ratings agencies' main focus is strength of the revenue backing the debt. But issuing audited financial statements at a date that is substantially later than the end of the fiscal year will not work in our favor, as analysts want to see the most recent information that is available. If Legislative Audit issues our financial statements 12 to 18 months after our fiscal year end (which was our experience in 1999 and years prior), then we will certainly not be distributing relevant financial information. A study released in 2011 by the Government Accountability Office found that there is general perception among bond issuers that GASB financial statements help keep their borrowing costs down, though it is very difficult to quantify those savings due to the multiple

factors that affect borrowing costs. The gist of this is that GASB statements will certainly not adversely impact our future borrowings, while non-GASB statements possibly could. The question is do we feel that the benefit of GASB statements outweigh their cost? And do we want to hold ourselves to a higher standard than what is minimally required?

3. Will issuing audited financial statements that are not fully GASB compliant cause the City to incur any penalties with regards to continuing disclosure agreements on its outstanding bond issues?

Answer: No. The language in the continuing disclosure agreements is not worded in such a way as to require full GASB compliance. We are allowed to issue statements in accordance with Arkansas law, which does not call for application of all GASB standards. If a bondholder were to declare us in default of continuing disclosure, their only available remedy would be to seek court order requiring us to perform as stated in the agreement.

Again, what I have provided for you here is a result of my individual research. I spoke with our bond counsel Mr. Gordon Wilbourn, Mr. Jack Truemper of Stephens, Inc., and representatives of the cities listed above. Not included here is any information gathered or provided by our city attorney Mr. Murphy, so his findings should also be considered in your decision.



City of Conway, Arkansas
Monthly Financial Reports
April 30, 2013

City of Conway
 Monthly Financial Report - General Fund
 For the month ended April 30, 2013



Revenues	Budget	Month Activity	Year to Date	Encumbered	(Over)/Under Budget	% Expend/Collect
Ad Valorem Tax	2,938,000	24,882	42,377		2,895,623	1%
Payments in Lieu of Tax	23,000	-	-		23,000	0%
State Tax Turnback	2,000,000	138,872	681,275		1,318,725	34%
Sales Tax	17,440,000	1,356,837	5,622,502		11,817,498	32%
Beverage Tax	408,000	-	98,798		309,202	24%
Franchise Fees	2,635,000	220,320	817,805		1,817,195	31%
Airport Revenue	70,000	9,770	24,558		45,442	35%
Airport Fuel Sales .05 / GAL	10,500	742	3,174		7,326	30%
Permits	470,000	42,672	213,328		256,672	45%
ACIEA Revenues	-	(1,762)	2,528		(2,528)	100%
Dog Tags & Fees	25,000	2,540	7,280		17,720	29%
Municipal Court Fines and Fees	745,000	132,387	172,601		572,399	23%
Law Enforcement	808,074	56,655	202,698		605,375	25%
Federal Grant Revenues	50,000	-	30,946		19,054	62%
Insurance Proceeds	-	35,346	35,441		(35,441)	100%
Parks	450,000	54,500	244,833		205,167	54%
Interest Income	2,700	2,216	19,005		(16,305)	704%
Act 749 Public Safety	1,500	180	267		1,233	18%
Donations	2,717	-	3,597		(880)	132%
Act 833 Revenue	80,000	-	1,522		78,478	2%
Miscellaneous Revenues	127,150	11,839	51,714		75,436	41%
Transfers from Other Funds	423,000	-	120,850		302,150	29%
Fund Balance Appropriation	<u>466,065</u>	<u>-</u>	<u>-</u>		<u>466,065</u>	<u>0%</u>
Total Revenues	29,175,706	2,087,996	8,397,099	-	20,778,607	29%
Expenditures						
Admin (Mayor, HR)	574,313	33,503	130,945	28,647	414,721	23%
Finance	372,081	25,865	113,928	376	257,777	31%
City Clerk/Treasurer	220,525	13,544	53,275	-	167,250	24%
City Council	83,400	6,351	26,697	475	56,228	32%
Permits and Planning	785,979	78,052	236,789	5,810	543,381	30%
Physical Plant	579,900	48,873	177,935	26,277	375,688	31%
Fleet Maintenance	174,999	11,945	54,131	3,032	117,836	31%
Information Technology	1,257,908	49,789	260,094	498,813	499,001	21%
Airport	32,500	22,122	30,696	18,720	(16,916)	94%
Nondepartmental	568,521	4,894	286,401	4,435	277,686	50%
Police	10,679,811	922,144	3,418,435	110,217	7,151,159	32%
Animal Welfare	474,422	48,827	137,294	36,826	300,303	29%
Municipal District Court	836,481	65,233	283,919	1,830	550,732	34%
City Attorney	336,758	26,966	99,479	1,925	235,354	30%
Fire	8,891,091	683,633	2,776,155	100,067	6,014,869	31%
Parks	<u>2,824,806</u>	<u>203,487</u>	<u>714,274</u>	<u>26,042</u>	<u>2,084,490</u>	<u>25%</u>
	28,693,494	2,245,229	8,800,448	863,489	19,029,557	31%
Transfer to Reserve	<u>500,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>500,000</u>	<u>0%</u>
Total Expenditures	29,193,494	2,245,229	8,800,448	863,489	19,529,557	30%
Net Revenue/(Expense)	(17,788)		(403,349)			

*All figures are unaudited

Notes:

1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway
General Fund
2013



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-13-15	1/22/13	Reclassify Court Admin II to Clerk II	14,691
O-13-16	1/22/13	Implement new one-step salary scale	1,762,851
O-13-25	2/26/13	New employment market study	5,000
O-13-31	3/26/13	Cremation services	10,000
O-13-33	3/26/13	Civil service commission appeal hearing	3,200
O-13-34	3/26/13	Civil service commission testing	1,850
O-13-36	4/8/13	Bicycle and Pedestrian Board expenses	2,000
O-13-37	4/8/13	Grant match for mural project	8,000
O-13-39	4/8/13	Sound system for council meetings	21,000
O-13-42	4/23/13	Network switches for IT dept	21,345
			<u>\$ 1,849,937</u>

City of Conway
 Balance Sheet - General Fund
 For the month ended April 30, 2013



Cash - Operating	3,471,211
Cash - Reserve	500,000
Petty Cash	715
Taxes Receivable	3,022,929
Accounts Receivable	2,906,724
Due from Other Funds	40,483
Due from Street	9,782
Fleet Inventory	15,539
Fuel Inventory	52,446
Assets	<u>10,019,830</u>
Trade Accounts Payable	(286,008)
Group Insurance Payable	18,488
LOPFI Payable	118,099
Misc. Deductions Payable	(15,930)
Event Deposits	300
Due to Other Funds	513,442
Deferred Revenue	2,598,419
Liabilities	<u>2,946,810</u>
Fund Balance - Committed to cash flow	2,000,000
Fund Balance - Committed to reserve	500,000
Fund Balance - Unassigned	4,573,019
Fund Balance	<u>7,073,019</u>
Total Liabilities & Fund Balance	<u>10,019,830</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Street Fund
 For the month ended April 30, 2013



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
Revenues						
Ad Valorem Tax	1,350,000	12,825	21,268		1,328,732	2%
Payments in Lieu of Tax	12,000	-	-		12,000	0%
State Tax Turnback	2,800,000	188,647	762,291		2,037,709	27%
Severance Tax	175,000	20,251	84,144		90,856	48%
Sales Tax	245,000	19,012	79,751		165,249	33%
Sign Permits	500	-	-		500	0%
Engineering Fees	7,500	200	3,450		4,050	46%
Interest Income	3,500	877	5,958		(2,458)	170%
Miscellaneous Revenues	-	22	1,415		(1,415)	100%
Total Revenues	4,593,500	241,833	958,278	-	3,635,222	21%
Expenditures						
Personnel Costs	2,032,337	146,696	574,346	-	1,457,991	28%
Other Operating Costs	<u>2,396,163</u>	<u>170,474</u>	<u>477,530</u>	<u>33,619</u>	<u>1,885,014</u>	<u>20%</u>
Total Operating Costs	4,428,500	317,170	1,051,876	33,619	3,343,005	24%
Capital Outlay	<u>189,760</u>	<u>33,760</u>	<u>91,610</u>	<u>-</u>	<u>98,150</u>	<u>48%</u>
Total Expenditures	4,618,260	350,930	1,143,486	33,619	3,441,155	25%
Net Revenue/(Expense)	(24,760)		<u>(185,208)</u>			

*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway
Balance Sheet - Street Fund
For the month ended April 30, 2013



Cash - Operating	1,242,938
Taxes Receivable	65,194
Accounts Receivable	1,516,820
Due from Other Funds	596,254
<i>Assets</i>	<u>3,421,238</u>
Trade Accounts Payable	75,403
Due to Other Funds	9,133
Due to General	2,624
Deferred Revenue	1,264,754
<i>Liabilities</i>	<u>1,351,914</u>
<i>Fund Balance</i>	<u>2,069,324</u>
<i>Total Liabilities & Fund Balance</i>	<u>3,421,238</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Sanitation
 For the month ended April 30, 2013



	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to</u> <u>Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u> <u>Budget</u>	<u>%</u> <u>Expend/Collect</u>
Revenues						
Sanitation Fees	7,620,000	663,312	2,397,912		5,222,088	31%
Proceeds - Recycled Materials	200,000	66,725	224,343		(24,343)	112%
Landfill Fees - General	240,000	15,634	61,352		178,648	26%
Interest Income	<u>50,000</u>	<u>3,355</u>	<u>22,450</u>		<u>27,550</u>	<u>45%</u>
Total Revenues	8,110,000	749,026	2,706,057	-	5,403,943	33%
Expenditures						
Personnel Costs	3,671,973	294,162	1,108,511	-	2,563,462	30%
Other Operating Costs	<u>3,170,113</u>	<u>251,436</u>	<u>711,814</u>	<u>135,600</u>	<u>2,322,699</u>	<u>22%</u>
Total Operating Costs	6,842,086	545,598	1,820,325	135,600	4,886,161	27%
Capital Outlay	<u>1,267,914</u>	<u>256,339</u>	<u>257,666</u>	<u>9,633</u>	<u>1,000,615</u>	<u>20%</u>
Total Expenditures	8,110,000	801,937	2,077,991	145,233	5,886,776	26%
Net Revenue/(Expense)	-		<u><u>628,067</u></u>			

*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway
 Balance Sheet - Sanitation
 For the month ended April 30, 2013



Cash - Operating	1,132,310
Petty Cash	200
Post Closure Cash Account	4,480,121
Due from Component Unit	644,265
Due from Other Funds	65,165
General Inventory	2,122
Land & Buildings	4,394,619
Accum. Depr. - Buildings	(1,515,322)
Infrastructure	691,618
Accum. Depr. - Infrastructure	(338,720)
Machinery and Equipment	9,815,323
Accum. Depr. - M&E	(4,138,525)
Construction in Progress	689,767
<i>Assets</i>	<u>15,922,943</u>
Trade Accounts Payable	93,467
Salaries Payable	331,413
Group Insurance Payable	7,180
Net Pension Obligation	855,700
Due to Other Funds	190
Accrued Interest Payable	32,255
2010 Recycling Note - US Bank	809,873
Landfill Close/Post Close	4,386,590
<i>Liabilities</i>	<u>6,516,667</u>
<i>Net Assets</i>	<u>9,406,276</u>
<i>Total Liabilities and Net Assets</i>	<u>15,922,943</u>

*All figures are unaudited