

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](http://www.cityofconway.org)

Tuesday, June 25<sup>th</sup>, 2013 @ 6:30pm

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

5:30pm – No Committee Meeting

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Call to Order: Mayor Tab Townsell  
 Roll Call: Michael O. Garrett, City Clerk/Treasurer  
 Minutes: June 11<sup>th</sup>, 2013 City Council Meeting

**1. Report of Standing Committees:**

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

1. Consideration to approve a lead developer for the Spruce Street Pocket Housing Development.
2. Consideration to approve the destruction of court records for District Court.
3. Ordinance amending Ordinance O-05-142 clarifying the collection and enforcement and criminal penalties authorized by the Advertising and Promotion Act.
4. Ordinance to establish a preference on competitive bids for contracts funded solely with city general fund.
5. Consideration for approval for counteroffers on parcels 62, & 71 for right of acquisitions for the Conway Western Loop Project/South Interchange (Wills Baker Parkway).
6. Consideration for approval for counteroffers on parcels 21 & 23 for right of acquisitions for the Prince Street improvements (Western Avenue to Shady Lane).
7. Ordinance amending (O-09-103) authorizing the issuance of a promissory note for short term financing for Prince Street Improvement Project.
8. Consideration to approve a conditional use permit request from St. Peter's Episcopal Church to allow religious activities at property located at 1926 Prince Street.
9. Consideration to approve a conditional use permit request from Shaver Properties to allow MF-1 density in R-2 zoning for property located at 702 Third Avenue and 727 Fourth Avenue.
10. Ordinance amending the Conway Zoning Ordinance (O-95-54) in regards to the regulation of transmission towers.

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

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

2. Ordinance establishing and setting commercial dumping or “tipping” sanitation fees for businesses located within the City of Conway.
3. Ordinance establishing the rates for residential sanitation collection fees for the Conway Sanitation Department.

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

1. Consideration to accept bids on a fire suppression system in the server room located at the Conway Emergency Operations Centers.
2. Ordinance allowing the Conway Fire Department members in the local plan to leave accrued balance on deposit with LOPFI.
3. Ordinance appropriating and accepting reimbursement and restitution fund from various entities for the Conway Police Department.
4. Ordinance appropriating funds for the purchase of land on Hogan Road for additional parking for the Communication Center.

**D. Finance**

1. Consideration to approve monthly financials ending May 31<sup>st</sup>, 2013.

**E. Old Business**

**F. New Business**

**Adjournment**

# Memo

To: Mayor and City Council Members  
From: Scott Grummer, CDBG Program Manager  
Date: 6/21/2013  
Re: Spruce Street Pocket Housing

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Mr. Mayor and City Council Members,

The City of Conway Community Development Department Advertised a Request for Qualifications on May 15<sup>th</sup>, 2013 for a Lead Developer to re-develop several parcels of land acquired by the City in the Pine Street Neighborhood. This project is meant to be collaboration between the developer, City of Conway and Pine Street residents. The city received 10 Letters of Intent to respond from this solicitation, with four of those submitting qualifications by the RFQ deadline. They are as follows:

- Carson Associates, Inc., and Woods Group Architects, Inc., Little Rock, AR
- Dakota Development, North Little Rock, AR
- Habitat for Humanity Faulkner County, Conway, AR
- Randy Wiggins Company, Inc., Sherwood, AR

The Community Development Department wishes to extend thanks to all those who submitted their qualifications, as all respondents provided unique skills that would work well with the redevelopment efforts of this neighborhood. After an extensive scoring process which involved meeting with residents of the community to obtain their feedback, and review by an advisory committee made up of city officials and community representatives, this department recommends Dakota Development out of North Little Rock, AR be selected as the Lead Developer in this project.

Upon acceptance by the developer, the city will begin the procurement process for a design firm to assist in site planning, design and re-platting of the land into a Pocket Neighborhood Concept, to prepare for Utility upgrades in support of the project.

**AFFIDAVIT OF DESTRUCTION OF DISTRICT COURT RECORDS**

I, \_\_\_\_\_, do hereby certify that the following records of the \_\_\_\_\_ District Court, have been retained for at least three (3) years as specified under Ark. Code Ann. §16-10-211 and have been audited as required by law. The records listed below, covering the time period stated, are to be destroyed on \_\_\_\_\_, 2013 by burning said records.

TYPE OF RECORD

TIME PERIOD

Bank reconciliations	1/1/1969 - 12/31/2009
Check book registers	1/1/1969 - 12/31/2009
Cancelled checks	1/1/1969 - 12/31/2009
Bank statements	1/1/1969 - 12/31/2009
Receipts	1/1/1969 - 12/31/2009
Deposit collection records	1/1/1969 - 12/31/2009
Receipts listings	1/1/1969 - 12/31/2009
Distribution reports	1/1/1969 - 12/31/2009
Receipt and disbursement journals	1/1/1969 - 12/31/2009
Time payment records	1/1/1969 - 12/31/2009
Citation book logs	1/1/1969 - 12/31/2009
Citation books from each police department and sheriff's office	1/1/1969 - 12/31/2009
Served warrants	1/1/1969 - 12/31/2009
Copies of citations	1/1/1969 - 12/31/2009
Alternative service or community service time sheets	1/1/1969 - 12/31/2009
Uniform filing fees collection remittance forms and fine report; and	1/1/1969 - 12/31/2009
Miscellaneous fee and fine collection reports	1/1/1969 - 12/31/2009

\_\_\_\_\_  
District Court Clerk

\_\_\_\_\_  
City Council Member

\_\_\_\_\_  
Quorum Court Member

Subscribed and Sworn to me this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public

**AFFIDAVIT OF DESTRUCTION OF DISTRICT COURT RECORDS**

I, \_\_\_\_\_, do hereby certify that the following records of the \_\_\_\_\_  
\_\_\_\_\_ District Court, have been retained for at least seven (7) years as specified under Ark.  
Code Ann. §16-10-211 and have been audited as required by law. The records listed below, covering the  
time period stated, are to be destroyed on \_\_\_\_\_, 2013 by burning said records.

TYPE OF RECORD

TIME PERIOD

Complete case files and written exhibits for all courts	1/1/1969 – 12/31/2005
Show Cause Orders	1/1/1969 – 12/31/2005
Case information, including arrest reports and affidavits	1/1/1969 – 12/31/2005
Files concerning cases resulting in a suspended imposition of Sentence	1/1/1969 – 12/31/2005

\_\_\_\_\_  
District Court Clerk

\_\_\_\_\_  
Mayor for City of Conway

\_\_\_\_\_  
Faulkner County Judge

Subscribed and Sworn to me this \_\_\_\_ day of June, 2013.

\_\_\_\_\_  
Notary Public



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

**AN ORDINANCE AMENDING ORDINANCE NO. O-05-142 AND SECTION 3.24.26 OF THE CONWAY MUNICIPAL CODE; CLARIFYING THE COLLECTION AND ENFORCEMENT AND CRIMINAL PENALTIES AUTHORIZED BY THE ADVERTISING AND PROMOTION ACT; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, portions of Ordinance No. O-05-142 and Conway Municipal Code Section 3.24.26 (Criminal Penalties) reference collection, enforcement and penalties authorized by Arkansas Code Annotated §26-75-603; and

**WHEREAS**, portions of Ordinance No. O-05-142 and Conway Municipal Code Section 3.24.26 (Criminal Penalties) contain incorrect, redundant or transposed statutory code sections; and

**WHEREAS**, the City Council of the City of Conway desires to make corrections to its Ordinance and Code Section to correctly reference the appropriate state code sections regarding enforcement and collection and penalties associated with the Advertising & Promotion Act.

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

**THAT:**

**Section 1.** That Ordinance No. O-142, Section 26, and Conway Municipal Code Section 3.24.26 is hereby amended to read as follows (changes are in *italics*):

3.24.26 *Collection, Enforcement and Criminal Penalties. Pursuant to Arkansas Code Annotated § 26-75-603*, sanctions for any taxpayer who willfully attempts to evade or defeat the payment of the A&P tax or who assist any taxpayer to evade or defeat the payment, or otherwise fails to file a report, fails to pay the tax, or makes a false or fraudulent report, return, statement, claim, application or other instrument required by the Commission in connection with the A&P tax or makes a false answer to any question from the Commission or its designed representative concerning the A&P tax, neglects to answer a subpoena to appear and answer questions about records for the A&P tax, or who acts or fails to act in conformance with the provision of the Arkansas Tax Procedure Act as that Act applies to the A&P tax, shall be subject to penalties set forth in A.C.A.

§ 26-75-603.

*Further, pursuant to A.C.A. § 26-75-603(b)(1) the person paying the tax shall report and remit it upon forms provided by the commission and as directed by the commission. The rules, regulations, forms of notice, assessment procedures, and the enforcement and collection of the tax under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq. and the Arkansas Tax Procedure Act, § 26-18-101 et seq., so far as practicable shall be applicable with respect to the enforcement and collection of the tax levied pursuant to the authority of this subchapter and as they exist on the date of the passage of this ordinance, or as they may be amended by the General Assembly and are in effect on the date of any such violation.*

**Section 2:** That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

**Section 3:** That this ordinance is necessary for the protection of the peace, 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 25<sup>th</sup> day of June, 2013.

**Approved:**

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**Mayor Tab Townsell**

**Attest:**

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



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

**AN ORDINANCE TO ESTABLISH A THREE PERCENT (3%) PREFERENCE ON COMPETITIVE BIDS FOR CONTRACTS FUNDED SOLELY WITH CITY GENERAL FUND MONIES; AND FOR OTHER PURPOSES.**

**Whereas**, it is appropriate that local businesses with the principal place of business located within the corporate limits of the City of Conway, Arkansas, to benefit from contracts paid for with tax revenues collected only within the City's corporate limits.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF CONWAY, ARKANSAS:**

Section 1. This ordinance shall apply to all formal competitive bids for services, goods, or products, in which the successful bidder is deemed the lowest responsible and responsive bidder.

Section 2. For all contracts for which there is formal competitive bidding, and which are funded exclusively with City revenues, any eligible local bidder shall receive a 3% preference on the bid price.

Section 3. For purposes of this ordinance, an eligible local bidder is one: (a) With its principal place of business within the corporate limits of the City of Conway, Arkansas; and, (b) Pays income tax in the State of Arkansas, or is not required to do so.

Section 4. The successful bidder should be the lowest responsible and responsive bidder. If such bid is submitted by other than an eligible local bidder, and an eligible local bidder is within 3% of the lowest responsible and responsive bid, then the lowest eligible local bidder shall be deemed the successful bidder.

**Section 5. (a) If as a result of the application of the local preference there is a tie as to the lowest responsible and responsive bid between a bidder with the preference and a bidder without the preference for the lowest responsible and responsive bid, the local bidder shall receive the award of the contract. (b) If as a result of the application of the local preference there is a tie as to the lowest responsible and responsive bid between a two bidders with the preference, the successful bidder shall be determined by a coin toss.**

Section 6. The provisions of this ordinance shall not apply to any contract or purchase for which other than City funds are utilized if to grant a preference would violate the award of such funds to the City.

Section 7. This ordinance shall not apply to projects designed to provide utility needs to a county or municipality which shall include, but not be limited to, pipeline installation, sanitary projects, and waterline, sewage and water works.

Section 8. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, as if such invalid or unconstitutional provision was not originally a part of this ordinance.



Section 9. All ordinances, resolutions, bylaws, and other matters inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 10. The ability to contract for the lowest qualified bidder, but to recognize that a bidder located within the corporate limits of the City which pays on a daily basis all of the taxes, licenses and fees required of City residents, is essential to the public health, safety, and welfare, and provide the opportunity to assure that local tax dollars go to the benefit of the local businesses that pay these tax dollars; therefore this ordinance shall be in full force and effect <INSERT DATE> on all formal competitive bids for the City of Conway.

**PASSED** this 25<sup>th</sup> day of June, 2013.

**Approved:**

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**Mayor Tab Townsell**

**Attest:**

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



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

Ronnie Hall, P.E.  
 City Engineer  
[ronnie.hall@cityofconway.org](mailto:ronnie.hall@cityofconway.org)  
 501-450-6165

June 19, 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 following counter offers have been received and are submitted for your consideration.

Tract 62 – owner – Maynard

Original Offer - Market Value (3,198 Sq. Ft.)	\$1,600
Additional Compensation requested to replant Trees Located on land being acquired	<u>\$6,400</u>
<b>TOTAL COUNTEROFFER</b>	<b>\$8,000</b>

Tract 71 – Owner - Valvia Smith

Original Offer- Market Value (18,366 S.F.)	\$58,550
Damages	\$6,100
Uneconomical Remnant (24,196 S.F.) (owners option)	\$2,400
Eligible Relocation Assistance (Market Value Adjustment.)	<u>\$13,400</u>
<b>Total Original Offer</b>	<b>\$80,450</b>
<b>COUNTEROFFER:</b>	
Wants to build home on her property near this site.	\$110,000

Excerpts from appraisal are attached. Relocation assistance based on comparable market values at other locations in area.

Please advise if you are in agreement with this request.

Thanks,  
 Ronnie Hall, P.E.

**APPRAISAL REPORT**  
**ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT**

Job: 080430      County: Faulkner      Tract: 71X and 71XE-1  
 Location: Hwy 365 - Sturgis Road

Fee Owner(S): Valvia J. Smith  
 Address: PO Box 1389, Conway AR 72033-1389  
 Phone: 501 470 3720

Tenant(S): Owner occupied  
 Address: N/A  
 Phone: N/A

Area Of Whole:	42,562 SF	Permanent Easement(s):	0
Area Of Remainder:	24,196 SF	Temporary Easement(s):	1,975
Area Of Acquisition:	18,366 SF		

(Title Certificate and Legal Description Attached)

**ESTIMATED FAIR MARKET VALUE OF THE PROPERTY**

<b>Before</b>			
Land: 42,562 SF @ \$0.35 per SF	\$	14,900	
Improvements: 1,356 SF manufactured home	\$	52,100	
<b>Total:</b>		\$	<b>67,000</b>

<b>After</b>			
Land: 24,196 SF @ \$0.10 per SF	\$	2,400	
Improvements:	\$	0	
<b>Total:</b>		\$	<b>2,400</b>

FAIR MARKET VALUE OF ACQUISITION: \$ 64,600

Temporary Easements: \$ 50


**Total Compensation as of: December 12, 2012**      \$ 64,650

**ALLOCATION OF COMPENSATION**


Land: 18,366 SF @ \$0.35 per SF	\$	6,400
Permanent Easements:	\$	0
Temporary Easements: 1,975 SF x \$0.10 per SF @ 10% for 2 years	\$	50
Improvements: 1,356 SF Manf. Home: \$47,000; Deck: 2,600 Site Improvements: \$2,500	\$	52,100
Damages: Land	\$	6,100
Cost to Cure Items:	\$	

**Total Compensation:**      \$ 64,650

*Gregory K. Zieba*  
 Gregory K. Zieba, IFAS, MBA  
 Arkansas Certified General Appraiser CG3161  
 February 25, 2013



*Barbara J. Zieba*  
 Barbara J. Zieba  
 Arkansas Certified General Appraiser CG3807  
 February 25, 2013



**MARKET DATA APPROACH**  
**Land Only**  
**(Whole and Remainder Property)**

**COMPARISON WITH SUBJECT PROPERTY**

SALE	L-1	L-2	L-3	L-6
Date of Sale	9/27/2012	8/1/2012	7-16-2012	11/18/2011
Size	33,977 SF	21,780 SF	73,181 SF	26,431 SF
Sales Price	\$11,000	\$10,000	\$15,000	\$11,000
Unit Price	\$0.32/SF	\$0.46/SF	\$0.20/SF	\$0.42/SF

**ADJUSTMENT FACTORS**

Conditions of Sale	Arms-Length	Arms-Length	Arms-Length	Arms-Length
Improvement(s)	None	None	None	None
<b>ADJUSTED SALES PRICE</b>	\$0.32/SF	\$0.46/SF	\$0.20/SF	\$0.42/SF
Time	0	0	0	+\$0.01
Location	Similar	Similar	Similar	Similar
Size	+\$0.04	-\$0.10	+\$0.14	-\$0.08
Topography	Similar	Similar	Similar	Similar
Utilities	-\$0.03	Similar	-\$0.02	-\$0.04
Other			Non-contiguous +0.01	
<b>INDICATED UNIT VALUE</b>	<b>\$0.33/SF</b>	<b>\$0.36/SF</b>	<b>\$0.33/SF</b>	<b>\$0.31/SF</b>

**EXPLANATION OF ADJUSTMENTS:**

As discussed in the sales brochure, there has been some change in market conditions in the last few years. The appraiser's analysis indicates that vacant land has increased approximately 3% per year in Faulkner County. Therefore, comparable L-6 being a year old was adjusted upward \$0.01 per square foot. The remaining three properties required a fraction of one cent adjustments, therefore no adjustments were necessary.

All four properties are located near the subject and were considered to have similar locations. For this reason no adjustments were necessary.

Property size is an influential variable. Generally, an inverse relationship exists between price and size. That is, the larger the parcel, the lower the price per acre selling price. Generally a size adjustment is measured by comparing to relatively similar properties having slightly different sizes. In this instance, the appraiser used sales L-3 and L-6, which are located across the street. Presumably the major difference between these two properties is the size, which Sale L-3 is 46,750 square feet larger than Sale L-6, and sold for \$0.22 per square foot less. Based on this



analysis, a \$0.22 adjustment was made to the sales price of comparable property for each 46,750 square feet difference in size (or fraction thereof.)

This results in an adjustment of +\$0.04 for sale L-1, which is 8,585 SF smaller than the subject; an adjustment of -\$0.10 for sale L-2, which is 20,782 SF smaller than the subject and an adjustment of +\$0.14 for sale L-3, which is 30,619 SF larger than the subject; and an adjustment of -\$0.08 for sale L-6, which is 16,131 SF smaller than the subject.

Sales L-1, L-3 and L-6 have sanitary sewers where the appraised property does not, so a negative 10% adjustment was made for this superior characteristic.

The property described as L-3 consisted of two non-contiguous parcels of three lots. A positive 5% adjustment was made for the lack of utility of this property.

**CORRELATION OF INDICATED VALUES:**

After adjustments, the indicated range in value for the subject land as a whole in its "before" state varies from \$0.31 to \$0.36 per square foot. All four of the properties were given consideration in the value estimate.

**ESTIMATED LAND VALUE:**

Based on the available sales data, I have estimated the subject site to have a value of \$0.35 per square foot in its current state.

Whole Property: 42,562 SF @ \$0.35 per SF = \$14,897.00  
Call ..... \$14,900.00

**Value of Remainder**

The residual parcel is damaged for the reasons discussed earlier. This is largely because of the question of access. The highest and best use of the remainder is believed to be for assemblage with an adjoining property. For this reason I have estimated the value of the remaining parcel to be \$0.10 per square foot:

Remainder Property: 24,196 SF @ \$0.10 per SF = \$2,420.00  
Call ..... \$2,400.00

**Temporary Easements**

The estimated value of the easement (Tract 71E-1) is calculated as the lease of the land for a two year period, at a 10% rate of return. This was estimated as follows:

Tract 71E-1: 1,975 SF x \$0.10 per SF @ 10% for 2 years = \$50.00 (rounded)

**APPRAISER'S CHECK LIST**

**RESIDENTIAL PROPERTY**

Type of Building:      Manufactured Home  
 Units:                    One  
 Rooms:                   Six  
 Bedrooms:                Three  
 Baths:                    Two  
 Closets:                  Four  
 Water Heaters:         Electric  
 Gallons:                  Unknown

**EXTERIOR CONSTRUCTION**

Foundation:             Concrete Block Piers, metal underpinning  
 Siding:                  Aluminum  
 Roof:                    Composition Shingle  
 Porches:                Covered wood deck w/railing  
 Garage or Carport:     None  
 Windows:                Aluminum - insulated w/screens  
 Condition:              Good

**INTERIOR CONSTRUCTION**

Heating:                 Forced -air, LP gas fired  
 Trim:                    Typical  
 Cooling:                Central Air  
 Insulation:             Typical - walls and ceiling  
 Cabinets:               Good  
 Doors:                   Wood hollow core  
 Plumbing Fixtures:     Average 8 (%) Fixtures  
 Electrical Fixtures:   Average  
 Built-In Appliances:   None

**ROOMS**

	Living	Kitchen	Bedroom	Bedroom	Bedroom	Bath	Bath
WALLS	Panel	Panel	Panel	Panel	Panel	Panel	panel
CEILING	Panel	Panel	Panel	Panel	Panel	Panel	panel
FLOORS	Carpet	Vinyl	Carpet	Carpet	Carpet	Vinyl	Vinyl
CLOSETS			Panel	Panel	Panel		

Condition:               Average  
 Outbuildings:         Average  
 Walks:                  None  
 Drives:                 Gravel  
 Fencing:                None  
 Landscaping:          Cleared w/woods in back portion of the lot  
 Miscellaneous:         Septic System

**RESIDENTIAL MARKET DATA ANALYSIS  
(Whole Property)**

Item	Subject Property	Comparable No R-2.			Comparable NoR-5.			Comparable No.R-1											
Address	Sturgis Road	16 Arkla Dock Road. Conway AR			Betty Jo Lane Mayflower, AR			15 Lakeview Circle Conway, AR											
Proximity																			
Sales Price		\$82,000			\$85,000			\$83,500											
Date of Sale	12/12/2012	8/7/2012			7/22/2011			10/19/2012											
Data Source	Inspection	MLS/Assessment records/ Deed			MLS/Assessment records/ Deed			MLS/Assessment records/ Deed											
	<b>Description</b>	<b>Description</b>			<b>Adj</b>			<b>Description</b>			<b>Adj</b>								
Sale Conditions		4 Months						5 Months											
Location	Rural-Avg	Equal						Equal			Superior			-\$8,350					
Site/View	.98 Acres-Avg	0.5 Acres-Avg			Equal			0.55 Acres-Avg			-\$5,100			0.207 Acre-Avg			+\$2,900		
Curb Appeal	Average	Average						Average						Average					
Quality	Average	Average						Superior			-\$8,500			Superior			-\$8,500		
Age	Actual: 15 Effective: 10	Actual: 8 years Effective: 5			-\$6,700			Actual: 28 years Effective: 10						Actual: 28 years Effective: 10					
Condition	Good	Good						Similar						Similar					
Living Area	Tot   Br   Ba	Tot   Br   Ba						Tot   Br   Ba						Tot   Br   Ba					
Count	6   3   2	5   3   2						6   3   2						5   2   1			+\$1,000		
Gross Area	1,356	1,924			-\$5,680			1,786			-\$4,300			1,057			+\$2,990		
Basement	None	None						None						None					
Functional Utility	Average	Average						Average						Average					
A/C	Central	Central						Central						Central					
Garage	None	2 Car Det Garage			-\$4,000			2 Car Carport			-\$2,000			1 Car Carport			-\$1,500		
Patio/Porch	Wood Deck	Equal						Equal						Equal					
Special Improvement	Stg Shed	None			+\$200			None			+\$200			None			+\$200		
Other	Fireplace, Whirlpool Tub	Inferior			+\$1,500			Inferior			+\$1,500			Inferior			+\$1,500		
Financing/Concessions	None	None						None						None					
NET ADJUSTMENT					-\$14,680						-\$18,200						-\$9,760		
<b>INDICATED VALUE</b>					<b>\$67,320</b>						<b>\$66,800</b>						<b>\$73,740</b>		

**EXPLANATION OF ADJUSTMENTS:**

An analysis of the Faulkner County residential real estate market shows that residential properties have been increasing in value roughly 2% per year since 2008. This equates to a



monthly rate of 0.17%, which was applied to the sales prices of the comparable properties. For a more detailed description of this market conditions analysis, please refer to the sale brochure. However, since all three properties sold within the five months preceding the appraisal, no adjustments were made.

Adjustments for Site were made based on the difference in the contributory value of the land in comparison to the comparable property's selling price. Comparable R-5 has a much smaller site, but with a higher unit value than the appraised property. The difference of \$5,100 was subtracted from the comparable property to make it similar to the subject. Comparable Sale R-1 was a smaller site being \$2,900 lesser in value. Therefore, the sale price of Sale R-1 was adjusted upward \$2,900. Sale R-2 having a site with approximately the same contribution to value as the subject required no adjustment.

Comparables R-3 and R-1 were superior in terms of their construction quality as they are "stick-built" homes compared to the appraised property which is a manufactured home. Each was adjusted downward \$8,500 for quality. Sale R-2 is a manufactured home so no adjustment was needed.

The improvements comprising Sale R-2 are 7 years newer with an effective age that is five years less than the property being appraised. The improvements have a contributory value of \$67,000. At 2% per year depreciation, the amount of physical depreciation is \$1,340 per year. Over five years, this equates to \$6,700 which was the adjustment made to this property. The remaining properties have similar effective ages so no adjustments were needed.

Sale R-1 had only one bath while the subject has two. A positive adjustment of \$1,000 was made to this sale for this characteristic.

Both Comparables R-2 and R-5 have larger dwellings, while Comparable R-11 is smaller in size. An adjustment of \$10/SF was made the differences size between the comparison property and the subject. Generally the adjustment for differences in size between manufactured homes is somewhat lower than conventional construction, as are the construction costs on a square foot basis. Having adjusted Sales R-1 and R-5 for construction quality, we are saying in effect they are now similar to the subject. Therefore, a smaller adjustment of \$10 per square foot of difference in gross living area was applied, than would typically be applied to stick built homes.

All three properties have car storage an amenity the subject does not have. Sale R-2 had a two car garage warranting a negative \$4,000 adjustment. Sale R-5 had a two-car carport while Sale R-1 had a single car carport. These properties received negative adjustments of \$2,000 and \$1,500, respectively.

None of the comparable properties have storage sheds. A relatively minor adjustment of \$200 was added to each.

Finally, the subject has a fireplace and a whirlpool tub. None of the comparison properties possessed these amenities. A positive \$1,500 adjustment was made to each for this dissimilarity.

Ideally, these adjustments are made based on a paired-sales analysis where two fairly similar properties are compared, having only one dissimilar characteristic. Any difference in the sales price can then be attributed to this item. Most often however, especially in rural areas, there are few sales of truly comparable properties to begin, and generally a paired sales analysis is



impossible given the lack of similarities between the properties that have sold. Such is the case in this instance. Consequently, the appraiser has identified the significant differences, and using his judgment and experience, has attempted to make adjustments to reflect those differing characteristics.

**CORRELATION OF INDICATED VALUES:**

After adjustments, the comparable sales data indicate a range in value for the subject in its current condition of \$67,320 to \$73,740, a very narrow range in value. Comparable R-1 required the lowest net adjustment, and is the most similar in size. However, Sale R-2 is most similar in design. After careful consideration, the appraiser has given all three properties consideration in the value estimate.

**ESTIMATED VALUE:** The appraiser has concluded the property in its current condition has a market value of \$67,000.

**COST APPROACH  
(Whole Property)**

Description	Const. Type	Cond.	Size	RCN per Unit	Total RCN	Total Depr.	RCN Less Depr.
Dwelling	Manuf.	Good	1,356	\$48.73	\$66,078	(\$21,806)	\$44,272
Skirting	Metal	Avg.	160	\$7.45/LF	\$1,192	(\$393)	\$799
Fireplace					\$1,750	(\$578)	\$1,172
Wood Deck	Wood	Avg	410	\$9.60	\$3,936	(\$1,299)	\$2,637

Total RCN Less Physical Depreciation	\$48,880
Contributory Value of Site Improvements (Septic, Drive)	\$2,500
Estimated Value of Land	\$14,900
Estimated Value by Cost Approach	\$66,280
	Call \$66,300

**Justification and source of Cost factor used above.**

The replacement cost new of the improvements located on the appraised property was estimated using Marshall Valuation Services' Cost Handbook, with costs taken from the Manufactured Homes Section Page 197, average quality, manufactured housing. The cost base cost of \$45.74 is refined as follows:

Base Cost	\$45.74
Carpet	2.95
Drywall interior	1.07

Heat and A/C	1.66
Subtotal	<u>\$51.42</u>
Current cost multiplier	1.03
Local cost multiplier	<u>0.92</u>
Adjusted replacement cost new	\$48.73

The refinements, deck costs and under skirting and were estimated from the same source (Marshall and Swift Residential Cost Handbook) page Mfg-19. The current cost multiplier was found at page F-1, and the local multiplier at F-3.

**Accrued depreciation (physical, functional, economic):**

Physical depreciation was estimated using the age-life method whereby the effective age is divided by the economic life expectancy of the structure to arrive at an estimate of normal physical depreciation. In this case, the effective age is 10 years. The Marshall and Swift Residential cost Handbook shows the economic life of an average quality manufactured home to be 30 years (Page E-7), resulting in 33% physical depreciation.

**CORRELATION OF APPROACHES**

Estimated Value of Whole Tract Before Taking:  
Cost Approach .....\$66,300  
  
Income Approach..... Not used  
  
Market Data Approach..... \$67,000  
  
Estimated Value..... \$67,000

**EXPLANATION:**

The cost approach indicates a value of \$66,100 while the market data approach indicates a value of \$67,000. Each approach closely supports the other. Since the market data approach more closely represents the motivations of the market participants, as well as current market conditions, it was given primary consideration in the valuation of the property as a whole in its "before" state.

Estimated Value of Remainder After Taking:

Cost Approach ..... Not Applicable  
  
Income Approach..... Not used  
  
Market Data Approach..... \$2,400  
  
Estimated Value..... \$2,400

**EXPLANATION:**

Since the improvements are located within the proposed acquisition, the cost approach is not applicable. The residual land value was estimated using the sales comparison approach at \$2,400. This value reflects the damages from the lack of access and the change in the highest and best use.

ESTIMATED VALUE OF PART SOUGHT INCLUDING ALL DAMAGES OR BENEFITS: \$64,600.00  
TEMPORARY CONSTRUCTION EASEMENTS .....\$50.00  
TOTAL COMPENSATION .....\$64,650.00

**SALVAGE VALUE OF IMPROVEMENTS ACQUIRED**

**DESCRIPTION**

Improvements consists of a 1997 model 28' x 50 manufactured home in good condition

**SALVAGE VALUE; \$5,000.00**

**Justification of Salvage.**

The home will have to be relocated within a short time frame. Tongees and axels would have to be acquired, and the home prepared for removal. For this reason it is believed that the most someone would pay to salvage the home would be \$5,000.



RAS 17 RW 5/14/2012

**ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT  
DETERMINATION OF PRICE DIFFERENTIAL ELIGIBILITY  
SUMMARY AND CERTIFICATION**

Job Information: 80430 Conway Arterial Faulkner  
Tract Information: 71X Valvia J. Smith

	SUBJECT	Listing #1	Listing #2	Listing #3
Address	368 Sturgis Rd.	33 Valley Rd.	17 Madrid	105 S. Center
Proximity	SUBJECT	4 miles	9 miles	5 miles
Cost	64,600	\$75,000.00	\$78,000.00	\$79,800.00
Type	Vinyl - 1 story	Brick Ranch	Vinyl - 1 story	Frame
Site	.42 acres	.75 acres	1.87 acres	.39 acres
Gross Living Area	1,356 s.f.	1,458 s.f.	1,568 s.f.	1,387 s.f.
Total Rooms	six	six	six	six
Bedrooms	three	three	three	three
Bathrooms	two	two	two	one
Heat and Air	Central/elec.	Central	Central/elec.	Gas/CA
Parking	Gravel	2 car det. Garage	2 car det. Garage	1 car det.
Patio / Porch	Deck	N/A	deck	
Condition	good	good	good	good
Ext. Attributes			1 car carport	shad
Other				

Replacement No. 2 is most nearly comparable to the subject because:  
Both the subject & comp #2 are manufactured homes, that are approximately the same age;  
they are also less than 10 miles from each other.

	Amount	Totals
Price of Selected Comparable		\$78,000.00
Base Dwelling and Dwelling Site Acquisition Cost	<u>\$64,600.00</u>	
Is there an uneconomic remnant?	NO	
Ext. Attribute Carve Outs?		
_____	_____	
_____	_____	
_____	_____	
<b>TOTAL DWELLING AND DWELLING SITE ACQUISITION COST</b>		<u>64,600.00</u>
<b>MAXIMUM TOTAL PRICE DIFFERENTIAL PAYMENT ELIGIBILITY</b>		<u>13,400.00</u>

Based on above calculations the maximum price differential to be paid to the occupant, or occupants, of this dwelling as provided by the Uniform Relocation Act of 1971 is:

**\$13,400.00**

Replacement housing payments exceeding \$22,500.00 are replacement housing of last resort.

It is my understanding that this determination is to be used in connection with a Federal Aid Highway project. I hereby certify that I have no direct or indirect present or contemplated personal interest in this price differential calculation; that I will not derive any benefit from the relocation assistance and payments provided; that compensation for this determination of price differential payment is not contingent upon any value conclusions as herein set forth and that all statements herein are true to the best of my knowledge and belief.



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

Ronnie Hall, P.E.  
City Engineer  
[ronnie.hall@cityofconway.org](mailto:ronnie.hall@cityofconway.org)  
501-450-6165

May 28, 2013

Mayor Tab Townsell  
City Hall  
1201 Oak Street  
Conway, Arkansas 72032

Re: Prince Street Improvements -Western Ave. to Shady Lane  
Right of Way Acquisition Parcels 21 & 23

Dear Mayor Townsell;

Offers for the right of way required for Prince Street have been made to Four Winds, Inc. (Parcel 21) – Trinity Square Apartments and Tony & Reda Salters (Parcel 23). The following counter offers or conditions have been received.

Parcel 21 – Four Winds Property – Trinity Square Apartments 289 SF Right of Way + Fence Reconstruction.

Original Settlement Amount:	Appraised Value	\$1,160.00
	Replace Decorative Fence	<u>\$12,500.00</u>
	Total Original Offer	\$13,660.00

Additional Request:

6' high Decorative Fence rather than 4' fence due to reduced setback from traffic	<u>+3,000.00</u>
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<b>TOTAL COUNTER OFFER AMOUNT</b>	<b>\$16,660.00</b>
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Parcel 23 – Tony Salter & Reda Salter (Salter Realty)

79.5 SF Right of Way + Sign relocations + loss of Parking

Original Settlement Amount	\$6,240.00
----------------------------	------------

Additional Request:

1. Remove island in Parking Lot and Pave island
2. Area to allow parking proper parking.  
Waive additional parking requirements if Building is expanded.
3. Try to alleviate drainage obstruction at southeast corner of Parking Area.  
No Change in value requested.

It is my opinion that the request for Parcel 21 is fair and reasonable. It is my opinion that items 1 and 2 for Parcel 23 are fair and reasonable. Item No. 3 for Parcel 23 may require constructing or reshaping a drainage swale between the buildings located south of this tract. The area appears to have buried telephone cable, mechanical equipment, significant brush and trees and dumpster pads in the area. It is questionable whether any significant improvement can be made to the outfall drainage without significant relocations and expenses. It appears that the drainage could be improved by providing a drainage path thru or under their board fence and some minor manual cleaning each side of fence.

Please advise if you have questions or need additional information.

Thanks,  
Ronnie Hall, P.E.



City of Conway, Arkansas  
Ordinance No. O-13-\_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. O-09-103 AUTHORIZING WHICH AUTHORIZED THE ISSUANCE OF A PROMISSORY NOTE TO PROVIDE SHORT-TERM FINANCING UNDER AMENDMENT NO. 78 TO THE ARKANSAS CONSTITUTION FOR CERTAIN INFRASTRUCTURE IMPROVEMENTS TO THE CITY OF CONWAY STREET SYSTEM; PROVIDING FOR PAYMENT OF THE PRINCIPAL ~~OF~~ AND THE INTEREST ON THE NOTE; APPROPRIATING ~~STREET PROJECT~~ FUNDS FROM GENERAL STREET REVENUES; REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

**WHEREAS**, the City of Conway, Arkansas (the "City") is authorized and empowered under the provisions of Amendment No. 78 to the Arkansas Constitution ("Amendment No. 78") and Act No. 1808 of 2001 (codified as ~~Title 14~~ Arkansas Code Annotated § 14-78-101, et seq., the "Act"), to incur tax exempt short term financing obligations maturing over a period of, or having a term not to exceed five (5) years for the purpose of acquiring, constructing, installing and renting real property or tangible personal property having an expected useful life of more than one year; and

**WHEREAS**, it is proposed that the City issue its Promissory Note in the principal amount up to \$2,000,000 (the "Note") under Amendment No. 78 and the Act for the purpose of providing financing for all or a portion of the cost for certain infrastructure improvements for the City of Conway, specifically ~~the Salem Road Railroad Overpass Project, the College Avenue Connection to Elm Street Project and engineering cost for the Environmental Assessment for the Western Arterial Loop~~ improvements to Prince Street (the "Projects" "Project"); and

**WHEREAS**, the City intends to arrange for the loan (the "Loan") from a financial institution (the "Lender") and to issue the Promissory Note to the Lender at a price of par in consideration for the Loan.

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

**SECTION 1:** The City of Conway City Council (the "City Council") hereby finds that the ~~Projects are~~ Project ~~is~~ real or tangible personal property having a useful life of more than one year. The City Council further finds that the sum of the principal amount of the proposed Promissory Note and the outstanding principal amount of the City's other promissory notes issued under the authority of Amendment 78 do not exceed five percent (5%) of the assessed value of taxable property located within the City as determined by the last tax assessment completed before the issuance of the proposed Promissory Note.

**SECTION 2:** That under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment No. 78 and the Act, the previous authorization of the Promissory Note is hereby ~~authorized and ordered issued~~ confirmed in the principal amount of up to \$2,000,000 for the purpose of financing all or a portion of the cost ~~for construction of improvements upon, and/or acquisition of, the Property and paying expenses of issuing the Note of the Project.~~ The Note shall be dated the date of its issuance and shall bear interest on the outstanding principal amount at a fixed rate ~~not to exceed of~~      % per annum (calculated on the basis of the actual number of days elapsed in a year of 365 days (366 days in a leap year). The Note shall be repaid ~~in five substantially equal amount amortized installments of principal and interest, commencing one year from the date of the Note and continuing on the same day of each year thereafter, with the final installment due five years from the date of the Note within five years from the first draw thereunder,~~ and the Note shall commence to bear interest as of such date as contemplated by Arkansas Code Annotated § 14-78-102(4) and § 14-78-104(d), respectively. The Note shall be issued in fully registered form.

**SECTION 3.** That the Lender ~~shall be~~ has previously been selected by the Mayor, and approved by the City Council, based upon the commitment or proposal for the Loan that the Mayor ~~determines~~ has determined to have the lowest cost to the City after soliciting ~~The City's Director of Finance has solicited~~ proposals or commitments for the Loan from at least three financial institutions having offices in Faulkner County. ~~The Mayor shall have the right to reject any and all proposals and commitments.~~

**SECTION 4.** That the first draw on the borrowings will occur on or about ~~December 1, 2009~~ July 1, 2013 and the City will execute the Promissory Note ~~prior to that date~~ immediately prior to such draw. Interest will begin to accrue on only the amount borrowed as of the date of ~~the first draw on borrowings~~ each draw.

**SECTION 5.** That as provided in Amendment No. 78, the ~~annual~~ debt service payments on the Note ~~in each fiscal year~~ shall be charged against and paid from the general revenue of the City ~~of such fiscal year~~ within five years, but not later than five (5) years from the date of the first draw when the obligation commences to bear interest, as contemplated by Arkansas Code Annotated § 14-78-102(4) and § 14-78-104(d), respectively. For the purpose of making the annual debt service, there is hereby, and shall be, appropriated to pay the Promissory Note, an amount of general revenue of the City sufficient for such purposes. The City's Director of Finance is hereby authorized and directed to withdraw from the Street Fund of the City the amounts and the times necessary to make the annual debt service payments on the Promissory Note. Such funds may be provided by pay as you go funding provided by the Quarter Cent Sales and Use Tax Bonds dedicated to major street projects, Street Impact Funds, or any other funds typically available for infrastructure improvements to the City of Conway street system.

**SECTION 6:** That the Mayor and City Clerk, for and on the behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the issuance execution, and delivery of the Note, and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred by this Ordinance. The Mayor and City Clerk are hereby further authorized and directed, for and on behalf of the City, and to execute all papers, documents, certificates, and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

**SECTION 7.** 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 8:** That all ordinances or resolutions of the City in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 9:** That funds provided through ~~such borrowings~~ the issuance of the Promissory Note are hereby appropriated and budgetary authority is provided for the ~~Projects~~ Project in an amount up to \$2,000,000.

**SECTION 10:** That funds provided be appropriated from the Street Sales and Use Tax Fund Proceeds of Promissory Note revenue account (613.201.4612) into the Street Sales and Use Tax Fund CIP project account (613.201.5990) as money is borrowed and received for the Project in an amount up to \$2,000,000.

Passed on this 25<sup>th</sup> day of June, 2013.

Approved:

\_\_\_\_\_  
Mayor Tab Townsell

Attest:

\_\_\_\_\_  
Michael O. Garrett  
City Clerk/Treasurer





# CONWAY PLANNING COMMISSION

---

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

June 18, 2013

Council Members  
Conway, AR 72032

Dear Council Members:

St. Peter's Episcopal Church request for a Conditional Use Permit to allow religious activities described as miscellaneous church functions and gatherings to include meetings, weddings, and community events such as *Art, Love, Pray* for property that is located at 1926 Prince with the legal description

Lots 1, 2, & 3, Block 1, Ledbetter Addition north 110 feet Lot 3.

was reviewed by the Planning Commission at their regular meeting on June 17, 2013. The Planning Commission voted 8 – 0 to forward this request to the City Council with a recommendation for approval with the following conditions attached.

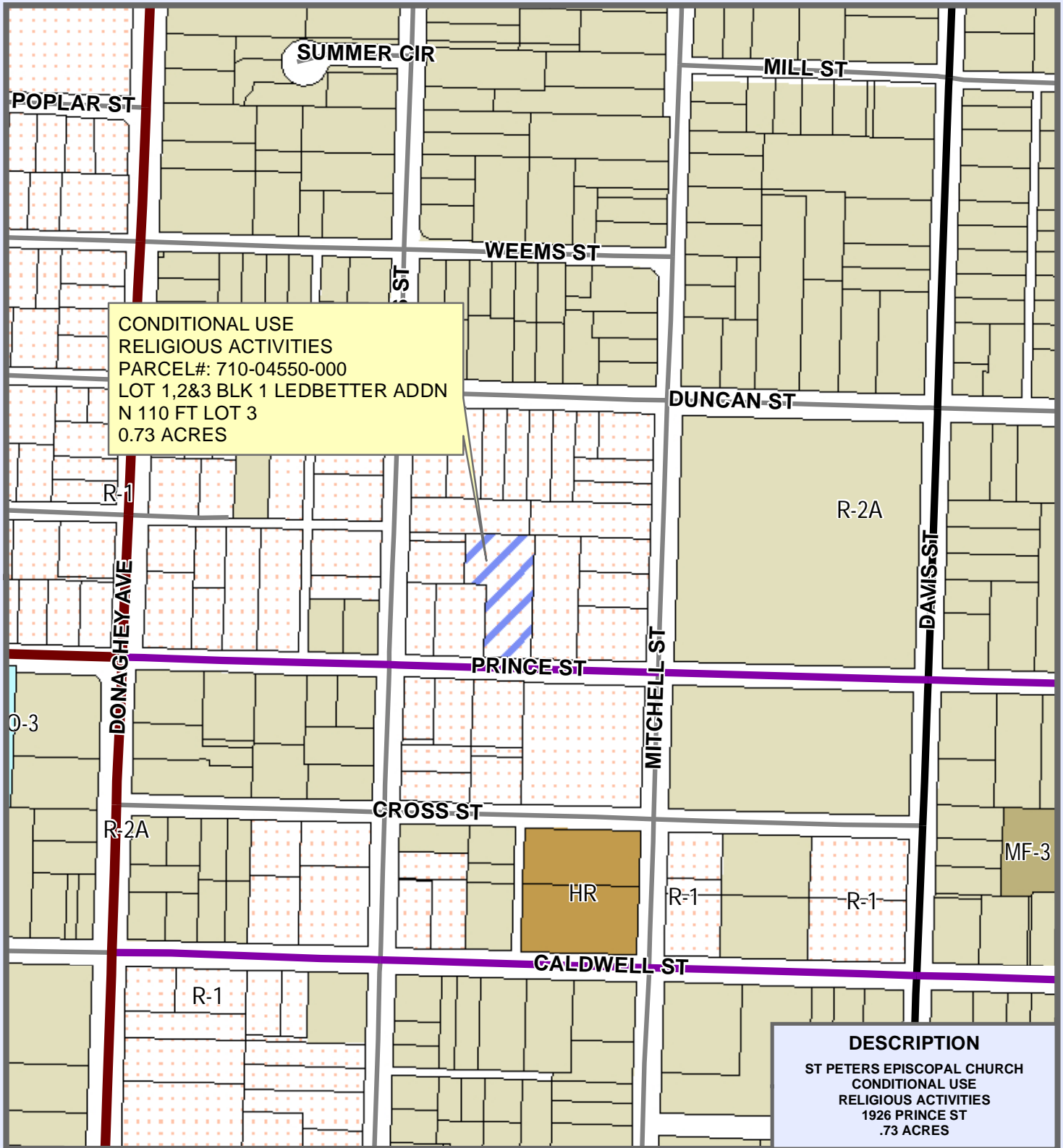
1. Hours of operation from 8:00am to 10:00pm.
2. Limited to St. Peter's only—if Church vacates or sells the property, the conditional use permit becomes null and void.
3. No signage allowed other than a 2-foot-by-2-foot non-illuminated sign near the house but not on the street.
4. No outdoor sound system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

Sincerely,

Jon Arms, Chair  
Planning Commission

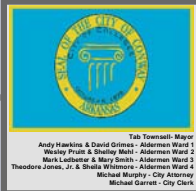
# CITY OF CONWAY

## ST PETERS EPISCOPAL CHURCH CONDITIONAL USE



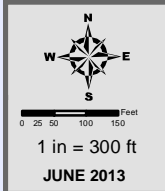
CONDITIONAL USE  
 RELIGIOUS ACTIVITIES  
 PARCEL#: 710-04550-000  
 LOT 1,2&3 BLK 1 LEDBETTER ADDN  
 N 110 FT LOT 3  
 0.73 ACRES

**DESCRIPTION**  
 ST PETERS EPISCOPAL CHURCH  
 CONDITIONAL USE  
 RELIGIOUS ACTIVITIES  
 1926 PRINCE ST  
 .73 ACRES



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	MF-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	PUD
			TJ
			Special
			SP
			S-1
			A-1
			PUD
			TJ

Commercial	Office	Special
C-1	O-1	SP
C-2	O-2	S-1
C-3	O-3	A-1
C-4	PUD	PUD
	TJ	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



# CONWAY PLANNING COMMISSION

---

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

June 18, 2013

Council Members  
Conway, AR 72032

Dear Council Members:

Allen Shaver, Shaver Properties, request for a Conditional Use Permit to allow MF-1 density in R-2 zoning for property located at 702 Third Avenue and 727 Fourth Avenue with the legal description

Lots 15, 16, 17, 18, and also the closed portion of Vine Street in Block 6, R. L. Hayes Addition.

was reviewed by the Planning Commission at their regular meeting on June 17, 2013. The Planning Commission voted 8 – 0 to forward this request to the City Council with a recommendation for approval subject to the following conditions.

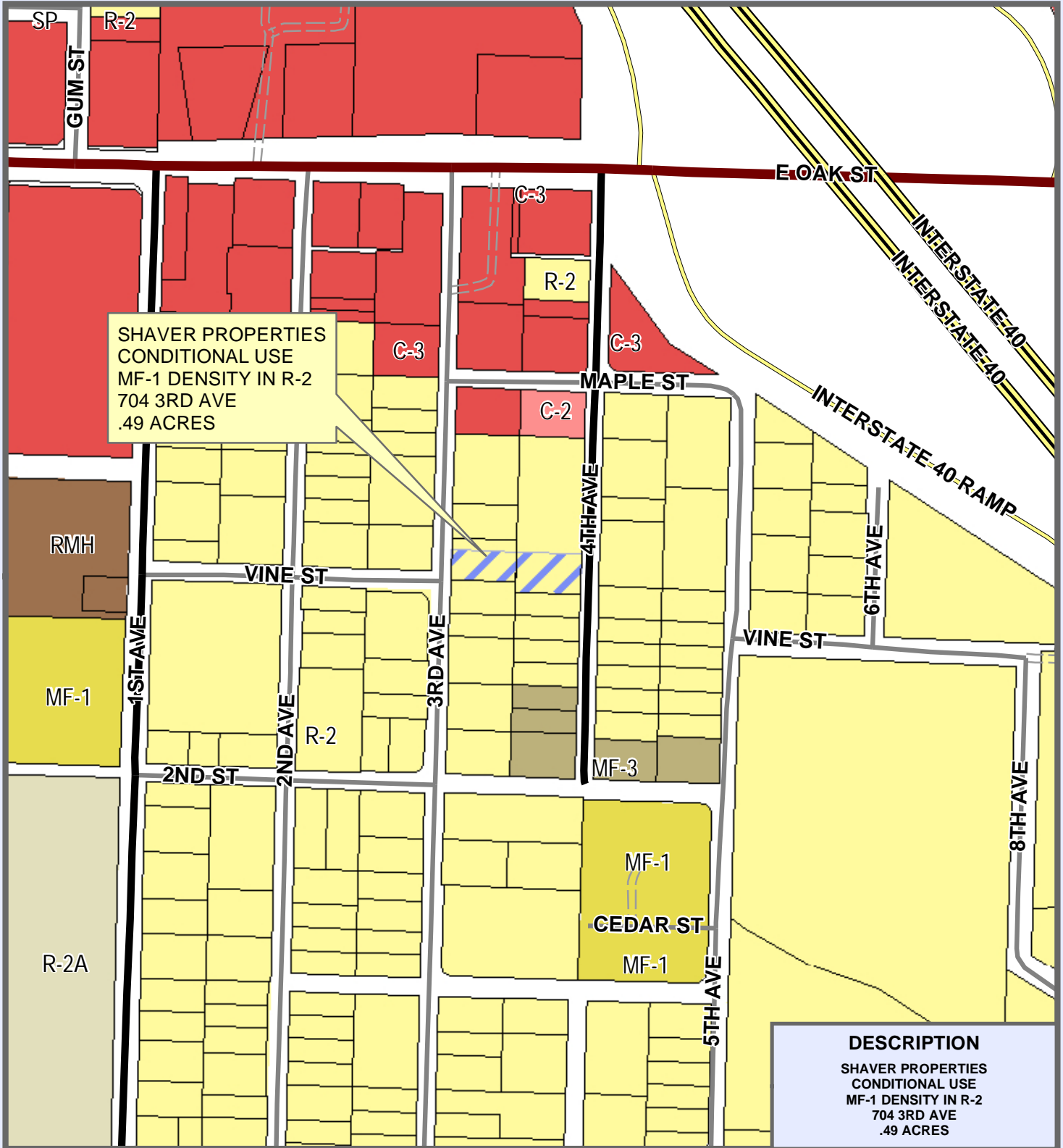
1. The property may have a maximum of 6 residential units.
2. The development will be generally constructed as shown on the submitted site plan.
3. A replat of the property is required.

Sincerely,

Jon Arms, Chair  
Planning Commission

# CITY OF CONWAY

## SHAVER PROPERTIES CONDITIONAL USE



SHAVER PROPERTIES  
CONDITIONAL USE  
MF-1 DENSITY IN R-2  
704 3RD AVE  
.49 ACRES

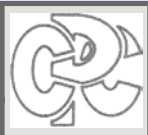
**DESCRIPTION**  
SHAVER PROPERTIES  
CONDITIONAL USE  
MF-1 DENSITY IN R-2  
704 3RD AVE  
.49 ACRES



Talk Townsend - Mayor  
Andy Hawkins & David Grimes - Aldermen Ward 1  
Wesley Pruitt & Shelly Blake - Aldermen Ward 2  
Mark Ledbetter & Mary Smith - Aldermen Ward 3  
Theodore Jones, Jr. & Shady Wilmore - Aldermen Ward 4  
Michael Murphy - City Attorney  
Michael Barrett - City Clerk



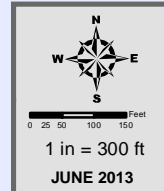
Bryan Patrick - Director  
Wes Crisler - Deputy Director  
Christy Sutherland - Planner  
Linda Rhee - Planning Tech  
Jason Lyon - GIS Coordinator



CONWAY PLANNING COMMISSION  
John Arms - Chair  
Jeff Allender - Vice-Chair

INTERSTATE	LOT LINE
MAJOR ARTERIAL	STREAMS
MINOR ARTERIAL	LAKES & PONDS
COLLECTOR	CITY LIMITS
RESIDENTIAL	
PRIVATE ROAD	
INTERSTATE RAMP	
RAILROADS	

Residential	Commercial	Office	Industrial	Special
R-1	C-1	O-1	I-1	SP
R-2A	C-2	O-2	I-3	S-1
R-2	C-3	O-3	RU-1	A-1
HR	C-4		RU-3	PUD
SR			RMH	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 THE CONWAY ZONING ORDINANCE O-95-54 REGULATIONS CONCERNING TRANSMISSION TOWERS; AND FOR OTHER PURPOSES:**

**WHEREAS**, Current City of Conway zoning regulations do not adequately address the locating and design of transmission towers, particularly cellular telephone towers; and

**WHEREAS**, The City of Conway would like to amend zoning regulations concerning transmission towers to better reflect preferred zoning policies and current transmission technology;

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

**SECTION 1.** That Ordinance O-94-54, Article 301 Definitions, Section 301.2 be amended as follows:

**Public Utility:** Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public; gas, steam, **water**, electricity, sewage disposal, communication, ~~telegraph, transportation of water~~, or cable television.

**Retail – General:** (List of allowed uses): ~~Telegraph transmitting or receiving station~~

~~**Transmission Tower/Station:** A tower and/or associated station which receives and/or sends radio and/or television waves such as radio towers. This definition does not include amateur radio communication installations. Uses shall include but not be limited to radio transmitting stations or towers other than amateur and television exchange station relay towers.~~

**Transmission Tower/Station:** A tower with antenna(s), and/or associated support equipment providing wireless transmission of voice, data, images, or other other wireless electronic information. Uses include, but are not limited to, cellular telephone service, radio, and television. This definition does not include amateur radio communication installations.

**SECTION 2.** That Ordinance O-94-54, Article 601 Special Provisions Conditions Applying to Uses, Section 601.14 be amended as follows:

**SECTION 601.14 - HEIGHT**

The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations. See sections 401.4 through 401.9.

In measuring heights, a habitable attic shall be counted as a story unless the area of the attic at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment.

Chimneys, elevators, poles, spires, tanks, towers, ~~(except for transmission towers/station)~~ and other projections not used for human occupancy may extend above the height limit. ~~Transmission towers/station must conform to the height limits established for buildings in their respective zoning districts except in the industrial zoning districts (I-1, I-2-RU-1 (ordinance O-03-148) and I-3) where transmission towers/station may be up to 150 feet in height. Any transmission tower/station which is not used for a continuous period of twelve (12) months must be dismantled and removed by the telecommunications service provider. (Ordinance O-98-33)~~

Utility lines, when crossing public rights-of-way or easement, shall maintain a minimum clearance of eighteen (18) feet measured at the crown of the roadway.

SECTION 3. That Ordinance O-94-54, Article 601 Special Provisions Conditions Applying to Uses, Section 601.26 be amended as follows:

**SECTION 601.26 – TRANSMISSION TOWER/STATION**

~~For information on height controls on transmission towers/station, see SECTION 601.14 – HEIGHT. (Ordinance O-98-33)~~

*Transmission towers/station are permitted in all zoning districts by conditional use permit. Unless outstanding conditions warrant otherwise, the following conditions apply to any transmission tower/station. If the Planning Commission/City Council find outstanding conditions are warranted, deviations from these prescribed conditions may be allowed.*

*Height. Tower height shall be limited to 150 feet maximum as measured from average undisturbed soil area to the highest tower projection. The City Council reserves the right to limit tower height for any given location to the most appropriate height.*

*Setbacks. Transmission towers shall be setback a distance equal to the tower's height from the property line or any occupiable structure.*

*If the Applicant provides a letter or design drawings stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure, the setbacks shall be reduced to applicable structure setbacks per zoning district.*

*Accessory equipment must conform to the setback standards of the applicable zone.*

*Monopole only. Transmission towers shall be a monopole design. A monopole is defined as a single, freestanding pole-type structure supporting one or more antenna. A lattice-type structure whether guyed or freestanding, is prohibited.*

*Internal Antenna and Wiring: All antennas, cabling, and wiring shall be internally mounted. No antennas or wiring shall be visible on the exterior of the tower.*

*Fencing. Ground mounted accessory equipment and support structures shall be secured and enclosed with a fence not less than 6 feet in height. If the tower location is within view of a public right of way, or an aesthetically sensitive area, fence shall be made of a durable material appropriate for the development and/or area. Brick or masonry shall be the preferred materials. Lesser material shall be appropriate for non aesthetically sensitive areas.*

*Landscaping: If the tower location is viewable from a public right of way, or otherwise located in an aesthetically sensitive area, landscaping shall be required surrounding the fencing of accessory equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The City Council may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the City Council, landscaping is not appropriate or necessary.*

*Lighting. Lighting and Marking. Telecommunications Facilities or Support Structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).*

*Signage. Signs located at the transmission tower/station shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.*

*Removal. Any transmission tower/station which is not used for a continuous period of twenty four (24) months must be dismantled and removed by the telecommunications service provider.*

*Colocation. A colocation or installation of transmission equipment to existing structures shall not be required to seek a conditional use permit. All tower co-location installations must conform to any conditions set per transmission site's conditional use permit and/or zoning regulations. Any additional support equipment and/or structures shall be regulated per prior site conditional use permit, zoning district setbacks, overlay districts, historic districts, or other zoning regulation in effect. Any co-location accessory equipment shall obtain appropriate permits such as building, electrical, structural, etc.*

*Carrier on Wheels (COW). A carrier on wheels defined as a portable self-contained telecommunications facility normally mounted on a vehicle, may be allowed to offer temporary or emergency wireless service. The Mayor, or his*

*representative may issue a permit to allow a carrier on wheels for special events, or emergency service for a period not to exceed 90 days.*

**SECTION 4.** The permitted uses matrix for Transmission Tower/Station, Article 401 Zoning District Regulations, Section 401.4 - Residential District, B. Use Regulations, 1. Permitted Uses, 3. Other Uses, shall be amended as follows:

ALLOWED USES	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR
<i>Transmission Tower/Station</i>	C	C	C	C	C	C	C	C	C

**SECTION 5.** The permitted uses matrix for Transmission Tower/Station, Article 401 Zoning District Regulations, Section 401.8 - Agricultural Districts, B. Use Regulations, 3. Community Facilities and Public Utilities shall be amended as follows:

ALLOWED USES	A-1
<i>Transmission Tower/Station</i>	C

**SECTION 6.** The permitted uses matrix for Transmission Tower/Station, Addendum A to the Conway Zoning Ordinance, Uses Allowed in the Various Zoning Districts shall be amended as follows:

ALLOWED USES	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2	TJ
<i>Radio transmitting station or tower other than amateur</i>										€	€	€	€	€	€	€	€	€	€		€		€
<i>Telegraph transmitting or receiving station</i>										✕	€	✕	✕	€	€		✕	€	€		€	€	€
<i>Telegraph exchange station or relay tower</i>	€	€	€	€	€	€	€		€	€	€	€	€	€	€	€	€	€	€	€	€	€	€
<i>Transmission Tower/Station</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

**SECTION 7.** All RU-1 zoned transmission tower locations throughout the city shall be rezoned to their previous zoning. Conditional Use Permits as approved for these tower locations will remain in effect.

**SECTION 8.** All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this \_\_\_ day of June, 2013.

APPROVED:

\_\_\_\_\_  
Mayor Tab Townsell

ATTEST:

\_\_\_\_\_  
Michael O. Garrett  
City Clerk/Treasurer



# CONWAY PLANNING COMMISSION

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

June 18, 2013

Council Members  
Conway, AR 72032

Dear Council Members:

At their regular meeting on June 17, 2013, the Planning Commission reviewed a proposed amendment to the current Zoning Ordinance to allow cell towers in all zoning districts by conditional use. The Planning Commission voted 8 – 0 to forward this request to the City Council with a recommendation for approval.

Sincerely,

Jon Arms, Chair  
Planning Commission





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

**AN ORDINANCE REQUIRING ANY PERSON TRANSPORTING LITTER, WASTE, TRASH, OR GARBAGE WITHIN THE CITY OF CONWAY TO TAKE REASONABLE STEPS TO PREVENT ITS CONTENTS FROM BLOWING, DROPPING, FALLING OFF, OR OTHERWISE DEPARTING FROM THE VEHICLE OR ATTACHED UTILITY TRAILER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

**WHEREAS**, it is beneficial to the health and well-being of the citizens of Conway that the City of Conway continue being pro-active in litter abatement; and

**WHEREAS**, Ark. Code Ann. § 14-55-501 authorizes the city council in all cities to prohibit and punish any act, matter, or thing which the laws of this state make a misdemeanor, including matters prohibited by the Litter Control Act of 1977.

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

**Section 1.** Any person operating any truck or other vehicle to transport litter, waste, trash, or garbage within the City of Conway shall take reasonable steps to prevent its contents from blowing, dropping, falling off, or otherwise departing from the vehicle or attached utility trailer. Such reasonable steps may include a secure cover or tarp if reasonably necessary to prevent the contents from blowing, dropping, falling off, or otherwise departing from the vehicle or utility trailer. 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 or utility trailer.

**Section 2.** Any person operating a motor vehicle that presents a load for disposal at the City of Conway landfill arriving unsecured shall not be permitted to unload at the landfill. However, the landfill may accept the unsecured load upon payment of a fee of \$5.00.

**Section 3.** In addition to the penalty in Section 2, any person given a citation for and convicted of a violation of Section 1 shall be guilty of an unclassified misdemeanor and shall be fined in an amount of not less than one hundred dollars (\$25.00) and not more than one thousand dollars (\$100.00) for the first offense.

The penalty for subsequent offenses shall be:

- A. Not less than Fifty Dollars (\$50.00) and not more than two hundred fifty dollars (\$250.00) for the second offense that occurs within twelve (12) months of the prior offense.
- B. Not less than One Hundred Dollars (\$100.00) and not more than two hundred fifty dollars (\$500.00) for the third offense that occurs within twelve (12) months.
- C. Not less than two hundred fifty dollars (\$250.00) and not more than Five Hundred Dollars (\$500.00) for the fourth and all subsequent offenses that occur within twelve (12) months.

**Section 4.** That this ordinance is intended to be supplemental to and not in conflict with the Litter Control Act of 1977 (Ark. Code Ann. § 8-6-401, *et seq.*).

**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 25<sup>th</sup> day of June, 2013.

**Approved:**

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**Mayor Tab Townsell**

**Attest:**

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



City of Conway, Arkansas  
Ordinance No. O-13-\_\_\_\_\_

**AN ORDINANCE ESTABLISHING AND SETTING COMMERCIAL DUMPING OR "TIPPING" SANITATION FEES FOR BUSINESSES LOCATED WITHIN THE CITY OF CONWAY; AMENDING CONWAY MUNICIPAL CODE SECTION 5.04.21; AND FOR OTHER PURPOSES.**

**WHEREAS**, this ordinance is intended to establish and amend the fees charged for commercial sanitation dumping or "tipping" services for businesses located within the City of Conway:

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

**Section 1:** That Section 5.04.21 of the Conway Municipal Code shall be amended to read as follows (changes are in ***bold italics***):

**5.04.21 Rental of waste containers** The city of Conway shall provide waste containers on a monthly rental basis to businesses located within the city of Conway at the following rental rates:

3 yard dumpster	30.00 per month
6 yard dumpster	\$53.00 per month
20 yard open top container	\$75.00 per month
30 yard open top container	\$85.00 per month
40 yard open top container	\$95.00 per month

Dumping fee charges to be assessed for 20, 30 and 40-yard open top containers within the city of Conway city limits shall be set at ***\$30.00*** per ton, with a one ton minimum charge."

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

**Section 3.** This ordinance shall be in full force and effect from and after its passage, approval and publication. In order to establish a suitable transition period for residents and Conway Corporation, who facilitates billing for the City of Conway, these rates shall be effective as of ***September 1, 2013***.

**PASSED** this 25<sup>th</sup> day of June, 2013.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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



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

**AN ORDINANCE ESTABLISHING THE RATES FOR RESIDENTIAL SANITATION COLLECTION FEES; AMENDING ORDINANCE NO. O-12-06; AND SECTION 5.04.04(G) OF THE CONWAY MUNICIPAL CODE; AND FOR OTHER PURPOSES.**

**WHEREAS**, this ordinance is intended to establish and set the fees charged for residential sanitation services.

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

**SECTION 1:** That residential sanitation service collection fee rates shall be established as follows:

The residential sanitation collection fees for resident of the City of Conway (as defined in prior ordinances for homes, apartments, residences, mobile homes, and dwelling units, excluding trailer and mobile home parks, which are treated as commercial pursuant to Ordinance No. O-06-167) shall be charged at the rate of \$17.00 per month through December 31, 2013.

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

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

**SECTION 2:** That these rates include all fees and surcharges currently set out in prior ordinances.

**SECTION 3:** All ordinances in conflict herewith are repealed to the extent of the conflict. That the Conway Municipal Code, specifically Section 5.04.04(G), shall be amended to reflect the above.

**SECTION 4.** This ordinance shall be in full force and effect from and after its passage, approval and publication. In order to establish a suitable transition period for residents and Conway Corporation, who facilitates billing for the City of Conway, these rates shall be effective as of September 1, 2013.

**PASSED** this 25<sup>th</sup> day of June 2013.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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



**City of Conway**  
**Information Technology Department**

**MEMORANDUM**

**TO:** Mayor, City Council  
**FROM:** Lloyd Hartzell  
**DATE:** June 11, 2013  
**SUBJECT:** Bid acceptance

Bids were opened at 10:00 AM Thursday June 07, 2013, for a Fire Suppression System in the server room located at the Conway Emergency Operations Center. Vendors bidding on the project were:

Reliable Fire Protection, LLC (\$25,069.00),  
AIP Systems Group (\$42,320.00)  
United Fire Suppression (\$57,799.00).

I would recommend that the Council accept the low bid received from Reliable Fire Protection, LLC \$25,069.00 for the Fire Suppression System

Funding for this project was allocated in the 2013 budget, no further funding is required.

Thank you for your consideration.

Sincerely,

Lloyd Hartzell  
Director of Information Technology, CTO



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

**AN ORDINANCE FOR THE CONWAY FIRE DEPARTMENT REGARDING DROP MEMBERS OF THE LOPFI;  
 DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

**Whereas,** The city of Conway adopts the provisions of Act 1371 of 2003 which allow a DROP member of a Local Plan who has terminated Local Plan-covered employment to leave the accrued balance of their DROP account on deposit with LOPFI.

**Whereas,** This is a one-time deferral and the DROP account balance must be paid out as a lump sum or annuitized by December 31st of the year the member attains age 70 ½. DROP account balances left on deposit continue to earn interest at the rate of two (2) percentage points below the rate earned by LOPFI's investment portfolio with a minimum rate no less than zero percent (0%).

**Whereas,** this action requires approval from the City of Conway.

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

**Section 1.** The City of Conway authorizes the City of Conway Fire Department to allow a DROP member of a local plan who has terminated local plan covered employment to leave the accrued balance of their DROP on deposit with LOPFI.

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

**Section 3.** This ordinance is necessary for the protection of the public peace, health and safety, 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** this 25<sup>th</sup> day of June, 2013.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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



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

**AN ORDINANCE APPROPRIATING & ACCEPTING REIMBURSEMENTS AND RESTITUTION FUNDS FROM VARIOUS ENTITIES FOR THE CITY OF CONWAY POLICE DEPARTMENT; AND FOR OTHER PURPOSES**

**Whereas**, the City of Conway Police Department has received reimbursements and restitution funds from the following entities:

Dist. Court of Faulkner Cty	\$100.84	Restitution funds
Insurance Proceeds	\$12,177.93	Insurance proceeds
Various Companies	\$2,850	Donations received for Child Safety Fair
Various Companies	\$20,688.37	Extra duty services
US Dept of Treasury	\$2,570.40	Reimbursement for Overtime
Public Processing	\$5,386.04	Auction Proceeds

**Whereas**, the Conway Police Department needs these funds to replenish their expenditure accounts.

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

**Section 1.** The City of Conway shall accept restitution funds totaling \$100.84 and appropriate from 001.121.4184 to the Conway Police Department's uniform expenditure account, 001.121.5670.

**Section 2.** The City of Conway shall accept funds totaling \$12,177.93 from the insurance proceeds account, 001.119.4360 and appropriate to the following Conway Police Department expenditure accounts:

001.121.5450	\$9,081.09	Damaged Vehicles Repairs
001.121.5799	\$408.80	Reimbursement of K9 medical services

**Section 3.** The City of Conway shall accept donation funds totaling \$2,850 from 001.121.4799 and appropriate the Conway Police Department's miscellaneous supplies account, 001.121.5699 to offset the cost of food and supplies for the annual Child Safety Fair and;

**Section 4.** The City of Conway shall accept funds in the amount of \$20,688.37 from Police Extra Duty Revenue account, 001.121.4185, to the following Conway Police Department's expense accounts:

001.121.5114	\$14,335.37	Overtime
001.121.5140	\$4,999	LOPFI
001.121.5170	\$1,084	FICA
001.121.5181	\$270	Workers Comp

**Section 5.** The City of Conway shall accept funds in the amount of \$2,570.40 and appropriate from Revenue Account 001.121.4186 and reimburse the Police Department's overtime expense account, 001.121.5114.

**Section 6.** The City of Conway shall accept funds in the amount of \$5,386.04 and appropriate from Revenue Account 001.121.4799 to the Conway Police Departments Fleet expense account, 001.121.5450.

**Section 7.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**PASSED** this 25<sup>th</sup> day of June, 2013.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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





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

**AN ORDINANCE APPROPRIATING FUNDS FOR THE PURCHASE OF LAND ON HOGAN ROAD AND  
FOR OTHER PURPOSES FOR THE CONWAY COMMUNICATION CENTER:**

**Whereas**, The City of Conway has the opportunity to purchase a tract of land comprising approximately 1.7 acres, next to the Communications Center on Hogan Lane in the amount of \$58,000 and;

**Whereas**, the City of Conway needs this additional land in order to provide additional parking at the Communications Center.

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

**Section 1.** The City of Conway shall appropriate \$58,000 from the General Fund Balance appropriation account 001.119.4900 into the General Fund Police Land Acquisition account 001.121.5901 for the purchase of this land.

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

**PASSED** this 25<sup>th</sup> day of June, 2013.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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









City of Conway, Arkansas  
Monthly Financial Reports  
May 31, 2013

City of Conway  
 Monthly Financial Report - General Fund  
 For the month ended May 31, 2013



<b>Revenues</b>	<b>Budget</b>	<b>Month Activity</b>	<b>Year to Date</b>	<b>Encumbered</b>	<b>(Over)/Under Budget</b>	<b>% Expend/Collect</b>
Ad Valorem Tax	2,938,000	132,214	174,591		2,763,409	6%
Payments in Lieu of Tax	23,000	-	-		23,000	0%
State Tax Turnback	2,000,000	138,725	820,000		1,180,000	41%
Sales Tax	17,440,000	1,591,418	7,183,571		10,256,429	41%
Beverage Tax	408,000	70,453	169,251		238,749	41%
Franchise Fees	2,635,000	224,266	1,042,071		1,592,929	40%
Airport Revenue	70,000	6,140	30,698		39,303	44%
Airport Fuel Sales .05 / GAL	10,500	936	4,111		6,390	39%
Permits	470,000	44,863	258,192		211,808	55%
ACIEA Revenues	-	1,007	3,535		(3,535)	100%
Dog Tags & Fees	25,000	2,340	9,620		15,380	38%
Municipal Court Fines and Fees	745,000	151,492	324,093		420,907	44%
Law Enforcement	808,074	51,023	253,721		554,352	31%
Federal Grant Revenues	50,000	-	30,946		19,054	62%
Insurance Proceeds	1,645	2,670	38,110		(36,465)	100%
Parks	450,000	38,247	283,079		166,921	63%
Interest Income	2,700	2,204	23,960		(21,260)	887%
Act 749 Public Safety	1,500	311	579		921	39%
Donations	3,895	1,201	4,798		(903)	123%
Act 833 Revenue	80,000	41,856	43,378		36,622	54%
Miscellaneous Revenues	127,150	12,443	64,157		62,993	50%
Transfers from Other Funds	423,000	-	156,100		266,900	37%
Fund Balance Appropriation	<u>466,065</u>	<u>-</u>	<u>-</u>		<u>466,065</u>	<u>0%</u>
<b>Total Revenues</b>	<b>29,178,529</b>	<b>2,513,810</b>	<b>10,918,560</b>	<b>-</b>	<b>18,259,969</b>	<b>37%</b>
<b>Expenditures</b>						
Admin (Mayor, HR)	574,313	40,361	171,338	21,314	381,662	30%
Finance	372,081	26,013	139,941	454	231,686	38%
City Clerk/Treasurer	220,525	13,467	66,743	-	153,782	30%
City Council	83,400	6,826	33,524	150	49,726	40%
Permits and Planning	785,979	51,857	289,699	7,074	489,206	37%
Physical Plant	580,048	60,897	240,321	6,116	333,611	41%
Fleet Maintenance	174,999	12,630	66,762	5,348	102,890	38%
Information Technology	1,258,009	50,061	306,315	492,699	458,995	24%
Airport	32,500	20,841	51,537	-	(19,037)	159%
Nondepartmental	568,521	35,706	325,946	1,039	241,536	57%
Police	10,680,251	896,984	4,315,420	65,726	6,299,105	40%
Animal Welfare	474,422	29,706	166,402	14,134	293,886	35%
Municipal District Court	836,481	65,359	349,277	2,227	484,976	42%
City Attorney	336,758	26,938	126,417	1,647	208,694	38%
Fire	8,894,054	716,908	3,504,261	132,931	5,256,862	39%
Parks	<u>2,825,194</u>	<u>212,762</u>	<u>933,094</u>	<u>17,351</u>	<u>1,874,749</u>	<u>33%</u>
	28,697,534	2,267,316	11,086,996	768,208	16,842,330	39%
Transfer to Reserve	<u>500,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>500,000</u>	<u>0%</u>
<b>Total Expenditures</b>	<b>29,197,534</b>	<b>2,267,316</b>	<b>11,086,996</b>	<b>768,208</b>	<b>17,342,330</b>	<b>38%</b>
<b>Net Revenue/(Expense)</b>	<b>(19,005)</b>		<b>(168,436)</b>			

\*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 May 31, 2013



Cash - Operating	3,644,732
Cash - Reserve	500,000
Petty Cash	715
Taxes Receivable	3,022,929
Accounts Receivable	2,826,714
Due from Other Funds	41,105
Due from Street	10,355
Fleet Inventory	15,539
Fuel Inventory	39,155
<b><i>Assets</i></b>	<b><u>10,101,245</u></b>
Trade Accounts Payable	(365,632)
Group Insurance Payable	22,946
LOPFI Payable	118,099
Misc. Deductions Payable	(15,930)
Event Deposits	400
Due to Other Funds	513,442
Deferred Revenue	2,518,794
<b><i>Liabilities</i></b>	<b><u>2,792,118</u></b>
Fund Balance - Committed to cash flow	2,000,000
Fund Balance - Committed to reserve	500,000
Fund Balance - Unassigned	4,809,127
<b><i>Fund Balance</i></b>	<b><u>7,309,127</u></b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>10,101,245</u></b>

\*All figures are unaudited

City of Conway  
 Monthly Financial Report - Street Fund  
 For the month ended May 31, 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>
<b>Revenues</b>						
Ad Valorem Tax	1,350,000	68,494	89,762		1,260,238	7%
Payments in Lieu of Tax	12,000	-	-		12,000	0%
State Tax Turnback	2,800,000	208,226	970,517		1,829,483	35%
Severance Tax	175,000	18,483	102,628		72,372	59%
Sales Tax	245,000	20,939	100,690		144,310	41%
Sign Permits	500	-	-		500	0%
Engineering Fees	7,500	450	3,900		3,600	52%
Interest Income	3,500	944	8,647		(5,147)	247%
Miscellaneous Revenues	-	75	1,490		(1,490)	100%
<b>Total Revenues</b>	<b>4,593,500</b>	<b>317,611</b>	<b>1,277,633</b>	<b>-</b>	<b>3,315,867</b>	<b>28%</b>
<b>Expenditures</b>						
Personnel Costs	2,032,337	152,164	726,510	-	1,305,827	36%
Other Operating Costs	2,409,842	65,807	561,926	226,355	1,621,561	23%
Total Operating Costs	4,442,179	217,971	1,288,436	226,355	2,927,388	29%
Capital Outlay	189,760	-	91,610	-	98,150	48%
<b>Total Expenditures</b>	<b>4,631,939</b>	<b>217,971</b>	<b>1,380,046</b>	<b>226,355</b>	<b>3,025,538</b>	<b>30%</b>
<b>Net Revenue/(Expense)</b>	<b>(38,439)</b>		<b>(102,413)</b>			

\*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 May 31, 2013



Cash - Operating	1,316,413
Taxes Receivable	65,194
Accounts Receivable	1,516,820
Due from Other Funds	576,234
<b><i>Assets</i></b>	<b><u>3,474,693</u></b>
Trade Accounts Payable	46,063
Due to Other Funds	574
Due to General	11,183
Deferred Revenue	1,264,754
<b><i>Liabilities</i></b>	<b><u>1,322,574</u></b>
<b><i>Fund Balance</i></b>	<b><u>2,152,118</u></b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>3,474,693</u></b>

\*All figures are unaudited



City of Conway  
 Monthly Financial Report - Sanitation  
 For the month ended May 31, 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>
<b>Revenues</b>						
Sanitation Fees	7,620,000	651,876	2,336,309		5,283,691	31%
Proceeds - Recycled Materials	200,000	31,184	255,526		(55,526)	128%
Landfill Fees - General	240,000	21,508	81,755		158,245	34%
Interest Income	<u>50,000</u>	<u>3,429</u>	<u>28,584</u>		<u>21,416</u>	<u>57%</u>
<b>Total Revenues</b>	<b>8,110,000</b>	<b>707,997</b>	<b>2,702,175</b>	<b>-</b>	<b>5,407,825</b>	<b>33%</b>
<b>Expenditures</b>						
Personnel Costs	3,671,983	292,886	1,401,397	-	2,270,586	38%
Other Operating Costs	<u>3,170,103</u>	<u>148,618</u>	<u>895,683</u>	<u>211,699</u>	<u>2,062,722</u>	<u>28%</u>
Total Operating Costs	6,842,086	441,505	2,297,080	211,699	4,333,308	34%
Capital Outlay	<u>1,267,914</u>	<u>9,633</u>	<u>267,300</u>	<u>-</u>	<u>1,000,614</u>	<u>21%</u>
<b>Total Expenditures</b>	<b>8,110,000</b>	<b>451,138</b>	<b>2,564,379</b>	<b>211,699</b>	<b>5,333,922</b>	<b>32%</b>
<b>Net Revenue/(Expense)</b>	<b>-</b>		<b><u>137,795</u></b>			

\*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 May 31, 2013



Cash - Operating	1,249,984
Petty Cash	200
Post Closure Cash Account	4,480,121
Accounts Receivable	(735)
Due from Other Funds	65,165
General Inventory	2,122
Land & Buildings	4,394,619
Accum Dep - Buildings	(467,002)
Accum Dep - Land Improvements	(1,048,320)
Infrastructure	691,618
Accum Dep - Infrastructure	(330,209)
Machinery and Equipment	9,815,323
Accum Dep - M&E	(4,133,121)
Construction in Progress	689,767
<b><i>Assets</i></b>	<b><u>15,409,532</u></b>
Trade Accounts Payable	35,151
Salaries Payable	331,413
Group Insurance Payable	8,806
Net Pension Obligation	855,700
Due to Other Funds	380
Accrued Interest Payable	32,255
2010 Recycling Note - US Bank	809,873
Landfill Close/Post Close	4,386,590
<b><i>Liabilities</i></b>	<b><u>6,460,167</u></b>
<b><i>Net Assets</i></b>	<b><u>8,949,365</u></b>
<b><i>Total Liabilities and Net Assets</i></b>	<b><u>15,409,532</u></b>

\*All figures are unaudited