

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, August 27th, 2013 @ 6:30pm

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

5:30pm Committee Meeting: Discussion of Bicycle & Pedestrian Advisory Board Recommendations

Call to Order: Mayor Tab Townsell
Roll Call: Michael O. Garrett, City Clerk/Treasurer
Minutes: July 23rd, 2013, August 6th, 2013 (Special) & August 13th, 2013 City Council Meeting
Recognition: Employee Service Awards

1. Report of Standing Committees:

A. Public Hearings

1. Public Hearing/Ordinance to discuss closing an easement located in the Westin Office Park Subdivision.
2. Public Hearing/Ordinance to discuss closing a street in the Westin Office Park Subdivision.
3. Public Hearing/Ordinance to discuss changing the name of Business Avenue to Princeton Drive in the Westin Office Park Subdivision.

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

1. Resolutions requesting the Faulkner County Tax Collector to place a certified lien on certain properties as a result of incurred expenses by the City.
2. Resolution rescinding Resolution R-11-28 and ordering the continued monitoring of a structure located at 912 Front Street.
3. Consideration to award the 2013 engineering contract to Garver for the new relocated Conway Municipal Airport.
4. Ordinance amending Ordinance O-13-67 in regards to the Prince Street Improvement Project.
5. Ordinance accepting grant proceeds and appropriating funds received from the Arkansas Historic District Commission for Conway's Historic District Commission.
6. Ordinance to rezone property located at 2015 Cross Street from R-1 to HR.
7. Consideration of a request from Kent Holder to review in-depth the implementation status of the Scherman Heights PUD and lot 7D (575 Club Lane).

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

1. Ordinance accepting grant proceeds and appropriating funds received from ADEQ for the Conway Sanitation Department.
2. Ordinance accepting funds received by the Municipal Vehicle Program for the Sanitation Department.
3. Ordinance accepting donated items from the EPI for the Conway Sanitation Department.
4. Consideration to accept the bid for a 2014 Commercial Front Load Refuse Truck for the Conway Sanitation Department.
5. Consideration to accept the bid for a 2014 Hook Lift Roll-Off Truck for the Conway Sanitation Department.
6. Consideration to accept the design for the proposed comfort stations and approval to proceed with competitive bidding for three locations for the Park & Recreation Department.
7. Ordinance waiving bids for the purchase of holiday Christmas décor to be placed in Rogers Plaza for the City of Conway.

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

1. Ordinance appropriating insurance funds received for the Animal Welfare Department.
2. Consideration to accept bids for the CNG Conversion kits for the Conway Police Department.

E. Finance

1. Consideration to approve the monthly financials ending July 2013.
2. Consideration to approve the fee proposal from BKD for the FY2012 audit.

F. Old Business

G. New Business

1. Consideration to change to an alternative date or cancel the next regularly schedule City Council meeting (September 10th, 2013).

Adjournment



July 16, 2013

Mayor Townsell,

As the Cycling and Pedestrian Advisory Board (BPAB) is charged with recommending to the city ways Conway can maintain and advance its status as a bike-friendly community and become a walk-friendly community, the board is of the opinion that it should have a more direct role in determining that both new roadways and reconstructed streets have adequate designs for both bicyclists and pedestrians.

As such, we would like to propose an ordinance for the City Council's consideration which would include a requirement that all plans for street projects are provided to the board for review during the conceptual design phase. The expectation would be that BPAB would review these plans and either endorse the design as proposed or recommend changes that would ensure these plans are bicycle and pedestrian friendly.

Please let the Bicycle and Pedestrian Board know if you are able to endorse this legislation in principle.

Regards,

Duston Morris

Chairman, City of Conway Bicycle and Pedestrian Advisory Board

Conway Western Arterial Loop

Bicycle and Pedestrian Design Recommendation

Conway Bicycle and Pedestrian Advisory Board

Duston Morris – Chair
Todd Ake – Vice-Chair
Greg Reddin - Secretary

Curt Amenta
Jim Bruce
David Barber
Amanda Potter Cole

Erik Leamon
Peter Mehl
Jami Schwartz
Michael Yoder

July 24, 2013
Revision 1.0

Conway Western Arterial Loop *Bicycle/Pedestrian Design Guidelines*

The City of Conway Bicycle and Pedestrian Advisory Board (BPAB) submit the following design recommendations to the City of Conway, AR regarding the Conway Western Arterial Loop. It is the purpose of the BPAB board to advise the city on how to design roadways in such a way to encourage the use of walking and bicycling as modes of transportation. The Western Arterial Loop presents unique design challenges in this regard due to the design speed of the street, the expected traffic volumes, and the unknown nature of the development that will occur within the corridor. The design speed and traffic volume suggest that many bicyclists and pedestrians would prefer shared-use facilities separated from the roadway. However, as the area becomes crowded it becomes unsafe for pedestrians and cyclists to share pathways such as these. Given those considerations, the designs presented in this document stress the need for on-street bicycle facilities throughout the corridor. This allows cyclists who travel at higher speeds and are more comfortable sharing space with motor traffic to use the street for transportation. The design recommendations also call for a separated shared-use path where certain constraints can be met. This will encourage pedestrians and cyclists who are not comfortable sharing space with traffic to use the corridor for transportation.

The board is recommending three tiers of design possibilities for the corridor. The top tier represents the ideal approach and should be used whenever possible. The other tiers are listed to guide the city on how to best serve pedestrians and cyclists where the ideal design cannot be implemented for whatever reason. In addition to the designs themselves, the board is also recommending what sections of the corridor each design tier should be used. Again, the top tier should be considered the ideal and should be used whenever possible.

Design Considerations

Tier 1:

This is the ideal design recommended by the board. The other designs represent fallback plans in areas where this design is not feasible.

- On-street bike lane in each direction.
 - 5 feet wide.
 - Demarcated from traffic with 4-inch stripe.
 - Marked with bicycle symbol every 250 feet
 - Curb/gutter structure not included in width of bike lane.
- 10-foot multi-use path on one side of the road.
 - Separated from road by minimum 10-foot greenspace buffer.
 - Trees and bushes planted between path and road and outside of path, but no visual obstructions should exist between road and path within 100 feet of a crossing.

Conway Western Arterial Loop *Bicycle/Pedestrian Design Guidelines*

- Asphalt trail surface
- Yellow striped centerline to support 2-way traffic.
- Overhead lighting.
- No more than 4 vehicle crossings (side streets and driveways) per mile.
- Signage – Signs at each cross street should warn of multi-use path (i.e. pedestrian & bicycle) traffic
- Side street /driveway crossing design – the multiuse path and sidewalks should have designated crossings with crosswalks at all side streets.
- Sidewalks should be installed as development progresses on the side of the street opposite the multi-use path.

Tier 2:

To be used where space constraints do not allow a 10-foot buffer between the road and the path, but the 4 vehicle crossings per mile requirement can be met.

- On-street bike lane in each direction
 - 5 feet wide.
 - Demarcated from traffic with 4-inch stripe.
 - Marked with bicycle symbol every 250 feet
 - Curb/gutter structure not included in width of bike lane.
- 10-foot multi-use path on one side of the road.
 - Separated from road by 5-foot greenspace buffer or physical barrier.
 - Asphalt trail surface
 - Yellow striped centerline to support 2-way traffic.
 - Overhead lighting.
 - No more than 4 vehicle crossings (side streets and driveways) per mile.
 - Signage – Signs at each cross street should warn of multi-use path (i.e. pedestrian & bicycle) traffic
 - Side street /driveway crossing design – the multiuse path and sidewalks should have designated crossings with crosswalks at all side streets.
 - Sidewalks should be installed as development progresses on the side of the street opposite the multi-use path.

Conway Western Arterial Loop

Bicycle/Pedestrian Design Guidelines

Tier 3:

To be used where space constraints or number of existing vehicle crossings prevents the multi-use path from being implemented. This tier eliminates the multi-use path, but retains a sidewalk.

- On-street bike lane in each direction
 - 5 feet wide.
 - Demarcated from traffic with 4-inch stripe.
 - Marked with bicycle symbol every 250 feet.
 - Curb/gutter structure not included in width of bike lane.
 - 5-foot sidewalk on each side of the road

Intersections and Bridges

Bike lanes should be implemented the entire length of the road including on bridges and through intersections. Major intersections should include a right-turn bay to the right of the bike lane. Bike lanes should not be merged into vehicle traffic lanes as they are on other streets in Conway. See Figure 1 below for the recommended design:

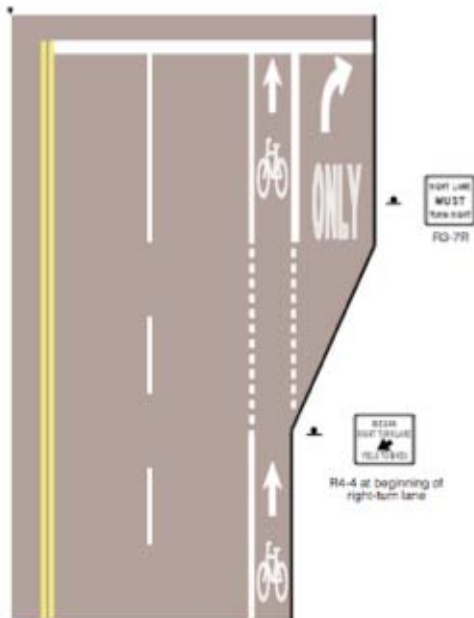


Figure 1: Recommended Intersection Design

The 10-foot buffer between the road and multi-use path is not required on bridges as long as a physical barrier exists between the road and the path.

Conway Western Arterial Loop *Bicycle/Pedestrian Design Guidelines*

Transitions

Transitions between different design tiers should be minimized. In places where the multi-use path must come to an end there should be crosswalks and signals to allow bicyclists to transition to the bike lanes on the other side of the street.

Sections

Section 1: Hwy 365 – Sturgis Rd. The board’s understanding is that the already-acquired right-of-way will not support the Tier 1 design and that the number of path crossings is too high. In this section the Tier 3 design is acceptable.

Section 2: Sturgis Rd – Old Military Rd. This is the main undeveloped section of the corridor. This is also the section where the board would like to see the city focus on implementing the Tier 1 design throughout.

Section 3: Old Military Rd – College Ave. This section traverses some already-developed areas. The Tier 1 design would be preferable, but may not be possible in this area. The city should strive to implement Tier 2. The multi-use path should extend at least to the junction with the existing Tucker Creek Trail. It would be desirable for the multi-use path to extend beyond Tucker Creek as far as College Ave. North of College Ave. the number of vehicle crossings probably makes a multi-use path undesirable.

Section 4: College Ave. – Old Morrilton Hwy. This section goes through fairly dense existing development. It is likely necessary to implement Tier 3 in this section.

Section 5: North of Old Morrilton Hwy. The northernmost section of the road is undeveloped to date. It would be tempting to ignore cyclists in this section since the road is expected to end at I-40. However, the board encourages the city to strive for Tier 1 in this area, at least to provide a recreational alternative to residents. At a minimum, Tier 3 including bike lanes should be preserved through this corridor.

New I-40 Overpass at Elsinger Blvd

Bicycle and Pedestrian Design Recommendations

August 15, 2013

Conway Arkansas Bicycle & Pedestrian Advisory Board

Duston Morris – Chair
Todd Ake – Vice-Chair
Greg Reddin - Secretary

Curt Amenta
Jim Bruce
David Barber
Amanda Potter Cole

Erik Leamon
Peter Mehl
Jami Schwartz
Michael Yoder

New I-40 Overpass at Elsinger Blvd *Bicycle/Pedestrian Design Guidelines*

Introduction

The City of Conway Bicycle and Pedestrian Advisory Board (BPAB) submits the following design recommendations to the City of Conway regarding the new I-40 Overpass at Elsinger Boulevard. If designed well, this new overpass allows the first opportunity for bicyclists and pedestrians in Conway to safely navigate between the east and west sides of the city, alleviating one of the top problems for these groups.

Design Considerations

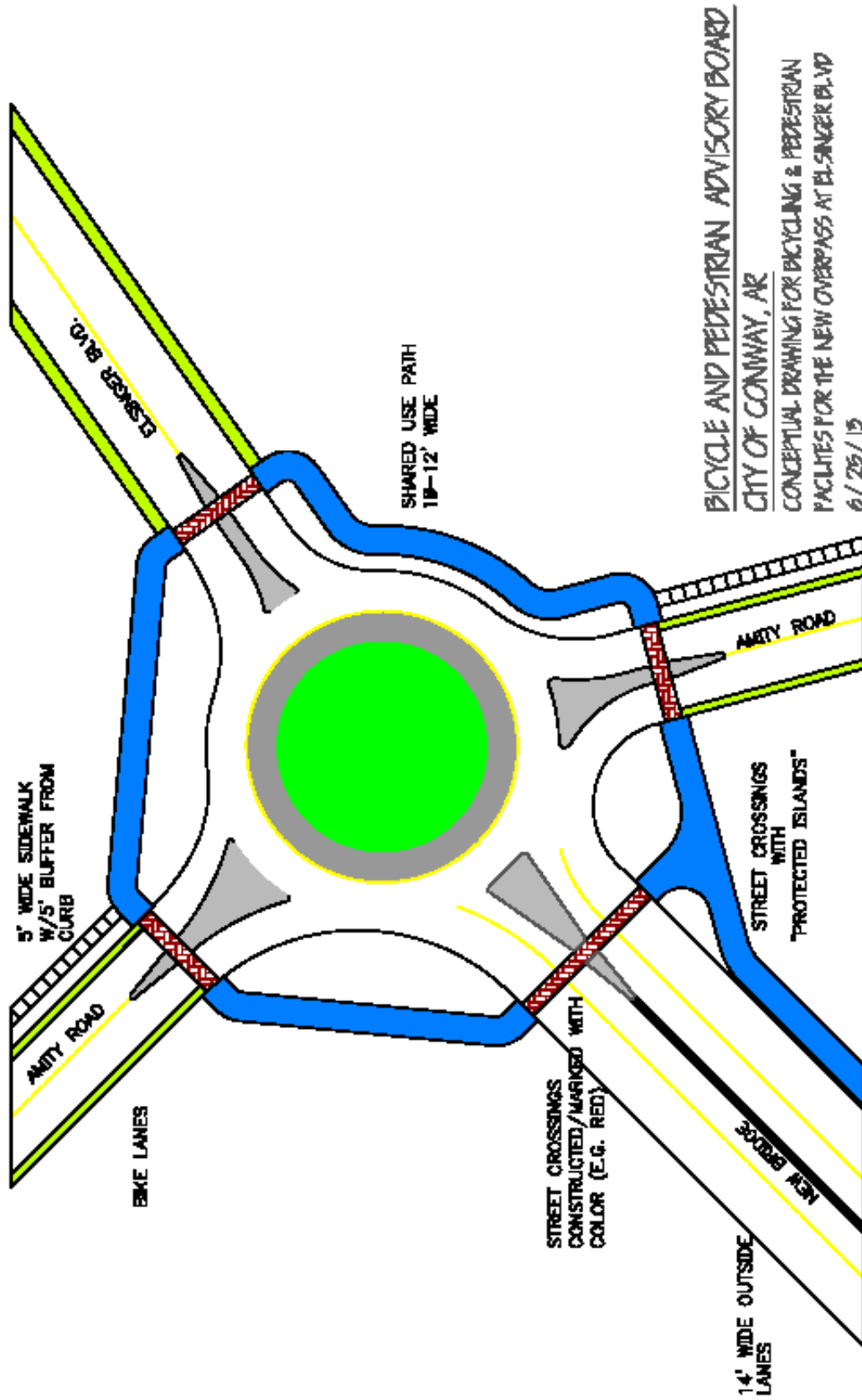
Bridge design

- On-street bike lane in each direction ending at the roundabout at Amity Road & Elsinger Blvd. including:
 - 5 Feet wide; curb/gutter structure not included in width of bike lane.
 - Demarcated from traffic with a 4-inch stripe.
 - Marked with bicycle symbols every 250 feet
 - Bike lane to ramp up to meet multiuse path giving bicyclists the option of circumventing the roundabout on a multiuse path or merging with automobile traffic.
- 12 foot wide multi-use path on one side of the road.
 - Separated from road by a physical barrier.
 - Yellow striped centerline.
 - Overhead lighting.

Roundabout Design

- A 12' wide multiuse path should encircle the roundabout.
- Street crossings should be made of a different colored material; e.g. red brick, red died concrete, or similar material.
- Street crossings should include islands to give pedestrians some protection in the middle of the crosswalk
- Street crossing should include manually activated yellow flashing warning lights to warn drivers of pedestrian traffic.
- Signage – Signs at each cross street should warn of multi-use path (i.e. pedestrian & bicycle) traffic crossing

New I-40 Overpass at Elsinger Blvd
Bicycle/Pedestrian Design Guidelines



New I-40 Overpass at Elsinger Blvd *Bicycle/Pedestrian Design Guidelines*

Options

The Bicycle and Pedestrian Advisory Board sees two approaches could be considered in the design of the new overpass, both meeting the requirements as stated above.

The first option would include design elements to enhance the aesthetics of the bridge making it a true showcase for the city. An example of such a design can be found in Kansas City as shown in the picture below.



East Meyer Boulevard; Kansas City

The second option would be to make this bridge economically while providing a new safe corridor over the interstate.

The picture below shows an example of a physical barrier separating auto traffic and pedestrian & bike traffic.





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

AN ORDINANCE CLOSING THE EASEMENT THAT IS A PART OF LOT-1, LOT-2 AND LOT-3 OF WESTIN OFFICE PARK SUBDIVISION TO THE CITY OF CONWAY ARKANSAS, FAULKNER COUNTY AS SHOWN ON PLAT OF RECORDS IN PLAT BOOK J, PAGE 301, RECORDS OF FAULKNER COUNTY, ARKANSAS; AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 2nd day of **August**, 2013 asking the City Council to vacate and abandon all that portion of a part of Lot-1, Lot-2 and Lot-3 of Westin Office Park Subdivision to the City of Conway Arkansas, Faulkner County as shown on Plat of Records in Plat Book J, Page 301, Records of Faulkner County, Arkansas, more particularly described as beginning at the SE corner of said Lot-3; thence along the common line between Lot-3 and Lot-2 N87°59'12"W 15.00 feet to the point of beginning; thence continue along said common Lot line to a point N87°59'12"W 5.00 feet; thence leaving said common lot line and along a curve to the right, have a radius of 70 feet and a chord bearing and distance of N34°02'58"E 74.26 feet; thence along a curve to the left, have a radius of 25.0 feet and a chord bearing and distance of N32°38'15"E 5.51 feet; thence N89°11'23"E 20.00 feet; thence along a curve to the right, have a radius of 50 feet and a chord bearing and distance of S32°38'15"W 27.56 feet; thence along a curve to the left, have a radius of 50 feet and a chord bearing and distance of S34°02'58"W 53.05 feet; thence along a curve to the left have a radius of 50 feet and a chord bearing and distance of S43°06'30"E 70.86 feet; thence along a curve to the left, have a radius of 50 feet and a chord bearing and distance of N50°05'45"E 66.49 feet; thence along a curve to the right, have a radius of 480.00 feet and a chord bearing and distance of N06°16'53"E 35.85 feet; thence S01°46'13"W 68.29 feet; thence along a curve to the right, have a radius of 65 feet and a chord bearing and distance of S64°50'51"W 58.86 feet to a common lot line between Lot-1 and Lot-2; thence along a curve to the right, have a radius of 65 feet and a chord bearing and distance of N43°06'30"W 92.12 feet to the point of beginning containing 0.09 acres more or less;

WHEREAS, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the easement or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a easement herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the easement that is a part of Lot-1, Lot-2 and Lot-3 of Westin Office Park Subdivision to the City of Conway, Arkansas, Faulkner County as shown on Plat of Records in Plat Book J, page 301, Records of Faulkner County, Arkansas to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the easement that is a part of lot-1, lot-2 and lot-3 of Westin Office Park Subdivision to the City of Conway, Arkansas, Faulkner County as shown on Plat of Records in Plat Book J, page 301, Records of Faulkner County, Arkansas.

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

Section 1. The City of Conway, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the easement that is a part of Lot-1, Lot-2 and Lot-3 of Westin

Office Park Subdivision to the City of Conway, Arkansas, Faulkner County as shown on Plat of Records in Plat Book J, page 301, Records of Faulkner County, Arkansas designated as follows:

Being a part of Lot-1, Lot-2 and Lot-3 of Westin Office Park Subdivision to the City of Conway Arkansas, Faulkner County as shown on Plat of Records in Plat Book J, Page 301, Records of Faulkner County, Arkansas, more particularly described as beginning at the SE corner of said Lot-3; thence along the common line between Lot-3 and Lot-2 N87°59'12"W 15.00 feet to the point of beginning; thence continue along said common Lot line to a point N87°59'12"W 5.00 feet; thence leaving said common lot line and along a curve to the right, have a radius of 70 feet and a chord bearing and distance of N34°02'58"E 74.26 feet; thence along a curve to the left, have a radius of 25.0 feet and a chord bearing and distance of N32°38'15"E 5.51 feet; thence N89°11'23"E 20.00 feet; thence along a curve to the right, have a radius of 50 feet and a chord bearing and distance of S32°38'15"W 27.56 feet; thence along a curve to the left, have a radius of 50 feet and a chord bearing and distance of S34°02'58"W 53.05 feet; thence along a curve to the left have a radius of 50 feet and a chord bearing and distance of S43°06'30"E 70.86 feet; thence along a curve to the left, have a radius of 50 feet and a chord bearing and distance of N50°05'45"E 66.49 feet; thence along a curve to the right, have a radius of 480.00 feet and a chord bearing and distance of N06°16'53"E 35.85 feet; thence S01°46'13"W 68.29 feet; thence along a curve to the right, have a radius of 65 feet and a chord bearing and distance of S64°50'51"W 58.86 feet to a common lot line between Lot-1 and Lot-2; thence along a curve to the right, have a radius of 65 feet and a chord bearing and distance of N43°06'30"W 92.12 feet to the point of beginning containing 0.09 acres more or less

Section 2. A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

Section 3. This ordinance shall take effect and be in force from and after its passage.

Passed this 27th day of August, 2013

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

**Petition of written consent for the
Vacating of Easement
Vacating of Street
For the intent of Public Use**

A western portion of the cul-de-sac of West Business Drive, Conway, Arkansas

Legal Description of Easement Closure, (or portion thereof), to be vacated:

Being a part of Lot-1, Lot-2 and Lot-3 of Westin Office Park Subdivision to the City of Conway Arkansas, Faulkner County as shown on Plat of Records in Plat Book J Page 301, Records of Faulkner County, Arkansas, more particularly described as beginning at the SE corner of said Lot-3; thence along the common line between Lot-3 and Lot-2 N87°59'12"W 15.00 feet to the point of beginning; thence continue along said common Lot line to a point N87°59'12"W 5.00 feet; thence leaving said common lot line and along a curve to the right, have a radius of 70 feet and a chord bearing and distance of N34°02'58"E 74.26 feet; thence along a curve to the left, have a radius of 25.0 feet and a chord bearing and distance of N32°38'15"E 5.51 feet; thence N89°11'23"E 20.00 feet; thence along a curve to the right, have a radius of 50 feet and a chord bearing and distance of S32°38'15"W 27.56 feet; thence along a curve to the left, have a radius of 50 feet and a chord bearing and distance of S34°02'58"W 53.05 feet; thence along a curve to the left have a radius of 50 feet and a chord bearing and distance of S43°06'30"E 70.86 feet; thence along a curve to the left, have a radius of 50 feet and a chord bearing and distance of N50°05'45"E 66.49 feet; thence along a curve to the right, have a radius of 480.00 feet and a chord bearing and distance of N06°16'53"E 35.85 feet; thence S01°46'13"W 68.29 feet; thence along a curve to the right, have a radius of 65 feet and a chord bearing and distance of S64°50'51"W 58.86 feet to a common lot line between Lot-1 and Lot-2; thence along a curve to the right, have a radius of 65 feet and a chord bearing and distance of N43°06'30"W 92.12 feet to the point of beginning containing 0.09 acres more or less.

Legal Description of Street Closure, (or portion thereof), to be vacated:

Being the southern portion of West Business Drive as shown on Westin Office Park Subdivision to the City of Conway Arkansas, Faulkner County as shown on Plat of Records in Plat Book J Page 301, Records of Faulkner County, Arkansas, more particularly described as beginning at the SE corner of said Lot-3; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of N34°02'58"E 53.05 feet; thence along a curve to the left, having a radius of 25.00 feet and a chord bearing and distance of N32°38'15"E 27.56 feet; thence N89°11'23"E 60.00 feet; thence along a curve to the right, having a radius of 480 feet, and a chord bearing and distance of S03°48'20"W 77.26 feet; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of S50°05'45"W 66.49 feet to a common corner between Lot 1 and Lot 2 Westin Office Park Subdivision; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of N43°06'30"W 70.86 feet to the point of beginning, containing 0.22 acres more or less.

Abutting property owner:

**Keller Johnson Builders, Inc.
P. O. Box 1251
Conway, Arkansas 72033**


Keller Johnson

LETTER OF AUTHORIZATION

The undersigned property owner, do hereby name and authorize **Tyler Group, Inc.** to act as agent of owner in our behalf in the matter of the application filed for a portion of a street closure, portion of an easement closure, and a street name change to the City Council of Conway, Arkansas.

Executed this 16th of AUGUST, 2013.

Keller Johnson

Owner Name (Please print)



Owner Signature

Keller Johnson Builders, Inc.
P. O. Box 1251
Conway, AR 72033



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

AN ORDINANCE CLOSING THE SOUTHERN PORTION OF WEST BUSINESS DRIVE AS SHOWN ON WESTIN OFFICE PARK SUBDIVISION TO THE CITY OF CONWAY, ARKANSAS, FAULKNER COUNTY, AS SHOWN ON PLAT OF RECORDS IN PLAT BOOK J, PAGE 301, RECORDS OF FAULKNER COUNTY, ARKANSAS; AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 2nd day of **August**, 2013 asking the City Council to vacate and abandon all the southern portion of West Business Drive as shown on Westin Office Park Subdivision to the City of Conway, Arkansas, Faulkner County, as shown on Plat of Records in Plat Book J, Page 301, Records of Faulkner County, Arkansas;

WHEREAS, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the easement or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street easement herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the southern portion of West Business Drive as shown on Westin Office Park Subdivision to the City of Conway, Arkansas, Faulkner County, as shown on Plat of Records in Plat Book J, Page 301, Records of Faulkner County, Arkansas to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street easement that is the southern portion of West Business Drive as shown on West Office Park Subdivision to the City of Conway, Arkansas, Faulkner County, as shown on Plat of Records in Plat Book J, Page 301, Records of Faulkner County, Arkansas.

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

Section 1. The City of Conway, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street easement that is the southern portion of West Business Drive as shown on Westin Office Park Subdivision to the City of Conway, Arkansas, Faulkner County, as shown on Plat of Records in Plat Book J, Page 301, Records of Faulkner County, Arkansas, and more specifically designated as follows:

Beginning at the SE corner of said Lot-3; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of N34°02'58"E 53.05 feet; thence along a curve to the left, having a radius of 25.00 feet and a chord bearing and distance of N32°38'15"E 27.56 feet; thence N89°11'23"E 60.00 feet; thence along a curve to the right, having a radius of 480 feet, and a chord bearing and distance of S03°48'20"W 77.26 feet; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of S50°05'45"W 66.49 feet to a common corner between Lot 1 and Lot 2 Westin Office Park Subdivision; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of N43°06'30"W 70.86 feet to the point of beginning, containing 0.22 acres more or less.

Section 2. A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

Section 3. This ordinance shall take effect and be in force from and after its passage.

Passed this 27th day of August, 2013

Approved:

Attest:

Mayor Tab Townsell

Michael O. Garrett
City Clerk/Treasurer

**Petition of written consent for the
Vacating of Easement
Vacating of Street
For the intent of Public Use**

A western portion of the cul-de-sac of West Business Drive, Conway, Arkansas

Legal Description of Easement Closure, (or portion thereof), to be vacated:

Being a part of Lot-1, Lot-2 and Lot-3 of Westin Office Park Subdivision to the City of Conway Arkansas, Faulkner County as shown on Plat of Records in Plat Book J Page 301, Records of Faulkner County, Arkansas, more particularly described as beginning at the SE corner of said Lot-3; thence along the common line between Lot-3 and Lot-2 N87°59'12"W 15.00 feet to the point of beginning; thence continue along said common Lot line to a point N87°59'12"W 5.00 feet; thence leaving said common lot line and along a curve to the right, have a radius of 70 feet and a chord bearing and distance of N34°02'58"E 74.26 feet; thence along a curve to the left, have a radius of 25.0 feet and a chord bearing and distance of N32°38'15"E 5.51 feet; thence N89°11'23"E 20.00 feet; thence along a curve to the right, have a radius of 50 feet and a chord bearing and distance of S32°38'15"W 27.56 feet; thence along a curve to the left, have a radius of 50 feet and a chord bearing and distance of S34°02'58"W 53.05 feet; thence along a curve to the left have a radius of 50 feet and a chord bearing and distance of S43°06'30"E 70.86 feet; thence along a curve to the left, have a radius of 50 feet and a chord bearing and distance of N50°05'45"E 66.49 feet; thence along a curve to the right, have a radius of 480.00 feet and a chord bearing and distance of N06°16'53"E 35.85 feet; thence S01°46'13"W 68.29 feet; thence along a curve to the right, have a radius of 65 feet and a chord bearing and distance of S64°50'51"W 58.86 feet to a common lot line between Lot-1 and Lot-2; thence along a curve to the right, have a radius of 65 feet and a chord bearing and distance of N43°06'30"W 92.12 feet to the point of beginning containing 0.09 acres more or less.

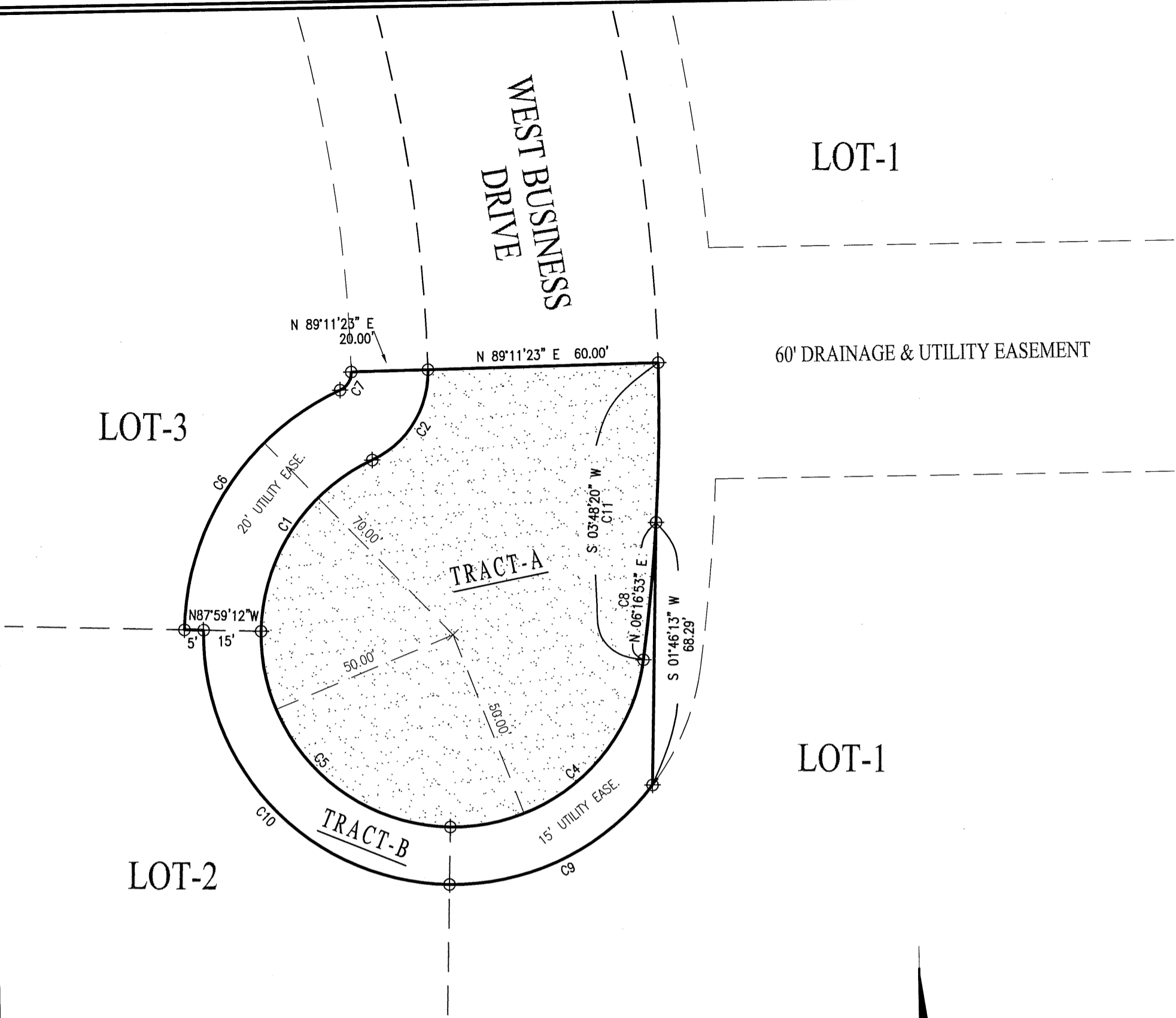
Legal Description of Street Closure, (or portion thereof), to be vacated:

Being the southern portion of West Business Drive as shown on Westin Office Park Subdivision to the City of Conway Arkansas, Faulkner County as shown on Plat of Records in Plat Book J Page 301, Records of Faulkner County, Arkansas, more particularly described as beginning at the SE corner of said Lot-3; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of N34°02'58"E 53.05 feet; thence along a curve to the left, having a radius of 25.00 feet and a chord bearing and distance of N32°38'15"E 27.56 feet; thence N89°11'23"E 60.00 feet; thence along a curve to the right, having a radius of 480 feet, and a chord bearing and distance of S03°48'20"W 77.26 feet; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of S50°05'45"W 66.49 feet to a common corner between Lot 1 and Lot 2 Westin Office Park Subdivision; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of N43°06'30"W 70.86 feet to the point of beginning, containing 0.22 acres more or less.

Abutting property owner:

**Keller Johnson Builders, Inc.
P. O. Box 1251
Conway, Arkansas 72033**


Keller Johnson



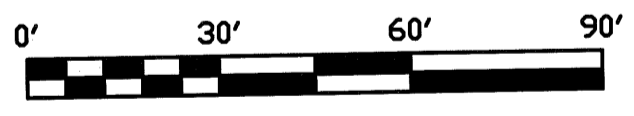
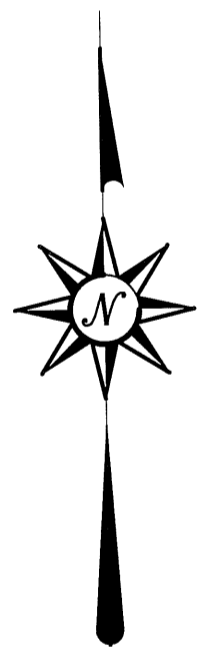
Prepared for: Keller Johnson
 Date : AUGUST 1, 2013

TRACT-A: PROPERTY DESCRIPTION-CLOSURE OF A CUL-DE-SAC

Being the southern portion of West Business Drive as shown on Westin Office Park Subdivision to the City of Conway Arkansas, Faulkner County as shown on Plat of Records in Plat Book J Page 301, Records of Faulkner County, Arkansas, more particularly described as beginning at the SE corner of said Lot-3; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of N34°02'58"E 53.05 feet; thence along a curve to the left, having a radius of 25.00 feet and a chord bearing and distance of N32°38'15"E 27.56 feet; thence N89°11'23"E 60.00 feet; thence along a curve to the right, having a radius of 480 feet, and a chord bearing and distance of S03°48'20"W 77.26 feet; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of S50°05'45"W 66.49 feet to a common corner between Lot 1 and Lot 2 Westin Office Park Subdivision; thence along a curve to the right, having a radius of 50.00 feet, and a chord bearing and distance of N43°06'30"W 70.86 feet to the point of beginning, containing 0.22 acres more or less.

TRACT-B: PROPERTY DESCRIPTION-CLOSURE OF A UTILITY EASEMENT:

Being a part of Lot-1, Lot-2 and Lot-3 of Westin Office Park Subdivision to the City of Conway Arkansas, Faulkner County as shown on Plat of Records in Plat Book J Page 301, Records of Faulkner County, Arkansas, more particularly described as beginning at the SE corner of said Lot-3; thence along the common line between Lot-3 and Lot-2 N87°59'12"W 15.00 feet to the point of beginning; thence continue along said common Lot line to a point N87°59'12"W 5.00 feet; thence leaving said common lot line and along a curve to the right, have a radius of 70 feet and a chord bearing and distance of N34°02'58"E 74.26 feet; thence along a curve to the left, have a radius of 25.0 feet and a chord bearing and distance of N32°38'15"E 5.51 feet; thence N89°11'23"E 20.00 feet; thence along a curve to the right, have a radius of 50 feet and a chord bearing and distance of S32°38'15"W 27.56 feet; thence along a curve to the left, have a radius of 50 feet and a chord bearing and distance of S34°02'58"W 53.05 feet; thence along a curve to the left have a radius of 50 feet and a chord bearing and distance of S43°06'30"E 70.86 feet; thence along a curve to the left, have a radius of 50 feet and a chord bearing and distance of N50°05'45"E 66.49 feet; thence along a curve to the right, have a radius of 480.00 feet and a chord bearing and distance of N06°16'53"E 35.85 feet; thence S01°46'13"W 68.29 feet; thence along a curve to the right, have a radius of 65 feet and a chord bearing and distance of S64°50'51"W 58.86 feet to a common lot line between Lot-1 and Lot-2; thence along a curve to the right, have a radius of 65 feet and a chord bearing and distance of N43°06'30"W 92.12 feet to the point of beginning containing 0.09 acres more or less.



CURVE CHART				
curve	radius	arc length	chord length	chord bearing
C1	50.00'	55.91'	53.05'	N 34°02'58" E
C2	25.00'	29.19'	27.56'	S 32°38'15" W
C3	480.00'	77.34'	77.26'	S 03°48'20" W
C4	50.00'	72.74'	66.49'	S 50°05'45" W
C5	50.00'	78.75'	70.86'	N 43°06'30" W
C6	70.00'	78.28'	74.26'	N 34°02'58" E
C7	5.00'	5.84'	5.51'	N 32°38'15" E
C8	480.00'	35.86'	35.85'	S 06°16'53" W
C9	65.00'	61.09'	58.86'	S 64°50'51" W
C10	65.00'	102.38'	92.12'	N 43°06'30" W
C11	480.00'	77.34'	77.26'	S 03°48'20" W

SCALE: 1" = 30'
 JOB NO: 112-0370
 DWG\CLOSURES\
 1120370-CLOSURE

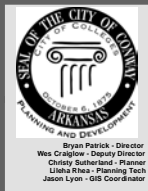
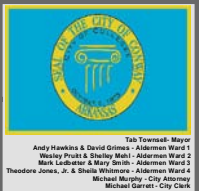
CITY OF CONWAY

WESTIN OFFICE PARK SUB LOTS 1-3 ROW/EASEMENT CLOSING

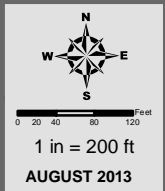


DESCRIPTION

WESTIN OFFICE PARK SUB LOT 1-3 EASEMENT/ROW CLOSING



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



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:
 LANDMARK GIS WEBSITE:
gis.cityofconway.org (UNDER DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityofConway.org



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

AN ORDINANCE CHANGING THE STREET NAME W BUSINESS AVE TO PRINCETON DRIVE; AND FOR OTHER PURPOSES:

WHEREAS; the street currently named W Business Avenue is the current name, but due recent development of the abutting property into residential, the main property owner has requested to rename to Princeton Drive;

WHEREAS; it is preferable to the property owner to have a new name for residential subdivision development;

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

Section 1: That the street name W Business Avenue is hereby changed to Princeton Drive.

Section 2: That all 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 public peace, health and safety, and this ordinance shall be in full force and effective 30 days after its passage and approval.

PASSED this 27th day of August, 2013

Approved:

Mayor Tab Townsell

Attest:

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



MEMO

TO: Mayor Tab Townsell

CC: City Council Members
Barbara McElroy

FROM: Felicia Rogers

DATE: August 20th, 2013

SUBJECT: Certified Liens – Code Enforcement

Message:

The following resolutions are included for a request to the Faulkner County Tax collector to place a certified lien against real property as a result of incurred expenses by the City.

The properties & amount (plus a ten percent collection penalty) are as follows:

1.	2450 Landover Trail	\$208.60
2.	209 South Mitchell	\$229.30
3.	4 Gwen Lane	\$231.70
4.	117 Shamrock Drive	\$266.04
5.	2745 Glohaven	\$268.68
6.	142 Eve Lane	\$268.71
7.	2108 Independence Street	\$285.18
8.	1914 Weems Street	\$308.00
9.	2902 Pheasant Road	\$1231.98

Please advise if you have any questions.

Thank you for your consideration.



City of Conway, Arkansas
Resolution No. R-13-_____

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 2450 Landover Trail within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$208.60 (\$162.37 + Penalty-\$16.23 + filing fee-\$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **August 27, 2013** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

SECTION 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 27th day of August, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Planning & Development
1201 Oak Street
Conway, Arkansas 72032



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: August 20, 2013

Re: 2450 Landover Trail

- June 20th, 2013– Warning Violation written regarding grass by Tim Wells.
- Property Owner is listed as Latisha Wilson.
- Property was rechecked on 6/28/2013 with no progress made.
- Certified and regular letters were mailed 7/2/2013 to address on file and both letters came back on July 27th.
- I (Barbara) had spoke with Mrs. Wilson on 7/8/2013 and she had stated that she had been discharged of house through bankruptcy.
- A email was sent to the mortgage company with no action taken.
- Property was rechecked on 7/16/2013 with no action taken.
- Final Cleanup finished on 7/25/2013.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any questions please advise.

INVOICE

City of Conway Code Enforcement

DATE: AUGUST 23, 2013

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-450-6144
barbara.mcelroy@cityofconway.org

TO Latisha Wilson
2450 Landover Trail
Conway, AR 72034

Description: Mowing/Clean up/Admin Fees
associated with the nuisance abatement at
2450 Landover Trail Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Tim Wells	710-08210-038		August 27th, 2013

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	1 Employee Mowing	17.90	17.90
1	1 Employee -Mowing	16.22	16.22
1	1 Employee -Mowing	10.48	10.48
1	1 Employee -Mowing	10.48	10.48
1	1 Employee -Mowing	17.86	17.86
1	Maintenance Fee	15.00	15.00
1	Administrative Fee (Barbara McElroy)	24.15	24.15
1	Administrative fee (Tim Wells)	16.32	16.32
1	Administrative Fee (Glenn Berry)	26.50	26.50
2	Certified Letter	3.29	6.58
2	Regular letter	.44	.88

- Total amount due after 8/27/2013 includes collection penalty & filing fees

TOTAL BY 8/27/2013	\$162.37
TOTAL AFTER 8/27/2013	\$208.60

Make all checks payable to City of Conway Code Enforcement @ 1201 Oak Street Conway Arkansas 72032

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Barbara McElroy

Conway Permits & Code Enforcement
Phone 501-450-6107
Fax 501-450-6144

July 25, 2013

Parcel # 710-08210-038

Latisha Wilson
2450 Landover Trail
Conway, AR 72034

RE: Nuisance Abatement at 2450 Landover Trail, Conway AR
Cost of Clean-Up, Amount Due: \$162.37

Dear Ms. Wilson,

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 27th, 2013 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Barbara McElroy**. If you have any questions, please feel free to call me at 501-450-6191.

Sincerely,

Barbara McElroy

Conway Code Enforcement
Incident Report

Date of Violation: 06/20/13

Violator Name: Latisha Wilson

Address of Violation: 2450 Landover Trail

Violation Type: Grass over 8 inches long

Warning #: CE7312

Description of Violation and Actions Taken: On 06/20/13, Code Enforcement Officer Wells wrote a warning to correct violation at 2450 Landover Trail for grass over 8 inches long. A recheck was conducted on 06/28/13 and no progress had been made. A certified letter was sent on 07/02/13. A second recheck was conducted on 07/16/13 and there was no progress, so cleanup was scheduled. Cleanup was completed by the physical plant. Before and after pictures were taken.

Code Enforcement Officer: Tim Wells

Officer Signature: J. Wells

Date: 08/20/13

Time: 8:04



City of Conway, Arkansas
Resolution No. R-13-_____

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on **209 South Mitchell** within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount **\$229.30** (\$181.15 + Penalty-\$18.15 + filing fee-\$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **August 27th, 2013** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

SECTION 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 27th day of August 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Planning & Development
1201 Oak Street
Conway, Arkansas 72032



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: August 20, 2013

Re: 209 South Mitchell

- June 17, 2013– Warning Violation written regarding grass by Bill Haynes.
- Property Owner is listed as Chris Dunn.
- Property was rechecked on 6/25/2013 with some progress made.
- Property was rechecked on 7/2/2013 & 7/15/2013 with no progress.
- Certified and regular letters were mailed 7/5/2013 to address on file.
- Final Cleanup finished on 7/25/2013.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any questions please advise.

INVOICE

City of Conway
Code Enforcement

DATE: AUGUST 23, 2013

1201 Oak Street
 Conway, AR 72032
 Phone: 501-450-6191
 Fax 501-450-6144
 barbara.mcelroy@cityofconway.org

TO Chris Dunn
 209 South Mitchell Street
 Conway, AR 72034

Description: Mowing/Clean up/Admin Fees
 associated with the nuisance abatement at
 209 South Mitchell Street

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Bill Haynes	710-01792-000		August 27 th , 2013

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	1 Employee-Mowing	17.90	17.90
1	1 Employee-Mowing	16.22	16.22
1	1 Employee-Mowing	10.48	10.48
1	1 Employee-Mowing	10.48	10.48
1	1 Employee-Mowing	17.86	17.86
1	Maintenance Fee	15.00	15.00
	2 Trips to Landfill (\$4.00 & \$12..36)		16.36
1	Administrative Fee (Barbara McElroy)	24.15	24.15
1	Administrative fee (Bill Haynes)	18.74	18.74
1	Administrative Fee (Glenn Berry)	26.50	26.50
2	Certified Letter	3.29	6.58
2	Regular letter	.44	.88

TOTAL BY
8/27/2013 \$181.15

- Total amount due after 8/27/2013 includes collection penalty & filing fees

TOTAL AFTER
8/27/2013 \$229.26

Make all checks payable to City of Conway Code Enforcement @ 1201 Oak Street Conway Arkansas 72032

Payments are due 30 days from date of this letter;

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Barbara McElroy

Conway Permits & Code Enforcement
Phone 501-450-6107
Fax 501-450-6144

July 25, 2013

Parcel # 710-01792-00

Chris Dunn
209 S. Mitchell Street
Conway, AR 72034

RE: Nuisance Abatement at 209 S. Mitchell Street, Conway AR
Cost of Clean-Up, Amount Due: \$181.15

Dear Mr. Dunn,

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 27th, 2013 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Barbara McElroy**. If you have any questions, please feel free to call me at 501-450-6191.

Sincerely,

Barbara McElroy

**Conway Code Enforcement
Incident Report**

Date of Violation: 06-17-13

Violator Name: Marchello Harris

Address of Violation: 209 S. Mitchell

Violation Type: Tall grass / Rubbish & trash

Warning #: CE7136

Description of Violation and Actions Taken: I issued a warning for tall grass and trash and rubbish all over the yard at 209 S. Mitchell on 06-17-13. Rechecks were conducted on 06-25-13 and 7-02-13 with no change in condition being noted. Certified letters were delivered on 07-05-13 and a final recheck was conducted on 07-15-13 with no change in condition. Mowing and clean-up was scheduled with the physical plant and work was completed on 07-25-13. Before and after pics were taken and are included with this report.

Code Enforcement Officer: Bill Haynes #403

Officer Signature:  _____

Date: 08-20-13

Time: 0820hrs



City of Conway, Arkansas
Resolution No. R-13-_____

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 4 Gwen Lane within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$231.70 (\$183.37 + Penalty-\$18.33 + filing fee-\$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **August 27th, 2013** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

SECTION 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 27th day of August, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Planning & Development
1201 Oak Street
Conway, Arkansas 72032



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: August 20, 2013

Re: 4 Gwen Lane

- June 11th, 2013– Warning Violation written regarding grass by Tim Wells.
- Property Owner is listed as Decarlos & Robin Fuller.
- Property was rechecked on 6/20/2013 with no progress made.
- Certified and regular letters were mailed 6/24/2013 to address on file and both letters came back on July 1st.
- A email was sent to the mortgage company with no action taken.
- Property was rechecked on 7/2 & 7/9/2013 with no action taken.
- Final Cleanup finished on 7/11/2013.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any questions please advise.

INVOICE

City of Conway Code Enforcement

DATE: AUGUST 23, 2013

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-450-6144
barbara.mcelroy@cityofconway.org

TO Decarlos & Robin Fuller
4 Gwen Lane
Conway, AR 72034

Description: Mowing/Clean up/Admin Fees
associated with the nuisance abatement at
4 Gwen Lane Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Tim Wells	710-06898-000		August 27th, 2013

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	1 Employee for Mowing	17.90	17.90
1	1 Employee for Mowing	16.22	16.22
1	1 Employee for Mowing	10.48	10.48
1	1 Employee for Mowing	10.48	10.48
1	1 Employee for Mowing	26.50	26.50
1	Maintenance Fee	15.00	15.00
1	Land Fill Fee	12.36	12.36
1	Administrative Fee (Barbara McElroy)	24.15	24.15
1	Administrative fee (Tim Wells)	16.32	16.32
1	Administrative Fee (Glenn Berry)	26.50	26.50
2	Certified Letter	3.29	6.58
2	Regular letter	.44	.88

- Total amount due after 8/27/2013 includes collection penalty & filing fees

TOTAL BY 8/27/2013	\$183.37
TOTAL AFTER 8/27/2013	\$231.70

Make all checks payable to City of Conway Code Enforcement and Mail to:

City of Conway Code Enforcement

1201 Oak Street Conway Arkansas 72032

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Barbara McElroy

Conway Permits & Code Enforcement
Phone 501-450-6107
Fax 501-450-6144

July 23, 2013

Parcel # 710-06898-000

Decarlos & Robin Fuller
4 Gwen Lane
Conway, AR 72034

RE: Nuisance Abatement at 4 Gwen Lane, Conway AR
Cost of Clean-Up, Amount Due: \$183.37

Dear Mr & Mrs. Fuller,

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 27th, 2013 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Barbara McElroy**. If you have any questions, please feel free to call me at 501-450-6191.

Sincerely,

Barbara McElroy

**Conway Code Enforcement
Incident Report**

Date of Violation: 06/11/13

Violator Name: Decarlos and Robin Fuller

Address of Violation: 4 Gwen Lane

Violation Type: Rubbish/Trash, Appliance/Furniture, and Dilapidated Structure

Warning #: CE 7187

Description of Violation and Actions Taken: On 06/11/13, Code Enforcement Officer Wells wrote a warning to correct violation at 4 Gwen Lane for bushes growing into the street, a chair in the front lawn, gutter hanging off the side of the house, and shingles coming off the roof. A recheck was conducted on 06/20/13 and the only progress made was the removal of the chair from the front lawn. A certified letter was sent on 06/24/13 and returned on 06/26/13. A second recheck was conducted on 07/02/13 and there was no progress on the bushes, gutter, or shingles; therefore, cleanup was scheduled. Cleanup was completed on 07/11/13.

Code Enforcement Officer: Tim Wells

Officer Signature: Tim Wells

Date: 07/21/13

Time: 1:20



City of Conway, Arkansas
Resolution No. R-13-_____

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 117 Shamrock within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$266.04 (\$214.59 + Penalty-\$21.45 + filing fee-\$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **August 27, 2013** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

SECTION 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 27th day of August, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Planning & Development
1201 Oak Street
Conway, Arkansas 72032



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: August 20, 2013

Re: 117 Shamrock

- June 4th, 2013– Warning Violation written regarding grass by Tim Wells.
- Property Owner is listed as Lisa Shoemake.
- Property was rechecked on 6/12/2013 with no progress made.
- Certified and regular letters were mailed 6/24/2013 to address on file and an notice was left at post office on 6/26/2013.
- Property was rechecked on 6/12, 6/20 & 7/5/2013 with no action taken.
- Final Cleanup finished on 7/11/2013.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any questions please advise.

INVOICE

City of Conway Code Enforcement

DATE: AUGUST 23, 2013

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-450-6144
barbara.mcelroy@cityofconway.org

TO Nancy Murphy
2740 Redhaven Drive
Conway, AR 72034

Description: Mowing/Clean up/Admin Fees
associated with the nuisance abatement at
117 Shamrock Drive Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Tim Wells	710-07549-000		August 27th, 2013

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	2 Employee for Mowing	17.90	35.80
2	2 Employee for Mowing	16.22	32.44
2	2 Employee for Mowing	10.48	20.96
2	2 Employee for Mowing	10.48	20.96
2	Maintenance Fee	15.00	30.00
1	Administrative Fee (Barbara McElroy)	24.15	24.15
1	Administrative fee (Tim Wells)	16.32	16.32
1	Administrative Fee (Glenn Berry)	26.50	26.50
2	Certified Letter	3.29	6.58
2	Regular letter	.44	.88
TOTAL BY 8/27/2013			\$214.59
TOTAL AFTER 8/27/2013			\$266.04

- Total amount due after 8/27/2013 includes collection penalty & filing fees

Make all checks payable to City of Conway Code Enforcement and Mail to:

City of Conway Code Enforcement

1201 Oak Street Conway Arkansas 72032

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Barbara McElroy

Conway Permits & Code Enforcement
Phone 501-450-6107
Fax 501-450-6144

July 23, 2013

Parcel # 710-07549-000

Nancy Murphy
2740 Redhaven Drive
Conway, AR 72034

RE: Nuisance Abatement at 117 Shamrock Drive, Conway AR
Cost of Clean-Up, Amount Due: \$214.59

Dear Ms. Murphy,

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 27th, 2013 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Barbara McElroy**. If you have any questions, please feel free to call me at 501-450-6191.

Sincerely,

Barbara McElroy

**Conway Code Enforcement
Incident Report**

Date of Violation: 06/04/13

Violator Name: Lisa Shoemake

Address of Violation: 117 Shamrock Drive

Violation Type: Grass over 8 inches and Rubbish/Trash

Warning #: CE7047

Description of Violation and Actions Taken: On 06/04/13, Code Enforcement Officer Wells wrote a warning to correct violation at 117 Shamrock Drive for grass over 8 inches long and rubbish/trash. A recheck was conducted on 06/12/13 and the exercise bike and pallet on the side of the house had been removed. Some of the limbs had been removed. There was no progress on the grass. A second recheck was conducted on 06/20/13 and there was no progress on the grass, but the limbs had been removed. A certified letter was sent on 06/24/13 and notice was left on 06/26/13. A third recheck was conducted on 07/05/13 and there was no progress, so cleanup was scheduled. Cleanup was completed on 07/11/13.

Code Enforcement Officer: Tim Wells

Officer Signature: Tim Wells

Date: 07/31/13

Time: 1:09



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

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 2745 Glohaven within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$268.68 (\$216.99 + Penalty-\$21.69 + filing fee-\$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **August 27th, 2013** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

SECTION 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 27th day of August, 2013.

Approved:

Mayor Tab Townsell

Attest:

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

City of Conway
Planning & Development
1201 Oak Street
Conway, Arkansas 72032



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: August 20, 2013

Re: 2745 Glohaven

- May 15th, 2013– Warning Violation written regarding grass in the back yard by Bill Haynes
- Property Owner is listed as Makin & Sherry Bailey.
- Contact was made by telephone and email that the owners were in bankruptcy and were not responsible for the property.
- Property was rechecked on 5/23/2013 & 5/30/2013 with no progress. I called her again and she said she would take care of it that day. Rechecked on 6/20/2012 with nothing done.
- The mortgage company and banks were contacted by phone and was assured that the property would be brought up to code.
- Property was rechecked on 7/09/2013
- Final Cleanup finished on 7/11/2013.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any questions please advise.

INVOICE

City of Conway Code Enforcement

DATE: AUGUST 23, 2013

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-450-6144
barbara.mcelroy@cityofconway.org

TO Makin Bailey
2320 Quattlebaum Cove
Conway, AR 72034

Description: Mowing/Clean up/Admin Fees
associated with the nuisance abatement at
2745 Glohaven Drive

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Bill Haynes	711-12793-133		August 27 th , 2013

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	1 employee- Mowing	17.90	35.80
2	1 employee-Mowing	16.22	32.44
2	1 employee Mowing	10.48	20.96
2	1 employee-Mowing	10.48	20.96
2	Maintenance Fee	15.00	30.00
1	Administrative Fee (Barbara McElroy)	24.15	24.15
1	Administrative fee (Bill Haynes)	18.74	18.74
1	Administrative Fee (Glenn Berry)	26.50	26.50
2	Certified Letter	3.29	6.58
2	Regular letter	.43	.86

TOTAL BY
8/27/2013 \$216.99

- Total amount due after 8/27/2013 includes collection penalty & filing fees

TOTAL AFTER
8/27/2013 \$268.68

Make all checks payable to City of Conway Code Enforcement & Mail to:

1201 Oak Street Conway Arkansas 72032

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Barbara McElroy

Conway Permits & Code Enforcement
Phone 501-450-6107
Fax 501-450-6144

July 23, 2013

Parcel # 711-12793-133

Makin Bailey
2320 Quattlebaum Cove
Conway, AR 72034

RE: Nuisance Abatement at 2745 Glohaven, Conway AR
Cost of Clean-Up, Amount Due: \$216.99

Dear Mr. Bailey,

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 27th, 2013 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Barbara McElroy**. If you have any questions, please feel free to call me at 501-450-6191.

Sincerely,

Barbara McElroy

**Conway Code Enforcement
Incident Report**

Date of Violation: 05-15-13

Violator Name: Markin & Sherry Bailey

Address of Violation: 2745 Glohaven

Violation Type: Tall Grass

Warning #: CE6823

Description of Violation and Actions Taken: I issued a warning for tall grass at 2745 Glohaven on 05-15-13. Rechecks were conducted on 05-23-13 and 05-30-13 with no change in condition noted. Barbara was advised by mail, email and telephone that the owners were in bankruptcy and were not responsible for the property. The mortgage and asset management companies were contacted by email and telephone and gave assurances that the property would be brought up to code. Final rechecks were conducted and no change was seen in condition. Mowing was scheduled and conducted by the physical plant on 07-11-13. Before and after pics are included with this report.

Code Enforcement Officer: Bill Haynes

Officer Signature: _____

Date: 08-20-13

Time: 1105hrs



City of Conway, Arkansas
Resolution No. R-13-_____

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 142 Eve Lane within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$268.71 (\$217.01 + Penalty-\$21.70 + filing fee-\$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **August 27th, 2013** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

SECTION 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 27th day of August, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Planning & Development
1201 Oak Street
Conway, Arkansas 72032



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: August 20, 2013

Re: 4 Gwen Lane

- June 11th, 2013– Warning Violation written regarding grass by Tim Wells.
- Property Owner is listed as Decarlos & Robin Fuller.
- Property was rechecked on 6/20/2013 with no progress made.
- Certified and regular letters were mailed 6/24/2013 to address on file and both letters came back on July 1st.
- A email was sent to the mortgage company with no action taken.
- Property was rechecked on 7/2 & 7/9/2013 with no action taken.
- Final Cleanup finished on 7/11/2013.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any questions please advise.

INVOICE

City of Conway Code Enforcement

DATE: AUGUST 23, 2013

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-450-6144
barbara.mcelroy@cityofconway.org

TO Decarlos & Robin Fuller
4 Gwen Lane
Conway, AR 72034

Description: Mowing/Clean up/Admin Fees
associated with the nuisance abatement at
4 Gwen Lane Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Tim Wells	710-06898-000		August 27th, 2013

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	1 Employee for Mowing	17.90	17.90
1	1 Employee for Mowing	16.22	16.22
1	1 Employee for Mowing	10.48	10.48
1	1 Employee for Mowing	10.48	10.48
1	1 Employee for Mowing	26.50	26.50
1	Maintenance Fee	15.00	15.00
1	Land Fill Fee	12.36	12.36
1	Administrative Fee (Barbara McElroy)	24.15	24.15
1	Administrative fee (Tim Wells)	16.32	16.32
1	Administrative Fee (Glenn Berry)	26.50	26.50
2	Certified Letter	3.29	6.58
2	Regular letter	.44	.88

- Total amount due after 8/27/2013 includes collection penalty & filing fees

TOTAL BY 8/27/2013	\$183.37
TOTAL AFTER 8/27/2013	\$231.70

Make all checks payable to City of Conway Code Enforcement and Mail to:

City of Conway Code Enforcement

1201 Oak Street Conway Arkansas 72032

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Barbara McElroy

Conway Permits & Code Enforcement
Phone 501-450-6107
Fax 501-450-6144

July 23, 2013

Parcel # 710-06898-000

Decarlos & Robin Fuller
4 Gwen Lane
Conway, AR 72034

RE: Nuisance Abatement at 4 Gwen Lane, Conway AR
Cost of Clean-Up, Amount Due: \$183.37

Dear Mr & Mrs. Fuller,

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 27th, 2013 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Barbara McElroy**. If you have any questions, please feel free to call me at 501-450-6191.

Sincerely,

Barbara McElroy

**Conway Code Enforcement
Incident Report**

Date of Violation: 06-19-13

Violator Name: Don Green


Address of Violation: 142 Eve Ln

Violation Type: Tall Grass

Warning #: CE7218

Description of Violation and Actions Taken: I issued a warning for tall grass and weeds at 142 Eve Ln on 06-19-13. Rechecks were conducted on 06-27-13 and 07-02-13 with only a small portion of the front yard being mowed. Certified letters were delivered on 07-05-13 and a final recheck was conducted on 07-15-13 with no change noted. Mowing was scheduled with the physical plant and work was completed on 07-25-13. Before and after pics were taken and are included with this report.

Code Enforcement Officer: Bill Haynes #403

Officer Signature:  _____

Date: 08-20-13

Time: 0837hrs



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

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 2108 Independence within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$285.18 (\$231.99 + Penalty-\$23.19 + filing fee-\$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **August 27th, 2013** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

SECTION 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 27th day of August 2013.

Approved:

Mayor Tab Townsell

Attest:

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

City of Conway
Planning & Development
1201 Oak Street
Conway, Arkansas 72032



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: August 20, 2013

Re: 2108 Independence

- May 17, 2013– Warning Violation written regarding grass by Bill Haynes.
- Property Owner is listed as Rebecca Evridge.
- Property was rechecked on 5/27/2013 with some progress made.
- Property was rechecked on 6/18/2013 with no progress.
- Property was rechecked on 7/1/2013 with no progress.
- Certified and regular letters were mailed 6/19/2013 to address on file.
- Final Cleanup finished on 7/1/2013.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any questions please advise.

INVOICE

City of Conway
Code Enforcement

DATE: AUGUST 23, 2013

1201 Oak Street
 Conway, AR 72032
 Phone: 501-450-6191
 Fax 501-450-6144
 barbara.mcelroy@cityofconway.org

TO Rebecca Everidge
 472 Highway 285 East
 Greenbrier, AR 72058

Description: Mowing/Clean up/Admin Fees
 associated with the nuisance abatement at
 2108 Independence

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Bill Haynes	710-00576-000		August 27 th , 2013

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	1 employee- Mowing	17.90	35.80
2	1 employee-Mowing	16.22	32.44
2	1 employee Mowing	10.48	20.96
2	1 employee-Mowing	10.48	20.96
2	Maintenance Fee	15.00	30.00
1	Tractor Fee	15.00	15.00
1	Administrative Fee (Barbara McElroy)	24.15	24.15
1	Administrative fee (Bill Haynes)	18.74	18.74
1	Administrative Fee (Glenn Berry)	26.50	26.50
2	Certified Letter	3.29	6.58
2	Regular letter	.43	.86

TOTAL BY
 8/27/2013 \$231.99

- Total amount due after 8/27/2013 includes collection penalty & filing fees

TOTAL AFTER
 8/27/2013 \$285.18

Make all checks payable to City of Conway Code Enforcement & Mail to:

1201 Oak Street Conway Arkansas 72032

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Barbara McElroy

Conway Permits & Code Enforcement
Phone 501-450-6107
Fax 501-450-6144

July 23, 2013

Parcel # 710-00576-000

Rebecca Evridge
472 Highway 285 East
Greenbrier, AR 72058

RE: Nuisance Abatement at 2108 Independence Ave, Conway AR
Cost of Clean-Up, Amount Due: \$231.99

Dear Ms. Evridge,

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 27th, 2013 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Barbara McElroy**. If you have any questions, please feel free to call me at 501-450-6191.

Sincerely,

Barbara McElroy

**Conway Code Enforcement
Incident Report**

Date of Violation: 05-17-13

Violator Name: Rebecca Everidge

Address of Violation: 2108 Independence

Violation Type: Tall Grass & Weeds

Warning #: CE6847

Description of Violation and Actions Taken: I issued a warning @ 2108 Independence for tall grass and weeds on 05-17-13. Rechecks were conducted on 05-28-13 and 06-18-13 with no change in condition. Certified letters were sent and another recheck was conducted on 07-01-13 with no change in condition being noted. Mowing was scheduled with the physical plant and work was completed on 07-11-13. Before and after pics were taken and are included with this report.

Code Enforcement Officer: Bill Haynes #403

Officer Signature:  _____

Date: 08-20-13

Time: 0806 hrs



City of Conway, Arkansas
Resolution No. R-13-_____

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on **1914 Weems** within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount **\$308.00** (\$252.73 + Penalty-\$25.27 + filing fee-\$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **August 27th, 2013** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

SECTION 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 27th day of August 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Planning & Development
1201 Oak Street
Conway, Arkansas 72032



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: August 20, 2013

Re: 1914 Weems

- June 12, 2013– Warning Violation written regarding grass by Bill Haynes.
- Property Owner is listed as Fred Church.
- Property was rechecked on 6/20/2013 with no progress made.
- Property was rechecked on 7/5 /2013 with some progress.
- Property was rechecked on 7/15/2013 with no progress.
- Certified and regular letters were mailed 6/24/2013 to address on file.
- Final Cleanup finished on 7/25/2013.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any questions please advise.

INVOICE

City of Conway
Code Enforcement

DATE: AUGUST 23, 2013

1201 Oak Street
 Conway, AR 72032
 Phone: 501-450-6191
 Fax 501-450-6144
 barbara.mcelroy@cityofconway.org

TO Fred Church
 1914 Weems Street
 Conway, AR 72034

Description: Mowing/Clean up/Admin Fees
 associated with the nuisance abatement at
 1914 Weems Street

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Bill Haynes	710-03181-000		August 27 th , 2013

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	1 Employee-Mowing	17.90	35.80
2	1 Employee-Mowing	16.22	32.44
2	1 Employee-Mowing	10.48	20.96
2	1 Employee-Mowing	10.48	20.96
2	1 Employee-Mowing	17.86	35.72
2	Maintenance Fee	15.00	30.00
1	Administrative Fee (Barbara McElroy)	24.15	24.15
1	Administrative fee (Bill Haynes)	18.74	18.74
1	Administrative Fee (Glenn Berry)	26.50	26.50
2	Certified Letter	3.29	6.58
2	Regular letter	.44	.88

- Total amount due after 8/27/2013 includes collection penalty & filing fees

TOTAL BY 8/27/2013	\$252.73
TOTAL AFTER 8/27/2013	\$308.00

Make all checks payable to City of Conway Code Enforcement @ 1201 Oak Street Conway Arkansas 72032

Payments are due 30 days from date of this letter;

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Barbara McElroy

Conway Permits & Code Enforcement
Phone 501-450-6107
Fax 501-450-6144

July 25, 2013

Parcel # 710-03181-000

Fred Church
1914 Weems Street
Conway, AR 72034

RE: Nuisance Abatement at 1914 Weems Street, Conway AR
Cost of Clean-Up, Amount Due: \$252.73

Dear Mr. Church,

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 27th, 2013 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Barbara McElroy**. If you have any questions, please feel free to call me at 501-450-6191.

Sincerely,

Barbara McElroy

**Conway Code Enforcement
Incident Report**

Date of Violation: 06-12-13

Violator Name: Mark Woods

Address of Violation: 1914 Weems

Violation Type: Tall Grass and weeds

Warning #: CE7109

Description of Violation and Actions Taken: I issued a warning for tall grass and weeds at 1914 Weems on 06-12-13. Rechecks were conducted on 06-20-13 and 07-08-13 with only the front yard being mowed. Certified letters were sent and a final recheck was conducted on 07-15-13 again with no change to the back yard. Mowing was scheduled with the physical plant and work was completed on 07-25-13. Before and after pics were taken and are included with this report.

Code Enforcement Officer: Bill Haynes #403

Officer Signature:  _____

Date: 08-20-13

Time: 0830hrs



City of Conway, Arkansas
Resolution No. R-13-_____

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 2902Pheasant within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$1231.98 (\$1092.71 + Penalty-\$109.27 + filing fee-\$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **August 27th, 2013** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

SECTION 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 27th day of August 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Planning & Development
1201 Oak Street
Conway, Arkansas 72032



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: August 20, 2013

Re: 2902 Pheasant

- June 10th, 2013– Warning Violation written regarding grass by Bill Haynes.
- Property Owner is listed as Jin Rong Lin.
- Property was rechecked on 6/18/2013 with no progress made.
- Certified and regular letters were mailed 6/19/2013 to address on file.
- Property was rechecked 6/28/2013 with no progress made.
- Final Cleanup finished on 7/10/2013.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any questions please advise.

INVOICE

City of Conway Code Enforcement

DATE: AUGUST 23, 2013

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-450-6144
barbara.mcelroy@cityofconway.org

TO Jin Rong Lin
2902 Pheasant Road
Conway, AR 72034

Description: Mowing/Clean up/Admin Fees
associated with the nuisance abatement at
2902 Pheasant Road

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Bill Haynes	711-12283-000		August 27 th , 2013

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
6	1 employee- Mowing	30.88	185.28
3	1 employee-Mowing	17.90	53.70
9	1 employee Mowing	17.86	160.74
3	1 employee-Mowing	16.22	48.66
6	1 employee-Mowing	10.48	62.88
6	1 employee-Mowing	10.48	62.88
6	1 employee-mowing	10.48	62.88
3	1 employee-Mowing	10.48	31.44
3	1 employee-Mowing	10.48	31.44
9	Maintenance Fee	15.00	135.00
6	Tractor Fee (bush hog)	15.00	90.00
	Landfill Fees (6 trips)		90.98
1	Administrative Fee (Barbara McElroy)	24.15	24.15
1	Administrative fee (Bill Haynes)	18.74	18.74
1	Administrative Fee (Glenn Berry)	26.50	26.50
2	Certified Letter	3.29	6.58
2	Regular letter	.43	.86

TOTAL BY
8/27/2013

\$1092.71

- Total amount due after 8/27/2013 includes collection penalty & filing fees

TOTAL AFTER
8/27/2013

\$1231.91

Make all checks payable to City of Conway Code Enforcement & Mail to:

1201 Oak Street Conway Arkansas 72032

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Barbara McElroy

Conway Permits & Code Enforcement
Phone 501-450-6107
Fax 501-450-6144

July 23, 2013

Parcel # 711-12283-000

Jin Rong Lin
2902 Pheasant Road
Conway, AR 72034

RE: Nuisance Abatement 2902 Pheasant, Conway AR
Cost of Clean-Up, Amount Due: \$1092.71

Dear Mr. Lin,

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 27th, 2013 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Barbara McElroy**. If you have any questions, please feel free to call me at 501-450-6191.

Sincerely,

Barbara McElroy

**Conway Code Enforcement
Incident Report**

Date of Violation: 06-10-13

Violator Name: Jin Rong Lin

Address of Violation: 2902 Pheasant

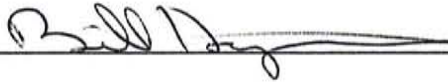
Violation Type: Tall grass / Rubbish and trash

Warning #: CE7091

Description of Violation and Actions Taken: I issued a warning for tall grass and rubbish all over the property at 2902 Pheasant on 06-10-13. Rechecks were conducted on 06-18-13 with no change in condition noted. Certified letters were sent on 06-20-13 and a final recheck was conducted on 07-01-13 with no change in condition. Mowing and clean-up was scheduled and work was completed on 07-10-13. Before and after pics are included with this report.

Code Enforcement Officer: Bill Haynes #403

Officer Signature: _____



Date: 08-20-13

Time: 0854hrs



City of Conway, Arkansas
Resolution No. R-13-_____

A RESOLUTION RESCINDING RESOLUTION R-11-28 AND ORDERING THE CONTINUED MONITORING OF A STRUCTURE LOCATED ON 912 FRONT STREET AS TO ITS STRUCTURAL INTEGRITY.

WHEREAS, Arkansas Code Annotated §14-56-201(1) states that municipal corporations shall have the power to regulate the erection, construction, reconstruction, alteration, and repair of buildings; and

WHEREAS, there is a structure located at 912 Front Street which was determined in 2011 to be unsafe and the council ordered by and through Resolution No. R-11-28 that the property be brought up city code by the owner therefore; and

WHEREAS, since that time the building has been monitored for indicators of lack of structural integrity and danger of collapse; and

WHEREAS, an analysis of prior monitoring and inspections was received from Robert B. Paullus, Jr. of Paullus Structural Consultants dated the 8th day of August, 2013; and

WHEREAS, among Mr. Paullus' conclusions, it was noted that "... to date, there have been no real noticeable changes in the position of the crack monitors. As reported previously, it seems that most of the building movement and the extreme out-of-plumb conditions occurred much earlier in the buildings life."

WHEREAS, as a result of continued monitoring and including the inspection, evaluation and analysis performed by Paullus Structural Consultants, it is the City Council's best information and belief that there is no imminent danger to the public health or safety due to the structural integrity of the structure located at 912 Front Street and therefore, Resolution No. R-11-28 should be rescinded; and

WHEREAS, in order be diligent and monitor the continued structural integrity of the structure, it is prudent to continue to monitor the structure by use of accepted practices.

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

Section 1: As a result of continued monitoring and including the inspection, evaluation and analysis performed by Paullus Structural Consultants, including an analysis of prior monitoring and inspections received from Paullus Structural Consultants dated the 8th day of August, 2013, it is the City Council's best information and belief that there is no imminent danger to the public health or safety due to the structural integrity of the structure located at 912 Front Street. Therefore, Resolution No. R-11-28 is hereby rescinded.

Section 2: That the Paullus analysis further noted: "That the structure still needs repair before continued occupancy should be considered." Therefore, prior to occupancy of the structure at 912 Front Street in Conway, Arkansas, because of the past indications of cracks in the masonry and other indicators of structural stresses and age of the building, is hereby ordered to be monitored and tested in a manner recommended by Paullus Structural Consultants and as otherwise approved by the City using accepted industry standards, with the costs of such monitoring and testing being borne by the owner therefore.

Section 3: That a copy of this Resolution be forwarded to the owner of said property by certified mail, return receipt requested, and regular mail, directing that said owner shall pay the costs associated with the reasonable monitoring and testing of the structure in a manner approved by the City using accepted industry standards.

PASSED this 27th day of August, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

Paullus Structural Consultants

August 8, 2013

Randy and Laura Dryer
65 Springhill Drive
Greenbrier, AR 72058

RE: Current Building Condition
912 Front Street, Conway, AR 72032

Dear Randy and Laura:

Pursuant to my site visit on February 16, 2013 and receipt of copies of the original readings received on August 1, 2013, this letter is being written to update crack monitor readings. The crack monitors were originally placed on November 18, 2011 and read again on November 28, 2011. There was no discernible movement in the monitors in 2011, and comparison of the monitor readings taken on February 16, 2013 showed a maximum movement of no more than 1 millimeter. A ladder was not available for the February 16, 2013 readings. Therefore, the monitors were checked using a high-power spotting scope. Because of the slightly different angle of view, it is possible that the very slight difference noted on a couple of the crack monitors is due to a differing angle of view. In addition, slight movements of less than 4 millimeters may be expected due to temperature changes.

To date, there have been no real noticeable changes in the position of the crack monitors. As reported previously, it seems that most of the building movement and the extreme out-of-plumb conditions occurred much earlier in the buildings life. The structure still needs repair before continued occupancy should be considered. The structure must be kept in a dry condition so that rainwater and other elements do not cause erosion of the mortar or deterioration of the wood framing members. In addition, the extreme out-of-plumb condition of the front wall, on the northwest corner and severity of the cracks makes this building more susceptible to damage from other outside influences. However, no appreciable movement has been reported since Paullus Structural Consultants first looked at this structure in the fall of 2011.

During the February 16, 2013 visit, it was noted that the barrier fencing around the building had been moved. The alleyway adjacent to the northern wall was no longer blocked, and the fencing in front of the building had been moved so that the only thing it blocked was the overhanging canopy. In short, the barrier fencing was positioned so that it was essentially useless. In telephone conversations, it is my understanding that neither you nor anyone acting on your behalf moved the fencing.

In addition, a conversation with Jack Bell of the City of Conway indicated that the City had noticed no movement in the building and was considering relaxing restrictions regarding the structure. As stated before, the structure, due to the cracks and out-of-plumb conditions, is weaker than when it was first constructed. However, if water has been kept from the interior of the walls and buildings, the brick should not have deteriorated much in the past several months. The key thing is to keep the building in the dry. In addition, I recommend that one more set of monitor readings be taken within the next month or so, so that a comparison can be made with

summer temperatures versus those in the late fall and winter months. Based on what has been observed to date, it is likely that reports of movement in 2011 were probably due to optical illusions or mistaken observations. This is precisely why installation of the crack monitors was recommended. Monitoring with repeatable, graduated devices is the only way, quantitatively and effectively, to judge movement, or the lack thereof.

As always, please contact me if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert B. Paullus Jr.", written in a cursive style.

Robert B. Paullus Jr., P.E., SECB
Arkansas License No.: 11792

Cc: Jack Bell, City of Conway, AR



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

August 22, 2013

Mayor Tab Townsell
 1201 Oak Street
 Conway, Arkansas 72032

RE: Relocated Conway Airport
 2013 Engineering Contract

Dear Mayor Townsell:

The 2013 FAA Grant for Relocated Conway Airport in the amount of \$6,568,000 (90% of \$7,297,777 project cost) included funding for the Second Paving Contract along with engineering required for the construction project as well as the engineering required to develop the construction plans and specification for the anticipated 2014 Grant. Garver has submitted a draft contract for review and approval to continue their engineering effort for the various elements of the Conway Airport development funded by the 2013 grant.

As required by FAA, an independent fee analysis (IFA) was secured from Kutchins & Groh Consultants. Kutchins & Groh arrived at an estimated total fee of \$657,048 for the work included in the Garver Scope of Work. The proposed total Garver Fee is approximately 23% less than the IFA prepared by Kutchins and Groh.

The various elements of the contract along with the proposed Garver Fee and IFA are as follows:

	<u>IFA</u>	<u>Garver</u>
Project Support Services:		
FAA reporting, prepare grant applications and Request for reimbursements & provide DBE reporting (Cost + Fee)	43,400	\$42,000
Bidding Services:		
Manage the Bidding and Plan distribution process along with tabulation of bids and completion of contract documents. (Lump Sum)	\$23,240	\$12,000

Mayor Tab Townsell
August 22, 2013
Page 2

	<u>IFA</u>	<u>Garver</u>
Construction Administration: Provide construction management plan for FAA, manage and coordinate meeting with contractor, prepare monthly estimates for pay and manage construction material testing (Lump Sum)	\$93,576	\$49,000
Construction Observation Services: Provide full time resident construction observation to confirm the contractor's work conforms to plans & specs, document project quantities of work. (Cost + Fee)	\$440,104	\$357,000
Design Engineering (Paving): Prepare final plans & specifications for Stage 2C Paving (Aprons, Taxilanes & onsite Roads) phase (Lump Sum)	<u>\$56,728</u>	<u>\$70,000</u>
TOTAL	\$657,048	\$530,000

The various contracts included in the grant will be reimbursed 90% from the 2013 FAA Grant and 10% from a Arkansas Department of Aeronautics grant (\$300,000 max state match) with the remainder \$429,777 paid by the city of Conway.

I am requesting approval of this agreement subject to final FAA concurrence in award and funding of the work.

I have attached a total airport project cost thru the 2013 grant along with a local funds budget for the project.

Thanks
Ronnie Hall

**RELOCATED CONWAY AIRPORT PROJECT
CONWAY, ARKANSAS
SUMMARY OF MAJOR PROJECT COST
AUGUST 2013**

PART A

**ESTIMATED COSTRUCTION COST REQUIRED TO COMMENCE OPERATION AT NEW AIRPORT :
(INCLUDES ONLY FAA AIP ELIGIBLE ELEMENTS OF AIRPORT)**

	ESTIMATED COST	TOTAL ANNUAL COST	FAA FUNDS	STATE FUNDS	CITY FUNDS
2001 ENVIRONMENTAL & MASTER PLAN	\$ 166,660	\$ 166,660	\$ 158,327	\$ 8,333	
2002 ENVIRONMENTAL & MASTER PLAN ADDITIONAL	\$ 56,608	\$ 56,608	\$ 53,778	\$ 2,830	
2004 WATERFOWL STUDY	\$ 262,630	\$ 262,630	\$ 249,499	\$ 13,132	
2008 ENGINEERING & PROPERTY ACQUISITION	\$ 1,247,989	\$ 1,247,989	\$ 1,185,590	\$ 62,399	
2009 ENGINEERING & PROPERTY ACQUISITION	\$ 1,611,004	\$ 1,611,004	\$ 1,530,454	\$ 80,550	
2010 LOLLIE ROAD RELOCATION (PROJECT COMPLETED 2011)	\$ 460,000		\$ 437,000	\$ 23,000	\$ -
2010 ENGINEERING, CONSTRUCITON OBSERVATION & UTILITY ADJUSTMENT	\$ 330,437		\$ 313,915	\$ 16,522	\$ 0
2010 SITE GRADING AND DRAINAGE - Stage 1B	\$ 1,700,000		\$ 1,615,000	\$ 85,000	\$ -
SUBTOTAL 2010 REQUIRMENTS		\$ 2,490,437	\$ 2,365,915	\$ 124,522	
2011 REMAINING SITE GRADING & DRAINAGE -Stage 1B -(85% Complete)		\$ 3,915,900	\$ 3,720,105	\$ 195,795	
2012 RUNWAY & TAXIWAY PAVING TERMINAL APRON (50% Complete)	\$ 4,821,490		\$ 4,339,341	\$ 300,000	\$ 182,149
2012 PERIMETER FENCING (60% Complete)	\$ 816,883		\$ 735,195		\$ 81,688
2012 CONSTRUCTION OBSERVATION & TESTING	\$ 345,000		\$ 310,500		\$ 34,500
2012 INCREASE PAVING THICKNESS FROM 9.5" TO 11" (NON-FAA ELGIBLE)	\$ 238,891		\$ -		\$ 238,891
2012 ENGINEERING FOR PHASE 2 PAVING & RUNWAY LIGHTING	\$ 270,000		\$ 243,000		\$ 27,000
2012 CONST. MANAGEMENT, APPROACH DEV. & WILDLIFE ASSESSMENT UPDATE	\$ 186,905		\$ 168,215		\$ 18,691
SUBTOTAL 2012 REQUIRMENTS		\$ 6,679,169	\$ 5,796,250	\$ 300,000	\$ 582,919
2013 APRON & TAXIWAY PAVING (Public Hanger Area & Corp. Hangers)	\$ 3,444,590		\$ 3,100,131	\$ 300,000	\$ 44,459
2013 RUNWAY & TAXIWAY LIGHTING & ELECTRICAL	\$ 1,660,000		\$ 1,494,000	\$ -	\$ 166,000
2012 INCREASE PAVING THICKNESS FROM 9.5" TO 11" (NON-FAA ELGIBLE)	\$ 60,133		\$ -	\$ -	\$ 60,133
2013 ON SITE ROADS (Segment on Airport Property)	\$ 1,304,789		\$ 1,174,310	\$ -	\$ 130,479
2013 UTILITY CONSTRUCTION (Sewer System)	\$ 275,000		\$ 247,500	\$ -	\$ 27,500
2013 ENGINEERING & TESTING & ADMINISTRATIVE COST	\$ 613,400		\$ 552,060	\$ -	\$ 61,340
2013 OFFSITE ACCESS ROAD (BY CITY FORCES & Funded by Sales Tax)	\$ 750,000				\$ 750,000
2013 OFFSITE WATERLINE (By Conway Corp & Funded by Conway Corp.)	\$ 800,000				\$ 800,000
2013 TERMINAL BUILDING	\$ 1,655,000			\$ 300,000	\$ 1,355,000
2013 PUBLIC HANGERS (3 Hangars @ 12 bays each)	\$1,600,000			\$ 300,000	\$ 1,300,000
2013 AIRCRAFT COMMUNITY HANGAR (10,000 S.F.)	\$500,000				\$ 500,000
2013 SUNSHADE (10 Spaces)	\$300,000				\$ 300,000
2013 TERMINAL BUILDING FURNISHINGS & EQUIPMENT	\$250,000				\$ 250,000
2013 FUELING FACILITIES	\$300,000				\$ 300,000
2013 MAINT. EQUIP & BLDG.	\$150,000				\$ 150,000
2013 FBO BUYOUT	\$200,000				\$ 200,000
SUBTOTAL 2013 REQUIREMETNS		\$ 13,862,912	\$ 6,568,001	\$ 900,000	\$ 6,394,911
SUBTOTAL FOR AIRPORT OPENING IN AUGUST 2014		\$ 30,293,309	\$ 21,627,918	\$ 1,687,561	\$ 6,977,830

CITY OF CONWAY, ARKANSAS
RELOCATED MUNICIPAL AIRPORT

SUMMARY OF LOCAL FUNDS BUDGET - August 2013

Date	PROJECTS:	Project Cost	FUNDING SOURCE			
			City Funds	Conway Corporation	Cantrell Field Funds	Arkansas Dept of Aeronautics
	CONCEPT TERMINAL DESIGN	\$ 80,000			\$ 80,000	
Oct. 2012	CONCRETE PAVEMENT ADDITIONAL THICKNESS (11")	\$240,000			\$ 240,000	
Feb 2013	ACCESS ROAD	\$750,000	\$ 750,000			
May 2013	WATERLINE (Tupelo Bayou Plant to Site)	\$800,000		\$ 800,000		
May 2013	TERMINAL BUILDING & ENGINEERING	\$1,655,000			\$ 1,355,000	\$ 300,000
August 2013	Concrete Pavement Added Thickness Stage 2B Paving	\$60,133			\$ 60,133	
Oct 2013	PUBLIC HANGERS (3 Hangars @ 12 bays each)	\$1,600,000			\$ 1,300,000	\$ 300,000
Mar. 2014	AIRCRAFT COMMUNITY HANGAR (10,000 S.F.)	\$500,000			\$ 500,000	\$ -
May 2014	SUNSHADE (10 Spaces)	\$300,000			\$ 300,000	
May 2014	TERMINAL BUILDING FURNISHINGS & EQUIPMENT	\$250,000			\$ 250,000	
May 2014	FUELING FACILITIES	\$300,000			\$ 300,000	
June 2014	MAINT. EQUIP & BLDG.	\$150,000			\$ 150,000	
July 2014	PUBLIC HANGERS (1 Hangars @ 12 bays each)	\$540,000			\$ 240,000	\$ 300,000
Sep 2014	RESERVE FOR FBO BUYOUT	\$200,000			\$ 200,000	
Jun 2015	RESERVE FOR POSSIBLE WILDLIFE MITIGATION	\$500,000			\$ 500,000	
	SUBTOTAL LOCAL FUNDED PROJECTS	\$7,845,133	\$750,000	\$800,000	\$ 5,475,133	\$900,000
	MATCH FOR FAA AIP GRANTS:					
Feb 2013	2010 GRANT MATCH (5%)	\$124,500				\$ 124,500
Oct 2013	2011 GRANT MATCH (5%)	\$200,000				\$ 200,000
Nov 2013	2012 GRANT MATCH (10%)	\$644,000			\$ 344,000	\$ 300,000
Oct 2014	2013 GRANT MATCH (10%)	\$729,778			\$ 429,778	\$ 300,000
Nov 2015	2014 GRANT MATCH (10%)	\$300,000				\$ 300,000
	Subtotal FAA GRANT MATCH	\$1,998,278			\$773,778	\$1,224,500
	TOTAL	\$9,843,411	\$750,000	\$800,000	\$6,248,911	\$2,124,500
	Additional non budgeted Items					
	Automated Weather Reporting Station	\$ 300,000	(May get in FAA Grant)			



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

**AN ORDINANCE AMENDING ORDINANCE O-13-67; REPEALING ANY ORDINANCES IN CONFLICT;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Whereas, Section 12 of O-13-67 stated the revenue and expense accounts which will be used to track the activity related to the Prince Street loan; and

Whereas, subsequent to the receipt of the loan proceeds it was decided to create a separate accounting fund for this activity so as not to co-mingle these moneys with moneys used for other street projects.

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

Section 1: Section 12 of Ordinance O-13-67 shall be amended and read as follows:

Funds provided be appropriated from the Prince Street Improvements – 2013 Loan fund Loan Proceeds account (621.000.4370) into the Prince Street Improvements – 2013 Loan fund CIP – Miscellaneous account (621.201.5990) as money is borrowed and received for the Project in an amount up to \$2,000,000.

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 27th day of August, 2013.

Approved:

Mayor Tab Townsell

Attest:

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



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

AN ORDINANCE ACCEPTING GRANT PROCEEDS AND APPROPRIATING FUNDS FOR THE HISTORIC DISTRICT COMMISSION TO BE ADMINISTERED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND FOR OTHER PURPOSES:

WHEREAS, the Arkansas Historic Preservation Program (AHPP) has awarded a grant in the amount of \$8,700 to support the City of Conway's Historic District Commission. These grant funds will provide funding for the training of the Conway Historic District Commission and staff, and consultant fees for a National Register of Historic Places Survey to possibly expand the Asa P. Robinson Historic District.

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

Section 1. The City of Conway shall enter into Grant Agreement 13-CLG-03 with the Arkansas Historic Preservation Program and shall accept grant proceeds into account 399.000.4751 from the AHPP in the amount of \$8,700 for Historic District Commission/Staff training (\$1200) and a National Historic of Historic Places survey to possibly expand the Asa P. Robinson Historic District (\$7500) into the 399.105.5799 grant expense account. The City of Conway Project Management number is 399-105C.

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

PASSED this 27th day of August, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



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 2015 CROSS STREET FROM R-1 TO HR:

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-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

TRACT 1:

The North part of Lot 5-A Wendell Henry Replat of Block 44, Robinsons Plan of the City of Conway, Arkansas more particularly described as follows: Beginning at the Northwest corner of said Lot running South One Hundred Twenty-One and One-Quarter (121.25) feet; thence East One Hundred Nine and One-Half (109.5) feet; thence North One Hundred Twenty-One and One-Quarter (121.25) feet; thence West One Hundred Nine and One-Half (109.5) feet on the South side of Cross Street to the place of beginning, said land lying in Faulkner County, Arkansas.

to those of **HR**, 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 27th day of August 2013.

Approved:

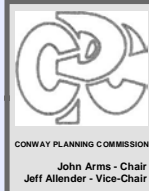
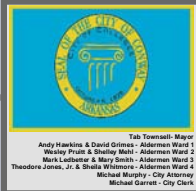
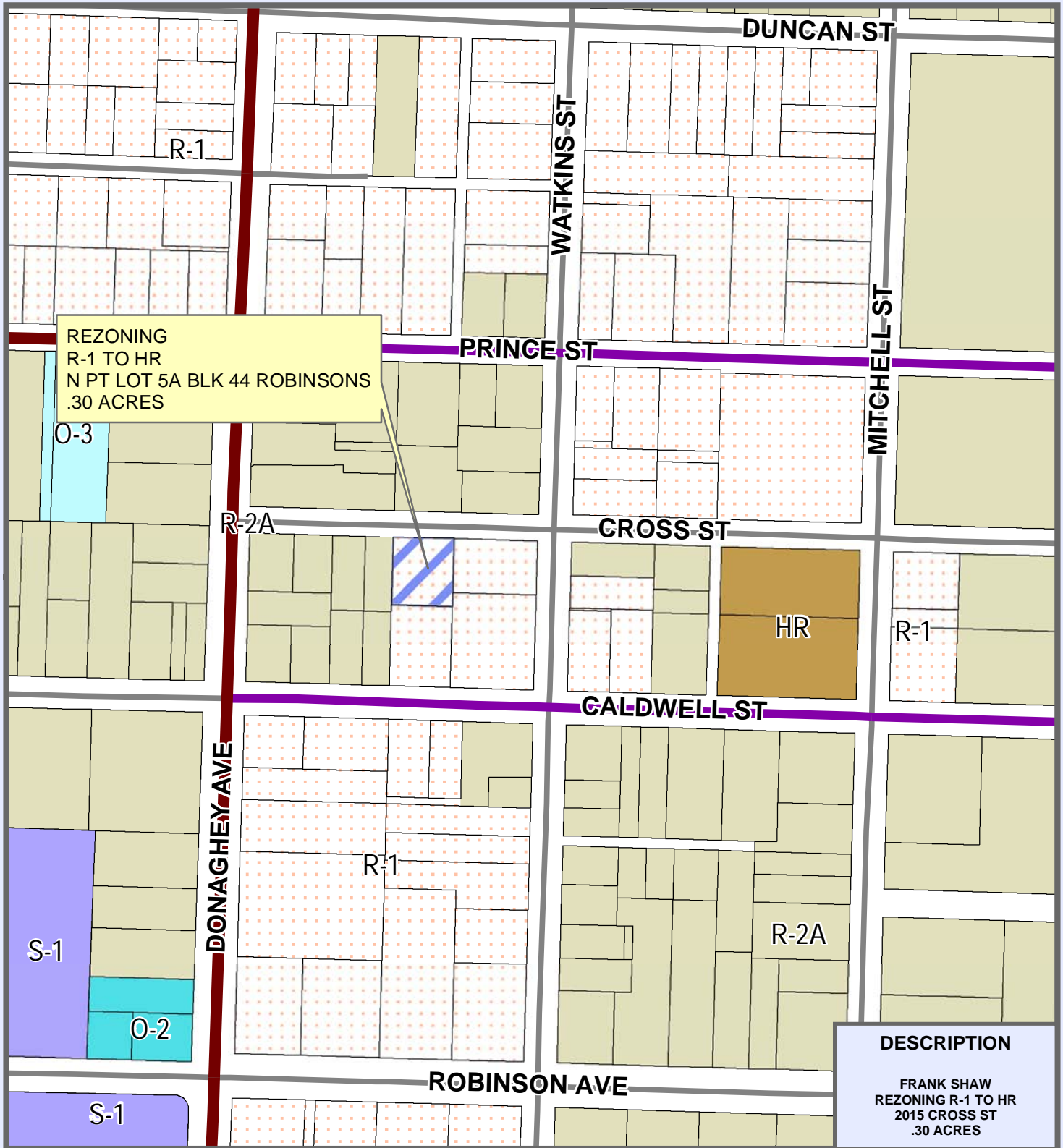
Mayor Tab Townsell

Attest:

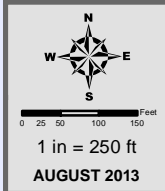
Michael O. Garrett
City Clerk/Treasurer

CITY OF CONWAY

FRANK SHAW REZONE R-1 TO HR -- AMENDED



<ul style="list-style-type: none"> INTERSTATE MAJOR ARTERIAL MINOR ARTERIAL COLLECTOR RESIDENTIAL PRIVATE ROAD INTERSTATE RAMP RAILROADS 	<ul style="list-style-type: none"> LOT LINE STREAMS LAKES & PONDS CITY LIMITS 	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> Residential R-1 R-2A R-2 HR SR </td> <td style="vertical-align: top;"> Industrial I-1 I-3 MF-1 MF-2 MF-3 RMH </td> </tr> <tr> <td style="vertical-align: top;"> Commercial C-1 C-2 C-3 C-4 </td> <td style="vertical-align: top;"> Office O-1 O-2 O-3 O-4 </td> </tr> <tr> <td colspan="2" style="vertical-align: top;"> Special SP S-1 A-1 PUD TJ </td> </tr> </table>	Residential R-1 R-2A R-2 HR SR	Industrial I-1 I-3 MF-1 MF-2 MF-3 RMH	Commercial C-1 C-2 C-3 C-4	Office O-1 O-2 O-3 O-4	Special SP S-1 A-1 PUD TJ	
Residential R-1 R-2A R-2 HR SR	Industrial I-1 I-3 MF-1 MF-2 MF-3 RMH							
Commercial C-1 C-2 C-3 C-4	Office O-1 O-2 O-3 O-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

Printing Date: 8/1/2013
 File: Shelly_Maps\2013\8AUGUS\DRWAY_RE_ZONE.mxd
 Prepared By: Jason Lyon



CONWAY PLANNING COMMISSION

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

August 20, 2013

Council Members
Conway, AR 72032

Dear Council Members:

Frank Shaw request for a rezoning from R-1 to HR for property that is located at 2015 Cross Street with the legal description

TRACT 1:

The North part of Lot 5-A Wendell Henry Replat of Block 44, Robinsons Plan of the City of Conway, Arkansas more particularly described as follows: Beginning at the Northwest corner of said Lot running South One Hundred Twenty-One and One-Quarter (121.25) feet; thence East One Hundred Nine and One-Half (109.5) feet; thence North One Hundred Twenty-One and One-Quarter (121.25) feet; thence West One Hundred Nine and One-Half (109.5) feet on the South side of Cross Street to the place of beginning, said land lying in Faulkner County, Arkansas.

was reviewed by the Planning Commission at their regular meeting on August 19, 2013. The Planning Commission voted 8 – 1 to forward this request to the City Council with a recommendation for approval. Commissioner Jeff Allender voted against the motion to approve this rezoning from R-1 to HR that would allow this one tract to be replatted into two lots. At the meeting, applicant withdrew Tract 2 at 2018 Caldwell from his request.

Sincerely,

Jon Arms, Chair
Planning Commission



CONWAY PLANNING COMMISSION

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

August 20, 2013

Council Members
Conway, AR 72032

Dear Council Members:

Kent Holder came before the Conway Planning Commission at their regular meeting on August 19, 2013 requesting that the Planning Commission allow the City Council to review in-depth the implementation status of the Scherman Heights Planned Unit Development, and Lot 7D (575 Club Lane) in particular. The Planning Commission voted 8 – 0 – 1 to forward this request to the City Council for review and final action. It is Mr. Holder's contention that development of Lot 7D particularly is not in compliance with the Scherman Heights Final Development Plan and the City of Conway Zoning Ordinance as noted in the attached letter he addressed to Planning Director Bryan Patrick and to each planning commissioner. Among the points he raises are that the building at 575 Club Lane is two story and its siding in excess of the allowed amount and that mechanical equipment on Lots 7C and 7D is not screened. The playground and 35-foot greenspace to the west of 575 Club Lane also continues to be an issue for Mr. Holder.

You will also find attached Mr. Patrick's email from July 19, 2013 concerning this matter and his *Scherman Heights PUD Implementation Status Compliance Report*.

Sincerely,

Jon Arms, Chair
Planning Commission

Attachments (3)

August 1, 2013

Kent Holder
620 Whispering Wind Cir
Conway AR 72034
(501) 472-0221

Mr. Bryan Patrick
Conway City Planning
1201 Oak Street
Conway AR 72032

Mr. Patrick,

I am writing this letter on behalf of the residents of Windcrest and Scherman Heights subdivisions in reference to my concerns that the building at 575 Club Lane, Conway, AR, also known as Lot 7 of Scherman Heights PUD, is out of compliance with the Scherman Heights Final Development Plan and the City of Conway Zoning Ordinance of September 1994.

The Scherman Heights PUD Final Development Plan serves as a "*binding document that will guide the PUD's Development and land use.*" It clearly states, "*Prior to any improvements being constructed upon any lots, the site plan for said improvement shall be presented to the planning director in accordance with the site plan review procedures as set forth in Article 1101...*" Article 1101 (Site Plan Review) of the Zoning Ordinance is a vital document in the development review process. The stated purpose is to set minimum requirements "*(1) to preserve the property values of both the site being reviewed and surrounding properties, (2) to preserve the quality of life, and take those steps necessary to allow the existence of different sorts of uses in close proximity to one another without the creation of blight.*"

In order to address the issues of Lot 7D being developed and used in an inappropriate manner, we were told we would have to show that the property was not in compliance with either the Scherman Heights Final Development Plan or the Conway Zoning Ordinance. Please refer to the attached letter which I submitted to each of the Conway Planning Commissioners, the Conway City Council, and Bryan Patrick, the Director of Planning, on December 13, 2012. The letter clearly states the fact that "*the building at 575 Club Lane is on record as a two story building*" and there is "*siding in excess of the allowed amount.*" Attached to each letter was a copy of the Faulkner County Tax Records which clearly shows the

building has 1200 square feet above the first floor and that the square footage was verified by Gene Salter, the owner and builder of the structure on 575 Club Lane. Also attached to this letter was a petition signed by 144 residents of Windcrest and Scherman Heights subdivisions requesting that the Conway Planning Commissioners forward the request to the Conway City Council for review. I have submitted a copy of the letter and attachments for your inspection.

The following items are still not in compliance with the Scherman Heights PUD Final Development Plan approved by the City of Conway:

The Final Development Plan states that on Lot 7, *"There shall be one story buildings only..."* The building on Lot 7 has more than one story as evidenced by the tax records of Faulkner County.

The Final Development Plan states, *"No more than 10% of the building exterior may be covered by siding material..."* More than 10% of the building's façade is covered with metal siding in the form of corrugated roofing panels. Article 1101 (Development Review) addresses metal siding in section 1101.7, subsection C.3.

Both of these conditions are addressed in the letter, dated July 19, 2013, which I received from Brian Patrick, City of Conway Director of Planning. In that letter he states, *"After much discussion with the City Attorney, Mike Murphy; Deputy City Attorney, Chuck Clawson; The Mayor; and Jack Bell, Chief of Staff; we have concluded that some of the aspects of Scherman Heights PUD should be reviewed for compliance by the Planning Commission and the City Council."* (see item attached.)

In addition to the items already stated, there is a violation of The City of Conway Zoning Ordinance, Article 1101, Site Plan Review, section 1101.5 D which states, *"Mechanical equipment...shall be screened from view if visible... from residential property."* These steps have not been taken on Lots 7C and 7D Club Lane.

On July 12, 2005, The Conway City Council negotiated specific issues with Mr. Jim Rankin Jr. of Trinity Development concerning Walgreens Drug Store. During negotiation, there was concern and discussion about the Western Property Boundary Line of the Scherman Heights PUD which should provide a buffer zone to Windcrest subdivision. The Conway City Council chose to make the amendment specific to the needs of Walgreen. In light of the negotiations, Mr. Rankin stood to state for the record that he agreed to *"leave a 35 foot border of green space between the Western property boundary line adjacent to Windcrest Subdivision and any buildings to the East."*

Presently, the Westernmost 35 feet of lot 7D is not green space as promised by Mr. Rankin but is an institutional playground used by 67 special-needs children up to 7 hours each day. This is not an appropriate use for the property in question as it directly abuts Windcrest, a preexisting residential area. Neither is it an appropriate way to convey the good will offered to the residents of Windcrest, Scherman Heights, and the Conway City Council by Mr. Rankin in exchange for the consideration granted and achieved by the amendment concerning the hours of operation of Walgreens Drug Store.

During the same negotiations, Mr. Rankin agreed to *"install all signs along Salem Road in accordance with the sign requirements set forth in the Overlay District Ordinance."* I am compelled to ask how the Conway City Council would deal with that issue if he failed to comply. Would you forget the promise, or would you require compliance at a later date, given the opportunity? We, the residents of Windcrest and Scherman Heights, hope that your duties to the citizens of Conway would give us the same advantage that the city of Conway would embrace for itself.

Jim Rankin Jr. and Gene Salter disregarded their promises to the City of Conway and the residents of the adjoining residential areas, therefore allowing them to increase their profits. The North half of the building at 575 Club Lane is presently on the market for \$11.00 per square foot; thus, the 1200 square feet of space they have built above the first floor on the South half is worth \$13,200 per year. Since this property was built 6 years ago in 2007, the possible net revenue to Salter Properties could exceed \$80,000.

On September 25, 2007, Ordinance O-07-121 replaced Article 1101 (Site Plan Review) with Article 1101 (Development Review). All of the above conditions are addressed as they relate to the older Article 1101 (Site Plan Review) and Scherman Heights Final Development Plan. However, in light of the fact that we, the residents of Windcrest and Scherman Heights subdivisions, have been disregarded by Jim Rankin and Gene Salter, The Scherman Heights Architectural Control Committee, and grievously wronged by lack of oversight by the Conway Planning Department and city officials, we would ask that added consideration be provided by Article 1101 (Development Review) as stated below.

Article 1101, Section 1101.6 F calls for landscaping to, *"...provide a transition zone between varying land uses...create a barrier to and relief from...noise."* Section 1101.7 I repeats and further expounds, *"The goals of these landscaping requirements are: To enhance the visual appearance of the City; to maintain and protect property values; to provide a better transition between and improve the compatibility of abutting and nearby land uses, particularly as it concerns*

residential neighborhoods which are adjacent to or in the vicinity of business districts...” Considering that Article 1101 states these goals in its Purpose, in its General Review Guidelines, and in its Development Standards, it is clear that these concepts set aside the importance of how any buffer/transition zone should be used.

The building at Lot 7-D presently has a playground facility in use several hours a day with zero set-back space from the adjoining residential properties in Windcrest. The playground, due to its proximity and acoustic characteristics, has created an on-going sound problem to the residents of Windcrest and Scherman Heights subdivisions. There is no transition zone, no relief from the daily noise, and a certainty of decreased property values in both Windcrest and Scherman Heights subdivisions due to the noise problem.

Section 1101.7 I 5b requires *“A perimeter landscape strip at least twenty (20) feet in width shall be provided along all property lines adjoining any residential area.”* Sub section 5b also requires trees or shrubs at designated spacing. Furthermore, Section 1101.7 I.1 defines the landscaping requirements that shall be in place, *“to provide soil stability and suitable drainage.”* It also addresses re-vegetation of disturbed areas with *“plant material.”* This area at 575 Club Lane has been graded and the grass has been replaced with rubber mats which hold water and do not allow drainage. This area needs to be re-graded, re-sodded, and landscaped in compliance with Article 1101 (Development Review) which is the minimum standard required by the City of Conway.

In consideration of the evidence presented, it is an irrefutable fact that the building on Lot 7-D, Scherman Heights PUD is out of compliance on several issues, and the entire western buffer zone of Scherman Heights PUD needs clarification and definition to protect it from inappropriate development and/or usage. Therefore, the combined residents of Windcrest and Scherman Heights subdivision solemnly request a full review of Lot 7, Scherman Heights PUD. Our desire is to bring these issues into compliance in such a way as to enforce the spirit of the protection originally intended for the adjoining residents as it was considered in the conception of Conway’s first PUD development.

The residents of Windcrest and Scherman Heights subdivisions would like to suggest a solution to the City of Conway, Gene Salter of Salter Properties, Jim Rankin of Trinity Development, and Pediatrics Plus on the following terms: We would consider acceptance of the building as a two story structure provided there are no changes in the roof line or upper window configuration. This would allow Salter Construction to add over 5000 square feet of rentable space, if they desire, thus allowing them to maximize the value of the rent at 575 Club Lane for years to

come. This would also allow improvements to the North half of the building to be more suitable in design for quite office use. The siding shall be amended to be accepted as is. Realizing the service Pediatrics Plus provides to the children of Conway, we will accept the use of the present playground facility until April 30th, 2014, at which time the City of Conway shall require removal of the playground equipment with the site being re-graded, re-sodded, and brought into full compliance with section 1101.7 I. (Development Review). Also, the entire western 35 foot boundary of Lot 7 shall be clarified and strictly defined, with no-use granted to the occupants of Lot 7 and no structures or improvements allowed. This would give the residents of Windcrest and Scherman Heights the protection of a buffer/transition zone as it was originally envisioned in the negotiations which allowed the creation of Scherman Heights PUD.

Therefore, we humbly request that you, the Conway Planning Commission, will recommend the Conway City Council review all of Lot 7 Scherman Heights PUD in its entirety so that they can take action to ensure appropriate development as it was intended from the inception of Conway's first Planned Unit Development, Scherman Heights PUD.

Thank you for your concerns for the residents of the City of Conway and for your consideration of the information presented. If you have any questions, feel free to call me at (501) 472-0221.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Kent Holder', with a long horizontal flourish extending to the right.

D. Kent Holder

From: Bryan Patrick <Bryan.Patrick@cityofconway.org>
Subject: **575 Club Lane - Scherman Heights PUD Review for Compliance**
Date: July 19, 2013 4:45:03 PM CDT
To: Kent Holder <kentholder@hotmail.com>, Chris Ryan <chris.ryan@conwaycorp.net>
Cc: Mike Murphy <Mike.Murphy@cityofconway.org>, Mayor <mayor@cityofconway.org>, Jack Bell <Jack.Bell@cityofconway.org>, "Chuck Clawson" <Chuck.Clawson@cityofconway.org>
1 Attachment, 205 KB

Kent and Chris,

After much discussion with the City Attorney, Mike Murphy; Deputy City Attorney, Chuck Clawson; the Mayor; and Jack Bell, Chief of Staff; we have concluded that some aspects of the Scherman Heights PUD should be reviewed for compliance by the Planning Commission and City Council. The points of contention are: number of building stories, amount of metal siding, and the lack of a four foot perimeter landscaped area.

Issues more specifically described:

1. Building Stories - The south half of the structure has a mezzanine level under roof. This is not a one story building as prescribed in the Scherman Heights PUD Final Development Plan.

2. Siding - All four sides of the structure utilize galvalume metal siding. The Scherman Heights PUD Final Development Plan specifies, "No more than 10% of the building exterior may covered by siding material or painted wood." Estimated metal siding coverage is approximately; 32% on the east, 19% on the north and south, and 14% on the west. These percentages are non-compliant with the Final Development Plan.

The project was reviewed under the older Site Plan Review version of the Zoning Ordinance, Section 1101. This version of site plan review was superseded by Development Review in September 2007. 575 Club Lane's site plan review was approved in March 2007. Therefore, the early 2007 version of Section 1101 must be used for compliance review. This version does not specify percentages of siding other than, "A multifamily, institutional, commercial and/or office structure shall be designed to avoid or minimize the elements set forth...Metal siding which dominates the main facade." The percentage of metal siding is in compliance with early 2007 site plan review standards.

3. Landscape Strip - March 2007 site plan review standards require a landscaped area at the rear of the property; "Landscaping along property lines: Landscape areas required - a minimum of a four foot wide landscaped area shall be provided along all interior lot lines (those not abutting a public street)." The playground behind the structure is covered with rubber mats. These mats encroach into the required 4 foot landscaped area. By these same standards, a simple grass strip 4 feet wide would meet regulations.

Due to new discoveries, the City Attorney's Office has recommended that 575 Club Lane be reviewed by the Planning Commission for PUD non-compliance. The Planning Commission has the option to not hear this request, but Planning Staff will urge the Commission to take up the review and receive public comments at the August 19, 2013 Planning Commission meeting. The Commission should then submit a recommendation for the City Council's consideration at the August 27, 2013 Council meeting.

The letter dated May 28, 2013 addressed from Kent Holder to Mary Smith and Marl Ledbetter referenced the current version of Section 1101 Development Review. If you would like your comments included in the August Planning Commission report, a new letter addressed to the Conway Planning Commission should be drafted with concerns referencing the early 2007 version of Section 1101; Site Plan Review. This letter and any additional information regarding this matter should be submitted to the Planning Department no later than Friday, August 2, to be included in the August 2013 Planning Commission report. The Planning Commission meeting takes place August 19, 2013 at 7:00pm at the District Court Building.

The letter will be included in the August PC report along with planning staff analysis. According to the zoning ordinance, the Planning Commission does not need to provide an in-depth recommendation to the City Council. The Planning Commission should determine if improper implementation of the PUD exists. If so, they may recommend that the City Council take up the issue for review.

As described in the zoning ordinance, the City Council can examine the issues in-depth and decide to:

- A. Allow as is
- B. Require revisions to the Final PUD Plan
- C. Take any other reasonable action to ensure appropriate development.

The City Council review could occur as early as August 27, 2013.

For reference, current PUD project completion procedure:

Project Completion. At its discretion, the Planning Commission may periodically review the Planned Unit Development project's implementation status. If the Planning Commission determines that the PUD is not being implemented in accordance with the Final PUD Plan, the Planning Commission may recommend that the City Council review the progress of the project. The City Council may allow implementation of the project to continue uninterrupted, may require the applicant and/or developer to submit a revised PUD plan, or may take any other reasonable action to ensure that the subject property is not developed in an inappropriate manner.

The owner, lessee, and developer notification letter is attached.

Bryan Patrick
Director of Planning and Development
1201 Oak Street
Conway AR 72032
501-450-6105
www.conwayplanning.org
www.cityofconway.org


[Rankin-Salte....pdf \(205 KB\)](#)

Submitted Email

OWNERSHIP RECORD AND DESCRIPTION						APPRAISAL SUMMARY											
Owner Name GENE SALTER PROPERTIES, INC						Land	405,100	Improvements	1,484,900	Total Appraised	1,890,000						
Property Address 575 CLUB LN CONWAY CITY AR						Assessed Land	81,020	Assessed Improvements	296,980	Total Assessed	378,000						
Taxpayer Name GENE SALTER PROPERTIES, INC Address PO BOX 1778 CONWAY AR 72033						ASSESSMENT HISTORY											
Exemption Status Non-Exempt						Year	Land	Improvements	Full Value	Effective Value	Homestead?	Comments					
						2012	81,020	296,980	378,000	378,000	No	MASS ASMT HIST ADVANCE Mass U					
						2011	81,020	296,980	378,000	378,000	No	Reappraisal 2011 Mass Update					
						2008	81,020	263,710	344,730	344,730	No	2008 Reval New Construction M					
						2005	20,290	0	20,290	20,290	No	2005 REAPPRAISAL MASS UPDATE					
						2005	20,290	0	20,290	20,290	No	NEW REPLAT FOR 2005					
LEGAL DESCRIPTION						OWNERSHIP RECORD											
Lot 7D Block Subdivision SCHERMAN REPLAT LOT 7 OF School District 1C Nbrhd Code COMM Market FAULK Acres 1.86 Timber 0 Old Parcel Legal Description 10-05N-14W						Stamps	Price	Grantor / Grantee		Sale Date	Book/Page	Type	Remarks				
LOT 7D SCHERMAN REPLAT LOT 7 OF SCHERMAN HEIGHTS PUD						1,339.80	406,000	TRINITY DEV TO GENE SALTER PROP		04/05/2007	2007/7021	CWD					
TREND						BUILDING PERMIT RECORD			IMPROVEMENT DISTRICTS								
Improving	Concrete	No Water	High	Good	Date	Amount	Purpose	District	Amount	Comment							
Static	Asphalt	No Sewer	Low	Average													
Declining	G & G	No Gas	Rough	Poor													
	Gravel	No Electric	Flat														
	Dirt	No Phone															
COMMENTS						LAND RECORD											
NEW SUB W -50% DEVP DISC FOR 2004 * REPLAT & SPLIT OF LOT 7 FOR 2005 3-27-2008 CDM FULL LOT VALUE & FITNESS CENTER FOR 08-PRICED SAME AS PARCEL 711-12096-000C-5-13-2008 CDM CALLED TO VERIFY 2ND FLR OK/SALTER PROPERTIES						Use Code	Soil Code	Qtr	Sec	Front	Rear	Depth	Depth %	Size	Rate	Adjustment	Value
						CLUB5	M							43560 SF	5.00	1.00	217,800
						CLUB5	M							37461 SF	5.00	1.00	187,305
REVIEW RECORD						USE CODES											
Action	Date	By	1300														
PRINTED	12/10/12	DBB	1320														
NOTICE	07/13/11	JM2	2005														
CHANGED	11/19/10	JM3	2008														
ENTERED	11/19/10	SMT	3400														
INSPECTED	11/10/10	FOR	CFC3														
VALUED	05/09/08	CDM	COMM														
MEASURED	03/27/08	CDM	DDSTUDY														
REVIEW	11/15/04	DJS	DEED07														
				DONE10													
TOTALS						Acres		1.86		405,105							

**Scherman Heights PUD
Implementation Status Compliance Report
575 Club Lane and Tenant Playground Space**

August 2013



Area Aerial Photo



575 Club Lane

575 Club Lane - Scherman Heights PUD Implementation Status Compliance Report

STAFF REVIEW BY

Bryan Patrick - Director
1201 Oak Street
Conway AR 72032

SITE DATA

Location. 575 Club Lane - Pediatrics Plus
Scherman Heights PUD
Site Area. 1.86 acres (575 Club Lane) ~40 acres (Entire PUD)
Existing Structure. Office building
Current Zoning. PUD (Planned Unit Development) Specifically,
Scherman Heights PUD established by ordinance O-03-44 on April 8,
2003.

A T T E N T I O N

A playground approximately 35' x 100' was constructed at the rear of 575 Club Lane. The facility is a state licensed child care therapy business and is required to provide a state mandated play area.

The playground occupies an area between the rear of the building and the rear brick wall of Windcrest Subdivision. The brick wall separating Windcrest and 575 Club Lane is about 5 feet tall.

Children play in this area from early morning to late afternoon 5 days a week. By state regulation, the children must play outdoors for one hour; weather permitting. Several shifts of children occupy the playground so that the playground is occupied continuously throughout the workday. There is both visual and aural contact between the children in the play area and neighboring residents.

In November 2012, questions concerning the legality of a children's therapy services playground were brought to the attention of the Planning Department. A review was conducted for presentation to the Conway Planning Commission. Comments from the December 2012 Planning Commission report have been used for this report along with additional information concerning any possible violations at Pediatric's Plus - 575 Club Lane.

This report will attempt to address every conceivable infraction of Conway City Codes and the Scherman Heights PUD by the outdoor playground in an unbiased manner. The summary will recommend a course of action.

T I M E L I N E

The Scherman Heights Planned Unit Development was approved by the City Council in April 2003. The PUD Final Development Plan was finalized and accepted by the Planning Department on August 15, 2003. The original PUD plat was filed on August 8, 2003. This plat showed Lots 7, 7A, and 7B. Lot 7 was subdivided into 2 lots; 7C and 7D in October 2004. The structure at 575 Club Lane was constructed in late 2007. The structure and site were subject to an earlier form of development review, then called "site plan review".

The Planning and Development Department first heard concerns about the playground in November 2012.

The Director of Planning and Development along with the City Attorney, reviewed the situation for a possible violation of the PUD and zoning ordinance. A letter addressing all the various concerns was mailed to Mr. Chris Ryan at 610 Whispering Wind on 11-16-2012.

In December 2012, a request for a PUD compliance review by the Planning Commission was requested. Current PUD regulations allow

the Planning Commission to review the compliance of a Planned Unit Development:

"Project Completion. At its discretion, the Planning Commission may periodically review the Planned Unit Development project's implementation status. If the Planning Commission determines that the PUD is not being implemented in accordance with the Final PUD Plan, the Planning Commission may recommend that the City Council review the progress of the project. The City Council may allow implementation of the project to continue uninterrupted, may require the applicant and/or developer to submit a revised PUD plan, or may take any other reasonable action to ensure that the subject property is not developed in an inappropriate manner."

As per the PUD section of the Zoning Ordinance, the Planning Commission may review the Planned Unit Development's implementation status.

The Planning Commission was instructed that there were two courses of action:

1. The Planning Commission may choose to review the compliance of the PUD, or it may not. A vote should be conducted to proceed with review or to deny the review.
2. If the Planning Commission conducts the review and finds noncompliance, a recommendation for further review by the City Council is sent forward. If the Commission finds no violation, no recommendation is sent forward.

The Planning Commission chose to not review the request. No recommendation was sent forward to the City Council.

Since December 2012, further investigation has revealed 3 non-compliance issues based on the Scherman Heights Final Development Plan and the early 2007 site plan review regulations.

L A N D U S E S

Lot 7D is a subdivided lot of the original Lot 7 referenced in the Scherman Heights PUD Final Development Plan. Subdivision is allowed per the FDP. The Plan specifies permitted land uses as those allowed by right in an O-2 zone as listed in the Conway Zoning Ordinance. The Pediatrics Plus facility could be considered a medical office, and a daycare. These land uses are allowed by right in an O-2 zone:

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	
Offices: administrative, executive, general, professional, research, governmental										x	x	x	x	x	x	x	x	x	x	x	x	x	x	c

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	
Child care facility (Ordinance O-06-15B)	c	c	c	c	c	c	c	c	x	x	x	x	x	x	x	c	c	c	c	c	x	x	x	c

All daycare facilities are required by the state of Arkansas to have an outdoor playground. By inference, a playground is allowed with an approved daycare facility.

The O-2 zone also allows a "Park, Playground, or Tot Lot" by right. The Zoning Ordinance does not provide a definition for "Playground" or "Tot Lot", however, a "Park" is defined as:

"Park: A recreational area characterized by open space typically utilized for outdoor sports and other leisure activities."

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	D-1	O-2	O-3	I-1	RL-1	I-2	A-1	B-1	B-2	TJ
Park, playground or tot lot	C	C	C	C	C	C	C	C	C	X	X	X	X	X	X	X	X	C	C	C	X	X	C

It may also be noted that a "Recreational Facility - Community" is allowed by right in the O-2 zone.

The Zoning Ordinance supplies the following definition:

"Recreational Facility: Any facility or tract of land providing recreational opportunities to the general public. These facilities may be publicly owned (community) or may be privately-owned (commercial) and sell recreational opportunities. The uses which fall under each of these definitions follow...(Park, playground or tot lot)"

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	D-1	O-2	O-3	I-1	RL-1	I-2	A-1	B-1	B-2	TJ
Recreation facilities community	C	C	C	C	C	C	C	C	C	X	X	X	X	X	X	X	X	C	C	C	X	X	C

Based on the allowed uses in an O-2 zone as prescribed by the Scherman Heights PUD Final Development Plan, it appears that a medical office, daycare, and playground are allowed.

**S C H E R M A N H E I G H T S F I N A L
D E V E L O P M E N T P L A N A N D
A M E N D M E N T S**

The Scherman Heights Final Development Plan dated 8-15-2003 contains a list of 12 general regulations followed by specific regulations for individual lots. (Exhibit A) Only general regulations 8, and 10 have a direct affect on Lot 7D. 8 specifies any improvements are subject to site plan review and 10 states that the PUD will be completed in 5 years. 575 Club Lane's site plan review was approved in March 2007. As to the completion of the PUD within 5 years, this date has not been achieved as there are still available lots and construction has occurred after 2008. Administratively, "completion" has been judged on a sliding scale from the latest building permit. In 2013, Jimmy John's Sandwiches was completed. If a 5 year sliding scale is applied, this pushes the completion date to 2018.

Summary of Applicable Regulations for Lot 7

- These lots are to be developed as an office park.
- O-2 uses are allowed in Lot 7.
- The boundary of Lot 7 as it joins College Ave will be subject to the overlay district requirements of Prince Street.
- There shall be one-story buildings only upon the property between Windcrest Subdivision and the new street to be constructed (Club Lane). Any buildings within this area shall not exceed 28 feet in height and the rear setback shall be 35 feet.
- Each building shall be constructed on a lot that contains a minimum of 20% dedicated lawn and/or green space exclusive of paved area.
- Lot 7 and the sublots therein, shall be accessed from the new street (Club Lane). No more than 5 curb cuts shall be permitted from the new street to Lot 7.
- Trash pickup shall be permitted to the side and front, but not west of any buildings in Lot 7 which are within 100 feet of Windcrest Wall.
- No more than 10% of the building exterior may be covered by siding material or painted wood.

Bullet points 3,4,5, and 8 are examined in detail below:

Overlay District Regulations

Suburban Overlay Ordinance - This ordinance was created in 2000 to address aesthetics and access along Prince St., Hogan Ln., and Dave Ward Dr. It is referenced as part of the PUD. The original boundary of Lot 7 as it joins College Avenue is subject to these standards. Lot 7D does not have College Avenue frontage. Therefore, suburban overlay standards are not applicable.

One Story Buildings, Height, Setback

PUD regulations state that only one-story buildings with a maximum height of 28 feet are allowed on Lot 7. The structure can be considered a one and one half story building. Approved site plan drawings show the building as "one story building". The southern side of the structure actually contains a mezzanine. Submitted and approved drawings show the building as 28 feet in height. The west side of the structure by all appearances, is one story. There is a one story wall with an asphalt shingle roof above. There are no windows, gables, or dormers above the roof soffit. Technically, the requirement for a one story building is debatable.

The building is setback 35 feet from the property line.

20% Greenspace

Each lot must contain at least 20% green space exclusive of paved area. Total lot area is 1.86 acres. 20% = .372. Existing permeable lot area of Lot 7D prior to the covered play area was calculated at .62 acres. If the entire area between the building and the Windcrest property line were covered, the minimum green space requirements would still be met at .39 acres. (Exhibit D)

Green space as shown on the PUD Conceptual Site Plan (Exhibit F) versus Final Development Plan and As-Built Construction - The conceptual site plan shows the area between Windcrest and 575 Club Lane as open space counting towards the PUD's required 20% green space. The 20% green space requirement on Lot 7D has been met even with the playground in place. If all individual lots meet the 20% green space requirement as they are developed and the 3 green space lots remain in place, the 20% green space for the entire PUD development will be met. An argument might be made that the original conceptual plan shows a vacant green space behind what is now 575 Club Lane and that this should remain vacant. The conceptual plan also shows a large "big box" retail store and other structures that were not constructed.

Siding Materials

The final development plan states that no more than 10% of the building exterior may be covered by siding material or painted wood. The siding material used is an architectural metal. It would appear that there is approximately; 32% on the east, 19% on the north and south, and 14% on the west. (Exhibit G) Mr. Rankin responded to this question in an email dated 12-17-2012 (Exhibit C) that the Scherman Heights Architectural Control Committee (not a city regulating body) approved the siding material because it is different from vinyl, wood, or a normal sheet metal covering. This structure was reviewed under the site plan review section of the zoning ordinance in 2007. Site plan review at this time was the City's first attempt at regulating commercial site development on a small scale. Site plan review was later replaced with more stringent development review regulations in September 2007. 575 Club Lane was approved in March 2007. Site plan review only dictates that metal siding cannot be "dominate the main facade". The metal used on the facades of 575 Club Lane are not the overwhelming feature. The percent of metal does not violate 2007 site plan review regulations. The PUD regulation concerning the definition of "siding material" would seem debatable.

Final Development Plan Amendments

There have been 4 approved amendments to the Scherman Height PUD Final Development Plan; October 2004, July 2005, May 2008, and May 2009. Each of these amendments were reviewed and approved by the Planning Commission and City Council. The July 2005 amendment is the sole amendment that directly relates to Lot 7D. (Exhibit B) The 7 approved amendments were specifically for Walgreens, however, Mr. Rankin volunteered 2 amendments after Council action was complete. One statement; "Leave a 35 foot border of green space between the western property line of Windcrest Subdivision and any parking, streets, or buildings to the east." was pertained to Lot 7.

The 7 conditions were set by the City Council and are enforceable by the city. The voluntary statements offered by Mr. Rankin were outside of Council action, and are therefore, not enforceable by the city. The 35 foot border does exist and is free of parking, streets, and buildings. A playground covered with rubber mats could arguably not be green space, but as a "promise" by Mr. Rankin cannot be enforced by the City.

Approved PUD Conceptual Site Plan

There has been questions concerning the validity of the original approved Scherman Heights PUD conceptual site plan. The original site plan presented to the City Council would have to be considered conceptual in nature. The original plan shows a large "big box" retail store on Lot 1. There is a note on the plan that states, "Building dimensions/locations are representational, not required in this configuration. Due to the nature of the final development plan that allows lot subdivision, drive reconfiguration, easement re-locations, etc. the Final Development Plan must be considered the controlling document and the approved site plan "conceptual". The conceptual site plan shows a 35 foot setback area with green space along Lot 7. This area totaled into the required 20% overall green space requirement. However, the final development of 575 Club Lane does include over 20% green space without this area in the total.

ZONING ORDINANCE YARD, HEIGHT, SETBACK, DEFINITIONS, ETC REGULATIONS

Questions have been raised about various regulations of the zoning ordinance including the definition and regulation of yard, child care, and general development:

Yard

According to the City of Conway Zoning Ordinance, "yard" is defined as the following:

"Yard: An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by a portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for main buildings. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard, or the depth of the rear yard, the shortest horizontal distance between the lot line and the main building shall be used."

More particularly, a rear yard is defined:

"Yard, Rear: The required area of open space extending across the full width of the lot between the rear most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building."

The intent of this definition is to define that the main building or structure is to not occupy the area beyond a building setback. It is not defining that a yard may not contain any structure. The definition begins with, "a portion of a structure", further references, "the building or structure", and then speaks of "main buildings". The yard regulations found in the Lot regulations of Section 401.5 Commercial and Office Districts (page 60) require a 25 foot minimum rear yard setback. 575 Club Lane is located 35 feet from the rear property line.

If the definition for "yard" intended for all "yards" including side, rear, and front to be totally free of any structure to the sky, there could be no decks, fences, poles, storage buildings, pools, or likely trees in any yard in the City of Conway; commercial or residential.

Zoning Ordinance Section 601.10 Child Care

Section 601.10 specific child care regulations does not address the placement of daycare play areas.

Zoning Ordinance Section 401.5.E.1.a Development Criteria

Section 401.5.E.1.a Development Criteria All Commercial Districts states, "Any lighting shall be placed so as to reflect away from adjacent residential districts. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site." The playground in question is noisy. However, a paradox exists in that a day care is allowed on Lot 7D, Scherman Heights PUD. Daycares are required by the State of Arkansas to have a play area.

SITE PLAN REVIEW - DEVELOPMENT REVIEW

575 Club Lane was given site plan approval on March 21, 2007. It was approved in accordance with then current site plan review regulations. Site plan review was superseded by development review in September 2007. As the City's first attempt at site specific development control, site plan review was basic without many of the current development review regulations.

Pertinent Regulations from 2007 Site Plan Review

- No unpainted concrete precision block walls
- Avoid square box like structures through various methodologies to vary wall materials, offsets, windows, etc.
- Metal siding may not dominate the main facade
- Avoid large blank, unarticulated wall surfaces.
- A maximum of 85% of the site may be impermeable.
- Mechanical equipment, trash enclosures and outdoor storage of material and equipment shall be screened if visible from the highway/street right of way or from residential property.
- A minimum of a 6 foot wide landscaped area shall be provided along the property lines abutting a public street, exclusive of street rights of way. A minimum of a four feet wide landscaped area shall be provided along interior lot lines.
- Trees shall be planted in the six foot landscaped area at a ratio of one tree per thirty feet of the front property line.

An examination of the approved site plan (Exhibit E) shows that the above regulations were met and or exceeded. The lack of trees along the west property line is explained. Trees were only required along the street frontage landscape area. Newer development standards require trees along the entire perimeter of a commercial property.

NOISE ORDINANCE

The Conway noise ordinance, O-92-42, speaks of singing, shouting, yelling, whistling, etc. on public streets...or at any time or place so as to disturb the quiet or comfort of persons in any office, hospital, or in any dwelling, hotel, or other type of residence...shall be prohibited. This ordinance could possibly be applicable to the playground. An opinion by the City Attorney as to the intent of the ordinance would be needed as the language is not clear.

DRAINAGE

The site plan (Exhibit E) shows a drainage swale along the west side of the property. The City Engineer was asked if the placement of the playground has adversely affected the flow of water through the area. To his knowledge, there has been no report of ponding or flooding issues on surrounding properties. There is a floodway easement along the north side of 575 Club Lane. This area may not have structures placed in it.

CODE ENFORCEMENT

There do not seem to be any violations of any zoning or city codes.

ARKANSAS CHILD CARE LICENSING REGULATIONS

The City does not oversee or enforce any Arkansas child care regulations. The Arkansas DHS Minimum Licensing Requirements for Child Care Centers Section 901 play area regulations:

Layout and Design

1. The play area shall be enclosed and provide at least 75 square feet per child present on the playground at anytime.
2. There shall be an outside exit from the play area.
3. The area shall be well drained.

There could possibly be issues with drainage of the play area that need correcting. Also the low brick fence could be seen as a security risk. Arkansas DHS must make these determinations.

SUMMARY

There is no one clear cut resolution to the disruptive noise and visual intrusion of the playground at 575 Club Lane. On it's most base land use level, the playground is allowed.

There appears to be 3 possible violations of the PUD Final Development Plan:

1. One story building - The south side of the building has a mezzanine. The other section does not. Both sides are externally the same height. The rear facade of the building facing Windcrest is by appearance, a one story.
2. Siding Materials - The building met then current site plan review standards. The Scherman Heights PUD Architectural Review Committee interpreted the PUD final development plan's siding specifications to allow architectural metal siding, but only 10% vinyl or painted wood. A literal reading of the Final Development Plan would limit any siding, metal, wood, vinyl, etc to 10% of the facade area. A literal reading would prescribe 90% brick.
3. Landscape Strip - Section 1101 of the Zoning Ordinance as of March 2007, "Site Plan Review", standards require a landscaped area at the rear of the property; "Landscaping along property lines: Landscape areas required - a minimum of a four foot wide landscaped area shall be provided along all interior lot lines (those not abutting a public street)." The playground behind the structure is covered with rubber mats. These mats encroach into the required 4 foot landscaped area. By these same standards, a

simple grass strip 4 feet wide would meet regulations. **On July 24, 2013, Planning Staff was notified that the 4 foot green strip has been constructed and is now in place.**

Course of Action

The 2 (3) infractions listed above should be examined by the City Council. Per PUD regulations the Council may:

- A. Allow as is
- B. Require revisions to the Final PUD Plan
- C. Take any other reasonable action to ensure appropriate development.

Infraction 3 is the most directly related to the playground. Corrective measures or Final PUD plan revisions for items 1 and 2 will not directly affect the playground.

Outside of City Council action, the owner or lessees, as good neighbors, could do one of the following:

- Pediatrics Plus could relocate the playground to the south side of the building. The area is smaller, but it would be between two commercial business. The state requirement is 75 square feet per child while in the play area. The existing size, 3500 square feet could allow 46 children. It is doubtful that many children will be on the playground at one time. Therefore, the play area could possibly be reduced. This would somewhat help with a reduction in noise. A relocation to an area in front of the building would offer the highest level of privacy, however this would reduce the available number of parking spaces.
- An 8 foot tall privacy fence could be constructed. This fence would not help with noise, but would at least offer a higher level of privacy. There is direct visual contact between the children on the playground and anyone in the Windcrest backyards.



FINAL DEVELOPMENT PLAN
SCHERMAN HEIGHTS PUD
Submitted August 15, 2003

Unless noted otherwise, all improvements cited herein are the responsibility of the developer and must be completed prior to occupation of any buildings.

- All initial boundaries governing development criteria shall remain as presented upon the subdivision plat filed herewith.
- The city street which connects Salem and College Ave., shall be constructed as shown on the Scherman Heights Subdivision plat.
- A stop light shall be added at the intersection of the new street and Salem Road at the same time as the construction of the improvements upon lot 2 or 4 whichever is first. The stop light shall be constructed so that it may be controlled by the Fire Station. No building on lots 2 and 4 shall be occupied until the streetlight is operational.
- A right turn lane shall be constructed from Salem Road to College Ave. beginning at the intersection of the first curb cut north on Salem from College
- Developer will construct the additional footage needed to widen College Avenue to 36 feet.
- A three foot tall landscaped berm will be constructed on the East side of the property along Salem Avenue. Breaks in the berm shall be permitted for the curb cuts shown on the master site plan and as prescribed by the city engineer of Conway for water drainage.
- A four foot tall landscaped berm will be constructed on the South side of the property along College Avenue. Breaks in the berm shall be permitted for the curb cuts shown on the master site plan and as prescribed by the city engineer of Conway for water drainage.
- Prior to any improvements being constructed upon any lots, the site plan for said improvement shall be presented to the planning director in accordance with the site plan review procedures as set forth in Article 1101 with the following exception: no additional traffic studies shall be required.
- Subject to the restrictions set forth herein, the developer herein shall be entitled to submit each lot for replatting in accordance with the minimum lot requirements as set forth in the zoning and subdivision ordinances for the city of Conway without initiating further PUD review. The subdivided lots shall be assigned a letter of the alphabet following the original lot number. Once a lot has been subdivided, an amendment to the subdivision shall be filed and made a part of the original subdivision. In a like manner, access easements that are found to be unneeded for access to the abutting properties and utility and drainage easements that are affirmed by the utility companies and the City Engineer as unneeded may be closed by the City Council without initiating further PUD review.
- The completion period for the Planned Unit Development will be five years.
- Sidewalks shall be constructed as follows:
 - On the west side of Salem Road from the southernmost curb cut to the intersection of Salem Road and College Avenue.
 - Along the northern boundary of College Avenue from the intersection of Salem Road and College Avenue to the western boundary of this project.
 - Along both sides of Club Lane as it extends through this project.
- Sidewalk shall also be constructed along Robert Ott Circle as shown on the subdivision plat unless that street should be closed. In that case, the sidewalk will not be required.
- The remaining uses and restrictions upon the property are as follows.

**Exhibit A - Original Scherman Heights
Final Development Plan
Overall and Lot 7 Specific**

**AMENDMENT TO THE SCHERMAN HEIGHTS PLANNED UNIT
DEVELOPMENT FINAL DEVELOPMENT PLAN**

Approved by the Conway, Arkansas City Council on July 12, 2005
Approved by the Conway, Arkansas Planning Commission on July 16, 2005

The Final Development Plan for the Scherman Heights Planned Unit Development is hereby amended as shown in the list below for the property located on the northwest corner of Salem Road and College Avenue with the street address 505 Salem Road and 2910 College Avenue and the legal description:

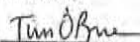
Part of Lot 10, Scherman Heights Planned Unit Development, the southeast corner from Salem Road to the center point of Pickwick Street.

- Hours of operation shall be from 8:00 a.m. to 10:00 p.m.
- Servicing and deliveries shall be during the hours 8:00 a.m. to 8:00 p.m.
- Architectural changes shall be consistent with the conceptual drawing shown to the Planning Commission and the City Council.
- Turn exterior advertising lights—including logo lights—off at 10:00 p.m.
- Landscaping shall be consistent with the conceptual drawing shown to the Planning Commission and the City Council so as to reduce light pollution and encroachment into neighboring residences.
- Parking lot lighting shall be limited to "dark sky" lighting.
- These conditions are tenant specific to Walgreen Drug Store. Should Walgreen Drug Store choose not to locate on the described property, these conditions shall cease to exist and the previously approved hours of operation shall once again be in force.

Following council action, the applicant/PUD developer Jim Rankin, Jr., stood to state for the record that he also volunteers and agrees to do the following:

- Leave a 35-foot border of green space between the western property line adjacent to Windcrest Subdivision and any parking, streets, or buildings to the east.
- Install all signs along Salem Road in accordance with the sign requirements set forth in the Overlay District Ordinance.

APPROVED:


Tim O'Brien
Planning Commission Chair

July 18, 2005
Date

**Exhibit B - 2005 Amendment to the Scherman
Heights Final Development Plan**

Lot 7, 8, 9 and 10 use and restrictions

Lots 7, 8 & 10 will be developed as a professional office park permitting Office uses as defined in City of Conway Zoning Ordinance #0-94-54, Article 301. The total area under roof shall not exceed 140,000 square feet. The zoning district defined as O-1 will govern all use and dimensional regulations for lots 8 and 10, and O-2 shall govern lot 7, with the following exceptions:

- The boundary of Lot 7 and 10 as it joins College Ave. will be subject to the overlay district requirements as established by the city of Conway, Ordinance No. 0-00-167, as applied to Prince Street, except the minimum lot area and side setbacks shall be governed by the lot regulations for the O-1 and O-2 zoning ordinance as set forth on the site plan.
- There shall be one story buildings only upon the property between Windcrest Subdivision and the new street to be constructed as reflected upon the subdivision plat. Any buildings within this area shall not exceed 28 feet in height and the rear building set back shall be 35 feet.
- There shall be one story buildings only upon the south border of lots 7 and 10 within 150 feet of College Ave., with a maximum height of 35 feet.
- Each individual building shall be constructed upon a lot that shall contain a minimum of 20% dedicated lawn and/or green space exclusive of paved area.
- Upon 55% of the property in lots 7, 8 and 10 being sold or built upon whichever comes first, the property owners will be required to join a Property Owner's Association which will own and maintain the public/common areas in and around the landscaped pond area as reflected on the master site plan which is Lot 9, and the landscaped entrance on each side of Club Lane and College Avenue. Prior to the formation of the Property Owner's Association, the Property Owners in lots 7, 8, and 10 shall pay a pro rata share (based upon the amount of property owned divided by 15.14 acres) of the cost of maintaining lot 9 and the landscaped entrance. The dues that will be assessed by the Property Owners Association shall be in accordance to their pro rata ownership as determined hereinabove. However, those owners, whose property is East of the eastern most curb cut onto College shall only be required to pay 1/2 their pro rata share, with the other 1/2 being divided among the remaining property owners per their pro rata ratio.
- No commercial or office structures shall be built upon lot 9, and the shape of Lot 9 may be adjusted, but the total area dedicated for landscaping (1.28 acres) shall remain intact, except seventeen (17) feet of an east-west private drive may be built on this lot. The pond constructed upon Lot 9 shall be built in a manner to reduce the production of mosquitoes by aerating the water.
- On Lot 10, the Southeast corner from Salem Road to the center point of Pickwick street shall permit the following uses in addition to the O-1 zoning: drugstore or pharmacy with drive thru, financial institution with drive thru, bank or savings and loan. The hours of normal operation shall be within 7:00 am to 9:00 pm.
- Lot 10 shall have access by private drive easements intersecting the new street in two locations, one curb cut on College across from Pickwick Drive which shall be a right entrance/right exit only, and one curb cut on Salem Road which shall be right entrance/right exit only.
- Lot 8 shall be accessed by a private drive easement as set forth upon the Master Site Plan. Developer may merge lot 8 and 10 should a purchaser desire to construct a building that will cross the existing lot lines providing the building and remaining lot meets all other requirements hereunder. An amended subdivision plan shall be filed should this occur.
- Lot 7 and the sublots therein, shall be accessed by the new street. No more than 5 curb cuts shall be permitted from the new street to lot 7.
- No parking lots shall be permitted on the south side of any buildings built within 100 feet of College Ave., with the exception of the lot referenced in paragraph 7 above. Parking upon this lot is permitted as normal under the O-1 zoning classification use and setbacks except no parking is allowed facing College Avenue.
- Trash pickup shall be permitted to the side and front, but not to the West of any buildings in Lot 7 which are within 100 feet of Windcrest Wall, and trash pickup shall be permitted to the side and front, but not to the south of any buildings in Lot 10 which are within 100 feet of College Ave..
- All buildings must be approved by The Architectural Control Committee composed of Jim Rankin, Jr., and Gene Salter whose address is Conway, Arkansas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. Upon the completion of all units, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee or its designated representative fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with. Each building must be of the same general architectural design as evidenced by the 3 doctor's buildings constructed at the southwest corner of the intersection of Hogan Road and College Ave.. No more than 10% of the building exterior may be covered by siding material or painted wood.

Alternative use and restrictions for Lot 7.

The north 300 feet of Lot 7 may be developed as R-2. The developer is permitted to determine whether any of lot 7 shall be developed in accordance with the use and restrictions for an R-2 zoning. Should this occur, the duplex design must contain a minimum 1200 square feet per unit, brick or dryvit exterior and enclosed garage parking, and of the same general design as the duplexes located on Freedom Drive in Conway.

Jim Rankin, Jr.

Planning Commissioners:

I'm forwarding Mr. Rankin's response letter. Mr. Rankin is the developer of Scherman Heights PUD.

Bryan

Bryan Patrick
Director of Planning and Development
1201 Oak Street
Conway AR 72032
501-450-6105
www.conwaydevelopment.com
www.cityofconway.org

Begin forwarded message:

From: "Jim Rankin, Jr." <jrankin@trinitydevelopments.com>
Subject: scherman heights
Date: December 13, 2012 9:25:29 AM CST
To: <Bryan.Patrick@cityofconway.org>

Bryan:

As I mentioned to you earlier, I will not be able to attend the Planning Commission Meeting on December 17th.

I have read your comments to Mr. Ryan regarding his concerns and I believe that you and Attorney Murphy are correct in your interpretation of the issues. I would think that the Planning Commission can follow your interpretation of the PUD rezoning and deny any of the requests by Mr. Ryan. I reviewed the PUD restrictions again at length and believe the zoning for lot 7 does allow the use for which the lot is currently being used.

I recently received the letter from Kent Holder and felt that I needed to address a couple of his issues since I believe he is incorrect in some of his assertions.

The issues Mr. Holder addresses concerning the height and two-story restrictions were dealt with at the time of construction of the building. Mr. Holder contacted myself, Mr. Salter and the city concerning his concerns and all were addressed at that time. I am not sure why he is bringing them back up now.

The architectural control committee for the PUD reviewed the building plans for Lot 7D prior to construction. The plans showed the height of the building to be less than 28 feet and it is my understanding in talking with Mr. Salter that the building was built to plans. Mr. Holder says that the building exceeds this height. I have not taken a tape measure to it, so I have to rely on the plans.

I agreed not to allow two-story buildings along Windcrest due to the fact the neighbors did not want people in a two-story building looking down into their yards, and they did not want a tall building overshadowing their yards. The 35 foot setback (not dedicated green space) was added to the PUD for this overshadowing concern. The building meets the 35 foot setback and does not have a window on a second floor that would permit people to look out.

The restriction of no more than 10% siding material or painted wood is for aesthetic purposes. The architectural control committee again reviewed the plan with respect to this issue and interpreted the PUD to permit this type of construction. Although I do not believe gable material should be taken into account for this measurement (much like we do not take into account the roofing material when deciding this measurement) the type of gable covering used by Mr. Salter is an architectural metal covering which I view as being different from vinyl, wood or normal sheet metal type covering. I believe the city has made this distinction before when determining if a metal covering violates the "metal building" restriction in some of the zoning areas in the city.

Lastly, there are only 3 dedicated green areas within the PUD, Lots 9, 7A and 3. The plan does not specifically dedicate any other area within the PUD to be green space. The plan does require that a minimum of 20% of each individual lot will be green space. It does not say where this green space has to be. It does not say the 35 foot set-back area has to be green space. I will leave the interpretation of green space up to the planning department. I do know that lots 9, 7A and 3 do not only have grass and trees. The brick entrance signs, sidewalks, utility boxes, ponds, water intake structures and fountains are all located within these green areas.

I hope this letter will help the planning commission should feel that they needed the perspective of the developer. If you have any questions, please do not hesitate to contact me.

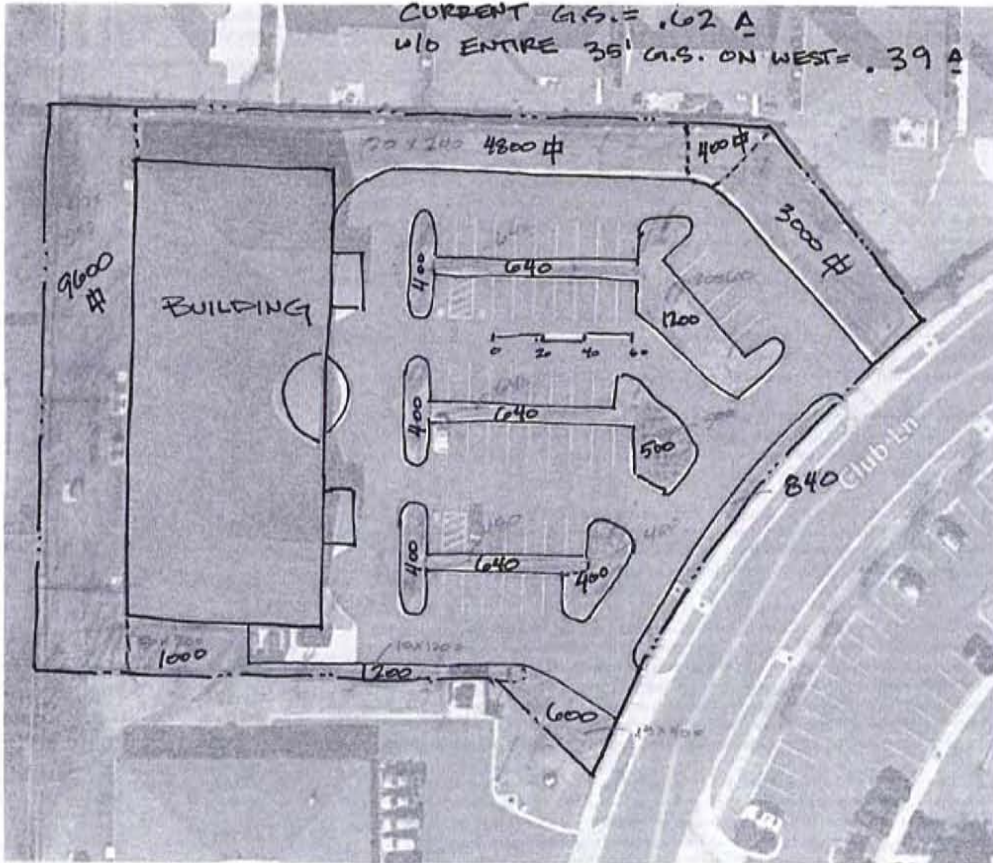
Sincerely
Jim

Jim Rankin, Jr.
Attorney at Law
President, Trinity Development Co., LLC
P.O. Box 1735
Conway, Arkansas 72032
Phone: 501.336.0050
Fax: 501.529.4962
Email: jrankin@trinitydevelopment.com



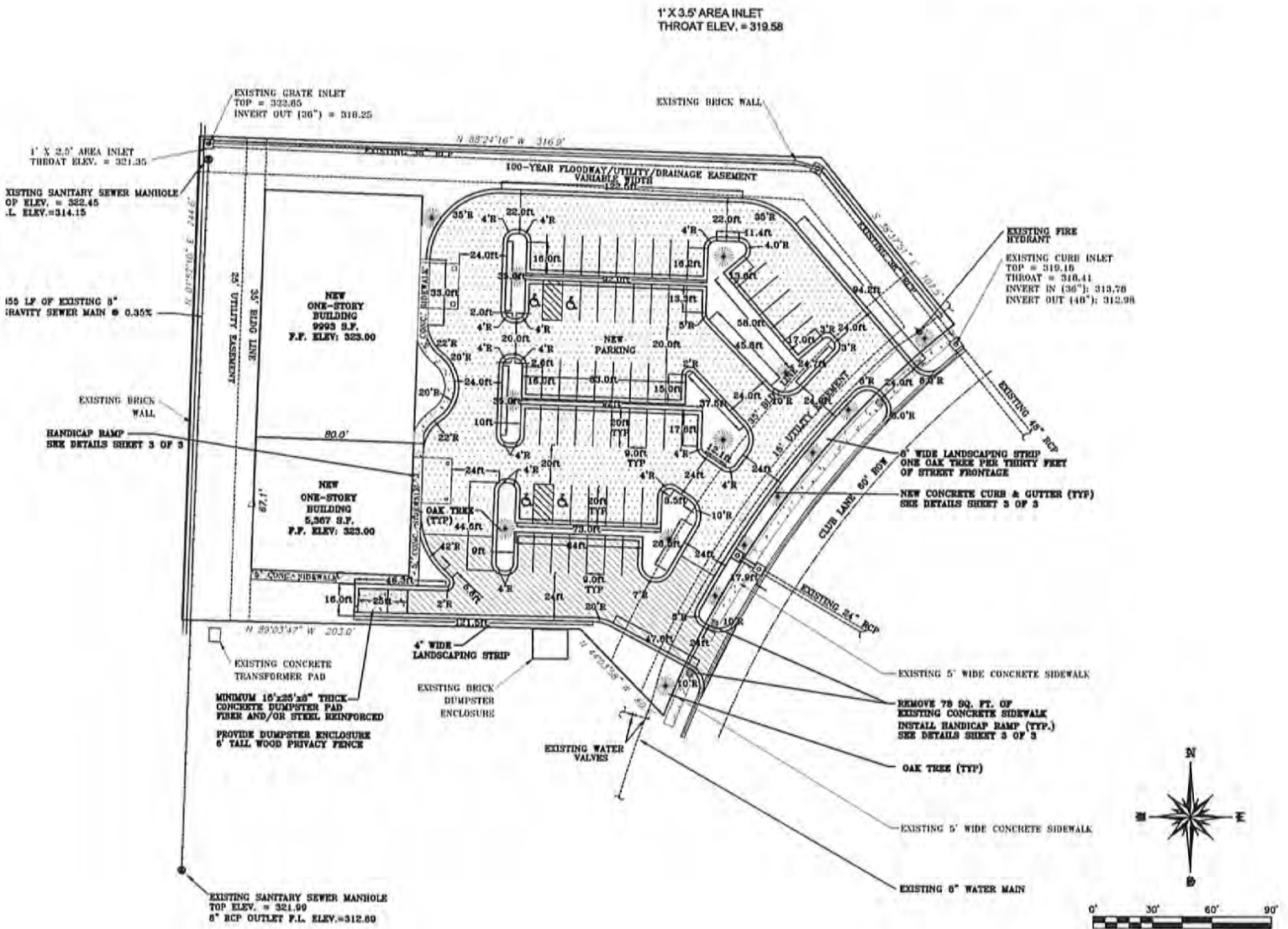
Exhibit D- Green Space Calculation

$20\% = .372$
 LOT 7 = 1.86 ACRES
 TOTAL GREEN SPACE NEEDED = .372 A
 CURRENT G.S. = .62 A
 w/o ENTIRE 35' G.S. ON WEST = .39 A



9600	400	640	1200
4800	400	640	1000
400	400	640	840
3000		1200	
		500	
		400	
		600	
			26,660

Exhibit E- Approved Site Plan



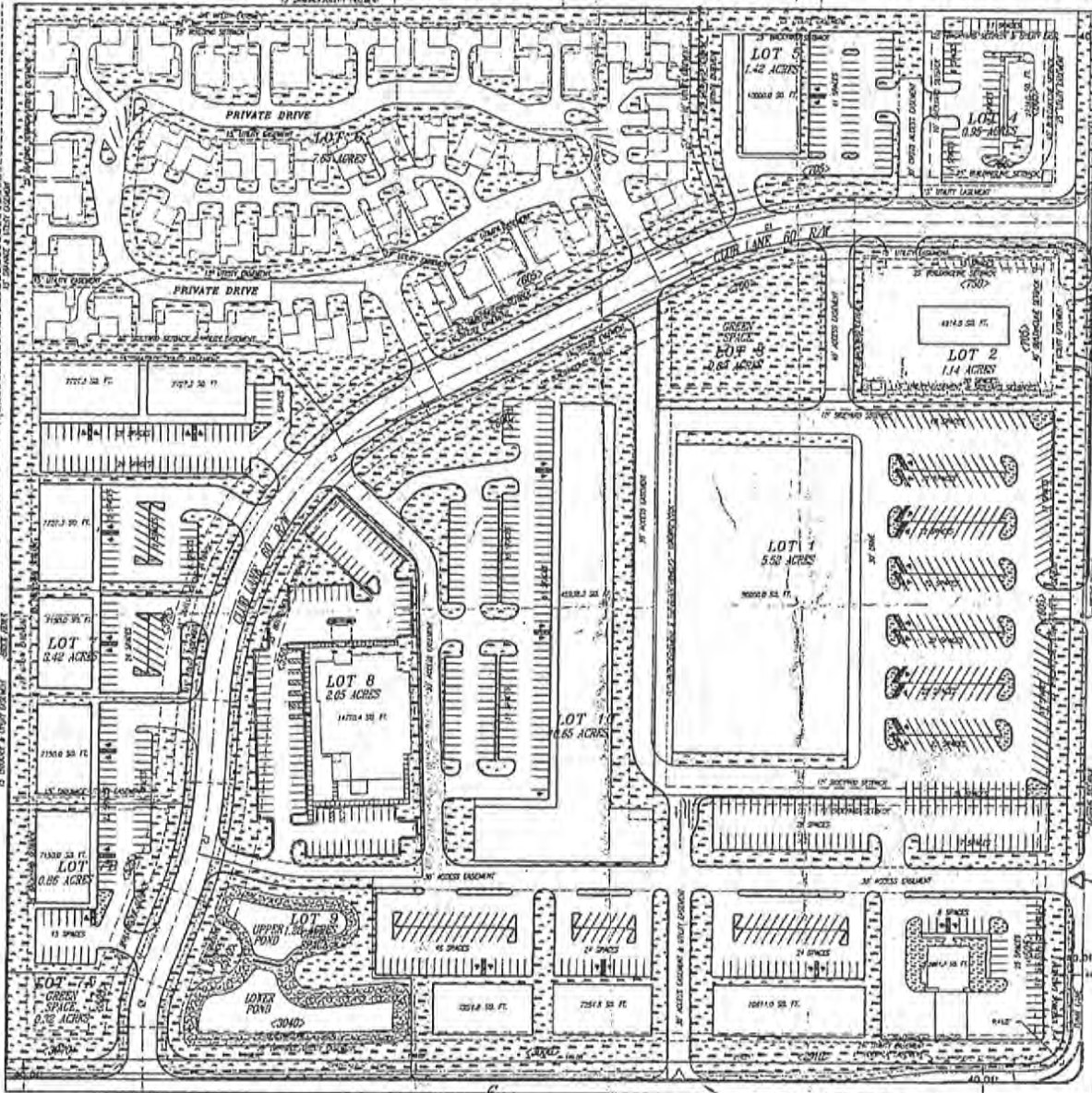
WATKINS
PROPERTY

ROSEWOOD TERRACE
SUBDIVISION
(R-1)

WEBB
PROPERTY
(O-3)

LOT 1
PRINCE/SALEM STATION SUB.
(C-2)

WINDCREST SUBDIVISION
(R-1)



COUNTRY CLUB
MANOR SUBDIVISION
(R-2)

PICKWICKET CORNER
SUBDIVISION
(R-2)

**Exhibit F- Scherman Heights PUD
Approved Conceptual Site Plan**

NOTE:

Building dimensions/locations are representational,
not required in this configuration.

ANALYSIS CENTER

TABLE				
DESCRIPTION	SIZE	TYPE	QUANTITY	PERCENTAGE
GROSS ACREAGE	39.92 ACRES	ENTIRE PROJECT		100.00%
RESIDENTIAL	7.43 ACRES	M1-1 **	60 UNITS MAXIMUM	18.61%
COMMERCIAL	9.03 ACRES	C-2/C-3 **	88645.0 SQ. FT. / 110,000 SQ. FT. MAX. ++	22.60%
NON RESIDENTIAL	15.39 ACRES	O-1/O-2 **	149629.1 SQ. FT. / 160,000 SQ. FT. MAX.	38.55%
STREETS	2.43 ACRES	RES/COM		9.74%
GREEN SPACE	2.49 ACRES	DEDICATED LOTS		6.09%
EXISTING STREETS	2.20 ACRES	COLLEGE & SALEM		5.50%
OPEN SPACE		YARDS, SETBACKS, ETC.	8.63 ACRES	21.62% *

* REFLECTS AREA NOT USED BY BUILDINGS, PARKING, DEDICATED GREEN SPACE OR STREETS

** SEE WRITTEN COMMENTS FOR DETAILS.

++ SQ. FT. FOR LOTS 1 & 5; LOTS 2 & 4 NOT SPECIFIED.

**Exhibit F - Scherman Heights PUD
Approved Conceptual Site Plan Notes**

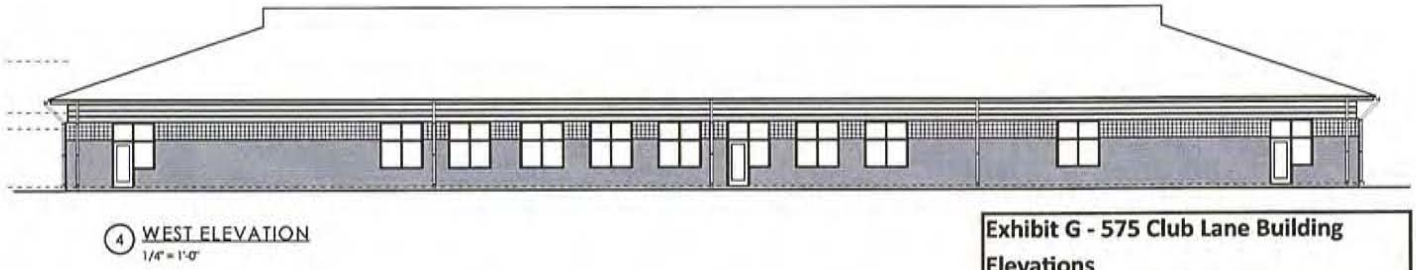
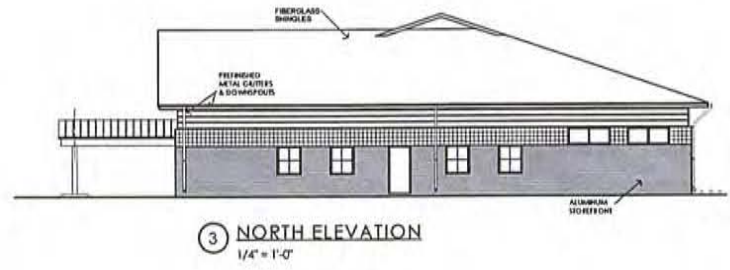
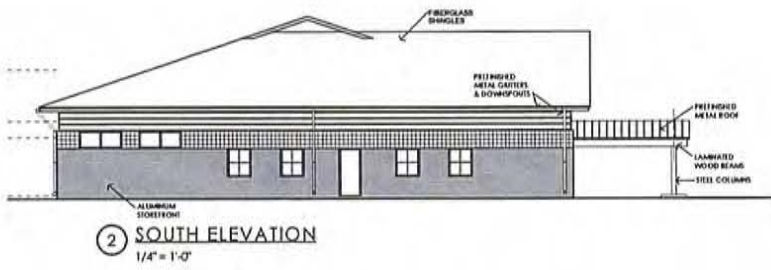
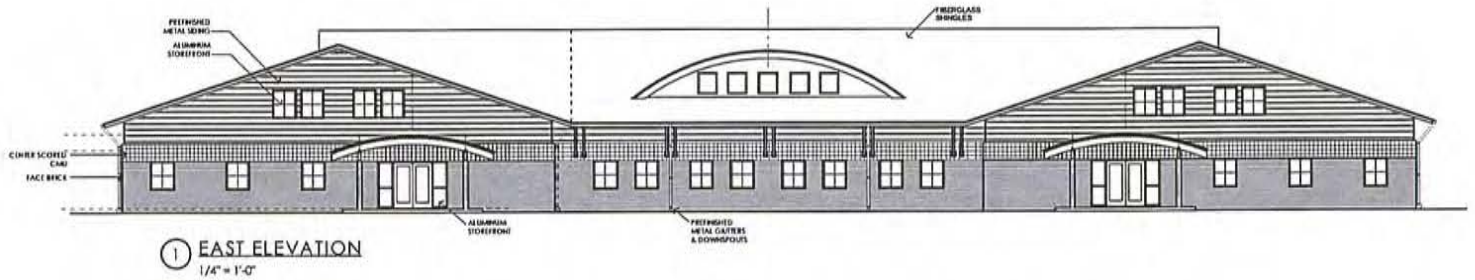


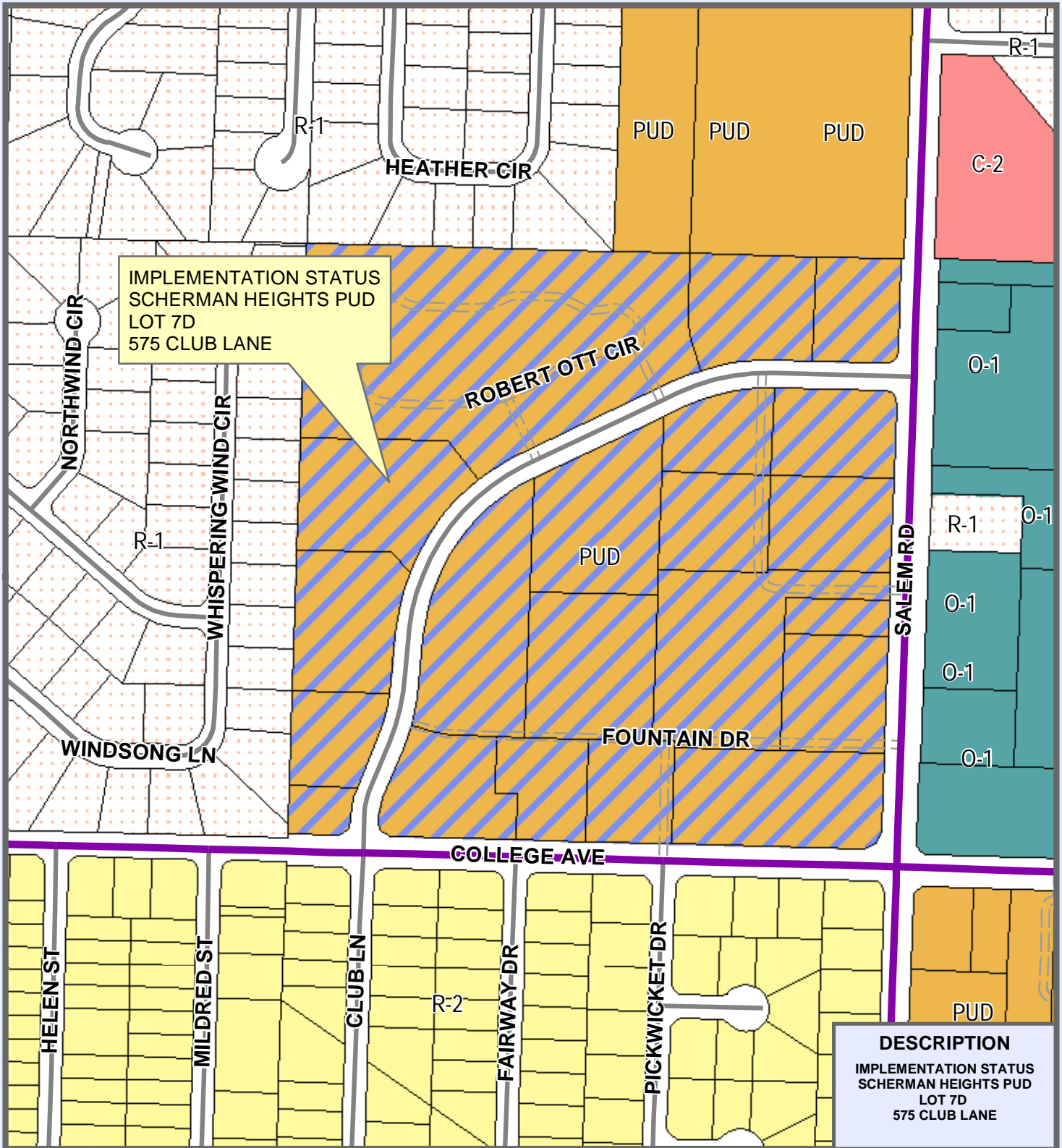
Exhibit G - 575 Club Lane Building Elevations



**Exhibit H - 575 Club Lane Building
New 4 Foot Green Strip - July 2013**

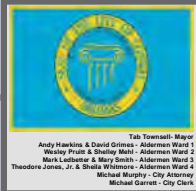
CITY OF CONWAY

SCHERMAN HEIGHTS IMPLEMENTATION STATUS -- HEARING REQUEST

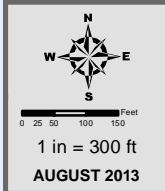


IMPLEMENTATION STATUS
SCHERMAN HEIGHTS PUD
LOT 7D
575 CLUB LANE

DESCRIPTION
IMPLEMENTATION STATUS
SCHERMAN HEIGHTS PUD
LOT 7D
575 CLUB LANE



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	PUD
			TJ
			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 ACCEPTING GRANT PROCEEDS AND APPROPRIATING FUNDS FOR THE SANITATION DEPARTMENT, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES:

Whereas, the Arkansas Department of Environmental Quality (ADEQ) has awarded grant funds to support the City of Conway's diesel emission reduction project which will provide funding to replace an engine in one of the trash compactors which requires a match of city funds; and

Whereas, the ADEQ will reimburse \$50,000 of the cost of specific equipment with the City bearing \$189,750. The total project cost is \$239,750.

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

Section 1. The City of Conway shall accept grant proceeds (510.510.4751) from the ADEQ in the amount of \$50,000 for a diesel emission reduction project into Sanitation Enterprise Capital Equipment account 510.510.5910.

Section 2. This ordinance is necessary for the protection of the public peace, health, and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

Section 3. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 27th day of August, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



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

AN ORDINANCE APPROPRIATING REVENUE FUNDS RECEIVED FROM THE MUNICIPAL VEHICLE PROGRAM FOR THE CONWAY SANITATION DEPARTMENT; AND FOR OTHER PURPOSES:

Whereas, the Conway Sanitation Department requests a revenue appropriation in the amount of \$17,045.44 to repair a 2010 International 7000 Series Work Star Roll-off truck that was also involved in an accident; and

Whereas, funds in the amount of \$17,045.44 were received by Municipal Vehicle Program to be used for said purpose.

Whereas, the Conway Sanitation Department requests a revenue appropriation in the amount of \$98,380.00 for the 2007 Freightliner M2 that was involved in an accident; and

Whereas, funds in the amount of \$98,380 were received by Municipal Vehicle Program to be used for said purpose.

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

Section 1. The City of Conway shall appropriate \$17,045.44 from the Sanitation Enterprise Fund Insurance Proceeds account (510.510.4360) to the Vehicles Account (510.510.5440).

Section 2. The City of Conway shall appropriate \$98,380 from the Sanitation Enterprise Fund Insurance Proceeds account (510.510.4360) to the Machinery and Equipment Account (510.510.5910).

Section 3. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 27th day of August, 2013

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



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

**AN ORDINANCE ACCEPTING DONATED ITEMS FROM EPI TO THE CONWAY SANITATION DEPARTMENT;
AND FOR OTHER PURPOSES**

WHEREAS, EPI has donated 2 Old Deployers to Conway Sanitation Department with a stated value of \$12,000; and

WHEREAS, the Conway Sanitation Department is in need of such equipment to place plastic cover in the Landfill and;

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

SECTION 1. The City of Conway shall accept the donated items listed below and add to the list of inventory items for the Conway Sanitation Department:

▪ 1 IJ630 #2D 002 152 01 0102 M18	\$8,000
▪ 1 #445 28D-11	\$4,000
Total Value:	\$12,000

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

PASSED this 27th day of August 2013.

Approved:

Mayor Tab Townsell

Attest:

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



CITY OF CONWAY
SANITATION DEPARTMENT

*P.O. Box 915
4550 Hwy. 64 West
Conway, AR 72033
(501) 450-6155
Fax: (501) 450-6157*

Cheryl Harrington
Director

August 20, 2013

Mayor Tab Townsell
1201 Oak Street
Conway, AR 72032

Re: 2014 Commercial Front Load Refuse Truck

Dear Mayor Townsell,

Bids were submitted at 10.00 am, Thursday, August 15, 2013 at City of Conway City Hall for 2014 Commercial Front Load Refuse Truck. One bid was submitted:

River City Hydraulics, Inc.	\$203,850.00
-----------------------------	--------------

I recommend accepting the bid from River City Hydraulics, Inc. for \$203,850.00. This was the only bid submitted and meets all bid specs.

Please advise if you have questions or need additional information.

Sincerely,

Cheryl Harrington
Sanitation Director

BID SUMMARY
2014 Commercial Front Load Refuse Truck
Bid #2013-20

Bid #1 submitted by River City Hydraulics, Inc.
2014 Mack MRU 613-Heil Half/Pack Front Loader
\$203,850.00 after trade-in
Delivery time 60-90 Days ARO

This was the only bid. I recommend accepting this bid from River City Hydraulics, Inc. with a bid of \$203,850.00 after trade-in. This truck meets all specifications with dealers shop within a 60 mile radius. Prices include tax and delivery costs.



City of Conway – Mayor's Office
Bid Number: 2013-20
2013 Hook Life Roll-Off Truck Bid Tabulations
Bid Opening Date: Thursday, August 15th, 2013
City Hall, Downstairs Conference Room @ 10:00am

Bid Tabulations:

Net Bid Amount for 2013 Front Load Refuse Truck

\$ 231,850.⁰⁰

Trade In's:

2005 Mack

VIN: 1M2K189C55M027755

Bid Amount:

\$ 15,500.⁰⁰

2007 FREIGHTLINER

VIN 55XHANCY17RY77139

Bid Amount:

\$ 13,500.⁰⁰

Total Bid Amount (After trade in's)

\$ 203,850.⁰⁰

Description of Tuck:

2014-MACK MRU 613 - HEIL HALF/PACK FRONT LOADER

Anticipated Delivery Date:

60-90 DAYS ARO

Authorized Agent bidding on this project:

RIVER City Hydraulics, Inc

Company Name

Roger Williams

Company Representative Name

Roger Williams

Representative's Signature

8-12-2013

Date

122 Magnet Drive

Address

rchrger@sbcglobal.net

Email Address

SHERWOOD

City

AR

State

72120

Zip

501.835.5230

Telephone Number

501.834-1233

Fax Number

Unsigned bids will be rejected



CITY OF CONWAY
SANITATION DEPARTMENT

*P.O. Box 915
 4550 Hwy. 64 West
 Conway, AR 72033
 (501) 450-6155
 Fax: (501) 450-6157*

Cheryl Harrington
Director

August 20, 2013

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

Re: Hook Lift Roll-Off Truck

Dear Mayor Townsell,

Bids were submitted at 10.00 am, Thursday, August 15, 2013 at Conway City Hall for a Hook Lift Roll-Off Truck. Six bids were submitted:

Diamond Int'l of Little Rock	\$117,510.15
River City Hydraulics, Inc.	\$131,281.00
River City Hydraulics, Inc.	\$134,084.00
Truck Component Services	\$135,380.00
Truck Component Services	\$136,067.00
Truck Component Services	\$148,990.00

I recommend accepting the bid from Diamond Int'l of Little Rock for \$117,510.00. Prices include tax and delivery costs. This bid meets all specifications.

Please advise if you have questions or need additional information.

Sincerely,

Cheryl Harrington
 Sanitation Director

BID SUMMARY
2013 Hook Lift Roll-Off Truck
Bid #2013-19

Bid #1 submitted by Diamond Int'l of Little Rock
2014 - 7400 International
\$117,510.15
Delivery time 70 days

Bid #2 submitted by River City Hydraulics, Inc.
2013 Freightliner M2-112 Truck/Stellar Hook Lift
\$131,281.00
Delivery time 120 Days ARO

Bid #3 submitted by River City Hydraulics, Inc.
2013 Mack-GU433/Stellar Hook Lift
\$134,084.00
Delivery time 150 Days ARO

Bid #4 submitted by Truck Component Services
2014 Freightliner M2 112 w/Palfinger T60 Hook Lift
\$135,380.00
Delivery time 120-150 Days ARO

Bid #5 submitted by Truck Component Services
2014 International 7400 w/Palfinger T60 Hook Lift
\$136,067.00
Delivery time 120-150 Days ARO

Bid #5 submitted by Truck Component Services
2014 Mack Granite GU713 w/Palfinger T60 Hook Lift
\$148,990.00
Delivery time 120-150 Days ARO

I recommend accepting the bid from Diamond Int'l of Little Rock with a bid of \$117,510.15. This truck meets all specifications. Prices include tax and delivery costs.



City of Conway – Mayor's Office
Bid Number: 2013-19
2013 Hook Life Roll-Off Truck Bid Tabulations
Bid Opening Date: Thursday, August 15th, 2013
City Hall, Downstairs Conference Room @ 10:00am

Net Total Bid Amount: \$ \$127,510.15

Trade In Amount for
2004 Freightliner VIN 1FVHCYDC45HN82906 \$ \$10,000

Total Bid Amount: \$ \$117,510.15

Description of Tuck: 7400 International

Anticipated Delivery Date: 70 Days

Authorized Agent bidding on this project:

Diamond International
Company Name

Brian Rodgers
Company Representative Name

Brian Rodgers 8-12-13
Representative's Signature Date

11401 Diamond Dr. brian.rodgers@diamondtrucks
Address Email Address

North Little Rock AR 72117
City State Zip

501-945-8400 501-945-8490
Telephone Number Fax Number

Unsigned bids will be rejected



City of Conway – Mayor's Office
Bid Number: 2013-19
2013 Hook Life Roll-Off Truck Bid Tabulations
Bid Opening Date: Thursday, August 15th, 2013
City Hall, Downstairs Conference Room @ 10:00am

Net Total Bid Amount: \$ 136,781.00

Trade In Amount for
2004 Freightliner VIN 1FVHCYDC45HN82906 \$ 5,500.00

Total Bid Amount: \$ 131,281.00

Description of Truck: Freightliner m2-112 - Stellar Hook Lift

Anticipated Delivery Date: 120 Days ARO

Authorized Agent bidding on this project:

River City Hydraulics, Inc
Company Name

Roger Williams
Company Representative Name

Roger Williams 8-12-2013
Representative's Signature Date

122 Magnet Drive rchroger@sbcglobal.net
Address Email Address

Sherwood AR 72120
City State Zip

501-835-5230 501-834-1233
Telephone Number Fax Number

Unsigned bids will be rejected



City of Conway – Mayor's Office

Bid Number: 2013-19

2013 Hook Life Roll-Off Truck Bid Tabulations

Bid Opening Date: Thursday, August 15th, 2013

City Hall, Downstairs Conference Room @ 10:00am

Net Total Bid Amount:

\$ 139,584.00

Trade In Amount for
2004 Freightliner VIN 1FVHCYDC45HN82906

\$ 5,500.00

Total Bid Amount:

\$ 134,084.00

Description of Truck:

MAK-GU433 - STELLAN HOOK LIFE

Anticipated Delivery Date:

150 DAYS ARO

Authorized Agent bidding on this project:

RIVER City Hydraulics INC

Company Name

Roger William's

Company Representative Name

Roger William's

Representative's Signature

8-12-2013

Date

122 Magnet Drive

Address

rchröger@sbcglobal.net

Email Address

SHERWOOD

City

AR

State

72120

Zip

501-835-5230

Telephone Number

501-834-1233

Fax Number

Unsigned bids will be rejected



Daniel Ellison
Arkansas Sales Manager

P.O. Box 157
Poyen, AR 72128

Mobile: 501-425-1567
Phone: 417-829-6700
Fax: 866-314-8571

dellison@TLGTrucks.com
www.truckcs.com

- Truck Parts: New-Used-Salvage
 - Refuse Equipment
 - Street Sweepers
 - Sewer Equipment
- Specializing in Municipal Equipment Sales



City of Conway – Mayor’s Office
Bid Number: 2013-19

Hook Life Roll-Off Truck Bid Tabulations
Bidding Date: Thursday, August 15th, 2013
City Hall, Downstairs Conference Room @ 10:00am

Net Total Bid Amount: \$ 143,880.00

Trade In Amount for
2004 Freightliner VIN 1FVHCYDC45HN82906 \$ 8,500.00

Total Bid Amount: \$ 135,380.00

Description of Truck: 2014 Freightliner M2 112 w/
Palfinger T60 Hooklift

Anticipated Delivery Date: Approximately 120 - 150 days ARO

Authorized Agent bidding on this project:

Truck Component Services

Company Name

Daniel Ellison

Company Representative Name

08/14/2013

Representative’s Signature

Date

PO BOX 157
403 E. Evergreen Road (Main Office)

dellison@tlgtrucks.com

Address

Email Address

Poyen AR 72128
Strafford MO 65757

City State Zip

501-425-1567 417-736-9218

Telephone Number Fax Number

Unsigned bids will be rejected



Daniel Ellison
Arkansas Sales Manager

P.O. Box 157
Poyen, AR 72128

- Truck Parts: New, Used, Salvage
 - Refuse Equipment
 - Street Sweepers
 - Sewer Equipment
- Specializing in Municipal Equipment Sales

Mobile: 501-425-1567
Phone: 417-829-6700
Fax: 866-314-8571

dellison@TLGTrucks.com
www.truckcs.com



City of Conway – Mayor's Office
Bid Number: 2013-19



2013 Hook Life Roll-Off Truck Bid Tabulations
Bid Opening Date: Thursday, August 15th, 2013
City Hall, Downstairs Conference Room @ 10:00am

Net Total Bid Amount: \$ 144,567.00

Trade In Amount for
2004 Freightliner VIN 1FVHCYDC45HN82906 \$ 8,500.00

Total Bid Amount: \$ 136,067.00

Description of Truck: 2014 International 7400 w/
Palfinger T60 Hooklift

Anticipated Delivery Date: Approximately 120 - 150 days ARO

Authorized Agent bidding on this project:

Truck Component Services

Company Name

Daniel Ellison

Company Representative Name

08/14/2013

Representative's Signature

Date

PO BOX 157
403 E. Evergreen Road (Main Office)

dellison@tlgtrucks.com

Address

Email Address

Poyen

AR

72128

Strafford

MO

65757

City

State

Zip

501-425-1567

417-736-9218

Telephone Number

Fax Number

Unsigned bids will be rejected



Arkansas Sales Manager

P.O. Box 157
Poyen, AR 72128

Mobile: 501-425-1567
Phone: 417-829-6700
Fax: 866-314-8571

- Truck Parts: New-Used-Salvage
 - Refuse Equipment
 - Street Sweepers
 - Sewer Equipment
- Specializing in Municipal Equipment Sales

dellison@TLGTrucks.com
www.truckcs.com



Conway – Mayor’s Office
Bid Number: 2013-19

2013 Hook Life Roll-Off Truck Bid Tabulations
Bid Opening Date: Thursday, August 15th, 2013
City Hall, Downstairs Conference Room @ 10:00am

Net Total Bid Amount: \$ 157,490.00

Trade In Amount for
2004 Freightliner VIN 1FVHCYDC45HN82906 \$ 8,500.00

Total Bid Amount: \$ 148,990.00

Description of Tuck: 2014 Mack Granite GU713 w/
Palfinger T60 Hooklift

Anticipated Delivery Date: Approximately 120 - 150 days ARO

Authorized Agent bidding on this project:

Truck Component Services

Company Name

Daniel Ellison

Company Representative Name

08/14/2013

Representative’s Signature

Date

PO BOX 157
403 E. Evergreen Road (Main Office)

dellison@tlgtrucks.com

Address

Email Address

Poyen

AR

72128

Stafford

MO

65757

City

State

Zip

501-425-1567

417-736-9218

Telephone Number

Fax Number

Unsigned bids will be rejected



Parks and Recreation

Steve Ibbotson
Director

10 Lower Ridge Road
Conway, Arkansas 72032
(501) 328-4173
www.conwayparks.com

August 21, 2013

Mayor Tab Townsell and Conway City Council
1201 Oak Street
Conway AR 72032

Re: Consideration to approve the design of the comfort stations for the City of Conway Park System and give authorization to go to bid for three (3) comfort stations located at Laurel Park, 5th Avenue Park, and Beaverfork.

Mayor:

The Conway Parks Department would like to seek approval from the city council for the design from Rik Sowell Architects, Inc. of the comfort stations to be constructed in multiple locations in our city parks.

The Conway Parks Department would also like to get authorization to proceed with competitive bidding for three (3) comfort stations to be located at Laurel Park, 5th Avenue Park, and Beaverfork.

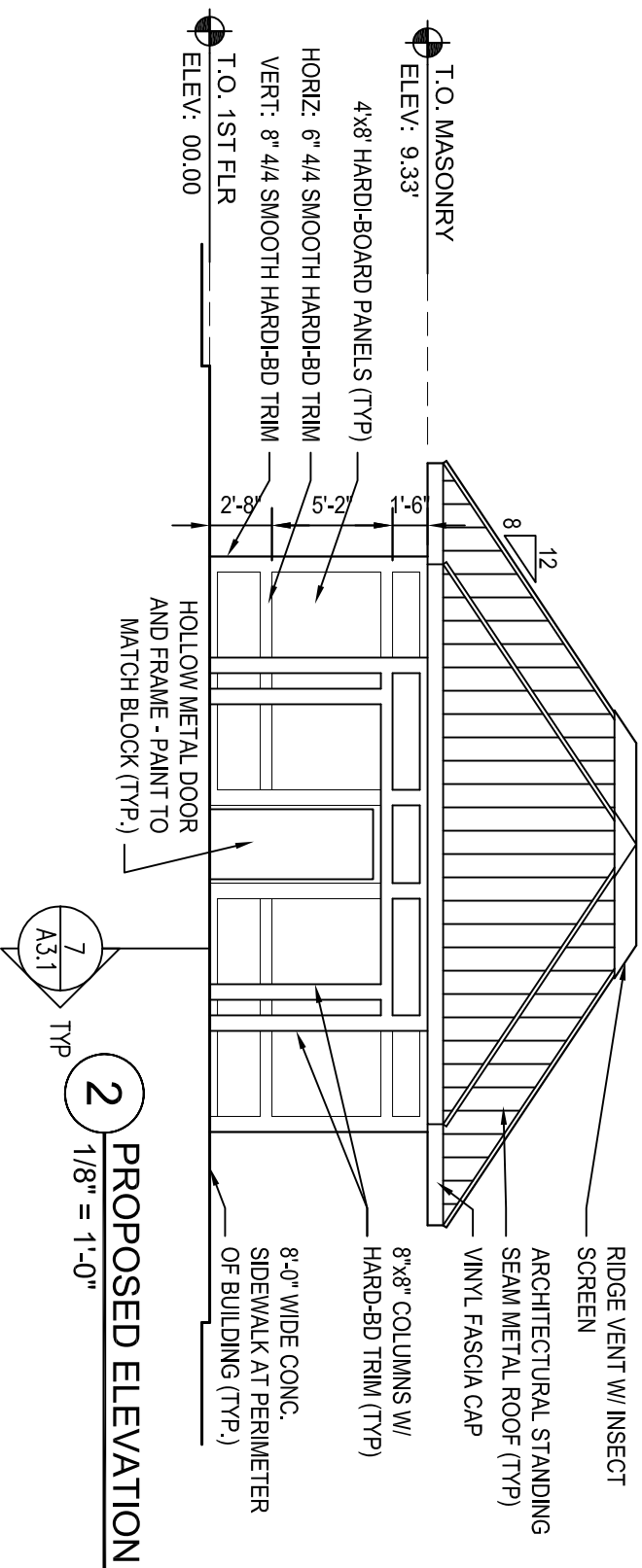
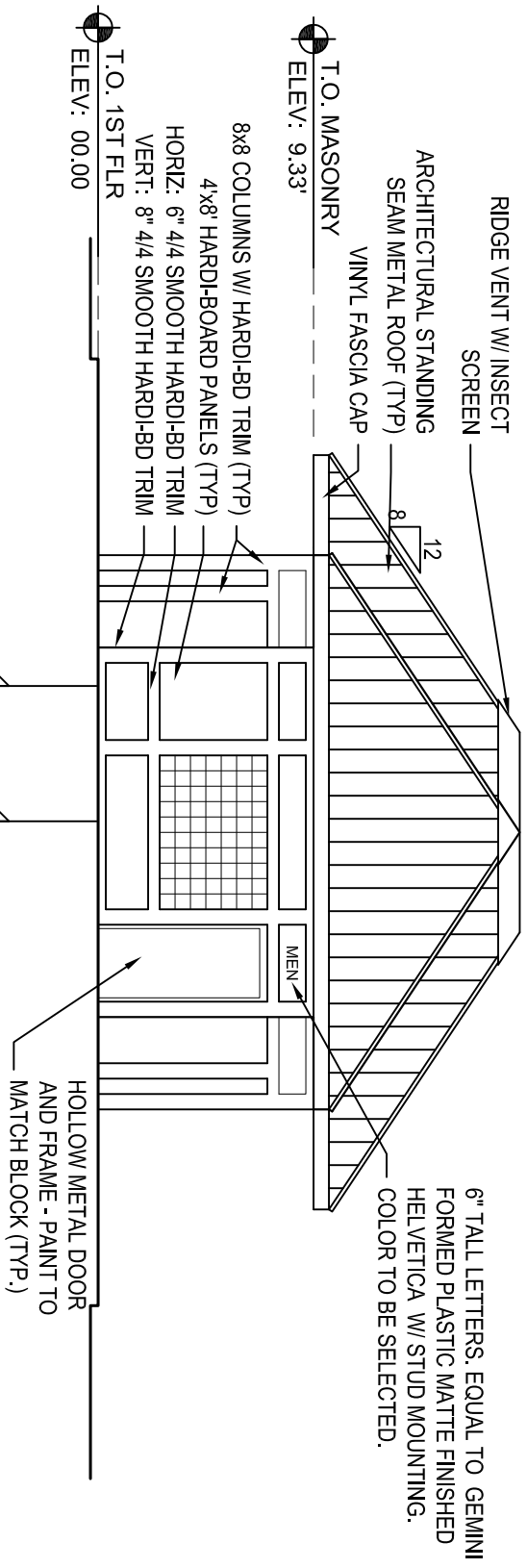
Compensation for this project is to be funded by the Parks and Recreation A&P Account (252-140-5904).

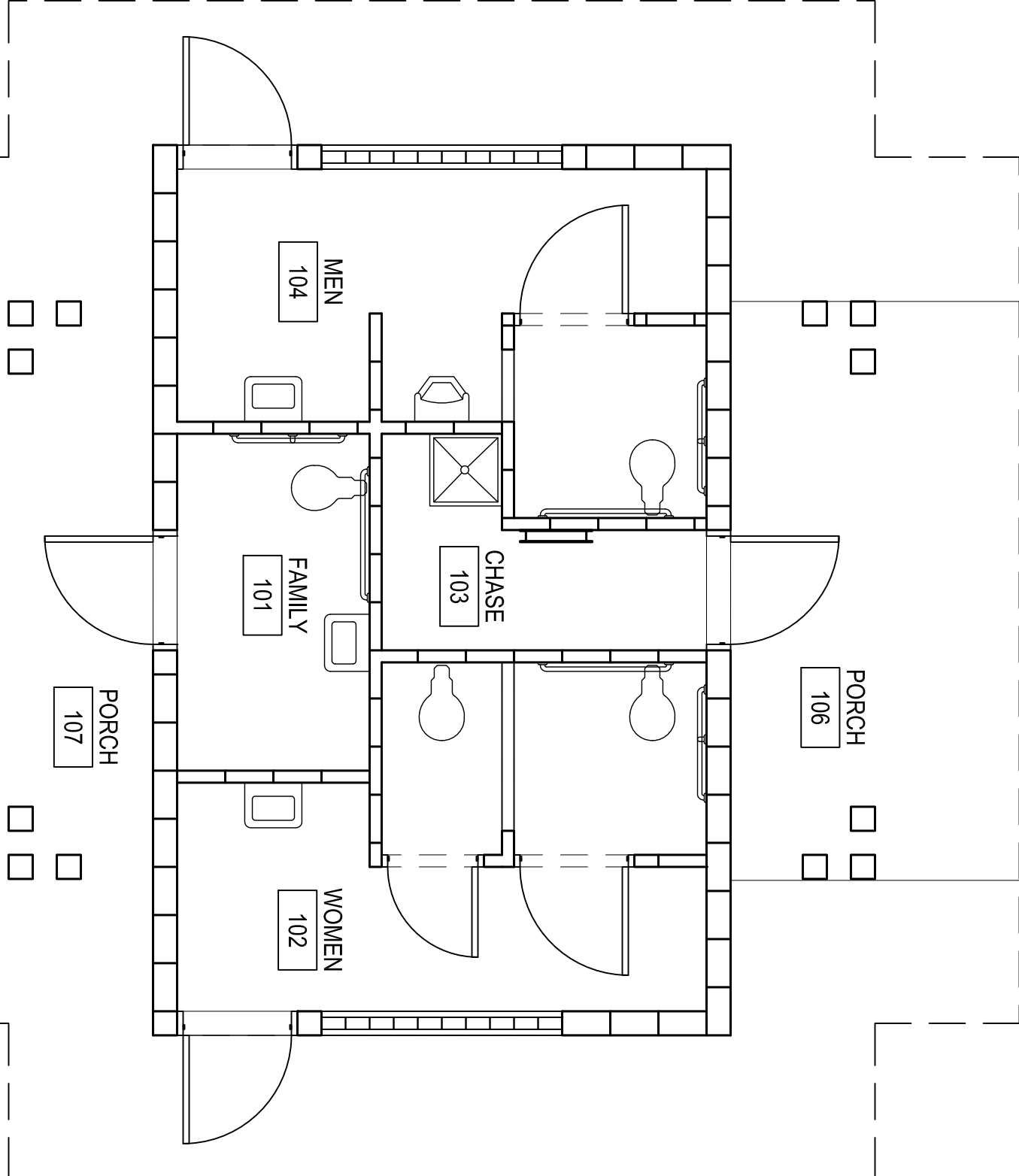
If you have any questions on any of the items please feel free to contact me.

Sincerely,

Steve Ibbotson
Parks Director

SDI: rfs





1 PROPOSED FLOOR PLAN
1/4" = 1'-0"



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

AN ORDINANCE WAIVING COMPETITIVE BIDS FOR THE PURCHASE OF HOLIDAY CHRISTMAS DÉCOR TO BE PLACED IN ROGERS PLAZA FOR THE CITY OF CONWAY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

Whereas, the City of Conway is developing Rogers Plaza between the Chamber of Commerce building and Oak Street; and would like to provide an artificial Christmas tree & decorations for the plaza during the holiday season; and

Whereas, Getlit of Springdale, AR provides complete commercial grade artificial trees, commercial lighting and decorating services for municipal displays.

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

Section 1. The City of Conway shall waive the requirement for obtaining competitive bids for the purchase of an artificial Christmas tree & commercial grade decor for an amount not to exceed \$130,000 and shall utilize Getlit as the vendor for this purchase. Funding will be provided from the Parks A&P monies.

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 27th day of August, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



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

AN ORDINANCE APPROPRIATING FUNDS TO THE CONWAY ANIMAL WELFARE DEPARTMENT; AND FOR OTHER PURPOSES

Whereas, the City of Conway has received funds in the amount of \$3,371.34 from Southern Casualty Insurance Company and;

Whereas, the Conway Animal Welfare Department needs these funds in order to make necessary repairs to a damaged vehicle and;

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

Section 1. The City of Conway shall accept the insurance proceeds in the amount of \$3,371.34 and appropriate from Insurance Proceeds account (001.119.4360) into the Animal Welfare vehicle maintenance expense account (001.127.5450) and;

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

PASSED this 27th day of August, 2013.

Approved

Mayor Tab Townsell

Attest

Michael O. Garrett
City Clerk/Treasurer

MEMORANDUM

TO: City Council Members/Mayor Tab Townsell
FROM: Chief A.J. Gary
DATE: August 19, 2013
SUBJECT: Acceptance of Bids

Bids were opened August 15, 2013 for CNG conversion kits to be installed on eight (8) Police vehicles and one (1) AWU truck; the following bids were received:

- Fuel Conversion Solutions \$85,650
- Crain Automotive \$114,992.25

Fuel Conversion Solutions is located in Grain Valley Missouri and did not meet the location requirements, within 60 miles, nor did they provide the documents requested on insurance or certification from a state or federal entity.

Crain Automotive submitted documents of certification for Crain CNG installation technicians. Crain has done CNG purchasing and installation on previous CPD vehicles and is the only one that met all bid requirements.

Therefore, I'm requesting that the council accept the bid from Crain Automotive in the amount of \$114,992.25 for the installation of CNG conversion kits for 9 total vehicles.

Thank you for your consideration.



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

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



Revenues	Budget	Month	Year to	Encumbered	(Over)/Under	%
		Activity	Date		Budget	Expend/Collect
Ad Valorem Tax	2,938,000	300,652	831,794		2,106,206	28%
Payments in Lieu of Tax	23,000	-	-		23,000	0%
State Tax Turnback	2,000,000	256,729	1,275,420		724,580	64%
Sales Tax	17,440,000	1,638,628	10,289,182		7,150,818	59%
Beverage Tax	408,000	-	238,601		169,399	58%
Franchise Fees	2,635,000	206,382	1,381,120		1,253,880	52%
Airport Revenue	70,000	6,140	42,977		27,024	61%
Airport Fuel Sales .05 / GAL	10,500	1,410	6,260		4,240	60%
Permits	470,000	38,376	342,501		127,499	73%
ACIEA Revenues	-	(247)	2,856		(2,856)	100%
Dog Tags & Fees	25,000	1,855	13,730		11,270	55%
Municipal Court Fines and Fees	745,000	48,370	439,578		305,422	59%
Law Enforcement	880,242	27,642	367,209		513,033	42%
Federal Grant Revenues	50,000	-	41,229		8,771	82%
Insurance Proceeds	20,953	2,604	40,714		(19,761)	100%
Parks	450,000	35,235	365,627		84,373	81%
Interest Income	2,700	2,123	31,327		(28,627)	1160%
Proceeds from Sale of Assets	2,404	2,404	2,404		-	100%
Act 749 Public Safety	1,500	34	683		817	46%
Donations	4,595	3,200	7,998		(3,403)	174%
Act 833 Revenue	80,000	-	43,378		36,622	54%
Miscellaneous Revenues	135,386	3,550	86,467		48,919	64%
Transfers from Other Funds	423,000	-	191,350		231,650	45%
Fund Balance Appropriation	466,065	-	-		466,065	0%
Total Revenues	29,281,346	2,575,087	16,042,403	-	13,238,942	55%
Expenditures						
Admin (Mayor, HR)	577,213	38,463	262,343	31,338	283,532	45%
Finance	372,081	50,023	217,327	326	154,428	58%
City Clerk/Treasurer	220,525	13,327	93,600	-	126,925	42%
City Council	83,400	6,077	46,640	-	36,760	56%
Permits and Planning	785,979	53,042	397,581	7,366	381,032	51%
Physical Plant	580,048	40,538	327,150	7,228	245,670	56%
Fleet Maintenance	174,099	13,311	97,080	1,457	75,562	56%
Information Technology	1,258,009	51,372	880,865	53,768	323,376	70%
Airport	32,500	12,967	109,767	-	(77,267)	338%
Nondepartmental	582,521	14,226	373,643	1,300	207,578	64%
Police	10,837,964	821,622	5,982,964	59,542	4,795,458	55%
Animal Welfare	474,422	31,533	252,513	10,648	211,260	53%
Municipal District Court	842,412	66,645	480,220	7,805	354,387	57%
City Attorney	336,758	28,610	181,845	15	154,898	54%
Fire	8,894,754	728,710	4,942,953	69,619	3,882,181	56%
Parks	2,825,194	197,903	1,349,647	16,853	1,458,694	48%
	28,877,879	2,168,369	15,996,138	267,265	12,614,476	55%
Transfer to Reserve	500,000	-	-	-	500,000	0%
Total Expenditures	29,377,879	2,168,369	15,996,138	267,265	13,114,476	54%
Net Revenue/(Expense)	(96,533)		46,266			

*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
O-13-66	6/25/13	Purchase land on Hogan - Comm Center	58,000
O-13-73	7/9/13	Civil service testing	14,000
O-13-74	7/9/13	Participation in CEO's for Cities	2,000
O-13-81	7/23/13	Furniture for District Court Judge	5,932
			<u>\$ 1,929,869</u>

City of Conway
 Balance Sheet - General Fund
 For the month ended July 31, 2013



Cash - Operating	3,409,211
Cash - Reserve	500,000
Petty Cash	715
Taxes Receivable	3,022,929
Accounts Receivable	2,867,936
Due from Other Funds	4,620
Due from Street	34,388
Fleet Inventory	15,539
Fuel Inventory	7,606
General Inventory	1,344
<i>Assets</i>	<u>9,864,289</u>
Trade Accounts Payable	(566,889)
Group Insurance Payable	21,022
LOPFI Payable	(1,242)
Misc. Deductions Payable	(15,702)
Event Deposits	400
Due to Other Funds	273,920
Deferred Revenue	2,440,149
<i>Liabilities</i>	<u>2,151,658</u>
Fund Balance - Committed to cash flow	2,000,000
Fund Balance - Committed to reserve	500,000
Fund Balance - Unassigned	5,212,631
<i>Fund Balance</i>	<u>7,712,631</u>
<i>Total Liabilities & Fund Balance</i>	<u>9,864,289</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Street Fund
 For the month ended July 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>
Revenues						
Ad Valorem Tax	1,350,000	155,792	430,341		919,659	32%
Payments in Lieu of Tax	12,000	-	-		12,000	0%
State Tax Turnback	2,800,000	-	1,207,063		1,592,937	43%
Severance Tax	175,000	-	148,860		26,140	85%
Sales Tax	245,000	21,415	142,660		102,340	58%
Sign Permits	500	-	-		500	0%
Engineering Fees	7,500	100	6,175		1,325	82%
Interest Income	3,500	1,260	11,054		(7,554)	316%
Miscellaneous Revenues	-	-	1,565		(1,565)	100%
Total Revenues	4,593,500	178,567	1,947,718	-	2,645,782	42%
Expenditures						
Personnel Costs	2,032,337	136,621	1,000,173	-	1,032,164	49%
Other Operating Costs	<u>2,828,842</u>	<u>215,517</u>	<u>1,086,959</u>	<u>100,444</u>	<u>1,641,440</u>	<u>38%</u>
Total Operating Costs	4,861,179	352,137	2,087,132	100,444	2,673,604	43%
Capital Outlay	<u>199,760</u>	<u>-</u>	<u>123,872</u>	<u>-</u>	<u>75,888</u>	<u>62%</u>
Total Expenditures	5,060,939	352,137	2,211,004	100,444	2,749,492	44%
Net Revenue/(Expense)	(467,439)		<u>(263,286)</u>			

*All figures are unaudited

Notes:

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

City of Conway
Street Fund
2013
Fund Balance Appropriations



<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-13-49	5/14/13	Funds needed for remaining 2013 motor grader lease payments	13,678

City of Conway
Balance Sheet - Street Fund
For the month ended July 31, 2013



Cash - Operating	1,826,309
Taxes Receivable	42,357
Accounts Receivable	1,326,139
Due from Other Funds	205,894
<i>Assets</i>	<u>3,400,728</u>
Trade Accounts Payable	131,775
Due to Other Funds	574
Due to General	35,216
Deferred Revenue	1,264,754
<i>Liabilities</i>	<u>1,432,319</u>
<i>Fund Balance</i>	<u>1,968,408</u>
<i>Total Liabilities & Fund Balance</i>	<u>3,400,728</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Sanitation
 For the month ended July 31, 2013



Revenues	Budget	Month Activity	Year to Date	Encumbered	(Over)/Under Budget	% Expend/Collect
Sanitation Fees	7,620,000	582,731	3,624,803		3,995,197	48%
Proceeds - Recycled Materials	200,000	29,838	334,130		(134,130)	167%
Landfill Fees - General	240,000	17,371	117,750		122,250	49%
Insurance Proceeds	-	115,425	115,425		(115,425)	100%
Interest Income	50,000	3,571	35,379		14,621	71%
Proceeds from Sale of Assets	-	-	144		(144)	100%
Miscellaneous Revenues	-	-	132		(132)	100%
Total Revenues	8,110,000	748,936	4,227,763	-	3,882,237	52%
Expenditures						
Personnel Costs	3,671,983	263,234	1,935,972	-	1,736,011	53%
Other Operating Costs	<u>3,170,103</u>	<u>288,905</u>	<u>1,441,938</u>	<u>90,937</u>	<u>1,637,227</u>	<u>45%</u>
Total Operating Costs	6,842,086	552,138	3,377,910	90,937	3,373,238	49%
Capital Outlay	<u>1,267,914</u>	-	<u>267,300</u>	-	<u>1,000,614</u>	<u>21%</u>
Total Expenditures	8,110,000	552,138	3,645,210	90,937	4,373,853	45%
Net Revenue/(Expense)	-		<u><u>582,553</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 July 31, 2013



Cash - Operating	1,567,299
Petty Cash	200
Post Closure Cash Account	4,602,407
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
<i>Assets</i>	<u>15,849,133</u>
Trade Accounts Payable	35,008
Salaries Payable	335,205
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
<i>Liabilities</i>	<u>6,455,011</u>
<i>Net Assets</i>	<u>9,394,122</u>
<i>Total Liabilities and Net Assets</i>	<u>15,849,133</u>

*All figures are unaudited



City of Conway
Finance Department
Tyler Winningham, CFO
www.cityofconway.org

Memo:

To: City Council Members

From: Tyler Winningham, CFO

Date: August 20th, 2013

Re: Consideration of BKD for 2012 audit

My staff and I met with BKD representatives on August 1, 2013 for us to ask questions of each other and share ideas about our vision for future audits. It was a very informative meeting at which we learned more about the firm and their audit process, and they learned about our structure and the type of audited financial statements that we wish to produce.

I feel very confident that BKD would do a great job for the City of Conway, and I have no hesitation in recommending that they be approved to audit the City for 2012. Based on my fee research among peer cities in Arkansas, I believe the fee that they have proposed is appropriate for a client our size.

Your Investment

BKD, LLP knows our clients do not like fee surprises. Neither do we. Our goal is to be candid and timely, and we want to answer the City of Conway's (the City) questions about fees upfront. We determine our fees by evaluating a number of variables: the complexity of the work, the project's scope, the time we will spend and the level of professional staff needed.

Quick Response Time Without Hidden Fees

We respond to questions quickly and do so without hidden fees. We do not bill for responses to your day-to-day questions that require no significant investment of research, time or other costs. Providing a high level of value for the fees you pay is an integral part of our basic engagement philosophy. If an issue is going to take more than one hour to research, we will inform you in advance of the estimated hours and fees it will require.

Proposed Fees

City of Conway, Arkansas	
For the Year Ended December 31	2012
Financial Statement Audit in Accordance with <i>Government Auditing Standards</i>	\$79,500
Audit of Opening Balance Adjustments to Convert from Regulatory Basis to GAAP Basis	\$2,390
Assist City Management with Drafting Basic Financial Statements & Notes (Up to 24 Hours)	\$3,290
Total Proposed Fees	\$85,180

Our pricing for this engagement and our fee structure are based upon the expectation that our invoices will be paid promptly. Payments for the engagement are due as follows:

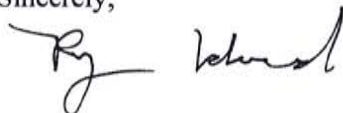
Due Date	Amount
November 10, 2013	\$21,295
December 10, 2013	\$21,295
January 10, 2014	\$21,295
February 10, 2014	\$21,295

Our fees may increase if our duties or responsibilities change because of new rules, regulations and accounting or auditing standards. We will consult with you should this happen.

Our estimate of fees does not include any time, other than described above, that may be required to address a restatement of the previously audited financial statements. Accordingly, any such work will be billed based on our quoted hourly rates.

We will call you soon to answer questions you may have about this proposal, or you may reach us at 501.372.1040 or by email as provided below.

Sincerely,



W. Ryan Underwood, CPA, CFSA®
Managing Partner
runderwood@bkd.com



Andrew M. Richards, CPA
Partner
arichards@bkd.com

Our acceptance of this engagement is subject to completion of our normal client acceptance procedures. Upon acceptance, the actual terms of our engagement will be documented in a separate letter to be signed by you and us. All information contained within this proposal is proprietary and confidential. The information provided in this proposal is intended for informational purposes only and may not be copied, used or modified, in whole or in part, without BKD's prior written approval.