



# City of Conway Council Agenda

<b><u>Council Meeting Date:</u></b>	<b>April 25<sup>th</sup>, 2017</b>
<b><u>5:30pm - Committee Meeting:</u></b>	No committee Meeting
<b><u>6:30pm:</u></b>	Council Meeting
<b><u>Call to Order:</u></b>	Mayor Bart Castleberry
<b><u>Roll Call:</u></b>	City Clerk/Treasurer Michael O. Garrett
<b><u>Minutes Approval:</u></b>	<b>April 11<sup>th</sup>, 2017</b>
<b><u>Monthly Financial Report ending March 31<sup>st</sup>, 2017</u></b>	

**Mayor Bart Castleberry**  
City Clerk Michael O. Garrett  
City Attorney Chuck Clawson

#### **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 Isby

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## **1. Report of Standing Committees:**

### **A. Public Hearing**

1. Public Hearing/Ordinance to discuss closing an easement located on Oliver Street between Scott Street and Grove Street.

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

1. Consideration to approve the bid for various projects for the FY2017 Asphalt overlay program for the Street & Engineering Department.
2. Consideration to withdraw the conditional use permit for clinical treatment services for property located on Jersey Street (Phoenix Recovery).

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

1. Ordinance to waive the bid requirement for equipment repairs to a roll-off truck for the Department of Sanitation.

### **D. Public Safety Committee (Police, AWU, CEOC, Fire, District Court, Information Technology, & City Attorney)**

1. Ordinance appropriating funds for a professional services contract with Garver Engineer in reference to the Dave Ward Drive Pedestrian Bridge for the Parks & Recreation Department.
2. Ordinance waiving the bid requirement for the purchase of sports uniforms for the Conway Parks and Recreation Department.
3. Resolution authorizing the naming of Field #9 at Conway Station Park to YBMA Field.

**Adjournment**



City of Conway, Arkansas  
Monthly Financial Reports  
March 31, 2017

City of Conway  
 Monthly Financial Report - General Fund  
 For the month ended March 31, 2017



Revenues	Budget	Month	Year to	Encumbered	(Over)/Under	%
		Activity	Date		Budget	Expend/Collect
Ad Valorem Tax	3,900,000	220,013	846,794		3,053,206	22%
Payments in Lieu of Tax	20,000	-	-		20,000	0%
State Tax Turnback	930,000	64,154	190,659		739,341	21%
Insurance Tax Turnback - LOPFI	1,300,000	-	-		1,300,000	0%
Sales Tax	18,200,000	1,812,712	4,783,903		13,416,097	26%
Beverage Tax	400,000	100,010	100,010		299,990	25%
Franchise Fees	3,569,000	427,356	663,179		2,905,821	19%
Permits	401,000	31,880	104,979		296,021	26%
ACIEA Revenues	5,000	1,060	3,905		1,095	78%
Dog Tags & Fees	30,000	3,200	7,630		22,370	25%
Municipal Court Fines and Fees	1,153,400	97,673	327,030		826,370	28%
Law Enforcement	740,264	105,337	150,434		589,830	20%
Parks	561,800	59,151	172,792		389,008	31%
Interest Income	22,000	161	3,776		18,224	17%
Proceeds from Sale of Assets	-	-	3,995		(3,995)	-
Insurance Proceeds	26,162	3,735	23,190		2,972	89%
Donations	236	250	1,487		(1,251)	630%
Act 833 Revenue	90,000	-	-		90,000	0%
Miscellaneous Revenues	135,000	5,116	26,472		108,528	20%
Transfers from Other Funds	423,000	35,250	105,750		317,250	25%
<b>Total Revenues</b>	<b>31,906,862</b>	<b>2,967,057</b>	<b>7,515,984</b>	<b>-</b>	<b>24,390,877</b>	<b>24%</b>
<b>Expenditures</b>						
Admin (Mayor, HR)	659,975	35,913	111,701	1,218	547,056	17%
Finance	445,568	28,569	80,422	-	365,146	18%
City Clerk/Treasurer	188,222	11,452	28,036	-	160,186	15%
City Council	100,767	6,805	19,877	-	80,890	20%
Planning	422,516	26,650	88,543	970	333,002	21%
Physical Plant	528,788	30,716	93,921	3,226	431,641	18%
Fleet Maintenance	85,763	8,340	28,401	-	57,362	33%
Information Technology	1,221,414	74,014	199,708	63,983	957,722	16%
Permits and Inspections	567,807	39,052	111,170	11,999	444,637	20%
Nondepartmental	617,050	16,053	338,010	2,476	276,564	55%
Police	11,389,340	903,181	2,662,918	68,938	8,657,484	23%
CEOC	1,043,543	77,375	230,174	5,149	808,220	22%
Animal Welfare	491,958	32,901	97,607	732	393,619	20%
Municipal District Court	871,071	65,499	219,374	-	651,697	25%
City Attorney	473,013	26,684	102,343	19	370,651	22%
Fire	9,899,167	722,159	2,156,241	57,849	7,685,077	22%
Parks	2,999,624	223,413	540,290	17,128	2,442,206	18%
<b>Total Expenditures</b>	<b>32,005,586</b>	<b>2,328,776</b>	<b>7,108,739</b>	<b>233,687</b>	<b>24,663,161</b>	<b>22%</b>
<b>Net Revenue/(Expense)</b>	<b>(98,724)</b>		<b>407,245</b>			

\*All figures are unaudited

Notes:

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

City of Conway  
General Fund  
2017



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-17-14	1/24/17	Diversity training for police and fire	16,000
O-17-34	3/28/17	Fuel tank repair	2,600
			<u>\$ 18,600</u>

City of Conway  
 Balance Sheet - General Fund  
 For the month ended March 31, 2017



Cash - Operating	3,193,702
Cash - Reserve	2,011,965
Petty Cash	715
Taxes Receivable	3,362,086
Accounts Receivable	5,028,998
Due from Other Funds	30,604
Due from Street	24,436
Due from Component Unit	236,842
Fleet Inventory	15,539
Fuel Inventory	25,581
General Inventory	585
<b><i>Assets</i></b>	<b><u>13,931,054</u></b>
Accounts Payable	(51,390)
Salaries Payable	236,327
Insurance and Benefits Payable	99,410
Event Deposits	1,040
Due to Other Funds	5,768
Deferred Revenue	4,045,383
<b><i>Liabilities</i></b>	<b><u>4,336,538</u></b>
Fund Balance - Committed to cash flow	2,000,000
Fund Balance - Committed to reserve	2,000,000
Fund Balance - Unassigned	5,594,516
<b><i>Fund Balance</i></b>	<b><u>9,594,516</u></b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>13,931,054</u></b>

\*All figures are unaudited

City of Conway  
 Monthly Financial Report - Street Fund  
 For the month ended March 31, 2017



	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to</u> <u>Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u>		<u>%</u> <u>Expend/Collect</u>
					<u>Budget</u>		
<b>Revenues</b>							
Ad Valorem Tax	1,500,000	14,420	14,420		1,485,580		1%
Payments in Lieu of Tax	15,000	-	8,085		6,915		54%
State Tax Turnback	2,683,474	224,879	620,505		2,062,969		23%
AHTD 1/2 Cent Sales Tax Turnback	1,100,000	107,677	311,023		788,977		28%
Severance Tax	75,000	11,155	49,392		25,608		66%
Sales Tax	250,000	25,399	67,031		182,969		27%
Sign Permits	500	-	-		500		0%
Engineering Fees	5,000	3,500	9,900		(4,900)		198%
Interest Income	20,000	-	2,780		17,220		14%
Miscellaneous Revenues	-	825	825		(825)		-
<b>Total Revenues</b>	<b>5,648,974</b>	<b>387,855</b>	<b>1,083,961</b>	<b>-</b>	<b>4,565,013</b>		<b>19%</b>
<b>Expenditures</b>							
Personnel Costs	2,576,241	148,579	456,563	-	2,119,678		18%
Other Operating Costs	2,984,620	79,777	342,802	48,885	2,592,933		11%
Total Operating Costs	5,560,861	228,356	799,365	48,885	4,712,611		14%
Capital Outlay	80,000	-	12,079	-	67,921		15%
<b>Total Expenditures</b>	<b>5,640,861</b>	<b>228,356</b>	<b>811,444</b>	<b>48,885</b>	<b>4,780,532</b>		<b>14%</b>
<b>Net Revenue/(Expense)</b>	<b>8,113</b>		<b>272,517</b>				

\*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  
2017



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-17-34	3/28/17	Fuel tank repair	2,600
			<u>\$ 2,600</u>

City of Conway  
 Balance Sheet - Street Fund  
 For the month ended March 31, 2017



Cash - Operating	4,199,252
Taxes Receivable	47,109
Accounts Receivable	1,856,333
<b><i>Assets</i></b>	<b><u>6,102,695</u></b>
Accounts Payable	(3,472)
Salaries Payable	18,500
Insurance and Benefits Payable	11,117
Due to Other Funds	10,841
Due to General	24,436
Deferred Revenue	1,375,073
<b><i>Liabilities</i></b>	<b><u>1,436,494</u></b>
<b><i>Fund Balance</i></b>	<b>4,666,200</b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>6,102,695</u></b>

\*All figures are unaudited



City of Conway  
 Monthly Financial Report - Sanitation  
 For the month ended March 31, 2017



Revenues	<u>Budget</u>	<u>Month</u>		<u>Encumbered</u>	<u>(Over)/Under</u>		<u>%</u>
		<u>Activity</u>	<u>Year to Date</u>		<u>Budget</u>	<u>Expend/Collect</u>	
Sanitation Fees	8,750,000	734,984	1,387,062	-	7,362,938	16%	
Proceeds - Recycled Materials	540,000	93,141	220,711	-	319,289	41%	
Landfill Fees - General	200,000	22,567	47,216	-	152,784	24%	
Insurance Proceeds	-	5,441	5,441	-	(5,441)	-	
Interest Income	50,000	-	5,481	-	44,519	11%	
Miscellaneous Revenues	-	100	4,069	-	(4,069)	-	
<b>Total Revenues</b>	<b>9,540,000</b>	<b>856,232</b>	<b>1,669,980</b>	<b>-</b>	<b>7,870,020</b>	<b>18%</b>	
<b>Expenditures</b>							
Personnel Costs	3,843,950	280,200	885,609	-	2,958,341	23%	
Other Operating Costs	<u>3,634,763</u>	<u>155,986</u>	<u>429,758</u>	<u>232,093</u>	<u>2,972,912</u>	<u>12%</u>	
Total Operating Costs	7,478,713	436,185	1,315,368	232,093	5,931,253	18%	
Capital Outlay	<u>2,061,287</u>	<u>136,809</u>	<u>136,809</u>	<u>-</u>	<u>1,924,478</u>	<u>7%</u>	
<b>Total Expenditures</b>	<b>9,540,000</b>	<b>572,994</b>	<b>1,452,177</b>	<b>232,093</b>	<b>7,855,731</b>	<b>15%</b>	
<b>Net Revenue/(Expense)</b>	<b>-</b>		<b>217,803</b>				

\*All figures are unaudited

Notes:

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

City of Conway  
Sanitation Fund  
2017  
Fund Balance Appropriations



<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
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City of Conway  
 Balance Sheet - Sanitation  
 For the month ended March 31, 2017



Cash - Operating	2,872,163
Petty Cash	200
Post Closure Cash Account	5,597,552
Accounts Receivable	(1,140)
Due from Other Funds	68
Due from Component Unit	753,171
General Inventory	2,122
Land & Buildings	2,484,109
Infrastructure	1,043,647
Machinery and Equipment	3,915,471
Vehicles	448,244
Deferred Outflows of Resources	1,454,446
<b>Assets</b>	<b><u>18,570,053</u></b>
Accounts Payable	1,546
Salaries Payable	41,143
Insurance and Benefits Payable	27,752
Compensated Absences	168,607
Net Pension Obligation	9,286,388
Deferred Inflows of Resources	637,180
Due to Other Funds	7,446
Landfill Close/Post Close	8,524,931
<b>Liabilities</b>	<b><u>18,694,993</u></b>
<b>Net Assets</b>	<b>(124,940)</b>
<b>Total Liabilities and Net Assets</b>	<b><u>18,570,053</u></b>

\*All figures are unaudited

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway  
 Monthly Financial Report - Airport  
 For the month ended March 31, 2017



	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to</u> <u>Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u> <u>Budget</u>	<u>%</u> <u>Expend/Collect</u>
<b>Revenues</b>						
Sales Tax	13,000	1,253	2,753		10,247	21%
Airport Fuel Sales	600,000	66,641	179,865		420,135	30%
T-Hangar Rent	118,000	6,770	27,076		90,924	23%
Community Hangar Rent	25,000	1,850	2,495		22,505	10%
Ground Leases	125,000	17,424	18,069		106,931	14%
Insurance Proceeds	3,681	-	-		3,681	0%
Miscellaneous Revenues	13,000	1,140	2,580		10,420	20%
<b>Total Revenues</b>	<b>897,681</b>	<b>95,079</b>	<b>232,838</b>	<b>-</b>	<b>664,843</b>	<b>26%</b>
<b>Expenditures</b>						
Personnel Costs	214,405	19,562	54,407	-	159,998	25%
Fuel for Resale	431,000	58,862	138,196	-	292,804	32%
Other Operating Costs	142,381	13,552	20,491	185	121,705	14%
Total Operating Costs	787,786	91,976	213,094	185	574,507	27%
Capital Outlay	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>787,786</b>	<b>91,976</b>	<b>213,094</b>	<b>185</b>	<b>574,507</b>	<b>27%</b>
<b>Net Revenue/(Expense)</b>	109,895		<u><u>19,744</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  
Airport Fund  
2017  
Fund Balance Appropriations



<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
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City of Conway  
 Balance Sheet - Airport  
 For the month ended March 31, 2017



Cash - Operating	307,161
Taxes Receivable	3,519
Accounts Receivable - Fuel Vendor	92,700
Due from Other Funds	733
Land	1,607,274
Buildings	4,652,909
Machinery & Equipment	477,842
Vehicles	16,454
Infrastructure	25,425,821
Construction in Progress	52,066
<b><i>Assets</i></b>	<b><u>32,636,479</u></b>
Salaries Payable	2,268
Insurance and Benefits Payable	1,552
Compensated Absences	5,127
Due to General	693
Accrued Interest Payable	108,986
Notes Payable	2,750,000
<b><i>Liabilities</i></b>	<b><u>2,868,626</u></b>
<b><i>Fund Balance</i></b>	<b>29,767,853</b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>32,636,479</u></b>

\*All figures are unaudited

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway  
Monthly Financial Report - Major Project Funds  
For the month ended March 31, 2017



Parks and Rec A&P Tax

Balance, 2/28/17	1,766,284
Receipts	247,447
Payments	(501,232)
Balance, 3/31/17	\$ 1,512,498

Pay as you go Sales Tax

Balance, 2/28/17	3,880,695
Receipts	672,940
Payments	(366,034)
Balance, 3/31/17	\$ 4,187,602

Street Impact Fees

Balance, 2/28/17	786,043
Receipts	26,651
Payments	-
Balance, 3/31/17	\$ 812,693

Parks Impact Fees

Balance, 2/28/17	411,831
Receipts	14,126
Payments	-
Balance, 3/31/17	\$ 425,957



**City of Conway, Arkansas  
Ordinance No. O-17- \_\_\_\_\_**

**AN ORDINANCE CLOSING A PORTION OF THE OLIVER STREET PUBLIC RIGHT OF WAY BETWEEN GROVE STREET AND SCOTT STREET; AND FOR OTHER PURPOSES:**

**Whereas**, a petition was duly filed with the City of Conway, Arkansas on the 3rd of April, 2017 by BMA America asking the City Council to vacate and abandon the portion of Oliver Street lying between Block 48 and Block 48-1/2, Robinsons Plan, bounded by Grove Street on the west and Scott Street on the south.

**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 an 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 Right-of-Way to be vacated have been afforded the opportunity to file with the council their written consent to the abandonment; and the public interest and welfare will not be adversely affected by the abandonment of this portion of the Right-of-Way.

**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 its rights, together with the rights of the public generally, in and to the public Right-of-Way designated as follows:

The portion of the 60 foot [Oliver Street] Right-of-Way lying between Block 48 and Block 48-1/2, Robinsons Plan, bounded by Grove Street on the west and Scott Street on the south.

less and except a 15 foot utility easement, along the eastern boundary of said 60' public Right-of-Way for use by Conway Corporation, CenterPoint Energy and AT&T.

**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.

**PASSED** this 25<sup>th</sup> day of April, 2017.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

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





**PETITION OF WRITTEN CONSENT FOR THE VACATING OF STREETS/ALLEYS  
FOR THE INTENT OF PUBLIC USE**

Name of party requesting street/alley closure: BMA AMERICA GLOBAL Headquarters

Legal description of street/alley, or portion thereof, to be vacated: \_\_\_\_\_

Lots 18, 19, 20, 21, 22 - Block 48 - ROBINSONS PLAN  
And all of Block 48 1/2 - ROBINSONS PLAN  
616 & 618 Oliver Street

Signatures of abutting property owners:

Name	Address
<u>NO ABUTTING PROPERTY OWNERS</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



April 17, 2017

The Honorable Bart Castleberry  
Mayor of Conway  
City Hall  
1201 Oak Street  
Conway, AR 72032

Re: Block 48 & 48 ½, Robinson Plan Subdivision, Conway, Faulkner County,  
Arkansas.

Dear Mayor Castleberry:

Conway Corporation has no objection to the closing of a portion of Oliver Street lying between Blocks 48 and 48 ½ of Robinson Plan Subdivision since they have agreed to maintain a 15 foot utility easement on the eastern boundary of said street for our overhead electric and catv lines.

If you have any questions, please let me know.

Sincerely,

CONWAY CORPORATION

A handwritten signature in blue ink that reads 'Leslie Guffey'.

Leslie Guffey  
Engineering and Planning



CenterPoint Energy  
401 W. Capitol Avenue, Suite 600  
Little Rock, AR 72201  
CenterPointEnergy.com

April 17, 2017

Mike Jones,  
Mike's Sound Systems & Design

Oliver St – Road Closure

Dear Mike,

CenterPoint Energy (CNP) formally agrees to abandon a portion of Oliver Street in Conway, AR between Blocks 48 and 48 ½ of Robinson Plan Subdivision, bounded by Scott Street to the South and Grove Street to the West. A 15 foot utility easement will be reserved for existing gas facilities along the Eastern boundary of Oliver Street. Further description of Olive Street can be seen in the attached Exhibit A.

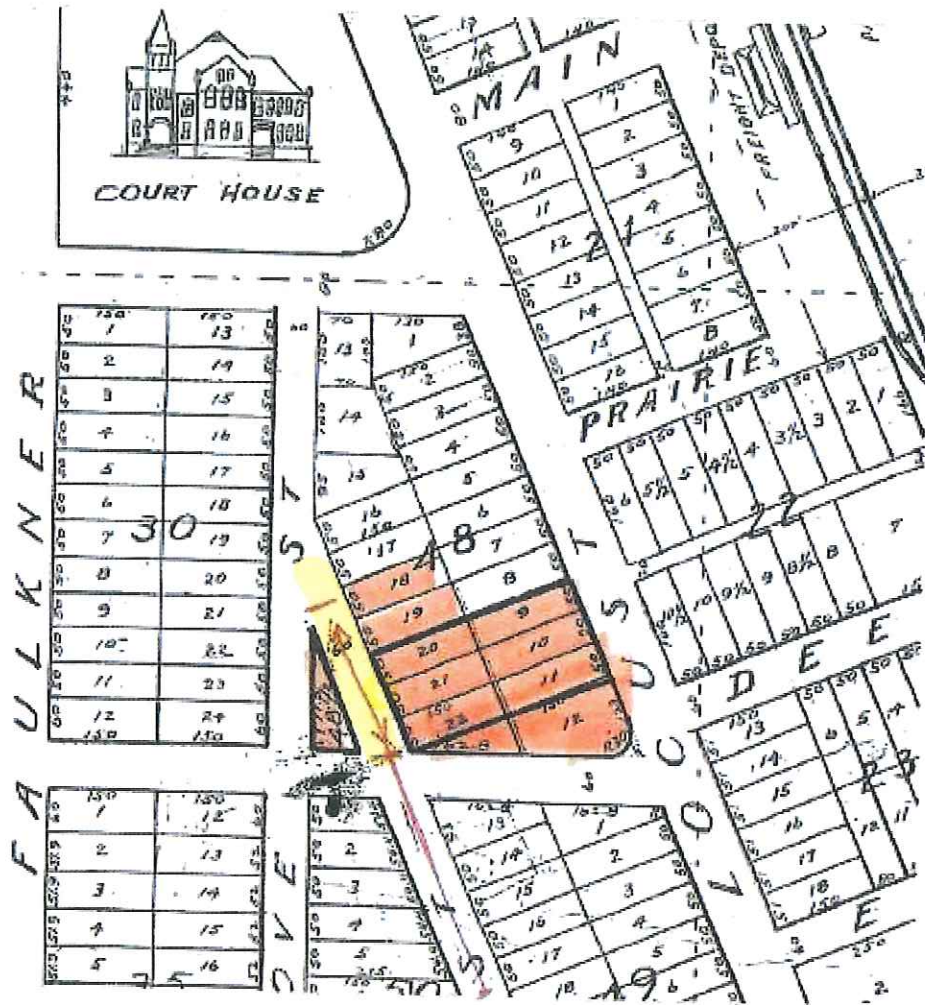
If you have any questions, please do not hesitate to call me at the numbers below.

Sincerely,

A handwritten signature in black ink that reads "Grace Grubb". The signature is written in a cursive, flowing style.

Grace Grubb  
Engineer II  
CenterPoint Energy  
Office: 501-377-4851  
Cell: 501-278-0658

# Exhibit A



**SOUTHWESTERN BELL TELEPHONE COMPANY**

**FACILITIES EASEMENT**

THE STATE OF ARKANSAS                   §  
  § KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF FAULKNER                   §

THAT THIS EASEMENT AGREEMENT is entered into by the undersigned, Steve Crawley, Managing Director of BMA America, LLC, 611 Locust Avenue, Conway, AR 72034 [hereinafter referred to as "GRANTOR" (whether one or more)], and SOUTHWESTERN BELL TELEPHONE COMPANY, a Delaware corporation, (hereinafter referred to as GRANTEE"), wherein GRANTOR, in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, receipt of which is hereby acknowledged, does by these presents, GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto GRANTEE, its affiliates and subsidiaries, and their successors, assignees, lessees, licensees and agents (hereinafter collectively referred to as "GRANTEE"), a permanent fifteen foot wide (15') easement (hereinafter referred to as the "Easement") as described below:

Being that portion of Oliver Street (sixty foot (60') right-of-way) lying between Blocks 48 and 48 ½, Robinson Plan Subdivision to the City of Conway, Arkansas bounded by Scott Street on the South and Grove Street on the West, reserving a fifteen foot (15') easement along the Eastern boundary of said Oliver Street, as show on Attachment "A" to this document.

This agreement does not constitute a conveyance of the Property, nor of the minerals therein and thereunder, but grants only an Easement subject to the following:

- (a) This Easement is granted for the purpose of permitting GRANTEE to construct, operate, maintain, protect, repair, relocate, upgrade, replace, and remove facilities for the transmission of signals used in the provision of communication, video, data and/or information services, including, but not limited to conduit, ducts and handholes, equipment, cabinets or enclosures, and support posts or pads, cables, wires, fiber optic cables, pedestals or other above-ground cable or wire enclosures, marker posts and signs, and other related equipment, fixtures, appurtenances, and improvements (collectively, the "Facilities"), solely for the benefit of the Property, as GRANTEE may from time to time require upon, across, over, above, under and within the Easement.

(b) GRANTOR further conveys to GRANTEE the following incidental rights and powers solely for the benefit of the Property: the right of pedestrian and vehicular ingress to and egress from said Easement utilizing reasonable routes across the Property, including but not limited to the right to use existing and future roads, parking lots, entrances and exits and all other paved areas of the Property; the right to drain or sheet flow storm water runoff from the Easement onto the Property and/or into existing and future storm water collection and drainage facilities located within the Property; the right to clear and keep cleared trees, brush, and all other obstructions from the surface and subsurface of said Easement; the right to construct, operate and maintain, or license others to do so, service lines for electric power to GRANTEE's equipment and lines on the Property.

(c) During the period of installation, removal or replacement of the Facilities by GRANTEE within the Easement herein granted, GRANTEE shall have the right to use as temporary construction easements so much of the surface of the Property as may be reasonably necessary for GRANTEE'S construction, installation, removal or replacement of said Facilities solely for the benefit of the Property. Following the initial installation of GRANTEE'S Facilities, and also after any later activities by GRANTEE which affect the Property, GRANTEE shall promptly restore the grounds affected thereby to as nearly as practicable the same condition that existed prior to such activity.

(d) The Easement granted hereby is subject to all valid and subsisting oil, gas, sulfur, and mineral leases, unitization agreements, deeds, easements, rights-of-way, restrictive covenants, mineral and royalty grants and reservations, or other instruments now of record which affect the Easement.

(e) GRANTOR warrants that they are the owners of the Property occupied by the Easement herein granted, and that GRANTOR has the right to make this conveyance and receive the consideration therefor. GRANTOR covenants that GRANTEE may quietly enjoy the Easement for the uses herein stated. In addition, GRANTOR hereby warrants and represents they have no knowledge of the existence of past or present production, storage, treatment or disposal of any toxic or hazardous waste or substance, or of hazardous/toxic waste contamination conditions applicable to either the Easement or the Property.

(g) GRANTEE hereby agrees to save and hold harmless the GRANTOR from and against any and all claims, demands, or causes of action of whatever nature, asserted by others which are caused by or arise in any manner out of acts or omissions of GRANTEE, its employees, or any other persons acting under its control, in the use and occupancy of the Easement herein granted.

(h) GRANTEE agrees not to erect any above-ground structures on the property except those located behind the improvements to the improvements on the property so as not to be visible from the front of the improvements and roadways, and further agrees to place all cables, wires, conduits and similar items underground.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto belonging, unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind its self, and its heirs and assigns, to warrant and forever defend all and singular the Easement unto GRANTEE and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

SIGNED AND EXECUTED this \_\_\_\_\_ day of April, 2017.

\_\_\_\_\_  
By: Steve Crawley, Managing Director

#### ACKNOWLEDGMENT

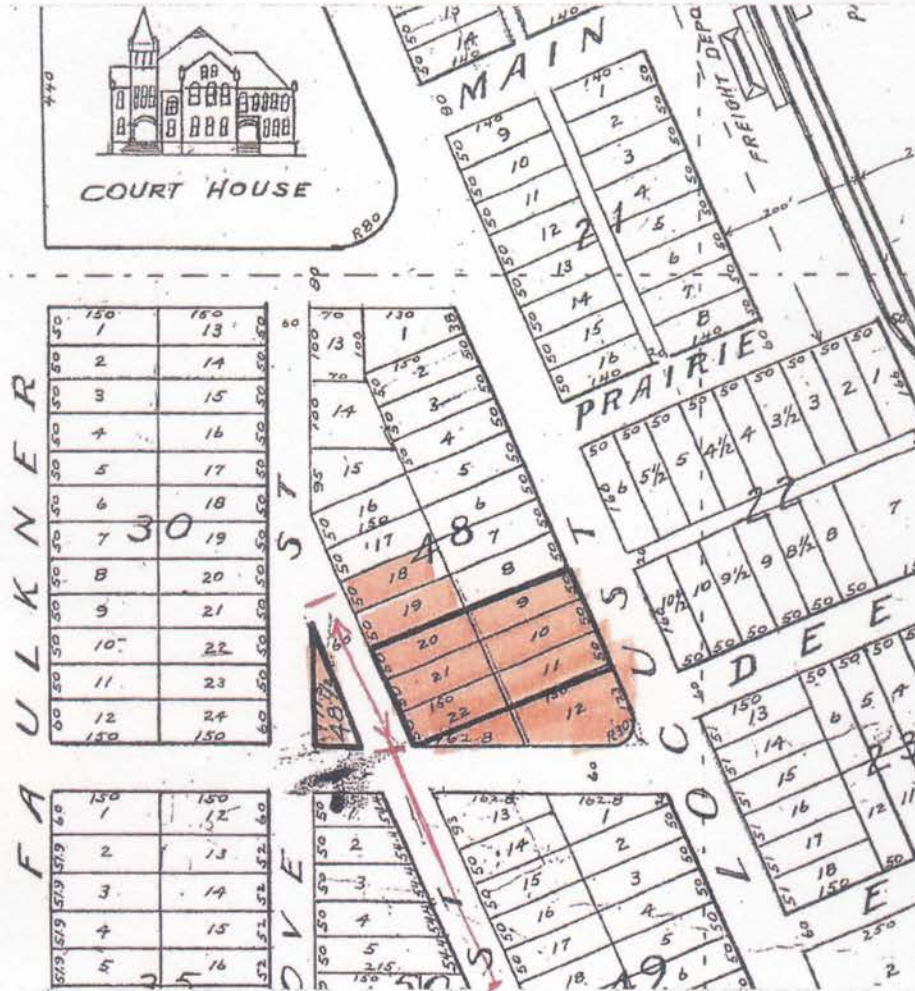
THE STATE OF ARKANSAS  
COUNTY OF FAULKNER

BEFORE ME, the undersigned authority, on this day personally appeared Steve Crawley, Managing Director of BMA America, LLC, an Arkansas limited liability company on behalf of said company, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for purposes and considerations therein expressed in the capacity stated, and as the act and deed of said company.

Given under my hand and seal of office this the \_\_\_\_\_ day of April, 2017.

\_\_\_\_\_  
Notary Public for the State of Arkansas  
My Commission Expires: \_\_\_\_\_

Plat



Legal Description

No Legal Description was provided by the client, but from viewing the plat of the subject subdivision and the site plan, it would appear that the subject site encompasses Lots 9,10,11,20,21 and the North 50' of Lot 22 Block 48 Robinsons Plan to the city of Conway and all of Block 48 1/2 Robinsons Plan to the city of Conway

A survey of the subject property is recommended to verify that the legal description I'm using is accurate and encompasses all of the subject property, as the client owns property on both sides of the subject property.





LOCUST AVE  
PRAIRIE ST

GROVE ST

ROW TO BE ABANDONED

OLIVER ST

SCOTT ST

04.18.2017

**Memo**

---

**To**  
Mayor Bart Castleberry

**From**  
B. Finley Vinson, P.E.

**CC**  
Felicia Rogers

**Re**  
2017 Asphalt Bids

**Comments:**

Bids were opened on Wednesday, April 12, 2017 for the 2017 Asphalt overlay program. A Bid tabulation sheet is attached with the low bids highlighted. I recommend award of bid items one through four to the respective low bidder. If the low bidder is unable to perform the desired work within 15 days of notification, the work will be offered to the next lowest bidder at their bid price.

I further recommend award of all the base bid items (with the exception of Elsinger Blvd., which I recommend postponing until next year) and additive bid items to Rogers Group in light of the fact that Crow paving is unable to honor their price on the two base bid items for which they provided the low bid.

Funding for the first six base bid items will be from the 2016 rollover into the Street Paving & Reconstruction account. Funding from the remaining base bid items and additive bid items will be from the 2017 Enhanced Street Maintenance Program.

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**City of Conway Street & Engineering Department**

(501) 450-6165  
100 E Robins St, Conway, AR 72032

[www.cityofconway.org/pages/street-department/](http://www.cityofconway.org/pages/street-department/)  
[firstname.lastname@cityofconway.org](mailto:firstname.lastname@cityofconway.org)



## Bid Prices - Asphalt Milling and Paving 2017

Bid Category	Redstone	Crow	Rogers Group
1. Cold Milling Asphalt Pavement	\$ 2.50 /Sq Yd	\$ 2.60 /Sq Yd	\$ 2.00 /Sq Yd
2. Asphalt Concrete Hot Mix Surface Course (64-22PG)	\$ 85.00 /Ton	\$ 61.60 /Ton	\$ 62.00 /Ton
3. Asphalt Concrete Hot Mix Surface Course (70-22PG)	\$ 88.00 /Ton	\$ 66.70 /Ton	\$ 67.00 /Ton
4. Asphalt Concrete Hot Mix Binder Course (64-22PG)	\$ 82.00 /Ton	\$ 57.60 /Ton	\$ 53.00 /Ton

Street Name Section	Milling Unit Price	Paving Unit Price	TOTAL PRICE	Milling Unit Price	Paving Unit Price	TOTAL PRICE	Milling Unit Price	Paving Unit Price	TOTAL PRICE
<b>Base Bid Items:</b>									
Adamsbrooke Dr. - bridge Farris	\$ 3.96	\$ 95.34	\$ 33,826.20	\$ 2.60	\$ 61.60	\$ 21,920.00	\$ 2.20	\$ 68.00	\$ 23,152.00
Clifton St. - Fleming to Tyler	\$ 2.52	\$ 92.29	\$ 42,589.30	\$ 2.60	\$ 66.70	\$ 33,389.00	\$ 2.25	\$ 65.50	\$ 31,772.50
Bob Courtway Dr. - Siebenmorgan to bridge	\$ 3.74	\$ 85.51	\$ 53,692.80	\$ 2.60	\$ 66.70	\$ 41,244.00	\$ 1.90	\$ 65.50	\$ 39,189.00
Springwood Dr. - S. Donaghey to Autumnwood	\$ 3.16	\$ 92.78	\$ 43,199.40	\$ 2.60	\$ 61.60	\$ 29,796.00	\$ 1.90	\$ 63.00	\$ 28,788.00
Enderling Dr. - Amos to Woodland Springs	\$ 9.38	\$ 130.35	\$ 19,872.70	\$ 2.60	\$ 61.70	\$ 8,310.00	\$ 2.60	\$ 80.00	\$ 10,334.00
Evening Dr. - Hallous to Wigwam	\$ 3.63	\$ 98.52	\$ 36,821.10	\$ 2.60	\$ 66.70	\$ 23,594.00	\$ 1.50	\$ 64.00	\$ 22,435.00
S. Donaghey Ave. - Moix to bridge	\$ 5.80	\$ 84.50	\$197,361.00	\$ 2.60	\$ 66.70	\$159,543.00	\$ 1.80	\$ 62.00	\$142,372.00
S. Donaghey Ave. - bridge to Favre Roundabout	-----	\$ 84.50		-----	\$ 66.70		-----	\$ 62.00	
Favre Ln. - Greenwood to S. German	\$ 1.78	\$ 86.68		\$ 2.60	\$ 66.70		\$ 1.60	\$ 61.00	
College Ave. - Padgett to Paddington	\$ 2.25	\$ 85.37	\$ 83,316.90	\$ 2.60	\$ 66.70	\$ 68,481.00	\$ 1.40	\$ 63.50	\$ 60,873.00
Country Club Rd. - Tyler to Prince	\$ 1.87	\$ 85.78	\$108,579.60	\$ 2.60	\$ 66.70	\$ 95,246.00	\$ 2.00	\$ 62.00	\$ 84,600.00
Elsinger Blvd. - Oak to Amity	\$ 2.30	\$ 84.43	\$100,545.40	\$ 2.60	\$ 66.70	\$ 82,618.00	\$ 1.40	\$ 63.50	\$ 74,278.00
Sturgis Rd. - bridge to Stanley Russ	-----	\$ 83.51	161,312.70	-----	\$ 66.70	125,389.00	-----	\$ 59.00	\$111,990.00
Sturgis Rd. - RR tracks to bridge	\$ 4.68	\$ 85.89		\$ 2.60	\$ 66.70		\$ 1.50	\$ 61.00	

**TOTAL BASE BID (Mill/Overlay)**

**\$ 881,117.90**

**\$ 689,530.00**

**\$ 629,783.50**

<b>Additive Bid Items:</b>									
Exchange Ave. - Runway to Commerce	\$ 1.85	\$ 87.12	\$157,161.60	\$ 2.60	\$ 66.70	\$136,744.00	\$ 0.75	\$ 61.00	\$102,920.00
Exchange Ave. - Commerce to Dave Ward	\$ 2.03	\$ 84.80		\$ 2.60	\$ 66.70		\$ 0.75	\$ 61.00	
Exchange Ave. - Dave Ward to Bronnie	\$ 2.26	\$ 80.09	\$128,424.90	\$ 2.60	\$ 66.70	\$110,859.00	\$ 0.75	\$ 61.00	\$ 92,530.00
Mayor Ln. - Dave Ward to William J. Clark	-----	\$ 80.00	\$206,283.30	-----	\$ 66.70	\$170,085.00	-----	\$ 61.00	155,550.00
Mayor Ln. - William J. Clark to end	-----	\$ 81.77		-----	\$ 66.70		-----	\$ 61.00	
Thomas G Wilson Dr. - Dave Ward to end	-----	\$ 80.50	\$103,040.00	-----	\$ 66.70	\$ 85,376.00	-----	\$ 62.00	\$ 79,360.00

**TOTAL ADDITIVE BID (Mill/Overlay)**

**\$ 594,909.80**

**\$ 503,064.00**

**\$ 430,360.00**

# CONDITIONAL USE PERMIT CITY OF CONWAY, ARKANSAS

PROPERTY DESCRIPTION / ADDRESS / LOCATION:

This conditional use is for property located 1222-1224, 1223-1225, and 1227-1229 Jersey Street with the following legal description:

Lots 5 and 6, Block 8, Browns Subdivision; Lot 18, Block 6, Browns Subdivision

ZONING: T-4 Transitional in the NEOCA Specific Plan

CONDITIONAL USE PERMITTED TO MFB INVESTMENTS, LLC FOR: Clinic Treatment Services

DATE OF COUNCIL MEETING ALLOWING PERMITTED USE: November 25, 2014

CONDITIONS ATTACHED TO PERMIT:

1. Hours of operation will not be limited.
2. Conditional Use Permit is limited to the applicant, MFB Investments, LLC (Phoenix Recovery)
3. The conditional user permit is valid for one (1) year. Applicant must appear before the Conway City Council in November 2015 for review.
4. Counseling treatment services may not be offered to violent offenders and sex offenders.

APPROVED:

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

12/3/14  
 \_\_\_\_\_  
 Date

**From:** "M. Bell" <[matt.bell@entegritypartners.com](mailto:matt.bell@entegritypartners.com)>  
**Subject:** RE: Phoenix Recovery - Mental Health Services  
**Date:** April 10, 2017 at 10:10:10 AM CDT  
**To:** Bryan Patrick <[Bryan.Patrick@cityofconway.org](mailto:Bryan.Patrick@cityofconway.org)>  
**Cc:** "'[dean@phoenixarkansas.com](mailto:dean@phoenixarkansas.com)'" <[dean@phoenixarkansas.com](mailto:dean@phoenixarkansas.com)>

Thanks Bryan for the follow up.

We have been through the CARF certification process however we have decided to not pursue the conditional use for clinical treatment services. You may withdraw our conditional use permit as we will not be providing clinical treatment services and instead will be referring these clients to other providers.

Matt Bell, CEM, LEED AP BD&C  
Partner

---

1403 E 6<sup>th</sup> Street | Little Rock, AR 72202  
o: 800.700.1414 | c: 501.539.1501  
[matt.bell@EntegrityPartners.com](mailto:matt.bell@EntegrityPartners.com) | [www.EntegrityPartners.com](http://www.EntegrityPartners.com)



**From:** Bryan Patrick [<mailto:Bryan.Patrick@cityofconway.org>]  
**Sent:** Monday, April 10, 2017 9:53 AM  
**To:** Matt Bell  
**Subject:** Phoenix Recovery - Mental Health Services

Matt,

David Grimes brought to our attention that a review of the Phoenix Recovery clinic treatment services conditional use permit 1348 was to occur on April 11, 2017. We let this slip and the earliest the review can take place is at the next Council meeting on April 25, 2017. I've attached the conditional use permit below.

Can you give me an update on the treatment services? Has treatment services begun?

Thanks,  
Bryan

Bryan Patrick  
Director of Planning and Development  
1201 Oak Street  
Conway AR 72032  
501-450-6105  
[www.cityofconway.org](http://www.cityofconway.org)



**City of Conway, Arkansas  
Ordinance No. O-17-\_\_\_\_\_**

**AN ORDINANCE WAIVING THE REQUIREMENT TO OBTAIN COMPETITIVE BIDS FOR EQUIPMENT REPAIR,  
DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES**

**Whereas**, the engine has failed on asset #00054 a 2012 International 7500 Roll-Off Truck, which is utilized by the collections program of the Department of Sanitation to conduct business efficiently and in a timely manner and to fully and adequately provide roll-off collections for and on behalf of the inhabitants and businesses of the City; and

**Whereas**, Summit Truck Group is the central Arkansas dealer for International Truck parts and service, is an approved City vendor, and is able to provide these repair services in order for the collections program to conduct and maintain uninterrupted daily operations; and

**Whereas**, this matter represents an exceptional circumstance which renders the competitive bidding process impractical and unfeasible, because the type of repair requires the use of an authorized International Truck parts and service provider, and the use of the competitive bidding process would delay the completion of the repairs and therefore unnecessarily delay the return of the vehicle to service; and

**Whereas**, the Summit Truck Group quoted price for the repair of this equipment exceeds the amount that allows purchase without bids being taken.

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

**Section 1:** The City of Conway, because the competitive bidding process is impractical and unfeasible due to exceptional circumstances, shall waive the conditions of competitive bidding, so that competitive bidding requirements are hereby waived, and the repairs to asset #00054 for \$40,335.17 from the Summit Truck Group, are approved.

**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 25<sup>th</sup> day of April, 2017.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

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



**City of Conway, Arkansas  
Ordinance No. O-17-\_\_\_\_**

**AN ORDINANCE APPROPRIATING FUNDS FOR PROFESSIONAL SERVICES WITH GARVER ENGINEERS FOR THE DAVE WARD DRIVE PEDESTRIAN BRIDGE; AND FOR OTHER PURPOSES**

**Whereas**, the Conway City Council has approved a contract for professional services with Garver Engineers for the Dave Ward Pedestrian Bridge; and

**Whereas**, Garver Engineers has begun design work on the Dave Ward Pedestrian Bridge; and

**Whereas**, this project will be funded by the Conway Parks & Recreation A&P Funds.

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

**Section 1.** The City of Conway shall appropriate an amount of \$386,296 from Parks and Recreation A&P Fund Balance Appropriation (252-000-4900) to the Conway Parks Department Parks General CIP Bridge Projects Account (252-140-5908) for the Dave Ward Pedestrian Bridge design work.

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

**PASSED** this 25<sup>th</sup> day of April, 2017.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

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



**City of Conway, Arkansas  
Ordinance No. O-17-\_\_\_\_\_**

**AN ORDINANCE WAIVING BID REQUIREMENTS FOR THE CITY OF CONWAY PARKS AND RECREATION DEPARTMENT TO PURCHASE SPORTS UNIFORMS; AND FOR OTHER PURPOSES:**

**Whereas**, The Conway Parks and Recreation Department request waiving bids, in order to receive sports uniforms in a timely manner and to provide the citizens of Conway a vendor that can be easily accessible for all uniform requirements; and

**Whereas**, the Conway Parks and Recreation Department has obtained (3) three quotes from local vendors for sports uniforms and found that Randy's Athletic Shop, Inc. has offered the lowest cost and will be able to provide all uniforms in a timely manner.

**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 competitive bid requirement in order for the Conway Parks Department to use Randy's Athletic Shop, Inc for sports uniform.

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

**PASSED** this 25<sup>th</sup> day of April 2017.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

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





**City of Conway, Arkansas  
Resolution No. R-17-\_\_\_**

**A RESOLUTION AUTHORIZING THE NAMING OF FIELD #9 AT CONWAY STATION PARK TO YBMA FIELD  
AFTER THE FORMER YOUNG BUSINESS MEN'S ASSOCIATION (YBMA); AND FOR OTHER PURPOSES**

**Whereas**, YBMA operated the youth baseball program located at the old fairgrounds; and

**Whereas**, YBMA worked with the city to help provide a location for the creation of Conway Station Park; and

**Whereas**, Conway Station Park hosts not only league baseball games but hosts numerous baseball tournaments bringing thousands of visitors to the city; and

**Whereas**, the City of Conway wishes to remember the efforts of YBMA for their assistance with Conway Station Park.

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

**Section 1.** Field #9 at Conway Station Park in the City of Conway will hereafter be named and hereinafter referred to as the YBMA Field.

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

**ADOPTED** this 25<sup>th</sup> day of April 2017.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

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

**Sponsor:**

\_\_\_\_\_  
**David Grimes  
Alderman, Ward 1, Position 2**