City of Conway - City Council Meeting
www.cityofconway.org
Tuesday, June 25th, 2013 @ 6:30pm
Judge Russell L. “Jack” Roberts District Court Building – 810 Parkway St., Conway, AR 72032
5:30pm – No Committee Meeting

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

1. Report of Standing Committees:

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

      1. Consideration to approve a lead developer for the Spruce Street Pocket Housing Development.

      2. Consideration to approve the destruction of court records for District Court.

      3. Ordinance amending Ordinance O-05-142 clarifying the collection and enforcement and criminal penalties authorized by the Advertising and Promotion Act.

      4. Ordinance to establish a preference on competitive bids for contracts funded solely with city general fund.

      5. Consideration for approval for counteroffers on parcels 62, & 71 for right of acquisitions for the Conway Western Loop Project/South Interchange (Wills Baker Parkway).

      6. Consideration for approval for counteroffers on parcels 21 & 23 for right of acquisitions for the Prince Street improvements (Western Avenue to Shady Lane).

      7. Ordinance amending (O-09-103) authorizing the issuance of a promissory note for short term financing for Prince Street Improvement Project.

      8. Consideration to approve a conditional use permit request from St. Peter’s Episcopal Church to allow religious activities at property located at 1926 Prince Street.

      9. Consideration to approve a conditional use permit request from Shaver Properties to allow MF-1 density in R-2 zoning for property located at 702 Third Avenue and 727 Fourth Avenue.

     10. Ordinance amending the Conway Zoning Ordinance (O-95-54) in regards to the regulation of transmission towers.

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

      1. Ordinance requiring any person transportation litter, waste, etc. within the City of Conway to take reasonable steps to prevent its contents from blowing, dropping, etc. from the vehicle or trailer.
2. Ordinance establishing and setting commercial dumping or “tipping” sanitation fees for businesses located within the City of Conway.

3. Ordinance establishing the rates for residential sanitation collection fees for the Conway Sanitation Department.

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

1. Consideration to accept bids on a fire suppression system in the server room located at the Conway Emergency Operations Centers.

2. Ordinance allowing the Conway Fire Department members in the local plan to leave accrued balance on deposit with LOPFi.

3. Ordinance appropriating and accepting reimbursement and restitution fund from various entities for the Conway Police Department.

4. Ordinance appropriating funds for the purchase of land on Hogan Road for additional parking for the Communication Center.

D. Finance

1. Consideration to approve monthly financials ending May 31st, 2013.

E. Old Business

F. New Business

Adjournment
Memo

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

Mr. Mayor and City Council Members,

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

- Dakota Development, North Little Rock, AR
- Habitat for Humanity Faulkner County, Conway, AR
- Randy Wiggins Company, Inc., Sherwood, AR

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

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

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

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

_______________________________
District Court Clerk

_______________________________
City Council Member

_______________________________
Quorum Court Member

Subscribed and Sworn to me this ____ day of ________________, 2013.

_______________________________
Notary Public
AFFIDAVIT OF DESTRUCTION OF DISTRICT COURT RECORDS

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

<table>
<thead>
<tr>
<th>TYPE OF RECORD</th>
<th>TIME PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete case files and written exhibits for all courts</td>
<td>1/1/1969 – 12/31/2005</td>
</tr>
<tr>
<td>Show Cause Orders</td>
<td>1/1/1969 – 12/31/2005</td>
</tr>
<tr>
<td>Case information, including arrest reports and affidavits</td>
<td>1/1/1969 – 12/31/2005</td>
</tr>
<tr>
<td>Files concerning cases resulting in a suspended imposition of Sentence</td>
<td>1/1/1969 – 12/31/2005</td>
</tr>
</tbody>
</table>

__________________________
District Court Clerk

__________________________
Mayor for City of Conway

__________________________
Faulkner County Judge

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

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

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

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

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

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

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

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

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

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

Section 3: That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 25th day of June, 2013.

Approved:

____________________________
Mayor Tab Townsell

Attest:

___________________________
Michael O. Garrett
City Clerk/Treasurer
AN ORDINANCE TO ESTABLISH A THREE PERCENT (3%) PREFERENCE ON COMPETITIVE BIDS FOR CONTRACTS FUNDED SOLELY WITH CITY GENERAL FUND MONIES; AND FOR OTHER PURPOSES.

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

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

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

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

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

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

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

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

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

Section 8. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, as if such invalid or unconstitutional provision was not originally a part of this ordinance.
Section 9. All ordinances, resolutions, bylaws, and other matters inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

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

PASSED this 25th day of June, 2013.  

Approved:

__________________________
Mayor Tab Townsell

Attest:

__________________________
Michael O. Garrett  
City Clerk/Treasurer
June 19, 2013

Mayor Tab Townsell
1201 Oak Street
Conway, Arkansas 72032

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

Dear Mayor Townsell:

The following counter offers have been received and are submitted for your consideration.

Tract 62 – owner – Maynard
Original Offer - Market Value (3,198 Sq. Ft.) $1,600
Additional Compensation requested to replant Trees
Located on land being acquired $6,400
TOTAL COUNTEROFFER $8,000

Tract 71 – Owner - Valvia Smith
Original Offer- Market Value (18,366 S.F.) $58,550
Damages $6,100
Uneconomical Remnant (24,196 S.F.) (owners option) $2,400
Eligible Relocation Assistance (Market Value Adjustment.) $13,400
Total Original Offer $80,450
COUNTEROFFER:
Wants to build home on her property near this site. $110,000

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

Please advise if you are in agreement with this request.

Thanks,
Ronnie Hall, P.E.
APPRAISAL REPORT
ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Job: 080430  County: Faulkner  Tract: 71X and 71XE-1
Location: Hwy 365 - Sturgis Road
Fee Owner(S): Valvia J. Smith
Address: PO Box1389, Conway AR 72033-1389
Phone: 501 470 3720
Tenant(S): Owner occupied
Address: N/A
Phone: N/A

Area Of Whole: 42,562 SF  Permanent Easement(s): 0
Area Of Remainder: 24,196 SF  Temporary Easement(s): 1,975
Area Of Acquisition: 18,366 SF  
(Title Certificate and Legal Description Attached)

ESTIMATED FAIR MARKET VALUE OF THE PROPERTY

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

After
Land: 24,196 SF @ $0.10 per SF $ 2,400
Improvements: $ 0
Total: $ 2,400

FAIR MARKET VALUE OF ACQUISITION: $ 64,600

Temporary Easements: $ 50

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

ALLOCATION OF COMPENSATION

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

Total Compensation: $ 64,650

Gregory A. Zieba, Int. Appraiser
Arkansas Certified General Appraiser CG3161
February 25, 2013

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

Job: 080430  Tract: 71X & 71XE-1
MARKET DATA APPROACH
Land Only
(Whole and Remainder Property)

COMPARISON WITH SUBJECT PROPERTY

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

ADJUSTMENT FACTORS

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<thead>
<tr>
<th>Conditions of Sale</th>
<th>Arms-Length</th>
<th>Arms-Length</th>
<th>Arms-Length</th>
<th>Arms-Length</th>
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<tr>
<td>Improvement(s)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
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<tr>
<td>ADJUSTED SALES PRICE</td>
<td>$0.32/SF</td>
<td>$0.46/SF</td>
<td>$0.20/SF</td>
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<td>Time</td>
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<td>+$0.01</td>
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<td>Location</td>
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<td>Similar</td>
</tr>
<tr>
<td>Size</td>
<td>+$0.04</td>
<td>-$0.10</td>
<td>+$0.14</td>
<td>-$0.08</td>
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<td>Topography</td>
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<td>Utilities</td>
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<td>Other</td>
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<td>Non-contiguous</td>
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<tr>
<td>INDICATED UNIT VALUE</td>
<td>$0.33/SF</td>
<td>$0.36/SF</td>
<td>$0.33/SF</td>
<td>$0.31/SF</td>
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</table>

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

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

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

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

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

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

CORRELATION OF INDICATED VALUES:
After adjustments, the indicated range in value for the subject land as a whole in its “before”
state varies from $0.31 to $0.36 per square foot. All four of the properties were given
consideration in the value estimate.

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

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

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

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

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

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

RESIDENTIAL PROPERTY

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

EXTERIOR CONSTRUCTION

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

INTERIOR CONSTRUCTION

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

ROOMS

<table>
<thead>
<tr>
<th></th>
<th>Living</th>
<th>Kitchen</th>
<th>Bedroom</th>
<th>Bedroom</th>
<th>Bedroom</th>
<th>Bath</th>
<th>Bath</th>
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</thead>
<tbody>
<tr>
<td>WALLS</td>
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<tr>
<td>CEILING</td>
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<tr>
<td>FLOORS</td>
<td>Carpet</td>
<td>Vinyl</td>
<td>Carpet</td>
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<td>Vinyl</td>
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<tr>
<td>CLOSETS</td>
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<td>Panel</td>
<td>Panel</td>
<td>Panel</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Job: 080430 Tract: 71X & 71XE-1
### RESIDENTIAL MARKET DATA ANALYSIS

(Whole Property)

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

### EXPLANATION OF ADJUSTMENTS:

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

Job: 080430  Tract: 71X & 71XE-1
monthly rate of 0.17%, which was applied to the sales prices of the comparable properties. For a more detailed description of this market conditions analysis, please refer to the sale brochure. However, since all three properties sold within the five months preceding the appraisal, no adjustments were made.

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

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

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

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

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

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

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

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

Ideally, these adjustments are made based on a paired-sales analysis where two fairly similar properties are compared, having only one dissimilar characteristic. Any difference in the sales price can then be attributed to this item. Most often however, especially in rural areas, there are few sales of truly comparable properties to begin, and generally a paired sales analysis is
impossible given the lack of similarities between the properties that have sold. Such is the case in this instance. Consequently, the appraiser has identified the significant differences, and using his judgment and experience, has attempted to make adjustments to reflect those differing characteristics.

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

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

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

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

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Cost</td>
<td>$45.74</td>
</tr>
<tr>
<td>Carpet</td>
<td>2.95</td>
</tr>
<tr>
<td>Drywall interior</td>
<td>1.07</td>
</tr>
</tbody>
</table>

Job: 080430  Tract: 71X & 71XE-1
Heat and A/C  
---
Subtotal  $51.42
Current cost multiplier  1.03
Local cost multiplier  0.92
Adjusted replacement cost new  $48.73

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

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

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

Estimated Value .................. $67,000

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

Estimated Value of Remainder After Taking:
Cost Approach ....................... Not Applicable
Income Approach ..................... Not used
Market Data Approach ............. $2,400

Estimated Value .................. $2,400

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

ESTIMATED VALUE OF PART SOUGHT INCLUDING ALL DAMAGES OR BENEFITS: $64,600.00
TEMPORARY CONSTRUCTION EASEMENTS ........................................... $50.00
TOTAL COMPENSATION ................................................................. $64,650.00
DESCRIPTION
Improvements consists of a 1997 model 28' x 50 manufactured home in good condition

SALVAGE VALUE; $5,000.00

Justification of Salvage.
The home will have to be relocated within a short time frame. Tongees and axels would have to be acquired, and the home prepared for removal. For this reason it is believed that the most someone would pay to salvage the home would be $5,000.
**ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT**
**DETERMINATION OF PRICE DIFFERENTIAL ELIGIBILITY**
**SUMMARY AND CERTIFICATION**

**Job Information:**
80430 Conway Arterial  
Faulkner

**Tract Information:**
71X  
Valvia J. Smith

<table>
<thead>
<tr>
<th>Subject Address</th>
<th>Listing #1</th>
<th>Listing #2</th>
<th>Listing #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>368 Sturgie Rd.</td>
<td>33 Valley Rd.</td>
<td>17 Madrid</td>
<td>105 S. Center</td>
</tr>
<tr>
<td>Proximity</td>
<td>4 miles</td>
<td>9 miles</td>
<td>5 miles</td>
</tr>
<tr>
<td>Cost</td>
<td>64,600</td>
<td>$75,000.00</td>
<td>$78,000.00</td>
</tr>
<tr>
<td>Type</td>
<td>Vinyl - 1 story</td>
<td>Brick Ranch</td>
<td>Vinyl - 1 story</td>
</tr>
<tr>
<td>Site</td>
<td>.42 acres</td>
<td>.75 acres</td>
<td>1.87 acres</td>
</tr>
<tr>
<td>Gross Living Area</td>
<td>1,356 s.f.</td>
<td>1,458 s.f.</td>
<td>1,588 s.f.</td>
</tr>
<tr>
<td>Total Rooms</td>
<td>six</td>
<td>six</td>
<td>six</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>three</td>
<td>three</td>
<td>three</td>
</tr>
<tr>
<td>Bathrooms</td>
<td>two</td>
<td>two</td>
<td>one</td>
</tr>
<tr>
<td>Heat and Air</td>
<td>Central/elec.</td>
<td>Central</td>
<td>Central/elec.</td>
</tr>
<tr>
<td>Parking</td>
<td>Gravel</td>
<td>2 car det. Garage</td>
<td>2 car det. Garage</td>
</tr>
<tr>
<td>Patio / Porch</td>
<td>Deck</td>
<td>N/A</td>
<td>deck</td>
</tr>
<tr>
<td>Condition</td>
<td>good</td>
<td>good</td>
<td>good</td>
</tr>
<tr>
<td>Ext. Attributes</td>
<td></td>
<td></td>
<td>1 car carport</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

---

**Price of Selected Comparable**

<table>
<thead>
<tr>
<th>Amount</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>$64,600.00</td>
<td>$78,000.00</td>
</tr>
</tbody>
</table>

**Base Dwelling and Dwelling Site Acquisition Cost**

| Is there an uneconomic remnant? | NO |
| Ext. Attribute Carve Outs? | |

**TOTAL DWELLING AND DWELLING SITE ACQUISITION COST**

| 64,600.00 |

**MAXIMUM TOTAL PRICE DIFFERENTIAL PAYMENT ELIGIBILITY**

| 13,400.00 |

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

$13,400.00

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

It is my understanding that this determination is to be used in connection with a Federal Aid Highway project.
I hereby certify that I have no direct or indirect present or contemplated personal interest in this price differential calculation; that I will not derive any benefit from the relocation assistance and payments provided; that compensation for this determination of price differential payment is not contingent upon any value conclusions as herein set forth and that all statements herein are true to the best of my knowledge and belief.
May 28, 2013

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

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

Dear Mayor Townsell;

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

Parcel 21 – Four Winds Property – Trinity Square Apartments 289 SF Right of Way + Fence Reconstruction.
Original Settlement Amount: Appraised Value $1,160.00
Replace Decorative Fence $12,500.00
Total Original Offer $13,660.00
Additional Request:
   6’ high Decorative Fence rather than 4’ fence due to reduced setback from traffic +3,000.00
TOTAL COUNTER OFFER AMOUNT $16,660.00

Parcel 23 – Tony Salter & Reda Salter (Salter Realty)
79.5 SF Right of Way + Sign relocations + loss of Parking
Original Settlement Amount $6,240.00
Additional Request:
   1. Remove island in Parking Lot and pave island
   2. Area to allow parking proper parking.
      Waive additional parking requirements if Building is expanded.
   3. Try to alleviate drainage obstruction at southeast corner of Parking Area.
      No Change in value requested.

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

Please advise if you have questions or need additional information.

Thanks,
Ronnie Hall, P.E.
City of Conway, Arkansas
Ordinance No. O-13-_____  

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

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

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

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

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

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

SECTION 2: That under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment No. 78 and the Act, the previous authorization of the Promissory Note is hereby authorized and ordered issued confirmed in the principal amount of up to $2,000,000 for the purpose of financing all or a portion of the cost for construction of improvements upon, and/or acquisition of, the Property and paying expenses of issuing the Note of the Project. The Note shall be dated the date of its issuance and shall bear interest on the outstanding principal amount at a fixed rate not to exceed of ___% per annum (calculated on the basis of the actual number of days elapsed in a year of 365 days (366 days in a leap year). The Note shall be repaid in five substantially equal amount amortized installments of principal and interest, commencing one year from the date of the Note and continuing on the same day of each year thereafter, with the final installment due five years from the date of the Note within five years from the first draw thereunder, and the Note shall commence to bear interest as of such date as contemplated by Arkansas Code Annotated § 14-78-102(4) and § 14-78-104(d), respectively. The Note shall be issued in fully registered form.
SECTION 3. That the Lender shall be has previously been selected by the Mayor, and approved by the City Council, based upon the commitment or proposal for the Loan that the Mayor determines has determined to have the lowest cost to the City after soliciting the City's Director of Finance has solicited proposals or commitments for the Loan from at least three financial institutions having offices in Faulkner County. The Mayor shall have the right to reject any and all proposals and commitments.

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

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

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

SECTION 7. That in the event any title, section, paragraph, item, sentence, clause, phrase, or word of this Ordinance is declared or adjudged to the be invalid or unconstitutional, such declaration or adjudication shall not be affect the remaining portions of this Ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Ordinance.

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

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

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

Passed on this 25th day of June, 2013. Approved:

_________________________
Mayor Tab Townsell

Attest:

_________________________
Michael O. Garrett
City Clerk/Treasurer
June 18, 2013

Council Members
Conway, AR 72032

Dear Council Members:

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

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

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

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

Sincerely,

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

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

JUNE 2013
1 in = 300 ft
June 18, 2013

Council Members
Conway, AR 72032

Dear Council Members:

Allen Shaver, Shaver Properties, request for a Conditional Use Permit to allow MF-1 density in R-2 zoning for property located at 702 Third Avenue and 727 Fourth Avenue with the legal description Lots 15, 16, 17, 18, and also the closed portion of Vine Street in Block 6, R. L. Hayes Addition.

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

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

Sincerely,

Jon Arms, Chair
Planning Commission
AN ORDINANCE AMENDING THE CONWAY ZONING ORDINANCE O-95-54 REGULATIONS CONCERNING TRANSMISSION TOWERS; AND FOR OTHER PURPOSES:

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

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

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

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

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

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

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

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

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

SECTION 601.14 - HEIGHT

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

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

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

Utility lines, when crossing public rights-of-way or easement, shall maintain a minimum clearance of eighteen (18) feet measured at the crown of the roadway.
SECTION 3. That Ordinance O-94-54, Article 601 Special Provisions Conditions Applying to Uses, Section 601.26 be amended as follows:

SECTION 601.26 – TRANSmission TOWER/STATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Carrier on Wheels (COW). A carrier on wheels defined as a portable self-contained telecommunications facility normally mounted on a vehicle, may be allowed to offer temporary or emergency wireless service. The Mayor, or his
representative may issue a permit to allow a carrier on wheels for special events, or emergency service for a period not to exceed 90 days.

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

<table>
<thead>
<tr>
<th>ALLOWED USES</th>
<th>R-1</th>
<th>R-2A</th>
<th>R-2</th>
<th>SR</th>
<th>MF-1</th>
<th>MF-2</th>
<th>MF-3</th>
<th>RMH</th>
<th>HR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transmission Tower/Station</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>ALLOWED USES</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transmission Tower/Station</td>
<td>C</td>
</tr>
</tbody>
</table>

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

| ALLOWED USES | R-1 | R-2 | R-2A | 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 | I-3 | A-1 | S-1 | S-2 | TJ |
|--------------|-----|-----|------|----|------|------|------|-----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Radio transmitting station or tower other than amateur | C   | C   | C   | C  | C    | C    | C    | C   | C  | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   |
| Telegraph transmitting or receiving station | X   | E   | X   | E  | E    | X   | E   | E   | E  | E   | E   | E   | E   | E   | E   | E   | E   | E   | E   | E   | E   | E   | E   |
| Telegraph exchange station or relay-tower | C   | C   | C   | C  | C    | C    | C    | C   | C  | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   |
| Transmission Tower/Station | C   | C   | C   | C  | C    | C    | C    | C   | C  | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   |

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

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

PASSED this ___ day of June, 2013.

APPROVED:

__________________________
Mayor Tab Townsell

ATTEST:

__________________________
Michael O. Garrett
City Clerk/Treasurer
June 18, 2013

Council Members
Conway, AR 72032

Dear Council Members:

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

Sincerely,

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

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

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

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

Section 1. Any person operating any truck or other vehicle to transport litter, waste, trash, or garbage within the City of Conway shall take reasonable steps to prevent its contents from blowing, dropping, falling off, or otherwise departing from the vehicle or attached utility trailer. Such reasonable steps may include a secure cover or tarp if reasonably necessary to prevent the contents from blowing, dropping, falling off, or otherwise departing from the vehicle or utility trailer. However, no vehicle hauling predominately metallic material shall be required to be covered if it is loaded in a manner which will prevent the material from falling or dropping from the vehicle or utility trailer.

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

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

The penalty for subsequent offenses shall be:

A. Not less than Fifty Dollars ($50.00) and not more than two hundred fifty dollars ($250.00) for the second offense that occurs within twelve (12) months of the prior offense.

B. Not less than One Hundred Dollars ($100.00) and not more than two hundred fifty dollars ($500.00) for the third offense that occurs within twelve (12) months.

C. Not less than two hundred fifty dollars ($250.00) and not more than Five Hundred Dollars ($500.00) for the fourth and all subsequent offenses that occur within twelve (12) months.

Section 4. That this ordinance is intended to be supplemental to and not in conflict with the Litter Control Act of 1977 (Ark. Code Ann. § 8-6-401, et seq).
Section 5. Any ordinances in conflict herewith are hereby repealed to the extent of the conflict.

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

Passed this 25th day of June, 2013.

Approved:

____________________________
Mayor Tab Townsell

Attest:

____________________________
Michael O. Garrett
City Clerk/Treasurer
AN ORDINANCE ESTABLISHING AND SETTING COMMERCIAL DUMPING OR “TIPPING” SANITATION FEES FOR BUSINESSES LOCATED WITHIN THE CITY OF CONWAY; AMENDING CONWAY MUNICIPAL CODE SECTION 5.04.21; AND FOR OTHER PURPOSES.

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

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

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

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

<table>
<thead>
<tr>
<th>Container Type</th>
<th>Rental Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 yard dumpster</td>
<td>$30.00 per month</td>
</tr>
<tr>
<td>6 yard dumpster</td>
<td>$53.00 per month</td>
</tr>
<tr>
<td>20 yard open top container</td>
<td>$75.00 per month</td>
</tr>
<tr>
<td>30 yard open top container</td>
<td>$85.00 per month</td>
</tr>
<tr>
<td>40 yard open top container</td>
<td>$95.00 per month</td>
</tr>
</tbody>
</table>

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

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

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

PASSED this 25**th** day of June, 2013.

Approved:

_______________________________
Mayor Tab Townsell

Attest:

_______________________________
Michael O. Garrett
City Clerk/Treasurer
AN ORDINANCE ESTABLISHING THE RATES FOR RESIDENTIAL SANITATION COLLECTION FEES; AMENDING ORDINANCE NO. O-12-06; AND SECTION 5.04.04(G) OF THE CONWAY MUNICIPAL CODE; AND FOR OTHER PURPOSES.

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

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

SECTION 1: That residential sanitation service collection fee rates shall be established as follows: The residential sanitation collection fees for resident of the City of Conway (as defined in prior ordinances for homes, apartments, residences, mobile homes, and dwelling units, excluding trailer and mobile home parks, which are treated as commercial pursuant to Ordinance No. O-06-167) shall be charged at the rate of $17.00 per month through December 31, 2013.

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

- 2014: $17.85
- 2015: $18.74
- 2016: $19.68
- 2017: $20.66
- 2018: $21.69

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

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

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

PASSED this 25th day of June 2013.

Approved:

Attest: ____________________________
Mayor Tab Townsell

_________________________
Michael O. Garrett
City Clerk/Treasurer
MEMORANDUM

TO: Mayor, City Council

FROM: Lloyd Hartzell

DATE: June 11, 2013

SUBJECT: Bid acceptance

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

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

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

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

Thank you for your consideration.

Sincerely,

Lloyd Hartzell
Director of Information Technology, CTO
AN ORDINANCE FOR THE CONWAY FIRE DEPARTMENT REGARDING DROP MEMBERS OF THE LOPFI; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

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

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

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

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

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

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

Section 3. This ordinance is necessary for the protection of the public peace, health and safety, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 25th day of June, 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer
AN ORDINANCE APPROPRIATING & ACCEPTING REIMBURSEMENTS AND RESTITUTION FUNDS FROM VARIOUS ENTITIES FOR THE CITY OF CONWAY POLICE DEPARTMENT; AND FOR OTHER PURPOSES

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

<table>
<thead>
<tr>
<th>Entity</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dist. Court of Faulkner Cty</td>
<td>$100.84</td>
<td>Restitution funds</td>
</tr>
<tr>
<td>Insurance Proceeds</td>
<td>$12,177.93</td>
<td>Insurance proceeds</td>
</tr>
<tr>
<td>Various Companies</td>
<td>$2,850</td>
<td>Donations received for Child Safety Fair</td>
</tr>
<tr>
<td>Various Companies</td>
<td>$20,688.37</td>
<td>Extra duty services</td>
</tr>
<tr>
<td>US Dept of Treasury</td>
<td>$2,570.40</td>
<td>Reimbursement for Overtime</td>
</tr>
<tr>
<td>Public Processing</td>
<td>$5,386.04</td>
<td>Auction Proceeds</td>
</tr>
</tbody>
</table>

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

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

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

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

<table>
<thead>
<tr>
<th>Expenditure Account</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>001.121.5450</td>
<td>$9,081.09</td>
<td>Damaged Vehicles Repairs</td>
</tr>
<tr>
<td>001.121.5799</td>
<td>$408.80</td>
<td>Reimbursement of K9 medical services</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Expenditure Account</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>001.121.5114</td>
<td>$14,335.37</td>
<td>Overtime</td>
</tr>
<tr>
<td>001.121.5140</td>
<td>$4,999</td>
<td>LOPFI</td>
</tr>
<tr>
<td>001.121.5170</td>
<td>$1,084</td>
<td>FICA</td>
</tr>
<tr>
<td>001.121.5181</td>
<td>$270</td>
<td>Workers Comp</td>
</tr>
</tbody>
</table>

Section 5. The City of Conway shall accept funds in the amount of $2,570.40 and appropriate from Revenue Account 001.121.4186 and reimburse the Police Department’s overtime expense account, 001.121.5114.
Section 6. The City of Conway shall accept funds in the amount of $5,386.04 and appropriate from Revenue Account 001.121.4799 to the Conway Police Departments Fleet expense account, 001.121.5450.

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

PASSED this 25th day of June, 2013.

Approved:

___________________________
Mayor Tab Townsell

Attest:

___________________________
Michael O. Garrett
City Clerk/Treasurer
AN ORDINANCE APPROPRIATING FUNDS FOR THE PURCHASE OF LAND ON HOGAN ROAD AND FOR OTHER PURPOSES FOR THE CONWAY COMMUNICATION CENTER:

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

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

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

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

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

PASSED this 25th day of June, 2013.

Approved:

_________________________________
Mayor Tab Townsell

Attest:

_________________________________
Michael O. Garrett
City Clerk/Treasurer
City of Conway, Arkansas

Monthly Financial Reports

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

### Revenues

<table>
<thead>
<tr>
<th>Activity</th>
<th>Budget</th>
<th>Month</th>
<th>Year to Date</th>
<th>Encumbere d</th>
<th>(Over)/Under Budget</th>
<th>% Expend/Collect</th>
</tr>
</thead>
</table>

- **Ad Valorem Tax**: 2,938,000  
  132,214  
  174,591  
  2,763,409  
  6%
- **Payments in Lieu of Tax**: 23,000  
  -  
  -  
  23,000  
  0%
- **State Tax Turnback**: 2,000,000  
  138,725  
  820,000  
  1,180,000  
  41%
- **Sales Tax**: 17,440,000  
  224,266  
  1,042,071  
  1,592,929  
  40%
- **Airport Revenue**: 70,000  
  6,140  
  30,698  
  39,303  
  44%
- **Airport Fuel Sales .05 / GAL**: 10,500  
  -  
  -  
  10,500  
  39%
- **Permits**: 470,000  
  44,863  
  258,079  
  211,808  
  55%
- **ACIEA Revenues**: -  
  -  
  -  
  -  
  100%
- **Dog Tags & Fees**: 25,000  
  2,340  
  9,620  
  15,380  
  38%
- **Municipal Court Fines and Fees**: 745,000  
  151,492  
  324,093  
  420,907  
  44%
- **Law Enforcement**: 808,074  
  51,023  
  253,721  
  554,352  
  31%
- **Federal Grant Revenues**: 50,000  
  -  
  30,946  
  19,054  
  62%
- **Insurance Proceeds**: 1,645  
  2,670  
  38,110  
  (36,465)  
  100%
- **Parks**: 450,000  
  38,247  
  283,079  
  39,303  
  37%
- **Interest Income**: 2,700  
  311  
  4,979  
  (4,570)  
  100%
- **Act 749 Public Safety**: 1,500  
  131  
  379  
  921  
  39%
- **Donations**: 3,895  
  1,201  
  4,798  
  (903)  
  123%
- **Act 833 Revenue**: 80,000  
  41,856  
  43,378  
  36,622  
  54%
- **Miscellaneous Revenues**: 127,150  
  12,443  
  64,157  
  62,993  
  50%
- **Transfers from Other Funds**: 423,000  
  -  
  156,100  
  266,900  
  37%
- **Fund Balance Appropriation**: 466,065  
  -  
  -  
  466,065  
  0%

**Total Revenues**: 29,178,529  
2,513,810  
10,918,560  
-  
18,259,969  
37%

### Expenditures

<table>
<thead>
<tr>
<th>Activity</th>
<th>Budget</th>
<th>Month</th>
<th>Year to Date</th>
<th>Encumbere d</th>
<th>(Over)/Under Budget</th>
<th>% Expend/Collect</th>
</tr>
</thead>
</table>

- **Admin (Mayor, HR)**: 574,313  
  40,361  
  171,338  
  213,14  
  381,662  
  30%
- **Finance**: 372,081  
  26,013  
  139,941  
  454  
  231,686  
  38%
- **City Clerk/Treasurer**: 220,525  
  13,467  
  66,743  
  -  
  153,782  
  30%
- **City Council**: 83,400  
  6,826  
  33,524  
  150  
  49,726  
  40%
- **Permits and Planning**: 785,979  
  51,857  
  289,699  
  7,074  
  492,026  
  37%
- **Physical Plant**: 580,048  
  60,897  
  240,321  
  6,116  
  333,611  
  41%
- **Fleet Maintenance**: 174,999  
  12,630  
  66,762  
  5,348  
  102,900  
  38%
- **Information Technology**: 1,258,009  
  50,061  
  306,315  
  492,699  
  458,995  
  24%
- **Airport**: 32,500  
  20,841  
  51,537  
  -  
  (19,037)  
  159%
- **Nondepartmental**: 568,521  
  35,706  
  325,946  
  1,039  
  241,536  
  57%
- **Police**: 10,680,251  
  896,984  
  4,315,420  
  65,726  
  6,299,105  
  48%
- **Animal Welfare**: 474,422  
  29,706  
  166,402  
  14,134  
  293,866  
  35%
- **Municipal District Court**: 836,481  
  65,359  
  349,277  
  2,227  
  484,976  
  42%
- **City Attorney**: 336,758  
  26,938  
  126,417  
  1,647  
  208,694  
  38%
- **Fire**: 8,894,054  
  716,908  
  3,504,261  
  132,931  
  5,256,862  
  39%
- **Parks**: 2,825,194  
  212,762  
  933,094  
  17,351  
  1,874,749  
  33%

**Total Expenditures**: 29,197,534  
2,267,316  
11,086,996  
768,208  
16,842,330  
39%

### Net Revenue/(Expense)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Budget</th>
<th>Month</th>
<th>Year to Date</th>
<th>Encumbere d</th>
</tr>
</thead>
</table>

| 19,005  
2,267,316  
11,086,996  
768,208  
17,342,330  
38% |

*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

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

$ 1,849,937
City of Conway  
Balance Sheet - General Fund  
For the month ended May 31, 2013

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash - Operating</td>
<td>3,644,732</td>
</tr>
<tr>
<td>Cash - Reserve</td>
<td>500,000</td>
</tr>
<tr>
<td>Petty Cash</td>
<td>715</td>
</tr>
<tr>
<td>Taxes Receivable</td>
<td>3,022,929</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>2,826,714</td>
</tr>
<tr>
<td>Due from Other Funds</td>
<td>41,105</td>
</tr>
<tr>
<td>Due from Street</td>
<td>10,355</td>
</tr>
<tr>
<td>Fleet Inventory</td>
<td>15,539</td>
</tr>
<tr>
<td>Fuel Inventory</td>
<td>39,155</td>
</tr>
<tr>
<td><strong>Assets</strong></td>
<td><strong>10,101,245</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade Accounts Payable</td>
<td>(365,632)</td>
</tr>
<tr>
<td>Group Insurance Payable</td>
<td>22,946</td>
</tr>
<tr>
<td>LOPFI Payable</td>
<td>118,099</td>
</tr>
<tr>
<td>Misc. Deductions Payable</td>
<td>(15,930)</td>
</tr>
<tr>
<td>Event Deposits</td>
<td>400</td>
</tr>
<tr>
<td>Due to Other Funds</td>
<td>513,442</td>
</tr>
<tr>
<td>Deferred Revenue</td>
<td>2,518,794</td>
</tr>
<tr>
<td><strong>Liabilities</strong></td>
<td><strong>2,792,118</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance - Committed to cash flow</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Fund Balance - Committed to reserve</td>
<td>500,000</td>
</tr>
<tr>
<td>Fund Balance - Unassigned</td>
<td>4,809,127</td>
</tr>
<tr>
<td><strong>Fund Balance</strong></td>
<td><strong>7,309,127</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Liabilities &amp; Fund Balance</strong></td>
<td><strong>10,101,245</strong></td>
</tr>
</tbody>
</table>

*All figures are unaudited*
City of Conway
Monthly Financial Report - Street Fund
For the month ended May 31, 2013

<table>
<thead>
<tr>
<th>Revenues</th>
<th>Budget</th>
<th>Month Activity</th>
<th>Year to Date</th>
<th>Encumbered</th>
<th>(Over)/Under Budget</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad Valorem Tax</td>
<td>1,350,000</td>
<td>68,494</td>
<td>89,762</td>
<td>1,260,238</td>
<td>12,000</td>
<td>0%</td>
</tr>
<tr>
<td>Payments in Lieu of Tax</td>
<td>12,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>12,000</td>
<td>7%</td>
</tr>
<tr>
<td>State Tax Turnback</td>
<td>2,800,000</td>
<td>208,226</td>
<td>970,517</td>
<td>1,829,483</td>
<td>972,372</td>
<td>35%</td>
</tr>
<tr>
<td>Severance Tax</td>
<td>175,000</td>
<td>18,483</td>
<td>102,628</td>
<td>72,372</td>
<td>144,310</td>
<td>41%</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>245,000</td>
<td>20,939</td>
<td>100,690</td>
<td>500</td>
<td>500</td>
<td>59%</td>
</tr>
<tr>
<td>Sign Permits</td>
<td>500</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>500</td>
<td>0%</td>
</tr>
<tr>
<td>Engineering Fees</td>
<td>7,500</td>
<td>450</td>
<td>3,900</td>
<td>3,600</td>
<td>52%</td>
<td>52%</td>
</tr>
<tr>
<td>Interest Income</td>
<td>3,500</td>
<td>944</td>
<td>8,647</td>
<td>(5,147)</td>
<td>(1,490)</td>
<td>247%</td>
</tr>
<tr>
<td>Miscellaneous Revenues</td>
<td>-</td>
<td>75</td>
<td>1,490</td>
<td>(1,490)</td>
<td>(1,490)</td>
<td>100%</td>
</tr>
</tbody>
</table>

**Total Revenues** 4,593,500 317,611 1,277,633 - 3,315,867 28%

<table>
<thead>
<tr>
<th>Expenditures</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>2,032,337</td>
<td>152,164</td>
<td>726,510</td>
<td>-</td>
<td>1,305,827</td>
<td>36%</td>
</tr>
<tr>
<td>Other Operating Costs</td>
<td>2,409,842</td>
<td>65,807</td>
<td>561,926</td>
<td>226,355</td>
<td>1,621,561</td>
<td>23%</td>
</tr>
<tr>
<td>Total Operating Costs</td>
<td>4,442,179</td>
<td>217,971</td>
<td>1,288,436</td>
<td>226,355</td>
<td>2,927,388</td>
<td>29%</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>189,760</td>
<td>-</td>
<td>91,610</td>
<td>-</td>
<td>98,150</td>
<td>48%</td>
</tr>
</tbody>
</table>

**Total Expenditures** 4,631,939 217,971 1,380,046 226,355 3,025,538 30%

**Net Revenue/(Expense)** (38,439) (102,413)

*All figures are unaudited*

Notes:
1) Budget column is current budget which includes all year-to-date adjustments, if any.
City of Conway  
Balance Sheet - Street Fund  
For the month ended May 31, 2013

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

*All figures are unaudited*
## Revenues

<table>
<thead>
<tr>
<th>Activity</th>
<th>Budget</th>
<th>Month</th>
<th>Year to Date</th>
<th>Encumbered</th>
<th>% Over/Under Budget</th>
<th>Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanitation Fees</td>
<td>7,620,000</td>
<td>651,876</td>
<td>2,336,309</td>
<td>5,283,691</td>
<td>31%</td>
<td></td>
</tr>
<tr>
<td>Proceeds - Recycled Materials</td>
<td>200,000</td>
<td>31,184</td>
<td>255,526</td>
<td>(55,526)</td>
<td>128%</td>
<td></td>
</tr>
<tr>
<td>Landfill Fees - General</td>
<td>240,000</td>
<td>21,508</td>
<td>81,755</td>
<td>158,245</td>
<td>34%</td>
<td></td>
</tr>
<tr>
<td>Interest Income</td>
<td>50,000</td>
<td>3,429</td>
<td>28,584</td>
<td>21,416</td>
<td>57%</td>
<td></td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>8,110,000</td>
<td>707,997</td>
<td>2,702,175</td>
<td>-</td>
<td>5,407,825</td>
<td>33%</td>
</tr>
</tbody>
</table>

## Expenditures

<table>
<thead>
<tr>
<th>Activity</th>
<th>Budget</th>
<th>Month</th>
<th>Year to Date</th>
<th>Encumbered</th>
<th>% Over/Under Budget</th>
<th>Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>3,671,983</td>
<td>292,886</td>
<td>1,401,397</td>
<td>-</td>
<td>2,270,586</td>
<td>38%</td>
</tr>
<tr>
<td>Other Operating Costs</td>
<td>3,170,103</td>
<td>148,618</td>
<td>895,683</td>
<td>211,699</td>
<td>2,062,722</td>
<td>28%</td>
</tr>
<tr>
<td><strong>Total Operating Costs</strong></td>
<td>6,842,086</td>
<td>441,505</td>
<td>2,297,080</td>
<td>211,699</td>
<td>4,333,308</td>
<td>34%</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,267,914</td>
<td>9,633</td>
<td>267,300</td>
<td>-</td>
<td>1,000,614</td>
<td>21%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>8,110,000</td>
<td>451,138</td>
<td>2,564,379</td>
<td>211,699</td>
<td>5,333,922</td>
<td>32%</td>
</tr>
<tr>
<td><strong>Net Revenue/(Expense)</strong></td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td>137,795</td>
<td>32%</td>
</tr>
</tbody>
</table>

*All figures are unaudited*

Notes:

1) Budget column is current budget which includes all year-to-date adjustments, if any.
2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.
City of Conway  
Balance Sheet - Sanitation  
For the month ended May 31, 2013

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash - Operating</td>
<td>1,249,984</td>
</tr>
<tr>
<td>Petty Cash</td>
<td>200</td>
</tr>
<tr>
<td>Post Closure Cash Account</td>
<td>4,480,121</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>(735)</td>
</tr>
<tr>
<td>Due from Other Funds</td>
<td>65,165</td>
</tr>
<tr>
<td>General Inventory</td>
<td>2,122</td>
</tr>
<tr>
<td>Land &amp; Buildings</td>
<td>4,394,619</td>
</tr>
<tr>
<td>Accum Dep - Buildings</td>
<td>(467,002)</td>
</tr>
<tr>
<td>Accum Dep - Land Improvements</td>
<td>(1,048,320)</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>691,618</td>
</tr>
<tr>
<td>Accum Dep - Infrastructure</td>
<td>(330,209)</td>
</tr>
<tr>
<td>Machinery and Equipment</td>
<td>9,815,323</td>
</tr>
<tr>
<td>Accum Dep - M&amp;E</td>
<td>(4,133,121)</td>
</tr>
<tr>
<td>Construction in Progress</td>
<td>689,767</td>
</tr>
</tbody>
</table>

| **Assets**                                           | **15,409,532** |

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade Accounts Payable</td>
<td>35,151</td>
</tr>
<tr>
<td>Salaries Payable</td>
<td>331,413</td>
</tr>
<tr>
<td>Group Insurance Payable</td>
<td>8,806</td>
</tr>
<tr>
<td>Net Pension Obligation</td>
<td>855,700</td>
</tr>
<tr>
<td>Due to Other Funds</td>
<td>380</td>
</tr>
<tr>
<td>Accrued Interest Payable</td>
<td>32,255</td>
</tr>
<tr>
<td>2010 Recycling Note - US Bank</td>
<td>809,873</td>
</tr>
<tr>
<td>Landfill Close/Post Close</td>
<td>4,386,590</td>
</tr>
</tbody>
</table>

| **Liabilities**                                      | **6,460,167** |

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Net Assets</strong></td>
<td><strong>8,949,365</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Liabilities and Net Assets</strong></td>
<td><strong>15,409,532</strong></td>
</tr>
</tbody>
</table>

*All figures are unaudited*