

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



Aldermen

Ward 1 Position 1 – Andy Hawkins

Ward 1 Position 2 – David Grimes

Ward 2 Position 1 – Mark Vaught

Ward 2 Position 2 – Shelley Mehl

Ward 3 Position 1 – Jack Bell

Ward 3 Position 2 – Mary Smith

Ward 4 Position 1 – Theodore Jones, Jr.

Ward 4 Position 2 – Shelia Whitmore

CITY OF CONWAY

**5:30pm – Committee Meeting
Bond Issue**

6:30pm -- Council Meeting
Courtroom in District Court Building
810 Parkway, Conway, AR 72034
May 8th, 2007

1. Call to Order

2. Roll Call

3. Minutes: April 24th, 2007

4. Recognition of Guests:

5. Public Hearings:

- A. Public hearing to discuss an easement reduction in the 15' utility easement running along the East side of the Lot 184 Westin Park Subdivision, with a property address of 330 Esplande Avenue.

1. Ordinance reducing the easement located at 330 Esplande Avenue by 5 feet.

6. Report of Standing Committees:

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

1. Consideration of an overlay variance to allow more than one building on a lot for property located at 850 Prince Street.
2. Consideration of a parking lot variance for Lindsey's Barbeque located at the southwest corner of the intersection of Markham & Mill.
3. Consideration of a conditional use permit for MF-1 density in an R-2 zone for property located at 308 Salem Road for Roy Massey.

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

1. Consideration of a proposal from Carter & Burgess, Inc. for professional services for the girl's softball complex and general park facilities master plan for the City of Conway.

7. Old Business

- A. Discussion/Consideration of a roundabout at Prince Street & Western Ave.

- B. Consideration to set a public hearing to discuss a resolution to extend the extraterritorial jurisdiction.

8. New Business

- A. Ordinance calling and setting a date for a special election of the issuance of bonds for the purpose of city park facilities. *(Draft version included; update will be provided at meeting)*

Adjournment

AN ORDINANCE REDUCING THE EXISTING 15' UTILITY EASEMENT RUNNING ALONG THE EAST SIDE OF THE PROPERTY LOCATED AT 330 ESPLANDE AVENUE TO A 10' UTILITY EASEMENT ; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, a petition was duly filed with the City Council of the City of Conway on the 3rd day of May 2007 asking the City Council for a five foot reduction in the existing 15 foot utility easement to a 10 foot utility easement on Lot 184, Westin Park subdivision, Plat Book J, page 147, within the city limits of Conway, AR.

WHEREAS, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the easement or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a easement herein described; has not been actually used by the public generally for a period of at least (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the easement to be vacated have filed with the council their written consent to the abandonment; and abandonment of the easement.

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

Section 1. The City of Conway, Arkansas releases, vacates, and abandons all it's rights, together with the rights of the general public generally, in and to the easement designated as follows:

LOT 184, WESTIN PARK SUBDIVISION (330 Esplande Avenue,), PLAT BOOK J, PAGE 147, RECORDS OF FAULKNER COUNTY, ARKANSAS

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

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

Passed this 10th day of April, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

Overlay District Variance

DN: ODV2007MAY01
ID: ODV2007MAY01
GL: 51402SW

**Johnston Overlay Variance – Ice Machine Building
More Than One Structure Per Lot**

REQUESTED VARIANCE(S)

To allow more than one building on one lot

**APPLICANT'S
NAME(S)**

Steve Johnston

**PRESENT
ZONING**

C-3

**ABUTTING
ZONING**

O-2 and R-1

LOCATION

This property is located at 850 Prince Street. The location of the proposed ice vending machine is immediately west of the convenience store.

DIMENSIONS

708.5 feet of frontage along Prince Street
360 feet maximum lot depth

AREA

4.76 acres

STREET(S) ABUTTING THE LOT AND THEIR CLASSIFICATIONS

Prince Street - Major arterial

STRUCTURES ON THE PROPERTY

Existing commercial strip center with a convenience store

SUBMITTED JUSTIFICATION FOR THE VARIANCE

“This project will be a low impact business that will produce minimal additional traffic to the surrounding area. Through the course of this project I will improve a section of the lot by landscaping the surrounding area of my building. I will also build a fence that will cover some existing air conditioning and electrical equipment that is visible from the road. This project will improve the appearance of the site and be beneficial to the existing businesses.”

NOTIFICATION REQUIREMENTS

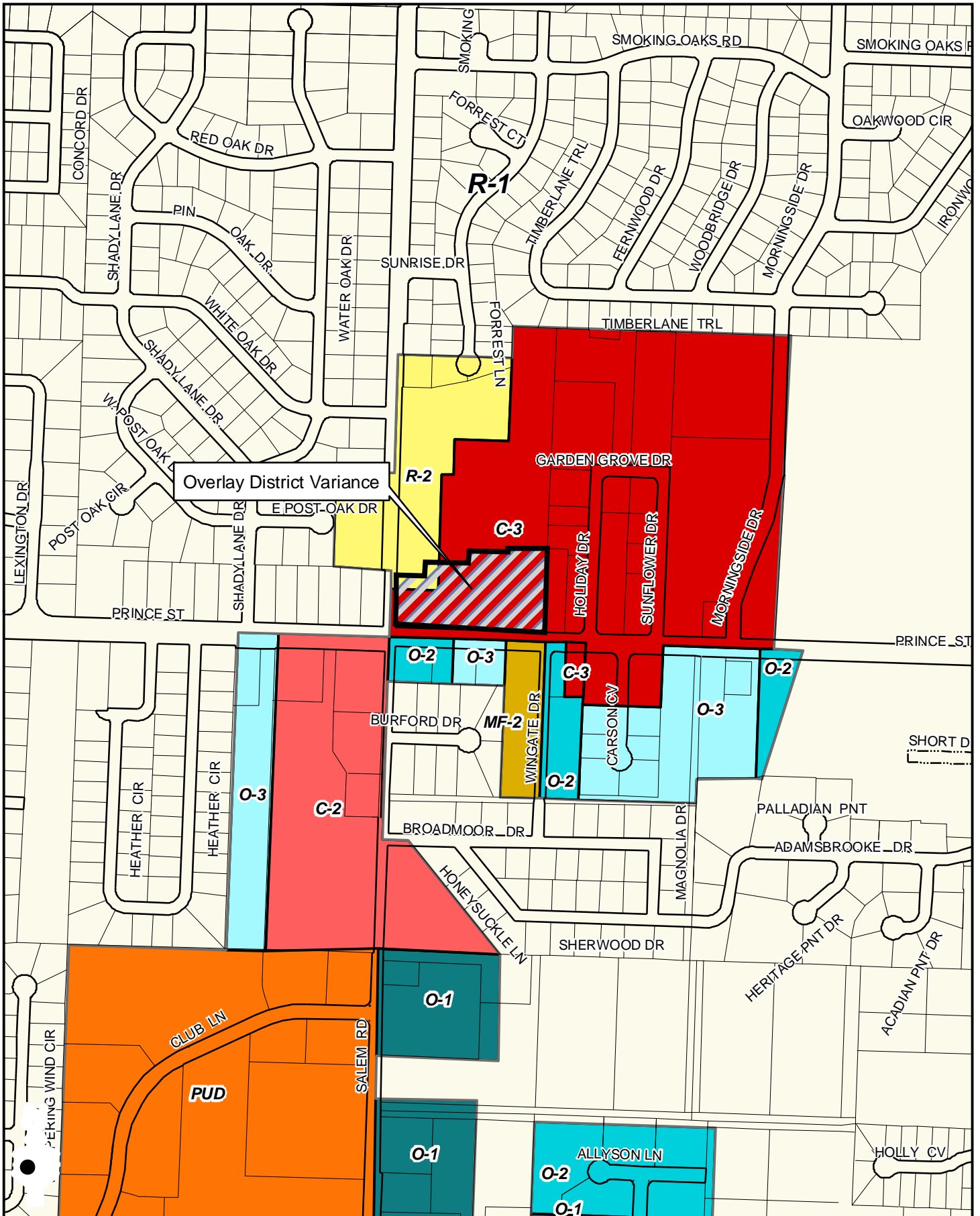
In compliance

COMMENTS

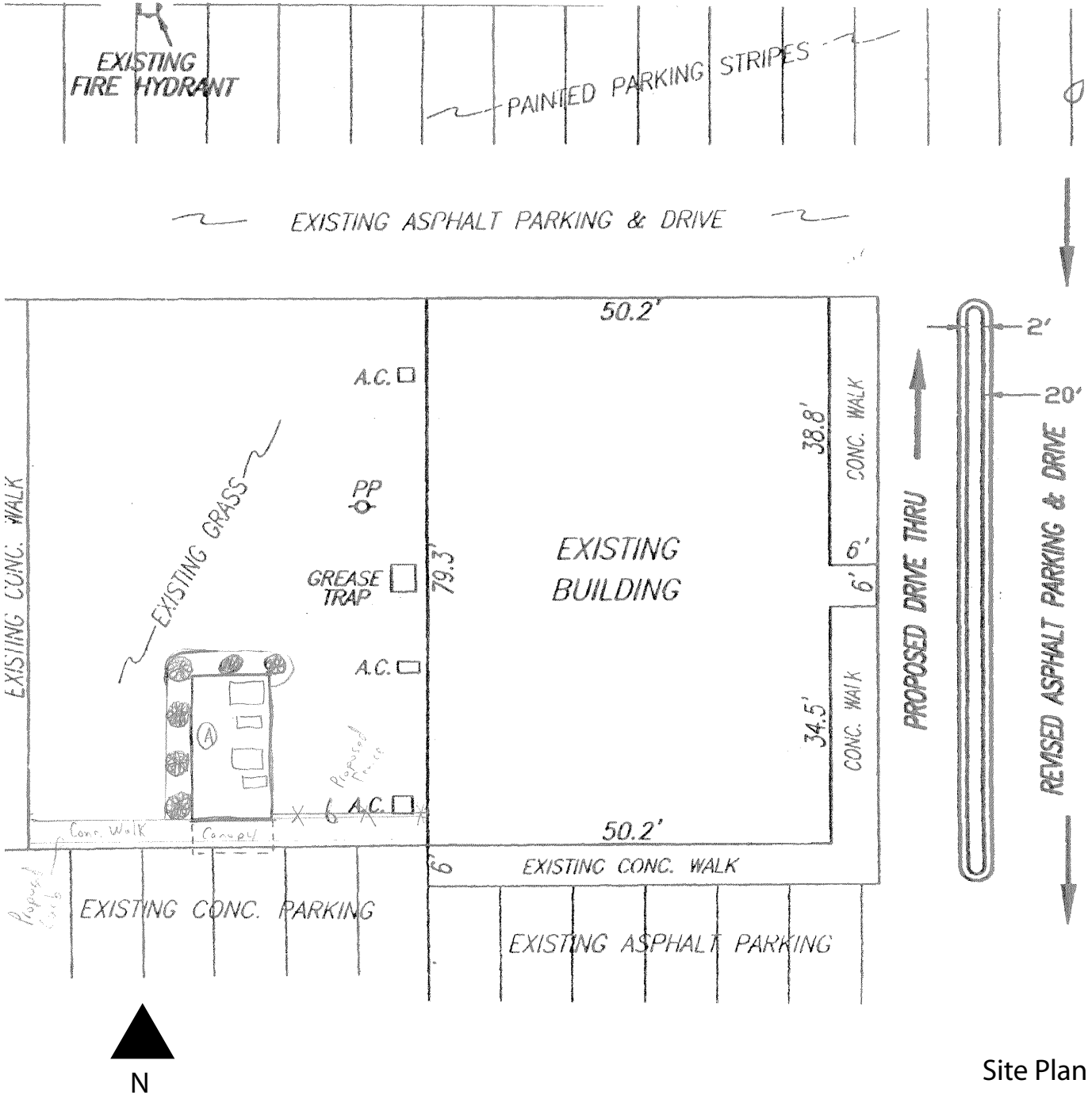
The applicant is proposing to place an ice vending machine that is housed in a small building immediately west of the convenience store central to the property. The area is currently unoccupied. Due to the requirement that no lot may have more than one building within the overlay district, the applicant is seeking a variance to allow this ice vending building. The building is approximately 10 feet by 25 feet. There will be no wall signage other than the allowed 10%. Landscaping will be placed around the west and north perimeter of the building and a privacy fence will be constructed on the east side of the building to the convenience store wall.

ENCLOSURES

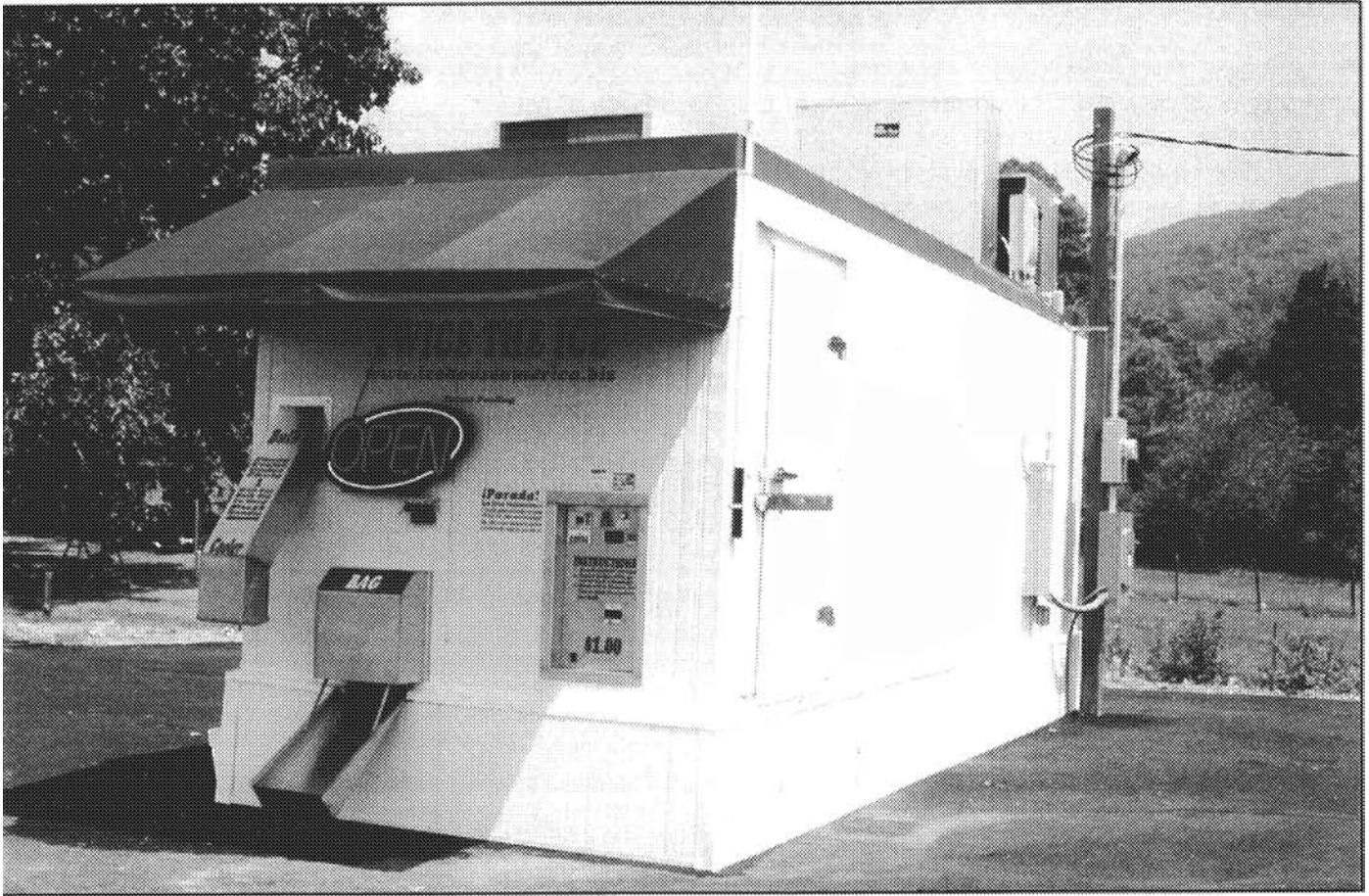
A map of the area, submitted site plan, and photos



Johnston Overlay District Variance



Site Plan



Johnston Overlay Variance

Parking Lot Variance

DN PVR2007MAY01
ID: PVR2007MAY01
GL: 51401SE

Lindsey's Barbeque of Conway (former Brother T's)

REQUESTED VARIANCE(S)

- 1. Curb cut less than 20' from side lot line
- 2. Lack of 4' side green space
- 3. Lack of 6' front green space
- 4. Less than 18' maneuvering area
- 5. Required number of parking spaces

APPLICANT'S NAME(S)

D. L. Lindsey

PRESENT ZONING

C-1

ABUTTING ZONING

MF-3, C-1

LOCATION

This property southwest corner of the intersection of Markham and Mill streets
Lots 10 and 11 of Block 16 of the Harrison Addition to the City of Conway, Faulkner County, Arkansas

DIMENSIONS

100 feet of frontage along Markham Street 110 feet of frontage along Mill Street

AREA

.25

STREET(S) ABUTTING THE LOT AND THEIR CLASSIFICATIONS

Markham and Mill Streets
Markham - Collector, Mill - Local

STRUCTURES ON THE PROPERTY

Existing restaurant formerly known as Brother T's

SUBMITTED JUSTIFICATION FOR THE VARIANCE

Applicant wishes to remodel Brother T's restaurant into a barbeque restaurant.

NOTIFICATION REQUIREMENTS

In compliance

COMMENTS

The applicant would like to construct a parking lot to service the adjacent existing restaurant. The size of the available area (50'x110') for parking presents several challenges that require variances from the City Council. The submitted site plan is not to scale and is not very representative of the actual property. As shown, the spaces are too narrow, the exit drive is not on the property, and the maneuvering area is inadequate. Two enclosed sketches drawn to scale give more realistic parking layouts. However, when drawn to scale, the number of spaces decreases from the proposed 18 to 12 or 13.

Variances needed:

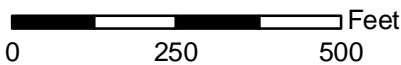
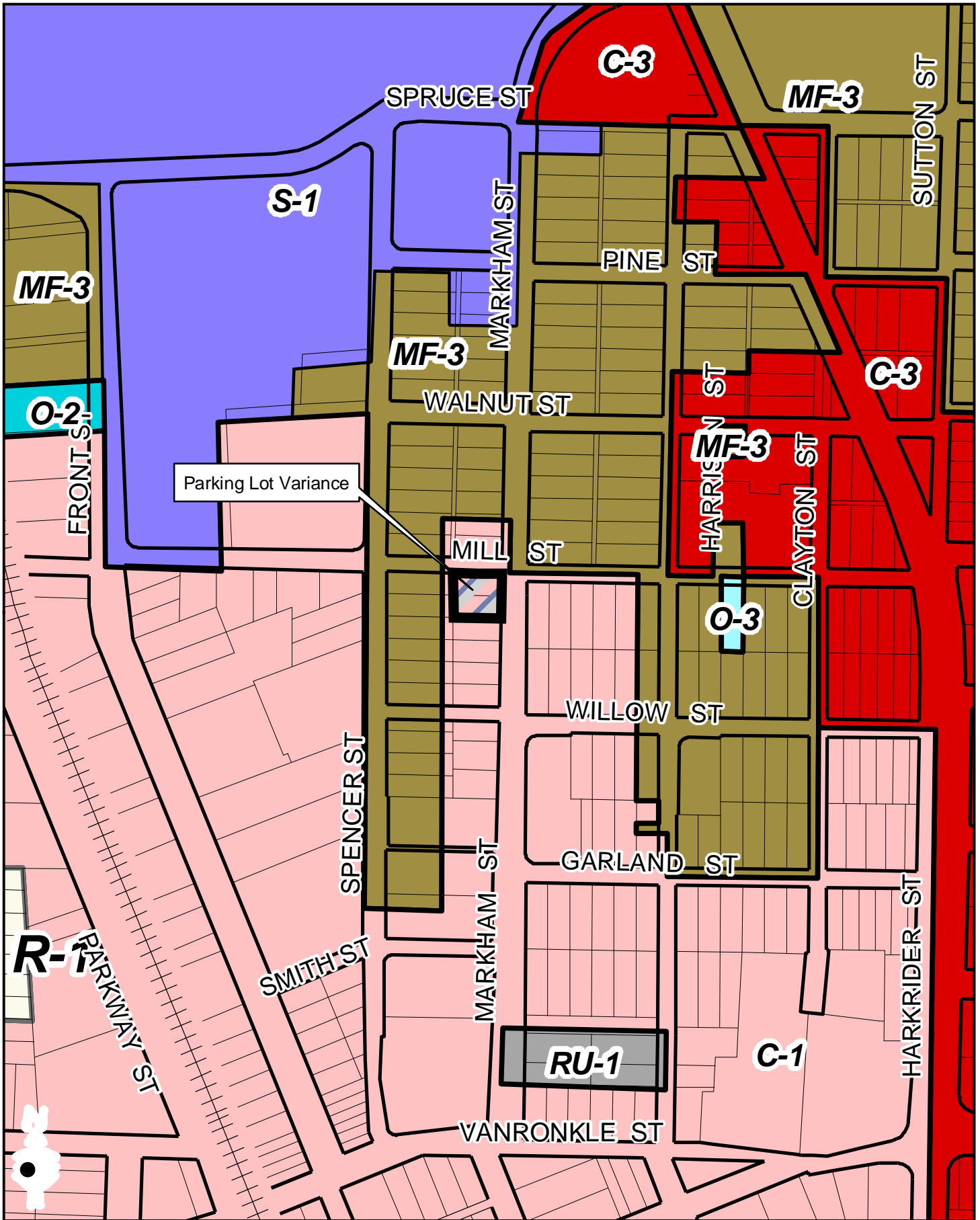
- 1. Curb cuts from Markham and Mill streets are less than the required 20 feet from the side lot line. The north proposed drive is approximately 10' wide and must exit north of the existing building. The entry curb cut from Markham is 14 to 15 feet wide and centered in th 50 foot lot, therefore it cannot meet the 20 foot requirement.
- 2. The proposed layout with two rows of angled parking would not allow enough room to provide the

required 4 foot side property line green spaces. The second layout with a row of parallel parking adjacent to the restaurant would allow for the required 4 foot green spaces. In either case, the 4 foot green space cannot be met on the north property line.

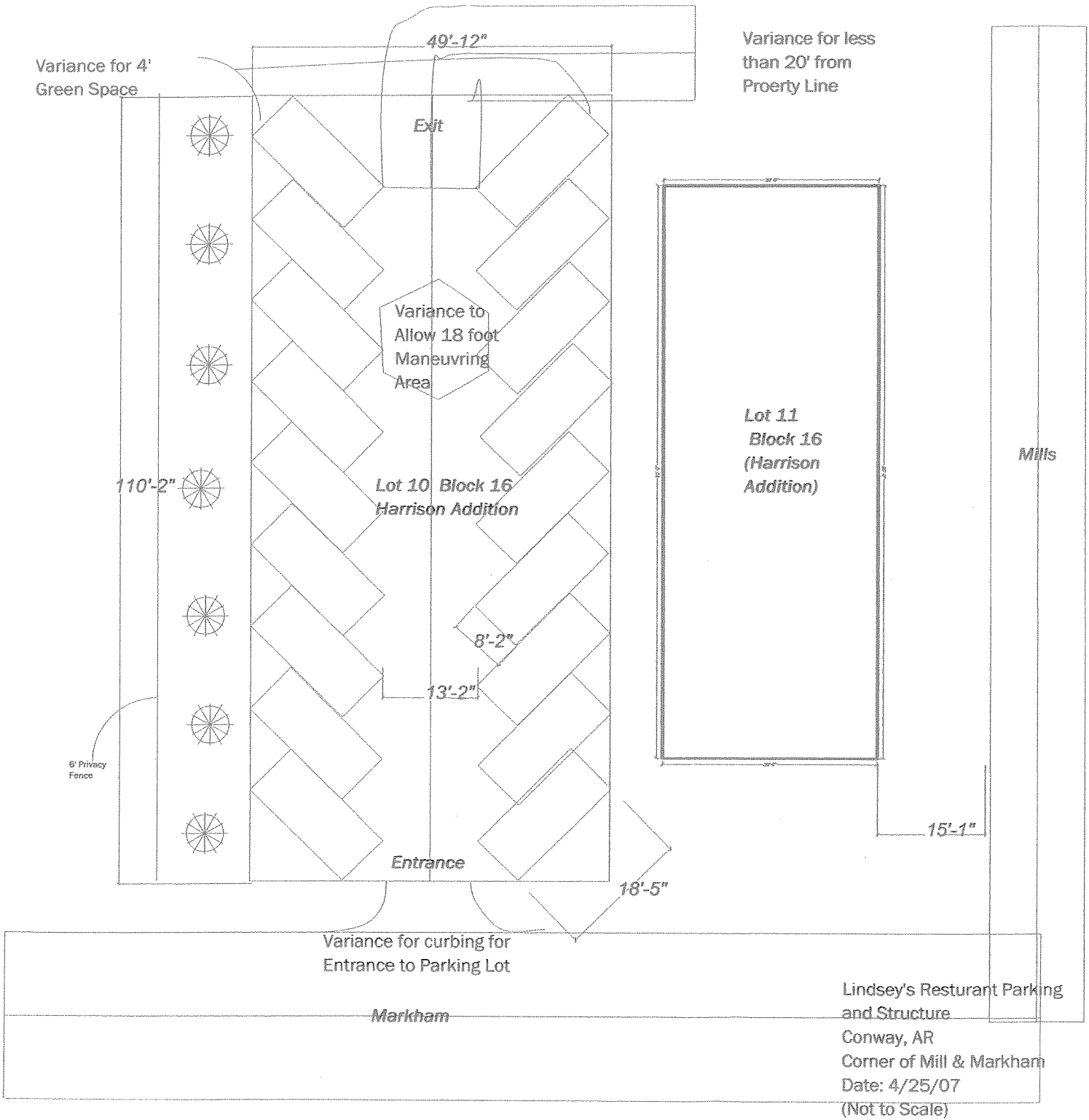
3. The required 6 foot green space may not be met in both cases, depending on actual site layout Sketch B will definitely not meet the requirement for a 6 foot green space.
4. The proposed one way maneuvering area through the parking lot is 14-15 feet wide. The requirement is 18 feet. However, this requirement assumes two-way travel. This maneuvering area is one-way. In this case, 14-15 feet wide is adequate.
5. The existing restaurant appears to have approximately 3000 square feet. This requires 30 spaces. The proposed parking lot would provide 12 or 13 spaces. This is 18 spaces less than the requirement. Additional parking could be gained with a shared parking agreement with church across the street. Further additional parking could also be created by allowing the creation of four parallel parking spaces along Mill Street in the street right of way.

ENCLOSURES

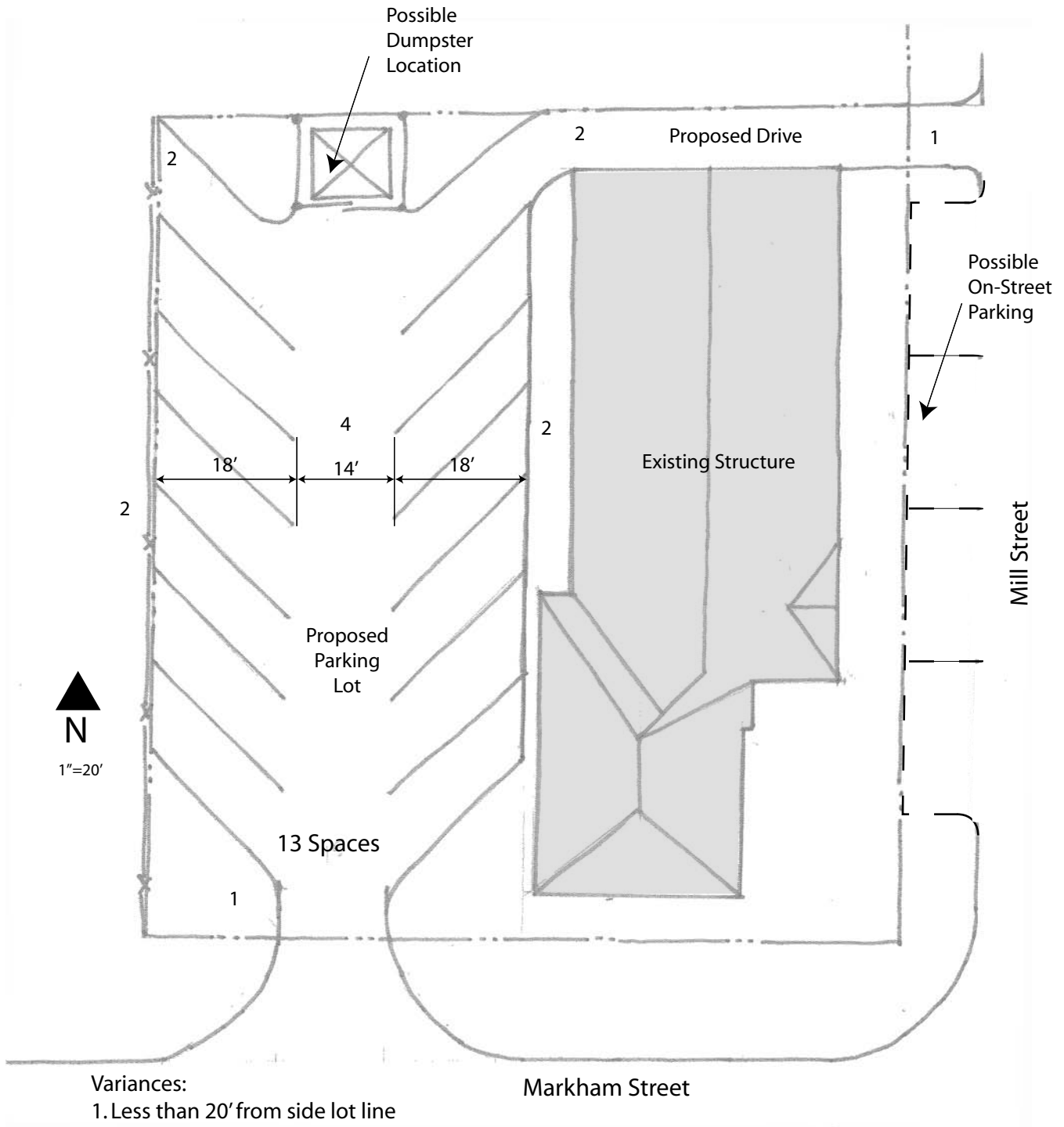
A map of the area, submitted site plan, and two scaled sketches



Linsey Parking Lot Variance

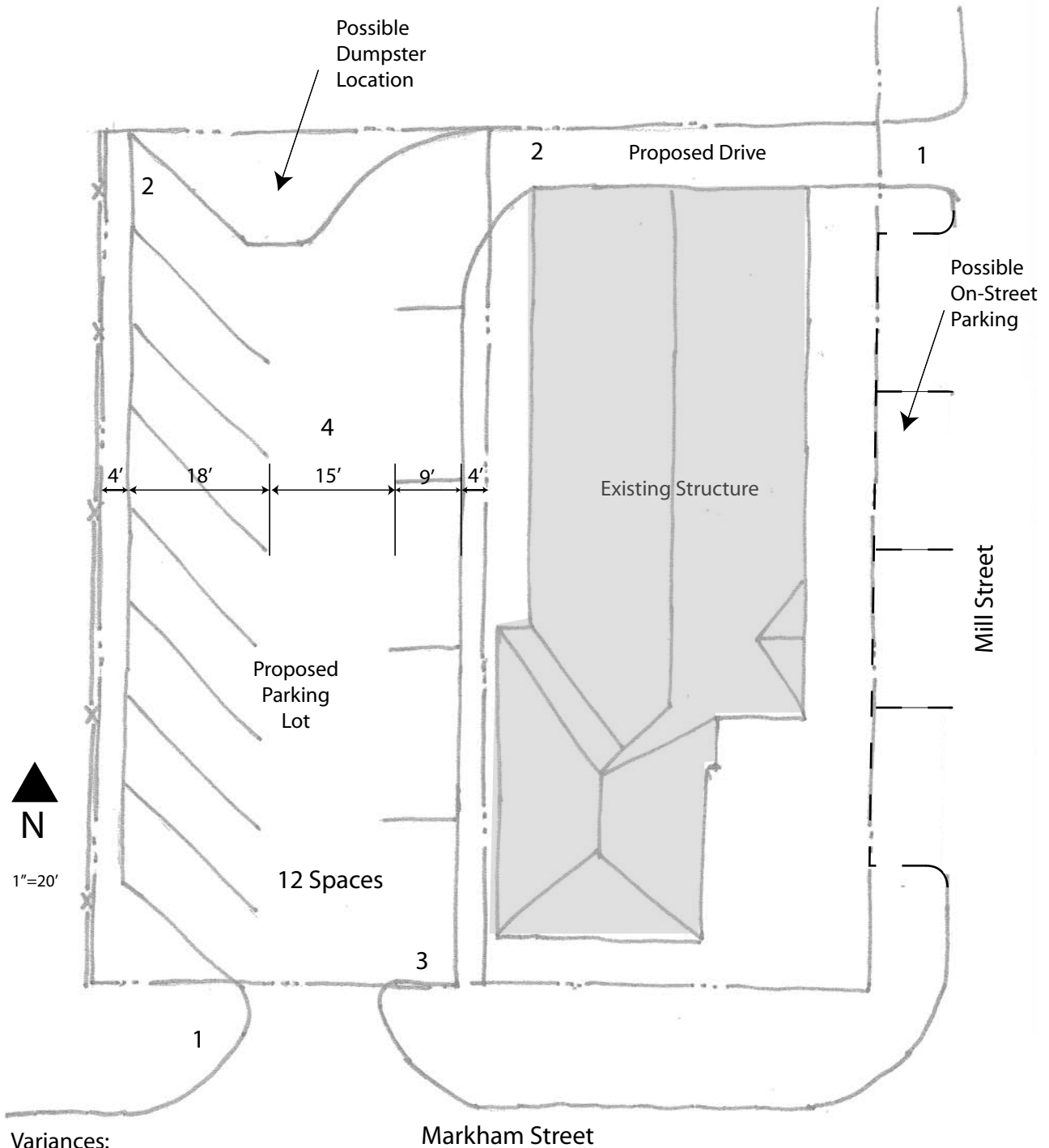


Submitted Site Plan



Variations:

1. Less than 20' from side lot line
2. No 4' side green space
3. No 6' front green space
4. Less than 18' maneuvering area
5. Required number of parking spaces
6. Allow 4 on-street spaces on Mill Street



Variiances:

1. Less than 20' from side lot line
2. No 4' side green space
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4. Less than 18' maneuvering area
5. Required number of parking spaces
6. Allow 4 on-street spaces on Mill Street



CITY OF CONWAY
PLANNING COMMISSION
1201 Oak Street
Conway, Arkansas 72032
(501) 450-6105

6A-3

May 1, 2007

Council Members
Conway, AR 72032

Dear Council Members:

**SUBJECT: Roy Massey Appeal of Planning Commission Denial of
Conditional Use Permit Request for MF-1 Density in R-2 Zoning**

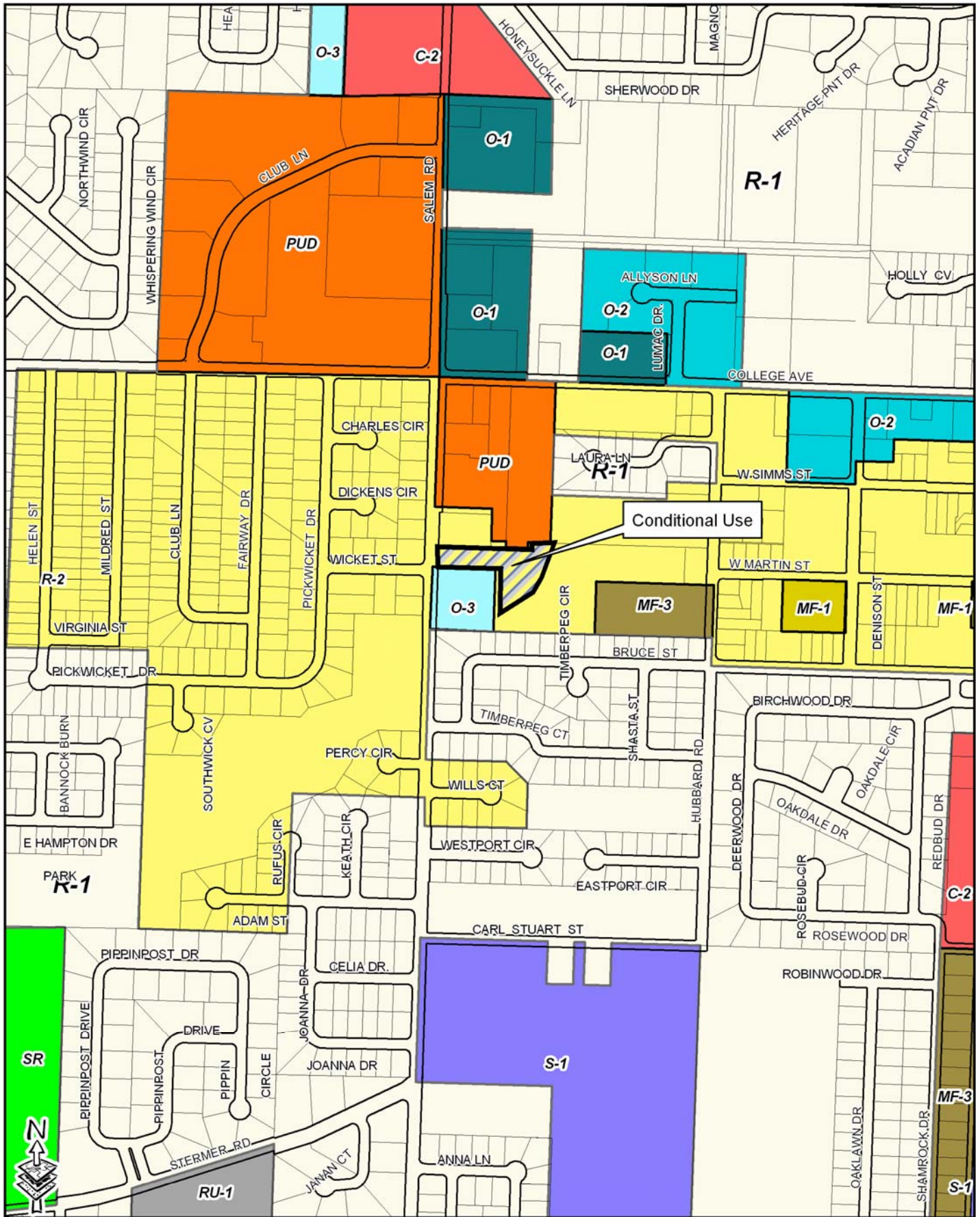
A request for a conditional use permit for MF-1 density in an R-2 zone for property located at 308 Salem Road, Conway, Arkansas with the legal description:

*Lot 17, Valley Creek Subdivision, as shown in Plat Book at
Page 247 in the Plat of Records of Faulkner County, Arkansas.*

was reviewed by the Planning Commission at its regular meeting on March 19, 2007. The Planning Commission voted 8 – 0 that the request be denied. Through his representative Bill Adkisson, Mr. Massey has requested to appeal the Planning Commission's denial at the City Council meeting on May 8, 2007.

Sincerely,

Adam Thomas, Chairman
Planning Commission

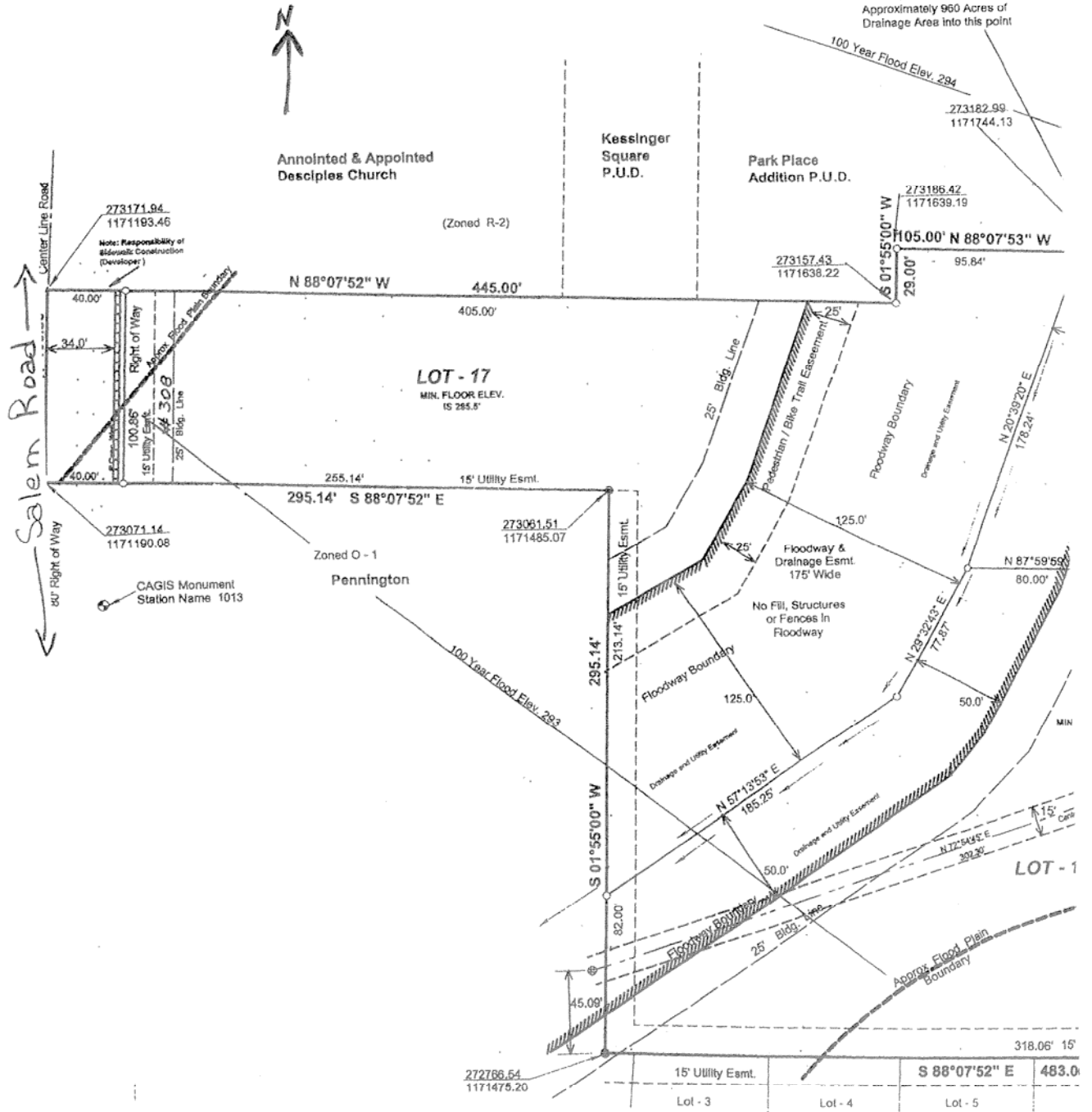


0 500 1,000 2,000 Feet

Massey Conditional Use

VALLEY CREEK SUBDIVISION

Part of the NW 1/4 SW 1/4
 Section 11
 T-5-N R-14-W
 Faulkner County
 Arkansas
 12.29 Acres +/-



**PROPOSAL
FOR
PROFESSIONAL SERVICES**

**For the
Girls' Softball Complex and General Park Facilities Master Plan
Conway, Arkansas**

May 1, 2007

I. PROJECT DESCRIPTION

Carter & Burgess, Inc. ("C&B") will perform professional design services for the City of Conway ("City") for developing a Master Plan for the Girls' Softball Complex. The intent of this Master Plan is to prepare a plan that will guide the proposed development of the sports complex and general park facilities on the property generally referred to as the Siebenmorgen site. C&B will work with the Parks and Recreation Department, City leaders, stakeholder groups, and citizens in the preparation of the Master Plan. The Master Plan will include preliminary construction budget estimates for the sports complex, to be used by the City in establishing phasing priorities and financial planning of the proposed improvements. Facility design development and construction documents will not be prepared under this scope of work.

II. SCOPE OF SERVICES

A. BASE MAP PREPARATION, SITE EVALUATION, AND PROGRAM DEVELOPMENT

1. The City will provide C&B in digital and/or hardcopy format all available existing City maps, exhibits, etc. from the City including, but not limited to the following: boundary surveys, property limits, topographic surveys, easements and right-of-ways, adjacent private development plans, buildings and structures, water and sewer maps, site drainage information, capital improvement programs, etc.
2. C&B will prepare an overall base map of the existing site to be utilized in developing the Master Plan.
3. C&B team members will conduct a walk-through of the existing site with City representatives to visually evaluate the existing site features, both on-site and off-site.
4. Based upon the site walk-through, C&B will prepare a Site Analysis exhibit(s) documenting the opportunities and constraints of the existing site, and potential for redevelopment and/or new development of the sports complex.

Attachment A

5. C&B team members will attend one (1) meeting with City representatives to review the Site Analysis exhibit(s) and to discuss the range of program items and park amenities to be considered in the Master Plan.
6. C&B will attend up to four (4) stakeholder input meetings to obtain input from sports groups and organizations regarding development goals and program items for the overall sports complex. During these meetings, C&B team members will document potential program needs and desires for the sports complex.

B. CONCEPT MASTER PLAN ALTERNATIVES

1. Based upon the City approved vision, goals, and program priorities, the C&B design team will prepare conceptual master plan alternatives for the potential development of the sports complex.
2. C&B team members will attend one (1) meeting with City representatives to review the conceptual master plan alternatives.
3. C&B team members, along with City representatives, will attend one (1) Public Meeting in a workshop setting to review and discuss the conceptual master plan. The City will be responsible for advertising and recruiting the invitees to the Public Meeting.
4. Based on the input received from City representatives and the Public Meeting, C&B will prepare one (1) final conceptual master plan.
5. C&B team members will attend one (1) meeting with City representatives to review and gain consensus on the conceptual master plan.

C. FINAL MASTER PLAN AND BUDGET ESTIMATES

1. Based on the approved conceptual master plan, C&B will prepare one (1) Final Master Plan exhibit with process narrative depicting the proposed development of the sports complex. The Final Master Plan will be a large, color illustrative map for the City to use in public presentations and generating community support of the plan.
2. C&B will prepare a preliminary construction cost estimate for the Final Master Plan, outlining the primary cost components for development.
3. C&B will attend one (1) meeting with the Parks and Recreation Board / City Council to present the Final Master Plan.

Attachment A

III. BASIS OF COMPENSATION

A.	Base Map Preparation, Site Evaluation, and Program Development	\$10,760.00
B.	Concept Master Plan Alternatives	\$9,080.00
C.	Final Master Plan and Budget Estimates	<u>\$8,300.00</u>
	Total Basic Design Fee	\$28,140.00
	Reimbursable Expenses	\$2,240.00

(Reimbursable expenses such as printing, color copies, plotting, photography, courier/delivery, travel/mileage, meals, and mileage will be paid for at cost)

TOTAL FEE	\$30,380.00
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IV. ASSUMPTIONS

- A. No site surveying or boundary work will be performed under this Scope of Services.
- B. The City will provide C&B all existing survey maps, plats, topography, boundary exhibits, utility exhibits, park drawings, building drawings, etc. as necessary for the preparation of the Master Plan.
- C. No environmental or engineering services will be performed under this Scope of Services.
- D. No feasibility study or detailed assessment of existing infrastructure such as utilities, lighting, irrigation, etc. will be performed under this Scope of Services.
- E. No geotechnical engineering services or soils testing will be performed under this Scope of Services.
- F. Key C&B team members will attend the meetings and/or presentations as described within this Scope of Services. Additional meetings, workshops, focus groups, or presentations requested by the City will be considered as additional services as authorized by the City.
- G. This Scope of Services does not include any preparation of schematic design drawings, design development drawings, construction documents, specifications or bid documents.
- H. C&B will provide a digital image and/or hardcopy of each exhibit or concept alternative during the master planning process.

MEMORANDUM

TO: MAYOR TAB TOWNSELL

FROM: RONNIE HALL, P.E.
CITY ENGINEER

DATE: March 14, 2007

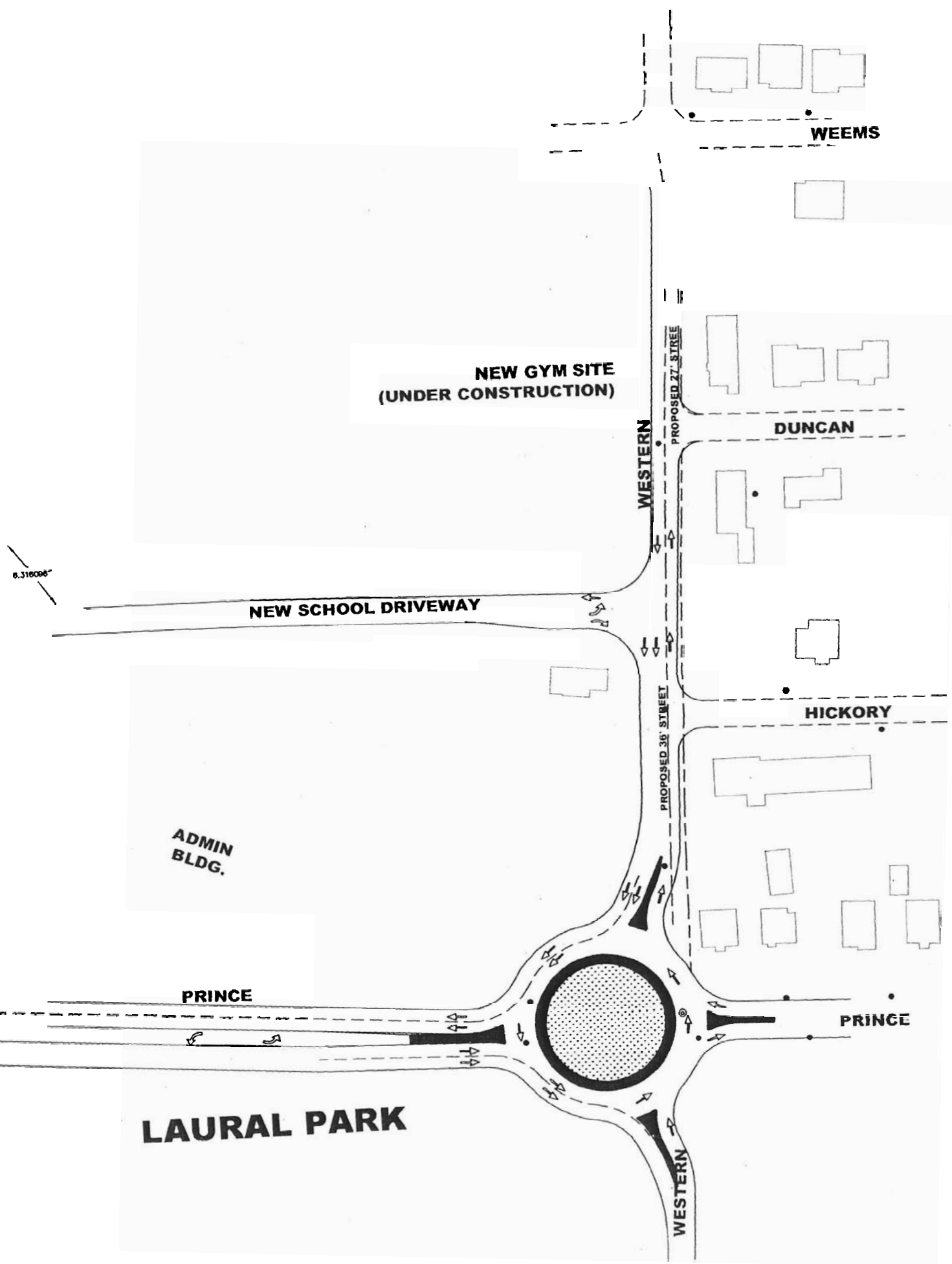
REFERENCE: Prince - Western Roundabout

At the March 13, 2007 Conway School Board Meeting, the school board voted to request that the city proceed with a roundabout at Prince & Western. The reasons discussed at the meeting that make this roundabout deemed desirable are as follows:

- The roundabout would provide for left turns out of the Conway High School West Campus onto Prince Street. The roundabout would provide for a safer and more efficient traffic movement for people desiring to go east from this campus.
The tendency for traffic to travel thru the residential areas along Poplar, Weems, Duncan, and Hickory to exit the school campus would be reduced with the availability of a more efficient route to travel east bound from the campus.
- The west bound traffic on Caldwell to Prince and the east bound traffic on Prince to Caldwell could avoid the left turns at Donaghey by utilizing the roundabout and the Western to Caldwell connection.
- The Prince Street traffic flow may be inconvenienced by reducing their speed as they maneuver thru the roundabout as they leave or approach the Donaghey traffic signal. The roundabout would provide some traffic calming measures as the traffic approaches the residential area from the west or the school area from the east.
- The Western-Prince roundabout is larger than the roundabout at Tyler-Winfield-Washington and would allow school bus traffic to more readily move thru the intersection. The dimension across the proposed Western-Prince Roundabout is 200' compare to 122' across the Winfield-Washington-Tyler-Roundabout.
- The improvement of Western Avenue with or without the Roundabout needs to be completed prior to school starting in August.

The estimated cost of this roundabout is \$80,000 in material and services with the city forces performing the work. Funding for the roundabout is not included in our budget.

A schematic for the Western-Prince Roundabout is attached for you comments.



**NEW GYM SITE
(UNDER CONSTRUCTION)**

NEW SCHOOL DRIVEWAY

**ADMIN
BLDG.**

LAURAL PARK

WEEMS

DUNCAN

HICKORY

WESTERN

PROPOSED 27' STREET

PROPOSED 36' STREET

6.316006°

PRINCE

PRINCE

WESTERN

ORDINANCE NO. _____

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTIONS OF (1) THE ISSUANCE OF NOT TO EXCEED \$ _____ OF CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CITY PARK FACILITIES AND (2) THE ISSUANCE OF NOT TO EXCEED \$ _____ OF CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CITY TRAIL FACILITIES; EXTENDING THE LEVY OF THE ONE PERCENT (1.00%) TAX UPON GROSS RECEIPTS FROM THE SALE OF PREPARED FOOD AND BEVERAGES ORIGINALLY LEVIED BY ORDINANCE NO. O-05-98; PLEDGING THE PROCEEDS FROM SAID ONE PERCENT (1.00%) TAX AND SEVENTY-FIVE PERCENT (75%) OF THE PROCEEDS FROM THE ONE PERCENT (1.00%) TAX UPON GROSS RECEIPTS FROM THE SALE OF PREPARED FOOD AND BEVERAGES ORIGINALLY LEVIED BY ORDINANCE NO. O-05-97 TO THE PAYMENT OF THE CAPITAL IMPROVEMENT BONDS; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Conway, Arkansas (the “City”) has determined that there is a critical need for a source of revenue to finance park and trail facilities within the City; and

WHEREAS, Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the “Advertising and Promotion Commission Act”) authorizes the City to levy taxes upon the gross receipts from the sale of prepared food and beverages within the City; and

WHEREAS, pursuant to the provisions of Ordinance No. O-05-97 adopted on August 16, 2005, the City has levied a one percent (1.00%) tax (“A&P Tax No. 1”) upon the gross receipts from the sale of prepared food and beverages within the City; and

WHEREAS, pursuant to the provisions of Ordinance No. O-05-97, 25% of the proceeds of A&P Tax No. 1 are to be utilized at the discretion of the City’s Advertising and Promotion Commission (the “Commission”) for any purpose authorized by the Advertising and Promotion Commission Act, and 75% of the proceeds of A&P Tax No. 1 are to be utilized by the Commission, at the direction of the Mayor and upon approval by the City Council, for the development, purchase and construction of parks and recreation facilities; and

WHEREAS, pursuant to the provisions of Ordinance No. O-05-98 adopted on August 16, 2005, the City has levied a second one percent (1.00%) tax (“A&P Tax No. 2”) upon the gross receipts from the sale of prepared food and beverages within the City, which A&P Tax No. 2 is, by the terms of Ordinance No. O-05-98 (as clarified by Ordinance No. O-05-131 adopted on September 27, 2005), currently scheduled to expire on November 1, 2008; and

WHEREAS, pursuant to the provisions of Ordinance No. O-05-98, the proceeds of A&P Tax No. 2 are to be utilized by the Commission, at the direction of the Mayor and upon approval by the City Council, for the development, purchase and construction of City parks; and

WHEREAS, the Advertising and Promotion Commission Act and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Local Government Bond Act") authorize the issuance of capital improvement bonds by municipalities for the purpose of financing parks and recreation facilities, which bonds may be secured by the pledge of all or a portion of the receipts of taxes imposed under the Advertising and Promotion Commission Act, with the consent of the advertising and promotion commissions of such municipalities; and

WHEREAS, if approved by the electors of the City, the City has determined to issue (1) its capital improvement revenue bonds in principal amount not to exceed \$_____ (the "Park Improvement Bonds") for the purpose of financing park facilities within the City, including the acquisition of land and the construction and equipping of structures and related facilities thereon and on existing property owned by the City (the "Parks Project"), and (2) its capital improvement revenue bonds in principal amount not to exceed \$_____ (the "Trail Improvement Bonds") for the purpose of financing trail facilities within the City, including the acquisition of land and the construction and equipping of structures and related facilities thereon and on existing property owned by the City (the "Trails Project"), which Park Improvement Bonds and Trail Improvement Bonds are to be equally and ratably secured by a pledge of and lien upon (i) 75% of the receipts of A&P Tax No. 1 and (ii) all of the receipts of A&P Tax No. 2, all as authorized by the Advertising and Promotion Commission Act and the Local Government Bond Act; and

WHEREAS, in order to provide adequate security for the payment of the Park Improvement Bonds and the Trail Improvement Bonds, it is necessary that the temporary nature of A&P Tax No. 2 be eliminated and A&P Tax No. 2 extended indefinitely; and

WHEREAS, the purpose of this Ordinance is to call a special election on the issuance by the City of the Park Improvement Bonds and the Trail Improvement Bonds, and to extend the levy of A&P Tax No. 2 indefinitely;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Conway, Arkansas:

Section 1. That under the authority of the Advertising and Promotion Commission Act and the Local Government Bond Act, and subject to approval by the Commission and the electors of the City as provided in Section 2 below, there is hereby authorized (1) the issuance of the City's capital improvement bonds in the aggregate principal amount of not to exceed \$_____ (the "Park Improvement Bonds") for the purpose of financing park facilities within the City, including the acquisition of land and the construction and equipping of structures and related facilities thereon and on existing property owned by the City (the "Parks Project"), and (2) the issuance of the City's capital improvement bonds in the aggregate principal amount of not to exceed \$_____ (the "Trail Improvement Bonds") for the purpose of financing trail facilities within the City, including the acquisition of land and the construction and equipping of structures and related facilities thereon and on existing property owned by the City (the "Trails Project"). If the issuance of either the Park Improvement Bonds or the Trail Improvement Bonds

is approved by the electors of the City, such bonds may thereafter be issued in one or more series from time to time in an aggregate principal amount not to exceed the respective principal amount(s) approved by the City's electors. If approved by the electors of the City and issued, the Park Improvement Bonds and/or the Trail Improvement Bonds shall be secured by a pledge of and a lien upon (i) 75% of the receipts of A&P Tax No. 1 and (ii) all of the receipts of A&P Tax No. 2. [Notwithstanding the aforementioned pledge and lien, the receipts of A&P Tax No. 2 will be utilized first, to the extent needed, for the purpose of paying scheduled debt service on the Park Improvement Bonds and the Trail Improvement Bonds, and the pledged receipts of A&P Tax No. 1 will be utilized for the payment of scheduled debt service on the Park Improvement Bonds and the Trail Improvement Bonds only after application of the pledged receipts of A&P Tax No. 2. The use of surplus collections of A&P Tax No. 1 and A&P Tax No. 2 will be controlled by the provisions of the Advertising and Promotion Commission Act, Ordinance No. O-05-97, Ordinance No. O-05-98 and the trust indenture governing the issuance of and security for the Park Improvement Bonds and the Trail Improvement Bonds.]

Section 2. That there be, and there is hereby called, a special election to be held on Tuesday, June 12, 2007, at which election there shall be submitted to the electors of the City the questions of the issuance of the Park Improvement Bonds and the Trail Improvement Bonds.

Section 3. That the questions shall be placed on the ballot for the special election in substantially the following forms:

Question One:

There is submitted to the qualified electors of the City of Conway, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed \$_____ (the "Park Improvement Bonds"), pursuant to Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Local Government Bond Act") and Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Advertising and Promotion Commission Act"), for the purpose of financing park facilities within the City, including the acquisition of land and the construction and equipping of structures and related facilities thereon and on existing property owned by the City (the "Parks Project"). If the issuance of the Park Improvement Bonds is approved, the Park Improvement Bonds shall be secured by a pledge of and lien upon (i) 75% of the receipts of an existing one percent (1.00%) tax ("A&P Tax No. 1") levied pursuant to Ordinance No. O-05-97 upon the gross receipts from the sale of prepared food and beverages within the City and (ii) all of the receipts of an existing one percent (1.00%) tax ("A&P Tax No. 2") levied pursuant to Ordinance No. O-05-98 upon the gross receipts from the sale of prepared food and beverages within the City.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Park Improvement Bonds in principal amount not to exceed \$_____ for the purpose of financing park facilities within the City, including the acquisition of land and the construction and equipping of structures and

related facilities thereon and on existing property owned by the City, which related facilities may include [landscaping improvements, furniture, furnishings, fixtures, computers and related equipment and software, construction of parking facilities and sidewalks, any necessary road, drainage and utility improvements, and other related improvements].....□

AGAINST the issuance of Park Improvement Bonds in principal amount not to exceed \$_____ for the purpose of financing park facilities within the City, including the acquisition of land and the construction and equipping of structures and related facilities thereon and on existing property owned by the City, which related facilities may include [landscaping improvements, furniture, furnishings, fixtures, computers and related equipment and software, construction of parking facilities and sidewalks, any necessary road, drainage and utility improvements, and other related improvements].....□

Question Two:

There is submitted to the qualified electors of the City of Conway, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed \$_____ (the “Trail Improvement Bonds”), pursuant to Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the “Local Government Bond Act”) and Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the “Advertising and Promotion Commission Act”), for the purpose of financing trail facilities within the City, including the acquisition of land and the construction and equipping of structures and related facilities thereon and on existing property owned by the City (the “Trails Project”). If the issuance of the Trail Improvement Bonds is approved, the Trail Improvement Bonds shall be secured by a pledge of and lien upon (i) 75% of the receipts of an existing one percent (1.00%) tax (“A&P Tax No. 1”) levied pursuant to Ordinance No. O-05-97 upon the gross receipts from the sale of prepared food and beverages within the City and (ii) all of the receipts of an existing one percent (1.00%) tax (“A&P Tax No. 2”) levied pursuant to Ordinance No. O-05-98 upon the gross receipts from the sale of prepared food and beverages within the City.

Vote on the question by placing an “X” in one of the squares following the question, either for or against:

FOR the issuance of Trail Improvement Bonds in principal amount not to exceed \$_____ for the purpose of financing trail facilities within the City, including the acquisition of land and the construction and equipping of structures and related facilities thereon and on existing property owned by the City, which related facilities may include [landscaping improvements, fixtures, construction of parking facilities and sidewalks, any necessary road, drainage and utility improvements, and other related improvements].....□

AGAINST the issuance of Trail Improvement Bonds in principal amount not to exceed \$_____ for the purpose of financing trail facilities within the City,

including the acquisition of land and the construction and equipping of structures and related facilities thereon and on existing property owned by the City, which related facilities may include [landscaping improvements, fixtures, construction of parking facilities and sidewalks, any necessary road, drainage and utility improvements, and other related improvements].....□

Section 4. That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for Arkansas municipal elections unless otherwise provided in the Local Government Bond Act, and only qualified voters of the City shall have the right to vote at the election. The City Clerk is hereby directed to give notice of the special election by one advertisement in *The Log Cabin Democrat*, the publication to be not less than ten (10) days prior to the date of the election.

Section 5. That a copy of this Ordinance shall be given to the Faulkner County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

Section 6. That the results of the special election shall be proclaimed by the Mayor, and his proclamation shall be published one time in *The Log Cabin Democrat*. The proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the Circuit Court of Faulkner County within thirty (30) days after the date of publication of the proclamation.

Section 7. The levy of A&P Tax No. 2, previously limited to three years under the provisions of Section 1 of Ordinance No. O-05-98, is hereby extended indefinitely.

Section 8. That the Mayor and the City Clerk, for and on behalf of the City, be, and they hereby are authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the issuance of the Park Improvement Bonds and/or the Trail Improvement Bonds are approved by the electors, to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 9. That all ordinances and parts thereof in conflict herewith, including particularly, certain provisions of Ordinance No. O-05-97 and Ordinance No. O-05-98, are hereby repealed to the extent of such conflict.

Section 10. That it is hereby ascertained and declared that there is a critical need to obtain an additional source of revenue to finance needed capital improvements, including the Parks Project and the Trail Project, all in order to promote and protect the health, safety and welfare of the inhabitants of the City. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health and safety shall be in force and effect immediately from and after its passage.

PASSED AND APPROVED this _____ day of _____, 2007.

APPROVED:

By: _____
Mayor

ATTEST:

By: _____
City Clerk

(S E A L)

CERTIFICATE

The undersigned, City Clerk of the City of Conway, Arkansas, hereby certifies that the foregoing is a true and perfect copy of an Ordinance adopted at a regular meeting of the City Council of the City of Conway, Arkansas, held at _____ p.m. on _____, 2007.

DATED: _____, 2007

City Clerk