

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

2007 CDBG Allocations

6:30pm -- Council Meeting

Courtroom in District Court Building

810 Parkway, Conway, AR 72034

June 26th, 2007

1. Call to Order

2. Roll Call

3. Minutes: *June 12th, 2007*

4. Recognition of Guests: *Employee Service Awards*

5. Public Hearings:

A. Public Hearing to discuss closing two 20' alleys, one running the length of Block 70 from Bruce Street to Conway Boulevard and the second from Mitchell Street to Baridon Street.

1. Ordinance to close two 20' alleys one running the length of Block 70 from Bruce Street to Conway Blvd. and the second from Mitchell Street to Baridon Street.

B. Public hearing to discuss closing certain alleys (Robinson Avenue Replat) in the vicinity of Conway Regional Medical Center.

1. Ordinance closing alleys located in the vicinity of CRMC. (Robinson Ave Replat).

C. Public hearing to discuss the closure and reduction of a utility easement located on Browne Replat, being a replat of Lot 22-RA Museum Road Replat (Hank's Fine Furniture).

1. Ordinance closing and reducing a utility easement located in the Browne Replat, being a replat of Lot 22-RA Museum Road Replat.

6. Report of Standing Committees:

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

1. Resolution to set a public hearing to discuss abandoning a portion of Topaz Drive in the Cresthaven Subdivision Phase II.
2. Resolution to set a public hearing to discuss abandoning a power pole utility easement in Runway Park Subdivision, specifically lots 2A & 8.

3. Consideration to approve new CDBG allocations for 2007.
4. Ordinance amending the Conway zoning ordinance to allow additional height for institutional structures.
5. Ordinance amending the Conway zoning ordinance to require notification of the public of an appeal to the City Council of a Planning commission denial.
6. Consideration of a conditional use permit for an automobile dealership for property located at 1355 Exchange Avenue.
7. Consideration of a conditional use permit for church and religious activities for property located at 1257 Lincoln Street.
8. Consideration of a conditional use permit for restricted retail for property located at the southeast corner of the Western Avenue and Prince Street with the address of 2159 Prince Street.
9. Ordinance amending the Conway subdivision ordinance revising sidewalk assurance procedures.
10. Resolution authorizing the Mayor to apply to the Arkansas State Highway and Transportation Department for funding of a new College Avenue railroad crossing and signals.
11. Discussion of accepting Orchard Park Road as a public city street.

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

1. Ordinance appropriating donated funds to the Conway Parks Department for Lights over the Lake.
2. Ordinance appropriating donated funds to the Conway Parks Department for the Conway Youth Baseball Program.

C. Public Safety Committee (Police, CEOC, Fire, Dist. Court & City Att., & Animal Control)

1. Ordinance accepting asset obtained through court order for the CPD.

D. Finance

1. Consideration to dispose of accounting records for the City.
2. Ordinance accepting repair proceeds and appropriating funds for repairs at City Hall.
3. Ordinance amending the employee handbook and personnel policy in regards to the travel policy for the City of Conway.

4. Consideration of Mid-Year Adjustments.
5. Discussion of 2006 Financial Statements by JPMSCox.
(Information will be provided prior to meeting)

7. Old Business

8. New Business

- A. Consideration of extending the lease agreement with John Bean Company for property located at 309 Exchange Avenue.
- B. Consideration of buying out the lease of Ed's Supply for property located at 600 & 618 Front Street.
- C. Discussion of an ordinance establishing and clarifying requirements for mobile ice cream vendors and other vehicles vending products to children.

Adjournment

ORDINANCE NO. O-07-_____

AN ORDINANCE CLOSING TWO 20' ALLEYS, ONE RUNNING THE LENGTH OF BLOCK 70 FROM BRUCE STREET TO CONWAY BLVD AND THE SECOND RUNNING FROM MITCHELL STREET TO BARIDON STREET; WITHIN THE CITY LIMITS OF CONWAY, ARKANSAS, AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 26th day of June, 2007 asking the City Council to close two twenty feet alleys one running the length of Block 70 from Bruce Street to Conway Blvd and the second from Mitchell Street to Baridon Street; 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 five (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 that public interest and welfare will not be adversely affected by the 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 its rights, together with the rights of the public generally, in and to the easement designated as follows:

Beginning in the NE Corner of Lot 1 Block 70 Boulevard Addition, extend South 425 feet to the SE corner of Lot 9, thence West 150 feet to the SW corner of Lot 9, thence South 20 feet to the NW corner of Lot 10, thence East 150 feet to the NE corner of Lot #12, thence South 165 feet to the SE Corner of Lot #12, thence east 20 feet to the SW corner of Lot 22, thence North 165 feet to the NW corner of Lot #22, thence East 150 feet to the NE corner of Lot 24, thence North 20 feet to the SE corner of Lot 21, thence West 150 feet to the SW corner of Lot 21, thence North 425 feet to the NW corner of Lot 13, thence West 20 feet to the point of the beginning.

Section 2. Conway Corp will continue to maintain utilities in the existing 20 foot alley in Block 70 of the Boulevard Addition, AT&T is granted an easement for their existing facilities, and CenterPoint Energy does not release the utility easement of alley, as they do the have an existing 2" natural gas main running approximately 220 feet north to south off Bruce Street.

Section 3. A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

Section 4. This ordinance shall take effect and be in force from and after its passage.

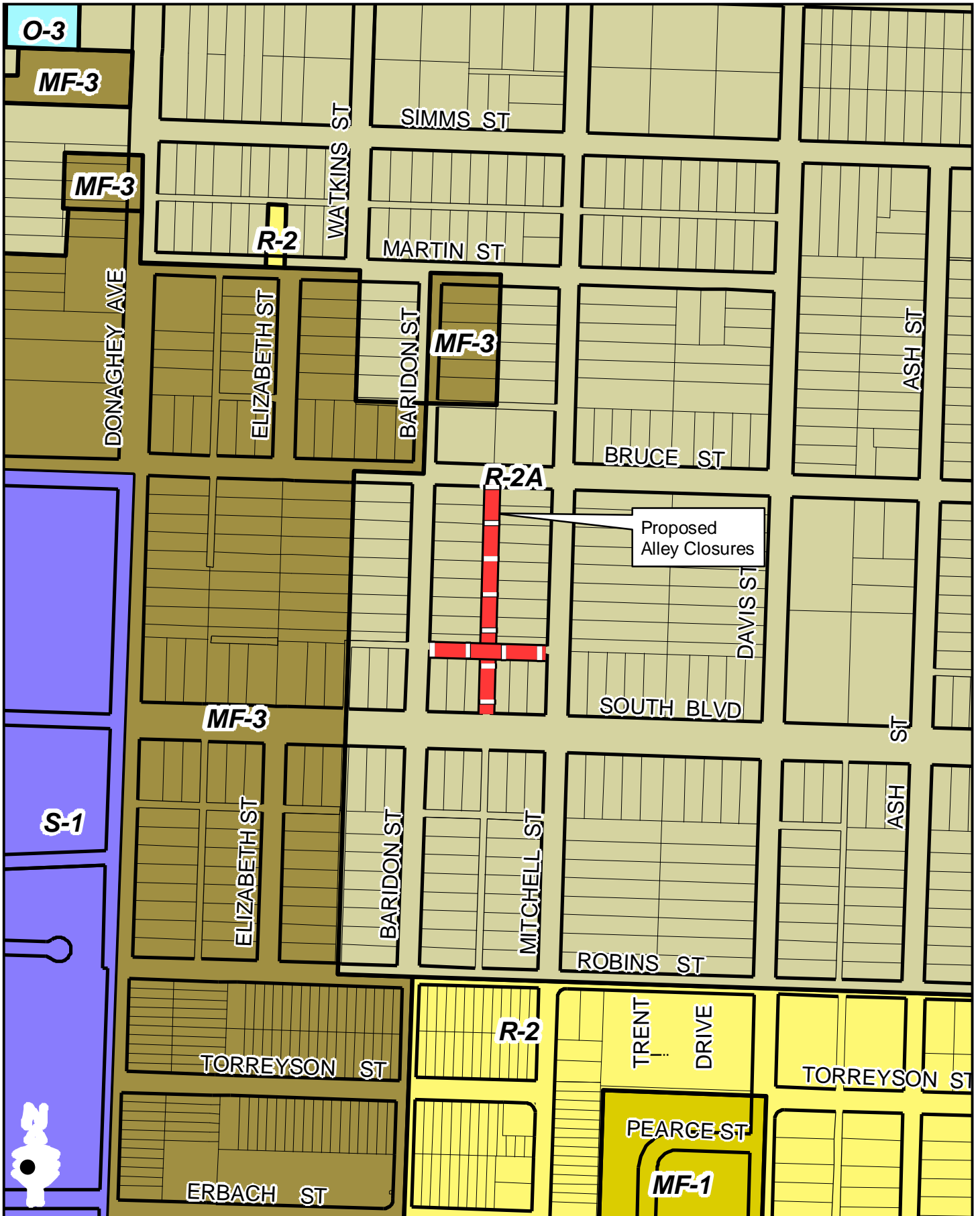
PASSED this 26th day of June, 2007

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



**Requested Alley Closures
Block 70 Boulevard Addition**



April 12, 2007

Dr. Carl Reddig
1909 Bruce Street
Conway, AR 72034

RE: Petition to Close Alley/Block 70 of Boulevard Addition

Dear Dr. Reddig:

This letter is in response to your telephone conversation with Tom Courtway and the materials you sent to us proposing that two alleys in Block 70, Boulevard Addition to the City of Conway, Arkansas, be closed. The university is one of the landowners in Block 70. You have prepared a petition to be presented to the City Council closing the two 20' alleys, one running the length of Block 70 from Bruce Street to Conway Boulevard, and the second from Mitchell Street to Baridon Street.

Please accept this letter as the university's agreement with your petition and feel free to represent to the appropriate authorities of the City of Conway that we consent to the closure and abandonment of both alleys under Arkansas law.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack Gillean".

Jack Gillean
Vice President for Administration

JG:tcc

cc: Paul McLendon
Tom Courtway
Larry Lawrence



Operators of the City-owned Electric, Electronic & Water Systems

May 24, 2007

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

Re: Closure of the alleys South of Bruce Street in Block 70, Boulevard Addition,
between Mitchell Street and Baridon Street in Conway.

Dear Mayor Townsell:

Conway Corporation does maintain utilities in the existing 20 foot alley in Block 70 of the Boulevard Addition. However, Conway Corporation has no objections to the closure of the said alley as long as the alley remains as an easement for the utilities.

If you have any questions, please let me know.

Respectfully yours,

CONWAY CORPORATION

A handwritten signature in cursive script that reads "Leslie Guffey".

Leslie Guffey
Engineering & Planning

cc: Carl Reddig



Lynda Palmer
Manager-Engineering (ROW)
Right-of-Way & Joint Use Poles

AT&T Arkansas
1111 West Capitol
Room 941
Little Rock, AR 72201

T: 501.373.5255
F: 501.373.0229
lynda.palmer@att.com

May 4, 2007

Carl Reddig
1909 Bruce St.
Conway, AR 72037

Dear Mr. Reddig:

RE: Easement vacation

Please find enclosed AT&T's conditional concurrence in your request to the above mentioned easement vacation. We agree to relinquish our interest in the public alleyway upon the condition that you (the property owner) grant us an easement for our existing facilities.

This concurrence must be recorded at the Faulkner County Courthouse in the office of the circuit clerk to be complete and legal. I would appreciate you returning a copy of the document to me at the above address for my files.

If you have any questions or comments, please call me at 501-373-5255.

Sincerely,

A handwritten signature in cursive script that reads "Lynda Palmer".

attachments



CONCURRENCE TO CLOSE A PORTION OF DEDICATED PUBLIC ALLEYS

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. AT&T Arkansas, hereby concurs in the release of its interest in dedicated public alleyways that lie within the block of South Boulevard, Baridon, Bruce and Mitchell Streets in the City of Conway, Faulkner County, Arkansas, more particularly described as follows:

Beginning at the NE corner of Lot 1, Block 70, Boulevard Addition, extend South 425 feet to the SE corner of Lot 9; thence west 150 feet to the SW corner of Lot 9; thence south 20 feet to the NW corner of Lot 10; thence east 150 feet to the NE corner of Lot 12; thence south 165 feet to the SE corner of Lot 12; thence east 20 feet to the SW corner of Lot 22; thence north 165 feet to the NW corner of Lot 22; thence east 150 feet to the NE corner of Lot 24; thence north 20 feet to the SE corner of Lot 21; thence west 150 feet to the SW corner of Lot 21; thence north 425 feet to the NW corner of Lot 13; thence west 20 feet to the point of beginning.

Signed and executed this 4th day of May, 2007.

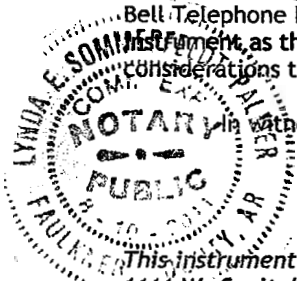
By: F. Jean Davis
F. Jean Davis
Director-Engineering/Construction

CORPORATE ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

On this the 4th day of May, 2007, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared F. Jean Davis, who, after being duly sworn, declared that he is the Director-Engineering/Construction for Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. AT&T Arkansas, and that he executed the foregoing instrument, as the act and deed of said company of his own free will and for the purposes and considerations therein expressed and with due authority.

In witness whereof I hereunto set my hand and official seal.



This instrument prepared by AT&T
1111 W. Capitol, Room 941
Little Rock, AR 72201 (501-373-5255)

Lynda E. Sommerfeldt Palmer
Lynda E. Sommerfeldt Palmer
Notary Public in & for Faulkner Co., AR
My commission expires August 10, 2011



CenterPoint Energy
817 North Creek Drive, Conway, AR 72032
501-377-4791, 501-336-8372 (fax)

Date: 05/10/07

Attention: Carl Reddig
Conway City Planning Department,
Honorable Tab Townsell - Mayor of Conway

Subject: Alley Closure: Block 70 Boulevard Addition

CenterPoint Energy has no conflict with the requested alley closure in the section described as: The alley in Block 70 Boulevard Addition running North-to-South between Bruce Street and South Boulevard, and running West-to-East between Baridon Street and Mitchell Street, Conway, Faulkner County , Arkansas.

NOTE: CenterPoint Energy does not release the utility easement of alley, as we do have an existing 2" natural gas main running approximately 220 feet North-to-South off Bruce Street that we must continue to have access.

See attached drawings.

Sincerely,
David Avra

David Avra, Marketing Consultant
CenterPoint Energy, Conway, AR

Petition of written consent for the Vacating of Streets and Alleys For the intent of Public Use

This petition is requested by Carl and Anita Reddig of 1909 Bruce Street.

Name of Street or Alley, (or portion thereof), to be vacated:

Beginning at the NE corner of Lot 1 Block 70 Boulevard Addition, extend South 425 feet to the SE corner of Lot 9, thence West 150 feet to the SW corner of Lot 9, thence South 20 feet to the NW corner of Lot 10, thence East 150 feet to the NE corner of Lot #12, thence South 165 feet to the SE corner of Lot #12, thence east 20 feet to the SW corner of Lot 22, thence North 165 feet to the NW corner of Lot #22, thence East 150 feet to the NE corner of Lot 24, thence North 20 feet to the SE corner of Lot 21, thence West 150 feet to the SW corner of Lot 21, thence North 425 feet to the NW corner of Lot 13, thence West 20 feet to the point of beginning.

Abutting property owners:

Name	Address
Frayer, Inc. By <i>[Signature]</i>	Property @ 1910 S. Boulevard 1101 FRONT ST., Conway, AR 72032

**Petition of written consent for the
Vacating of Streets and Alleys
For the intent of Public Use**

This petition is requested by Carl and Anita Reddig of 1909 Bruce Street.

Name of Street or Alley, (or portion thereof), to be vacated:

Beginning at the NE corner of Lot 1 Block 70 Boulevard Addition, extend South 425 feet to the SE corner of Lot 9, thence West 150 feet to the SW corner of Lot 9, thence South 20 feet to the NW corner of Lot 10, thence East 150 feet to the NE corner of Lot #12, thence South 165 feet to the SE corner of Lot #12, thence east 20 feet to the SW corner of Lot 22, thence North 165 feet to the NW corner of Lot #22, thence East 150 feet to the NE corner of Lot 24, thence North 20 feet to the SE corner of Lot 21, thence West 150 feet to the SW corner of Lot 21, thence North 425 feet to the NW corner of Lot 13, thence West 20 feet to the point of beginning.

Abutting property owners:

Name	Address	(Residence)
Oulie B. Hill Robert Hill	1318 Stanley Russ Rd. Rental property 212 Addition	

**Petition of written consent for the
Vacating of Streets and Alleys
For the intent of Public Use**

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Beginning at the NE corner of Lot 1 Block 70 Boulevard Addition, extend South 425 feet to the SE corner of Lot 9, thence West 150 feet to the SW corner of Lot 9, thence South 20 feet to the NW corner of Lot 10, thence East 150 feet to the NE corner of Lot #12, thence South 165 feet to the SE corner of Lot #12, thence east 20 feet to the SW corner of Lot 22, thence North 165 feet to the NW corner of Lot #22, thence East 150 feet to the NE corner of Lot 24, thence North 20 feet to the SE corner of Lot 21, thence West 150 feet to the SW corner of Lot 21, thence North 425 feet to the NW corner of Lot 13, thence West 20 feet to the point of beginning.

Abutting property owners:

Name	Address
Mary Jane King Alan D. Coble } 5-2-07	5060 E. St. Charles Road Columbia, MO 65201-6755

**Petition of written consent for the
Vacating of Streets and Alleys
For the intent of Public Use**

This petition is requested by Carl and Anita Reddig of 1909 Bruce Street.

Name of Street or Alley, (or portion thereof), to be vacated:

Beginning at the NE corner of Lot 1 Block 70 Boulevard Addition, extend South 425 feet to the SE corner of Lot 9, thence West 150 feet to the SW corner of Lot 9, thence South 20 feet to the NW corner of Lot 10, thence East 150 feet to the NE corner of Lot #12, thence South 165 feet to the SE corner of Lot #12, thence east 20 feet to the SW corner of Lot 22, thence North 165 feet to the NW corner of Lot #22, thence East 150 feet to the NE corner of Lot 24, thence North 20 feet to the SE corner of Lot 21, thence West 150 feet to the SW corner of Lot 21, thence North 425 feet to the NW corner of Lot 13, thence West 20 feet to the point of beginning.

Abutting property owners:

Name

Address

Stacie E. McSarkell
Robert S. Gammell
Shelma Harrison
Don Shapley
Karen Butler

218 BARIDON ST.
218 BARIDON ST.
229 MITCHELL ST
1920 SOUTH BLVD
233 MITCHELL ST CONWAY

ORDINANCE NO. O-07-_____**AN ORDINANCE CLOSING THE 15' ALLEY (RUNNING THROUGH BLOCK A AND BLOCK B IN THE ROBINSON AVENUE REPLAT; WITHIN THE CITY LIMITS OF CONWAY, ARKANSAS, AND FOR OTHER PURPOSES;**

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 26th day of June, 2007 asking the City Council to close two alleys described as Block A (running east to west between the South boundary of Lots 4-8, and the North boundary of Lots 9-13 and Block B (the south boundary of Lots 1-10, and the North boundary of Lots 11-20, Smith subdivision); also the additional 2.50' right of way for any alley shown on the plat of CRMC Replat along the north line of Lots 1 & 2; 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 five (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 that public interest and welfare will not be adversely affected by the 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 its rights, together with the rights of the public generally, in and to the easement designated as follows:

Alley Closure (Block A)

- Being that certain 15' alley running in an East and West direction which lies between the South boundary of Lots 4, 5, 6, 7, and 8 and the North boundary of Lots 9, 10, 11, 12 and 13 all in Block A, Smith Subdivision of a part of Donaghey Addition to the City of Conway, Arkansas, Faulkner County, Arkansas, as shown on Plat of Records in Plat Book A, at page 46 of the Faulkner County records.

Alley Closure (Block B)

- Being that certain 15' alley running in an East and West direction which lies along the South boundary of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 and the North boundary of lots 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 all in Block B, Smith Subdivision of a part of Donaghey Addition to the City of Conway, Faulkner County, Arkansas, as shown on Plat of Records in Plat Book A, at page 46 of the Faulkner County records.

Alley Closure (CRMC Replat)

- Also the additional 2.50' right of way for any alley shown on the plat of CRMC Replat along the North line of Lots 1 and 2 as shown on the plat of records in plat book J at Page 342 to the Faulkner County Records.

Section 2. Conway Corp does maintain a water main along the east side of Augusta Avenue and an electric/CATV line in said alley, as long as said portion remains an accessible utility easement, Conway Corp has no objections. Any relocation or removal or existing utilities in said alley ways will be at the expense of the developers.

Section 3. A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

Section 4. This ordinance shall take effect and be in force from and after its passage.

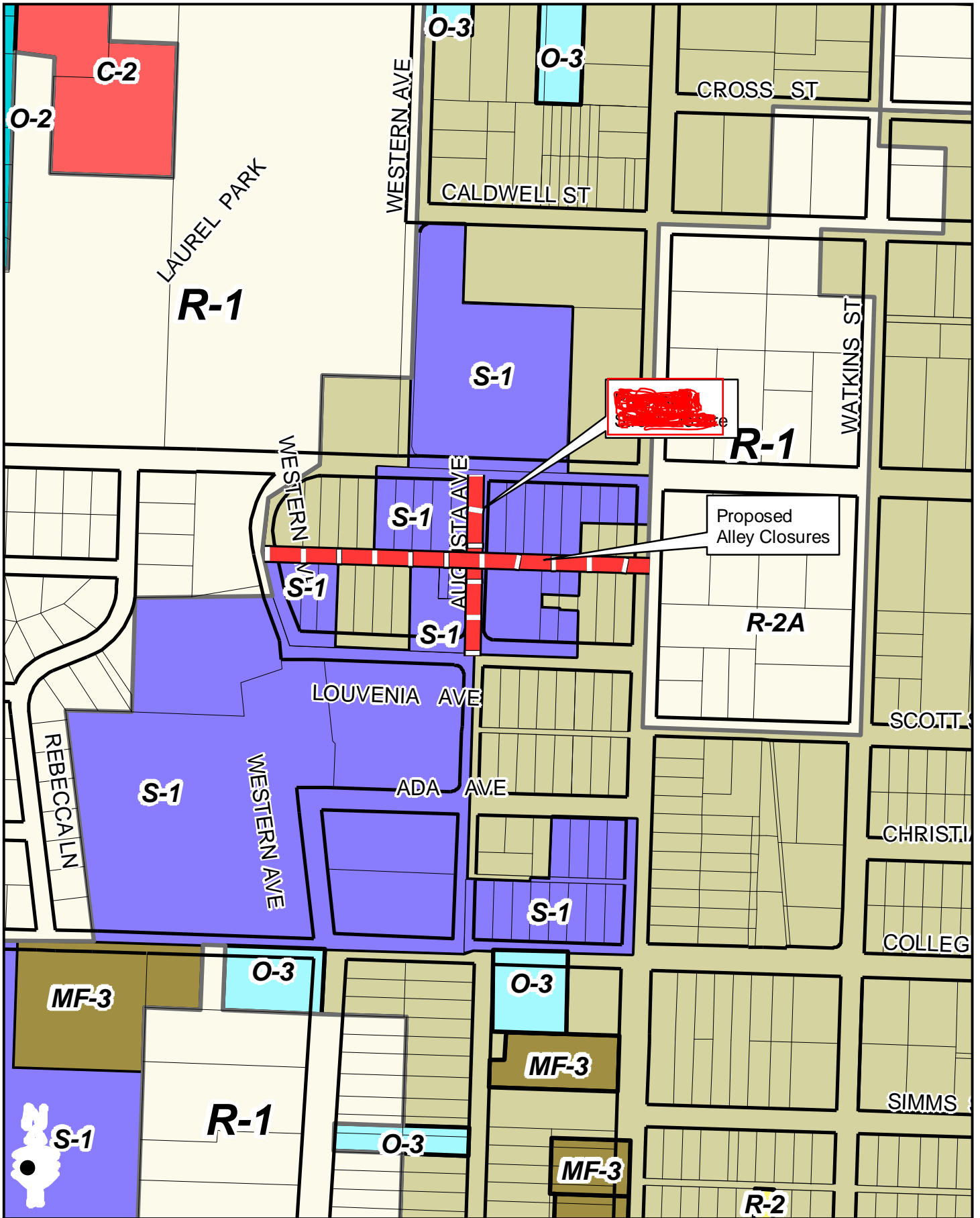
PASSED this 26th day of June, 2007

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



**Petition of written consent for the
Vacating of Streets and Alleys
For the intent of Public Use**

Name of Street or Alley, (or portion thereof), to be vacated:

~~Augusta Avenue~~ and 15' alley running through Block's A and B as described in the legal description

Abutting property owners:

Name	Address
J.C. and Audrey Thessing	#725 Donaghey Avenue, Conway, AR 72034
<i>J.C. Thessing</i>	<i>Audrey Thessing</i>
Bobby & Virginia Battles	#2414 Robinson Avenue, Conway, AR 72034
Frank & Mary Moix	#2414 Robinson Avenue, Conway, AR 72034
<i>Frank Moix</i>	
Heber Hardy Revocable Trust	#716 Western Avenue, Conway, AR 72034
<i>Heber Hardy</i>	
Harvey or Rosalie Lovelace	#2230 Louvenia Avenue, Conway, AR 72034
<i>Rosalie Lovelace</i>	
Kurt or Robin Kueter	#705 Gravel Hill Road, Romance, AR 72136
<i>Kurt Kueter</i>	

Joint property owners
representative



Operators of the City-owned Electric, Electronic & Water Systems

May 23, 2007

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

Re: Robinson Avenue Replat.

Dear Mayor Townsell:

In regard to the closure of the alley in Block A, Smith Subdivision (being a 15' alley running in an East and West direction lying between the South boundary of Lots 4, 5, 6, 7, and 8 and the North boundary of Lots 9, 10, 11, 12, and 13 all in Block A Smith Subdivision), the closure of the alley in Block B, Smith Subdivision (being a 15' alley running in an East and West direction lying between the South boundary of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 and the North boundary of Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, also the North 7.5' feet of the 15' alley running along and adjacent to the South line of Lots 4 and 5 all in Block B Smith Subdivision), and the closure of an additional 2.5' right-of-way for an alley shown on the plat of CRMC Replat along the North line of Lots 1 and 2. Conway Corporation does maintain a water main along the east side of Augusta Avenue and an electric/CATV line in said alleys. Conway Corporation has no objections to the closure of said alley ways as long as said portion remains as an accessible utility easement. Any relocation or removal of existing utilities in said alley ways will be at the expense of the developers.

If you have any questions, please let me know.

Respectfully yours,

CONWAY CORPORATION

Jeffery L. Crownover
Engineering & Planning

cc: Brandi Reynolds

Mail { Tim Tyler Surveying
#240 Skyline Drive, St. 3000
Conway, AR 72032

Doc#2007- 11253
Date 05/30/2007
12:53:18 PM
Filed & Recorded in
Official Records of
Faulkner County 289840
RHONDA LONG
FAULKNER COUNTY CIRCUIT CLERK
Fees \$11.00
by LB D.C.

011360



CONCURRENCE TO CLOSE A DEDICATED STREET AND ALLEYWAYS

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. AT&T Arkansas, hereby concurs in the release of its interest in a portion of a dedicated public street and alleyways, to-wit:

~~STREET CLOSURE: All that part of Augusta Avenue (50' right of way) lying between Blocks A and B; the southern boundary being Louvenia Avenue and the northern boundary being Robinson Avenue, located in the Smith Subdivision, a part of the Donaghey Addition to the City of Conway, Faulkner County, Arkansas, as shown on Plat of Records in Plat Book A, at Page 46 of the Faulkner County records.~~

ALLEY CLOSURE (Block A): Being that certain 15' alley running in an east and west direction, which lies between the south boundary of Lots 4, 5, 6, 7 and 8, and the north boundary of Lots 9, 10, 11, 12 and 13, all in Block A of the Smith Subdivision, a part of the Donaghey Addition to the City of Conway, Faulkner County, Arkansas, as shown on Plat of Records in Plat Book A, at Page 46 of the Faulkner County records.

ALLEY CLOSURE (Block B): Being that certain 15' alley running in an east and west direction, which lies between the south boundary of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 and the north boundary of Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, all in Block B, Smith Subdivision of a part of Donaghey Addition to the City of Conway, Faulkner County, Arkansas, as shown on Plat of Records in Plat Book A, at Page 46 of the Faulkner County records.

Also, the additional 2.50' right-of-way for any alley shown on the plat of CRMC Replat along the north line of Lots 1 and 2 as shown on Plat of Records in Plat Book J at Page 342 to the Faulkner County Records.

Signed and executed this 23rd day of May, 2007.

By: F. Jean Davis
F. Jean Davis
Director-Engineering/Construction



CenterPoint Energy
817 North Creek Drive, Conway, AR 72032
501-377-4791, 501-336-8372 (fax)

Date: 04/09/07

Attention:

Conway Regional Medical Center,
Brandi Reynolds – Tim Tyler Surveying & Mapping,
Conway City Planning Department,
Honorable Tab Townsell - Mayor of Conway

Subject: Robinson Ave Replat / Street Closing:
Augusta Ave, Conway, AR

CenterPoint Energy has no conflict with street and alley closing in the section described as:

~~Street Closure – Augusta Ave. lying between Block A and Block B and running north to south between Robinson Ave. and Louvenia Ave. located in Smith Subdivision, Conway, Faulkner County, Arkansas.~~

NOTE:

CenterPoint energy does have an existing natural gas main along the Eastern side of the southern portion of Augusta Ave. in the above described section, running North to South from the alley to Louvenia Ave. The existing utility easement along this section of Augusta Ave. must remain in tact for access to this gas main. See attached CNP map diagram.

* **Alley Closure – Block A;** Alley running East to West between the South boundary of Lots 4-8, and the North boundary of Lots 9-13

Block B; The South boundary of Lots 1-10, and the North boundary of Lots 11-20, Smith Subdivision, Conway, Faulkner County, Arkansas.

See attached drawings.

Sincerely,
David Avra

David Avra, Marketing Consultant
CenterPoint Energy, Conway, AR

ORDINANCE NO. O-07-_____**AN ORDINANCE TO ABANDON THE EXISTING 25 FOOT UTILITY EASEMENT AND EXTEND THE EXISTING 20' UTILITY EASEMENT TO 35' UTILITY AND ACCESS EASEMENT AS SHOWN ON THE BROWNE REPLAT, BEING REPLAT OF LOT 22-RA MUSEUM ROAD REPLAT; WITHIN THE CITY LIMITS OF CONWAY, ARKANSAS, AND FOR OTHER PURPOSES;**

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 26th day of June, 2007 asking the City Council to close an easement being part of the Lot 22-RA Museum Road Replat and extend the existing 20' utility easement to a 35' utility and access easement on Lot 22-RA Museum Road, 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 five (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 that public interest and welfare will not be adversely affected by the 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 its rights, together with the rights of the public generally, in and to the easement designated as follows:

Area to be closed:

Being a part of Lot 22-RA Museum Road Replat to the City of Conway, Arkansas, Faulkner County as shown on Plat of Record in Plat Book K, Page 237, Records of Faulkner County, Arkansas; more particularly described as beginning at the SW corner of said Lot 22-RA; thence N35°06'25"W 31.14 feet to the point of beginning; thence continue N35°06'25"W 279.08 feet to the NW corner of Lot 22-RA; thence S88°02'55"E 31.33 feet; thence S35°06'25"E 278.77 feet; thence N88°30'35"W 31.13 feet to the point of beginning.

Area to be extended:

Being a part of Lot 22-RA Museum Road Replat to the City of Conway, Arkansas, Faulkner County as shown on Plat of Record in Plat Book K, Page 237, Records of Faulkner County, Arkansas, and also the W1/2 of Museum Road closed by Ordinance 1-05-115, Records of Faulkner County, Arkansas that abuts said Lot 22-RA all in the W1/2 NW1/4 of Section 8, T-5-N, R-13-W; more particularly described as beginning at the SW

corner of said Lot 22-RA; thence N88°30'35"W 43.93 feet; thence N35°06'25"W 282.10 feet; thence N01°48'35"E 22.79 feet; thence S88°02'55"E 27.04 feet to the NW corner of said Lot 22-RA; thence S35°06'25"E 279.08 feet; thence S88°30'35"E 258.43 feet; thence S02°03'45"W 25.00 feet; thence N88°30'35"W 239.27 feet to the point of beginning.

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

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

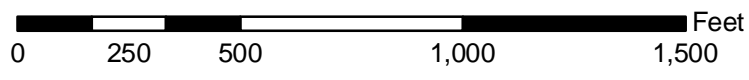
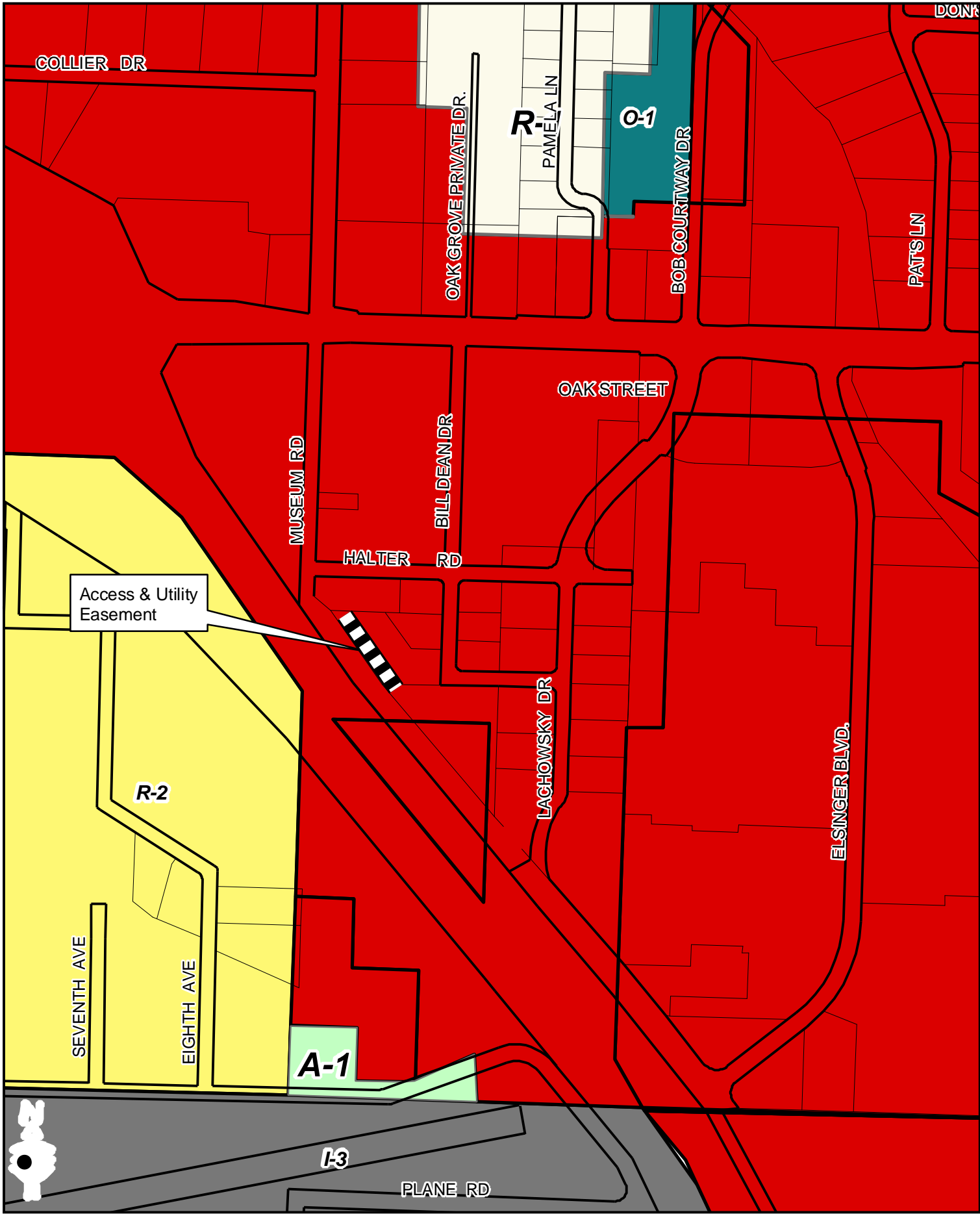
PASSED this 26th day of June, 2007

Approved:

Mayor Tab Townsell

Attest:

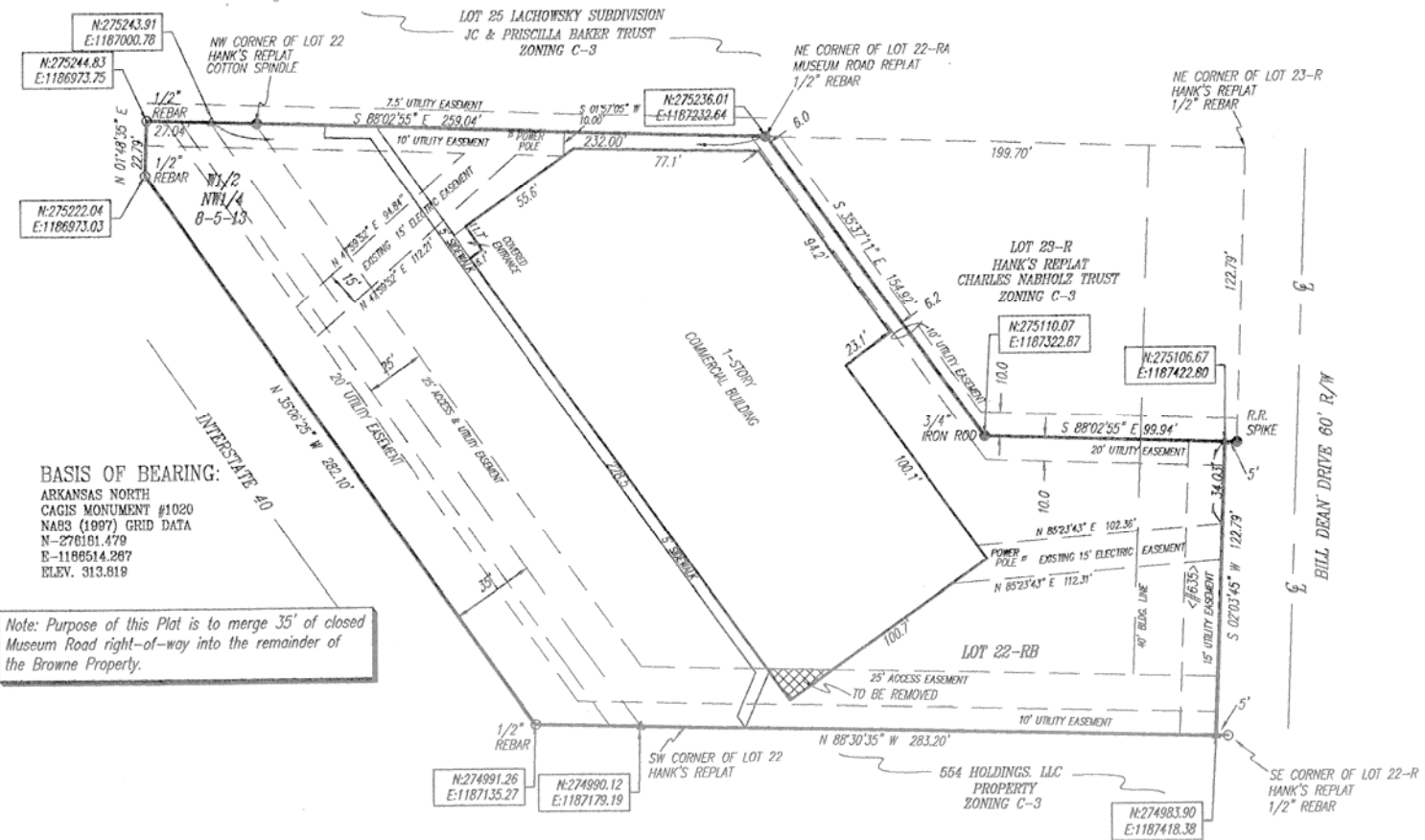
Michael O. Garrett
City Clerk/Treasurer



**Hank's Access
and Utility
Easement Closing**

BROWNE REPLAT

A REPLAT OF LOT 22RA OF MUSEUM ROAD REPLAT
& A PORTION OF THE W1/2 NW/4 SECTION 8, T-5-N, R-13-W
CITY OF CONWAY
FAULKNER COUNTY, ARKANSAS



BASIS OF BEARING:
 ARKANSAS NORTH
 CAGIS MONUMENT #1020
 NAD83 (1997) GRID DATA
 N-276191.479
 E-1186514.287
 ELEV. 313.819

Note: Purpose of this Plat is to merge 35' of closed Museum Road right-of-way into the remainder of the Browne Property.

N:274991.26
E:1187135.27

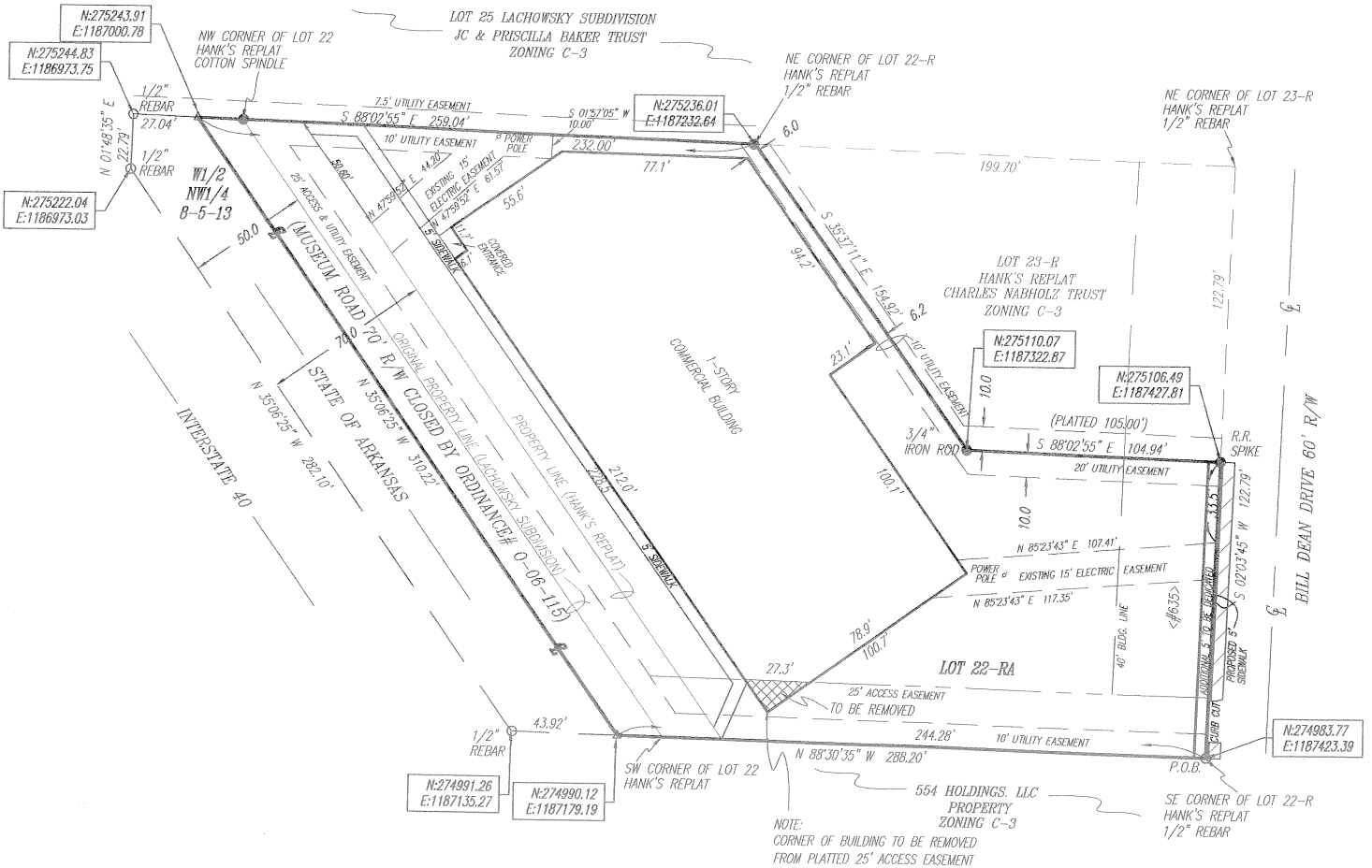
N:274990.12
E:1187179.19

N:274983.90
E:1187418.38

554 HOLDINGS, LLC
PROPERTY
ZONING C-3

MUSEUM ROAD REPLAT

A REPLAT OF LOT 22R HANK'S REPLAT
AND ALSO A PART OF THE W1/2 NW1/4,
SECTION 8, T-5-N, R-13-W
FAULKNER COUNTY, ARKANSAS





CenterPoint Energy
817 North Creek Drive, Conway, AR 72032
501-377-4791, 501-336-8372 (fax)

Date: 05/04/06

Attention:

Brandi Reynolds, Tim Tyler Surveying and Mapping,
Conway City Planning Department,
Honorable Tab Townsell - Mayor of Conway

Subject: Utility Easement Removal:

Museum Rd. West of Lot 22 & 23, Lachowsky
Subdivision, Conway, AR

CenterPoint Energy has no conflict with vacating the street/alley way on the land described as: Museum Rd. lying West of Lots 22 & 23 Lachowsky Subdivision, latter replatted on Hanks Replat as Lots 22-R & 23-R adjacent to Interstate 40 in the city of Conway, Faulkner County, Arkansas.

See attached drawings.

Sincerely,

David Avra

David Avra, Marketing Consultant
CenterPoint Energy, Conway, AR

FROM

(THU)MAY 17 2007 8:25/ST. 8:25/No. 6800000519 P 1

**Conway**
Corporation

Operators of the City-owned Electric, Electronic & Water Systems

May 16, 2007

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

Re: Reduction of utility easement as shown on Browne Replat, being a replat of Lot 22-RA Museum Road Replat, Plat Book K, page 237, Records of Faulkner County, Arkansas.

Dear Mayor Townsell:

Conway Corporation has no objections to Tim Tyler's request to abandon the existing 25 foot access and utility easement which runs generally southeast to northwest, said easement beginning 35' east of the west property line on Browne Replat, a replat of lot 22RA of Museum Road Replat. All other easements on this replat will be sufficient at this time. Therefore, Conway Corporation is still protected with this reduction request.

If you have any questions, please let me know.

Respectfully yours,

CONWAY CORPORATION

Keith A. Cates
Engineering and Planning

cc: Tim Tyler Survey and Mapping

Tim Tyler Surveying 011794
 040 Skyline Dr. St. 2000
 Conway, AR 72032
 Attn: Brandon
 (501) 329-1400

Doc#2007- 11684
 Date 06/04/2007
 12:59:10 PM
 Filed & Recorded in
 Official Records of
 Faulkner County
 RHONDA LONG
 FAULKNER COUNTY CIRCUIT CLERK
 Fees \$11.00
 by *MLL* D.C.

290073



**CONCURRENCE TO CLOSE
 A DEDICATED PUBLIC UTILITY EASEMENT**

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. AT&T Arkansas, hereby concurs in the release of its interest in a portion of a dedicated utility easement, described as follows:

Being a part of Lot 22-RA Museum Road Replat to the City of Conway, Faulkner County, Arkansas, as shown on Plat of Record in Plat Book K at Page 237, Records of Faulkner County, Arkansas, more particularly described as follows: Beginning at the SW corner of Said Lot 22-RA, thence N35°06'25"W 31.14 feet to the point of beginning; thence continue N35°06'25"W 279.08 feet to the NW corner of Lot 22-RA; thence S88°02'55"E 31.33 feet; thence S35°06'25"E 278.77 feet; thence N88°30'35"W 31.13 feet to the point of beginning.

Signed and executed this 1 day of June, 2007.

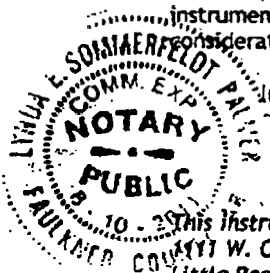
By: *F. Jean Davis*
 F. Jean Davis
 Director-Engineering/Construction

CORPORATE ACKNOWLEDGMENT

STATE OF ARKANSAS
 COUNTY OF PULASKI

On this the 1 day of June, 2007, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared F. Jean Davis, who, after being duly sworn, declared that he is the Director-Engineering/Construction for Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. AT&T Arkansas, and that he executed the foregoing instrument as the act and deed of said company of his own free will and for the purposes and considerations therein expressed and with due authority.

In witness whereof I hereunto set my hand and official seal.



This instrument prepared by AT&T
 1111 W. Capital, Room 941
 Little Rock, AR 72201 (501-373-5255)

Lynda E. Sommerfeldt Palmer
 Lynda E. Sommerfeldt Palmer
 Notary Public in & for Faulkner Co., AR
 My commission expires August 10, 2011

RESOLUTION NO. R- 07- _____

A RESOLUTION TO ABANDON A PORTION OF TOPAZ DRIVE IN THE CRESTHAVEN SUBDIVISION, PHASE II; AND FOR OTHER PURPOSES

WHEREAS, a petition has been filed with the City Council of the City of Conway, Arkansas by Richard Collins to abandon a portion of Topaz Drive in the Cresthaven II within the corporate limits of the City of Conway, Arkansas; and

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CONWAY, AR

1. That the City Council shall hear said petition at its regular meeting to be held at District Court Building, 810 Parkway Street, Conway, Arkansas, on the 10th day of July, 2007 at 6:30 p.m.
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

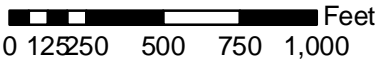
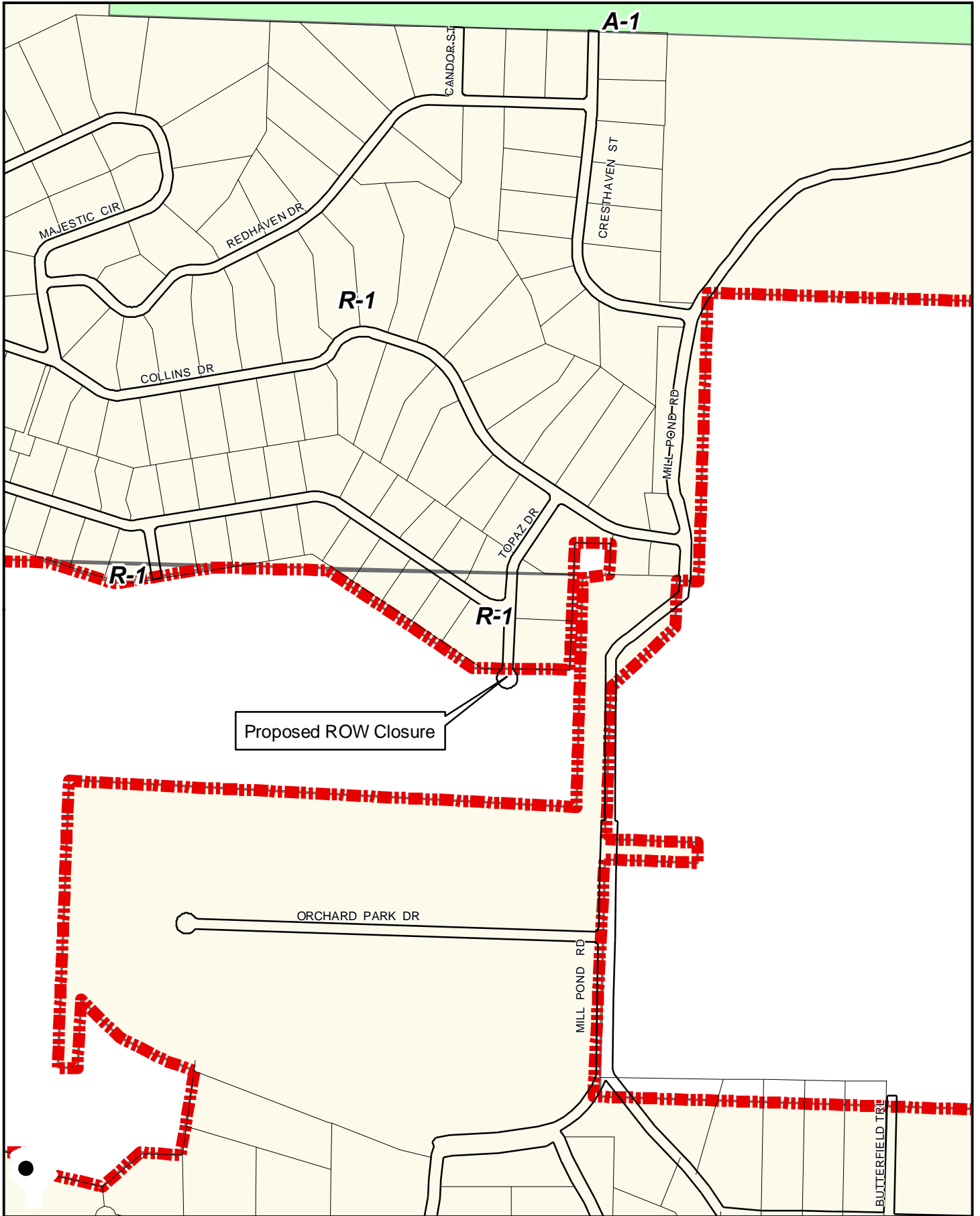
PASSED this 26th day of June, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



Topaz Drive ROW Closure

RESOLUTION NO. R- 07-_____

A RESOLUTION TO ABANDON A POWER POLE UTILITY EASEMENT IN THE RUNWAY PARK SUBDIVISION; AND FOR OTHER PURPOSES

WHEREAS, a petition has been filed with the City Council of the City of Conway, Arkansas by Fred Langford to abandon a power pole utility easement in the Runway Park Subdivision, specifically Lots 2A & 8; within the corporate limits of the City of Conway, Arkansas; and

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CONWAY, AR

1. That the City Council shall hear said petition at its regular meeting to be held at District Court Building, 810 Parkway Street, Conway, Arkansas, on the 10th day of July, 2007 at 6:30 p.m.
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

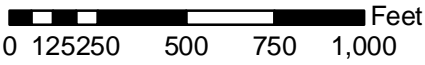
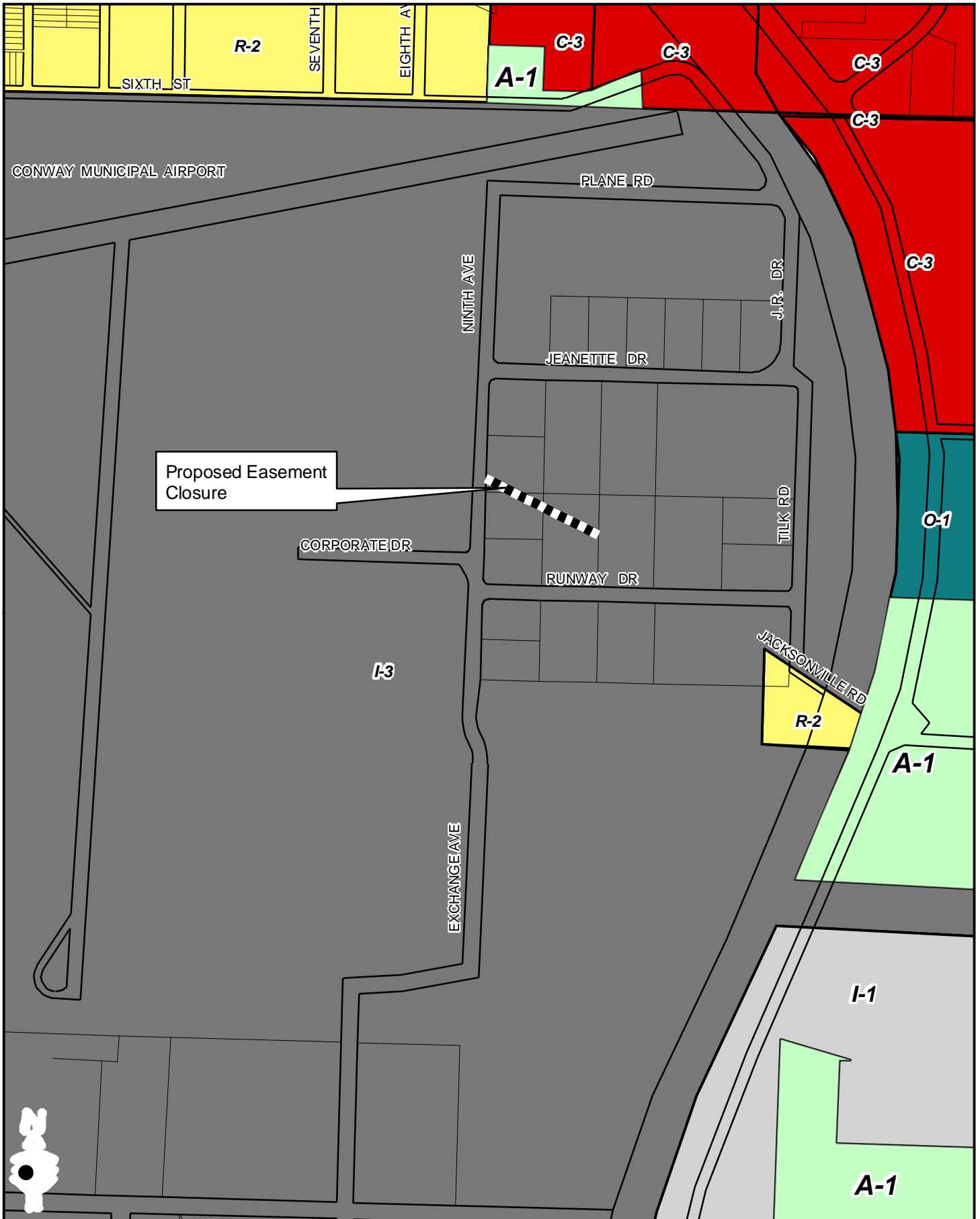
PASSED this 26th day of June, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



**Lots 2A, 8, and 9
Power Line Easement Closure**

Numbers with an additional CDBG Staff Person

6A-3

2007 Administration 19%	\$ 81,969.00	Housing Dir Salary #
SALARIES		
64% Assist to Mayor CD	\$ 54,695.00	With benefits & fringe
20% Housing Director	\$ 17,064.00	
Expenses for Admin	\$ 10,210.00	
Total	\$ 81,969.00	
80% Housing Director	\$ 20,436.00	
comes from Program Costs		
CAPCA 2007	\$ 81,000.00	CITY OF CONWAY
10% admin	\$ 8,100.00	Housing Director Salary
35% Housing Director Salary	\$ 14,000.00	Total for Rehab
Total Program	\$ 58,900.00	
MONEY	EXPLANATION	
\$ 426,617.00	Amount Allocated by HUD	
\$ 396,905.00	2007 Budget	
\$ 29,712.00	amount extra	
\$ 3,992.00	amount that can be used for services	
\$ 17,064.00	new housing director	
\$ 8,656.00	to be used for new or add to project	
	recommendation add to housing rehab	

2007 CDBG ALLOCATIONS EXTRA MONEY TO BE ALLOCATED

2007 PROGRAM YEAR		Project Description 2007
Available Funding	\$ 272,000.00	
Projects	Amount Funded	
CAPCA	\$ 81,500.00	Rehab for 24 low income housing units
Drainage Project	\$ 115,500.00	2005 Project w/ add amt CC okayed
Halter Building Project	\$ 75,000.00	CC and AB approved
Total	\$ 272,000.00	
Public Services Projects	ONLY 15% of total budget	
Available Funding	\$ 60,000.00	
Bethlehem House	\$ 14,850.00	Third shift staffing of homeless shelter
Boys and Girls Club	\$ 4,000.00	Transport Sallie Cone 80% are LMI& equipment
Senior Citizens	\$ 10,000.00	Transportation services the elderly
FCCDD	\$ 20,000.00	Trans Services to jobs & job training for Disabled
Pine St Free Clinic	\$ 6,150.00	Supplies for diabetic patients/supplies/staff
Women's Shelter	\$ 5,000.00	Collaborative Transportation Program
Total	\$ 60,000.00	
Administration 16%	\$ 64,905.00	
GRANT TOTAL	\$ 396,905.00	
ACTUAL 2007 ALLOCATION	EXPLANATION	MONEY
\$ 426,617.00	Amount Allocated by HUD	\$ 426,617.00
\$ 396,905.00	2007 Budget	\$ 396,905.00
\$ 29,712.00	amount extra	\$ 29,712.00
\$ 3,992.00	amount that can be used for services*	\$ 3,992.00
\$ 17,064.00	new housing director	\$ 17,064.00
\$ 8,656.00	to be used for new or add to project	\$ 8,656.00
	recommendation add to housing rehab	

ORDINANCE NO. O- 07-_____

AN ORDINANCE AMENDING THE CONWAY ZONING ORDINANCE TO ALLOW ADDITIONAL HEIGHT FOR INSTITUTIONAL STRUCTURES, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

Whereas, the City of Conway wishes to allow greater height in institutional structures:

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

Section 1: That SECTION 401.8 (C) – LOT, YARD, AND HEIGHT REGULATIONS of the Conway Zoning Ordinance as adopted by Ordinance O-94-54 on September 27, 1994 is hereby amended to add the following language:

HEIGHT REGULATIONS	ZONING DISTRICT	
	S-1	S-2
Maximum Number of Feet	75 100	75 100 ⁽³⁾
Maximum Number of Stories	6.5 6	6.5 6 ⁽³⁾

Section 2: That any ordinances or parts of ordinances in effect at the time of the passage of this ordinance that are in conflict with this ordinance are repealed to the extent of the conflict.

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

PASSED this 26th day of June, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

City Clerk Michael O. Garrett



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

June 20, 2007

Council Members
Conway, AR 72032

Dear Council Members:

At its regular meeting on June 18, 2007, the Planning Commission considered an ordinance amending the Conway Zoning Ordinance to allow additional height for institutional structures. The Planning Commission voted 6 – 0 that the proposed ordinance amending the Zoning Ordinance be sent to the City Council with a recommendation of approval.

Submitted by,

Junior Storie, Vice Chairman
Planning Commission

ORDINANCE NO. O- 07-_____

AN ORDINANCE AMENDING THE CONWAY ZONING ORDINANCE TO REQUIRE NOTIFICATION OF THE PUBLIC OF AN APPEAL TO THE CITY COUNCIL OF A PLANNING COMMISSION DENIAL, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

Whereas, the City of Conway wishes to alert the public of a pending City Council review, and:

Whereas, the City of Conway wishes encourage public input on appealed Planning Commission denials:

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

Section 1: Conditional Use Permit – That Section 901.2.F. Disapproval of the Conway Zoning Ordinance as adopted by Ordinance O-94-54 on September 27, 1994 is hereby amended to add the following language:

- F. Disapproval: If a conditional use permit request is disapproved by the Planning Commission, the petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission’s findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the conditional use permit request. **A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned.** If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place.

Section 2: Rezoning – That Section 901.4.C.3.G Disapproval of the Conway Zoning Ordinance as adopted by Ordinance O-94-54 on September 27, 1994 is hereby amended to add the following language:

- g. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission’s findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the request. **A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place.**

(ORDINANCE NO. O-07- ____ Continued)

Section 3: Building Moving – That **Section 1001.5. Hearing** of the Conway Zoning Ordinance as adopted by Ordinance O-94-54 on September 27, 1994 is hereby amended to add the following language:

At the time of the scheduled public hearing, any person may appear before the Planning Commission of the City of Conway and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application for a permit, the Planning Commission of Conway shall approve or disapprove of the application.

Following disapproval of a proposed building moving permit request by the Planning Commission, the petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission’s findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the request. A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place.

The City Council of the City of Conway may in its discretion either grant or deny the application for a permit, and may attach any conditions to said permit deemed necessary by said council.

Section 4: That any ordinances or parts of ordinances in effect at the time of the passage of this ordinance that are in conflict with this ordinance are repealed to the extent of the conflict.

Section 5: That this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance will be in full force and effect from and after its passage and approval.

PASSED this 26th **day of** June, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

City Clerk Michael O. Garrett



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

June 20, 2007

Council Members
Conway, AR 72032

Dear Council Members:

At its regular meeting on June 18, 2007, the Planning Commission considered an ordinance amending the Conway Zoning Ordinance to require notification of the public of an appeal to the City Council of a Planning Commission denial. The Planning Commission voted 6 – 0 that the proposed ordinance amending the Zoning Ordinance be sent to the City Council with a recommendation of approval.

Submitted by,

Junior Storie, Vice Chairman
Planning Commission



June 20, 2007

Council Members
Conway, AR 72032

Dear Council Members:

A request for a conditional use permit for Automobile Dealership for property located at 1355 Exchange Avenue with the legal description:

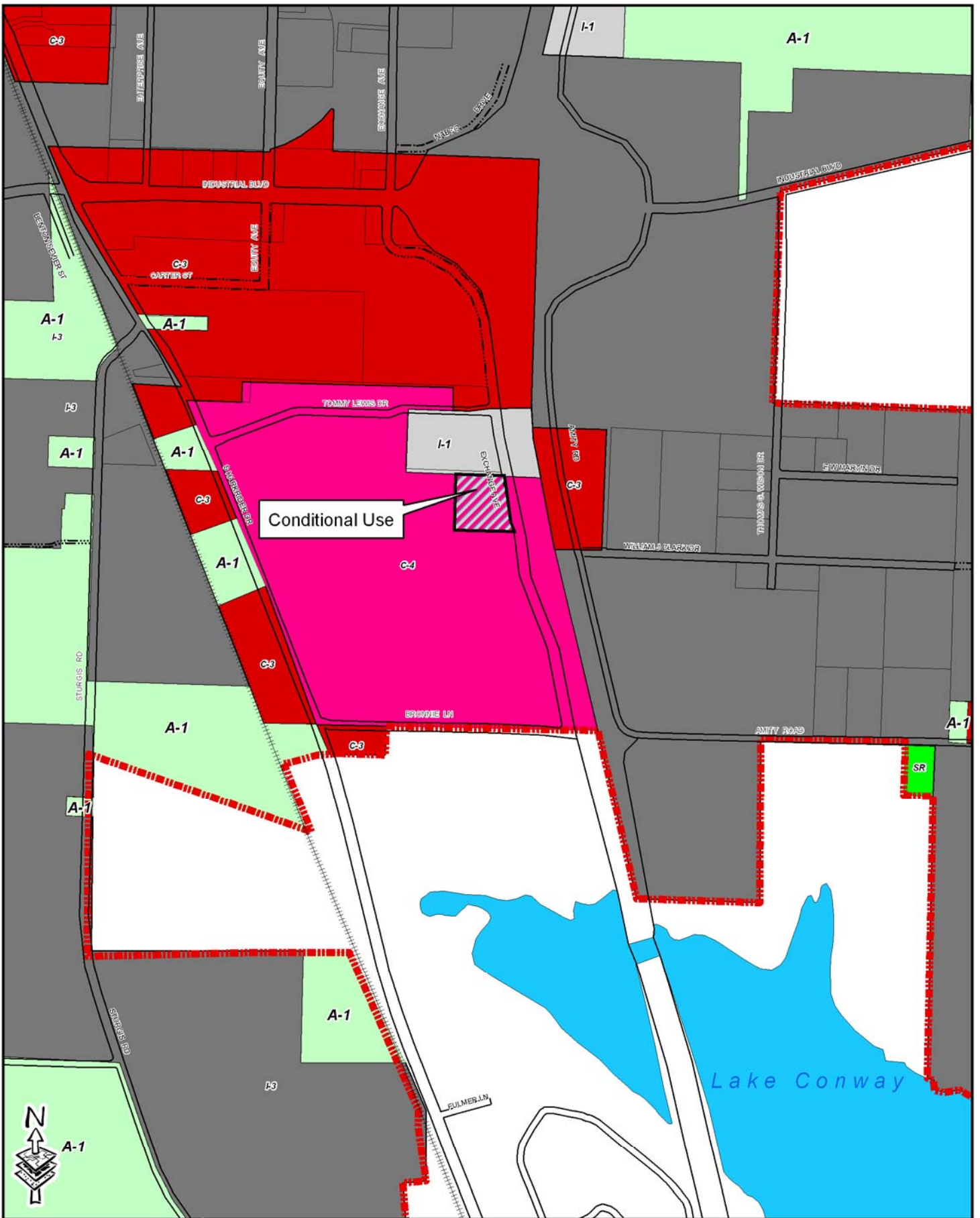
A part of Lot 3, Tommy Lewis Addition Phase II, as shown in Plat Book J, on page 138, Records of the Faulkner County, Arkansas Courthouse being more particularly described as commencing at the Northwest corner of said Lot 3 and running thence S21°21'32"E, along the West line of said lot, 599.66 feet; thence run S88°38'26"E, 1536.34 feet to the point of beginning; thence continue S88°38'26"E, 603.11 feet to the East line of said lot; thence run S12°14'40"E, along said East line, 56.82 feet; thence S07°33'21"E, 306.96 feet; thence S21°20'55"E, 80.33 feet; thence run along an arc to the right having a chord bearing and distance of S35°00'19"W, 46.62 feet and a radius of 28.00 feet; thence N88°38'26"W, 669.05 feet; thence N01°20'24"E, 471.39 feet to the point of beginning. Said tract contains 7.00 acres more or less.

was reviewed by the Planning Commission at its regular meeting on June 18, 2007. The Planning Commission voted 6 – 0 that the request be sent to the City Council with a recommendation of approval with the following condition attached.

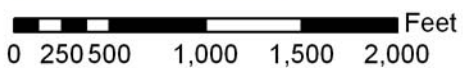
- 1) External sound system use allowed between the hours 8:00 a.m. to 7:00 p.m. only.

Submitted by,

Junior Storie, Vice Chairman
Planning Commission



AJC Properties Conditional Use Permit





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

6A-7

June 20, 2007

Council Members
Conway, AR 72032

Dear Council Members:

A request for a conditional use permit for *Church and Religious Activities* for property located at 1257 Lincoln Street with the legal description:

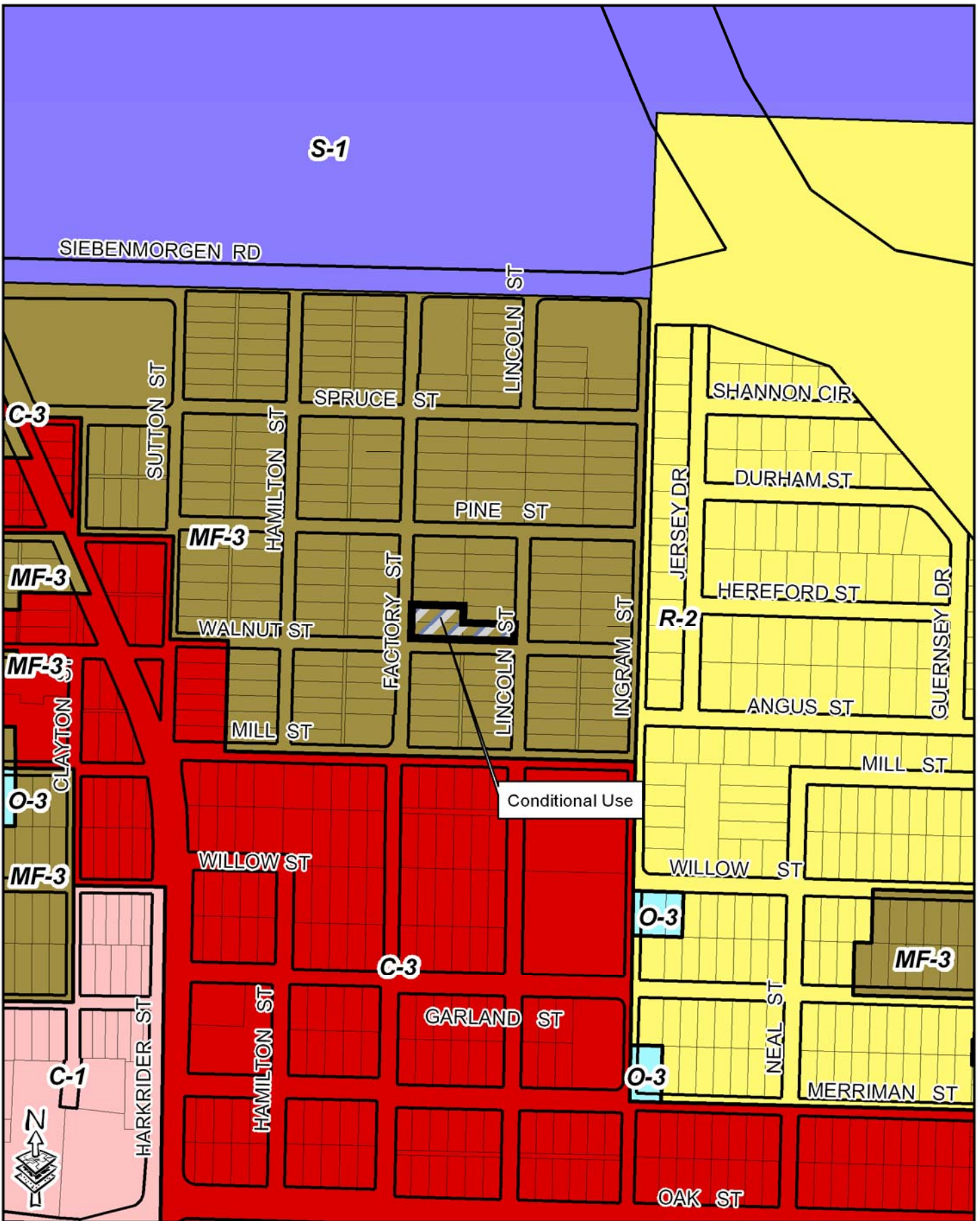
Lots 5, 6, and 7, Block 16, Burns Addition

was reviewed by the Planning Commission at its regular meeting on June 18, 2007. The Planning Commission voted 6 – 0 that the request be sent to the City Council with a recommendation of approval with the following condition attached.

- 1) Removal of existing trees that are eight (8) inches or more in diameter must be approved by the City of Conway Planning Director.

Submitted by,

Junior Storie, Vice Chairman
Planning Commission



**Union Baptist Church
Conditional Use Permit**



June 20, 2007

Council Members
Conway, AR 72032

Dear Council Members:

A request for a conditional use permit for *Restricted Retail* for property located at the southeast corner of Western Avenue and Prince Street with the address 2159 Prince Street and the legal description:

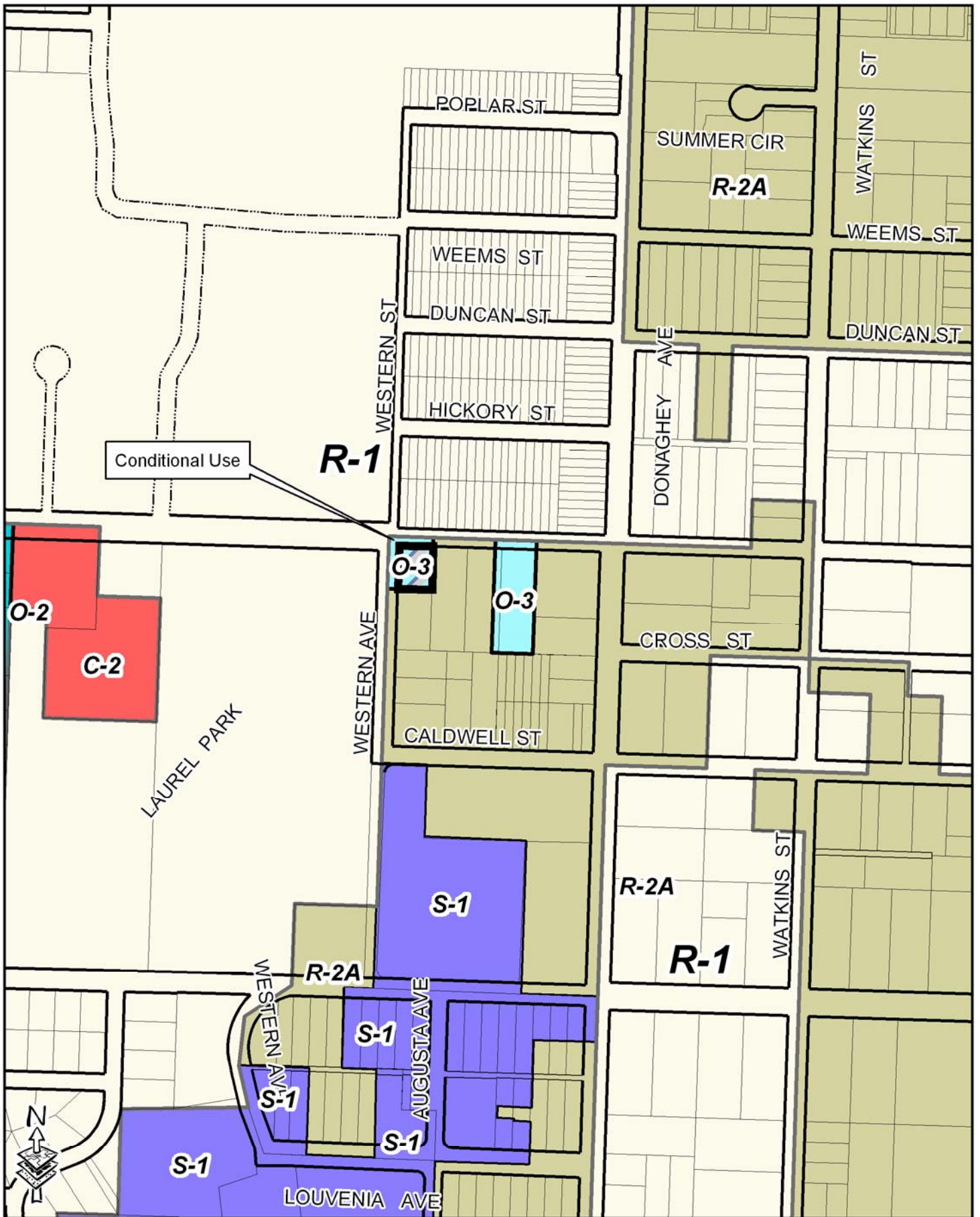
A part of Block 2 of NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T5N, R14W, as shown on survey ad plat made by B. F. Stermer on November 7, 1945, being more definitely described as follows: Beginning at the point of intersection of the south line of Prince Street with the east line of Western Avenue and running thence south 128 feet; thence east 100 feet; thence north 128 feet; thence west 100 feet to the point of beginning, in the City of Conway, Faulkner County, Arkansas.

was reviewed by the Planning Commission at its regular meeting on June 18, 2007. The Planning Commission voted 6 – 0 that the request be sent to the City Council with a recommendation of approval with the following three conditions attached.

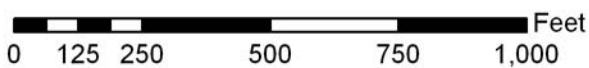
1. Hours of operation are limited to 7:00 a.m. to 9:00 p.m., Monday through Saturday, and closed on Sundays.
2. Only foods prepared by use of a convection oven, toaster oven, or microwave oven may be sold.
3. No external sound system allowed.

Submitted by,

Junior Storie, Vice Chairman
Planning Commission



Serio Conditional Use Permit



An Amendment to the Subdivision Ordinance Allowing Greater Lot Coverage in the R-1 Single-Family Residential Zone

Description of the Proposed Amendment

This ordinance would amend the Subdivision Ordinance's assurance (bonding) requirements for sidewalks. Sidewalks are required along both sides of all residential streets. These sidewalks are to be built by the home owner / builder. To insure that a continuous sidewalk is eventually constructed, assurance is required from the developer for 100% of the sidewalks along residential streets. This assurance requires that any sidewalks not built by the home owners / builders within 3 years will be built by the developer.

Developers are having difficulties securing assurance for 100% of the sidewalks. Likely a developer will never have to build 100% of the sidewalks as home owners / builders will construct the sidewalks as homes are built. The enclosed ordinance will lower the required bonding to 50% of the total sidewalks.

Another issue is the bonding of sidewalks along streets classified as collector and above. The Subdivision Ordinance requires that sidewalks along collectors and above be constructed by the subdivision developer concurrently with street construction. This sidewalk is assured with a one-year letter of credit, bond, or cash.

This is normally not a problem as homes typically do not front collectors, however, this situation does occasionally occur. When homes fronting collectors are being constructed the home owner will build the sidewalk simultaneously with the home. If the developer constructs the sidewalk at the same time the road is built, it is likely the sidewalks will be damaged during home construction. The proposed ordinance will allow the developer, with Planning Commission approval, to bond the sidewalk over a 3 year period as allowed for residential streets. This would ensure that the sidewalk is constructed but allow time for the sidewalks to be built in conjunction with home construction.

Enclosures:

The proposed ordinance

ORDINANCE NO. O- 07-_____

AN ORDINANCE AMENDING THE CONWAY SUBDIVISION ORDINANCE REVISING SIDEWALK ASSURANCE PROCEDURES, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

Whereas, the City of Conway wishes to allow greater height in institutional structures:

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

Section 1: That ARTICLE V, SECTION 9, SIDEWALKS of the Conway Subdivision Ordinance as adopted by Ordinance O-00-03 on January 25, 2000 is hereby amended to add the following language:

- (5) ***Sidewalks Along Collectors and Above:*** Sidewalks along streets classified as a collector or above shall be constructed by the subdivision developer concurrently with construction of the other subdivision infrastructure. Such construction shall be completed or assurance of construction equal to that required for other infrastructure improvements provided prior to the filing of the final plat. Such sidewalk construction, location, and responsibility shall be clearly identified and be a requirement of the final plat. ***In cases where homes are constructed with access along a street classified as a collector or above, the Planning Commission may approve assurance of construction as outlined in (6) Sidewalks Along Residential Streets below.***
- (6) ***Sidewalks Along Residential Streets:*** Sidewalks along streets classified as residential shall be constructed by the homeowner/builder. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. Sidewalks on lots that are not built out within three (3) years of final platting shall be the responsibility of the developer. A separate assurance for this completion shall be required prior to the filing of the final plat. This assurance shall be equal to ***50 % of*** the amount necessary to complete all sidewalks required within the subdivision at the end of the three year bonding period. This amount shall be determined by the City Engineer. These funds shall be in the form of a letter of credit, performance bond, or cash deposit. The amount of sidewalk build out will be reviewed on an annual basis and this assurance shall be adjusted according to the percent of sidewalk completion.

Section 2: That any ordinances or parts of ordinances in effect at the time of the passage of this ordinance that are in conflict with this ordinance are repealed to the extent of the conflict.

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

PASSED this _____ day of _____, 2007.

APPROVED:

ATTEST:

Mayor Tab Townsell

City Clerk Michael O. Garrett

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR FUNDING A NEW COLLEGE AVENUE RAILROAD CROSSING AND SIGNALS.

Whereas, the City of Conway manages and regulates the street system in the City of Conway, Arkansas, and

Whereas, it is deemed desirable to close the existing section of College Avenue between the Union Pacific Railroad and Harkrider street and construct a new street between the Union Pacific Railroad and Harkrider Street along the route of existing Elm Street approximately 330 feet north of the existing College Avenue., and

Whereas, it becomes necessary to construct a new railroad crossing and railroad signals for the proposed street relocation.

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

Section 1. The Mayor shall make application to the Arkansas State Highway and Transportation Department for funding of the new railroad crossing and installation of signals at the new crossing.

Section 2. The Mayor and City Council understand qualification for funding a new railroad crossing and signals is contingent on closure of two existing railroad crossings. The city council agrees to accommodate the requirement for closure of two crossings as follows:

1. Close and remove the existing College Avenue vehicular railroad crossing, but leave open and maintain the existing pedestrian railroad crossing with railroad signals on the south side of the vehicular railroad crossing. Because railroad signals must be maintained at the pedestrian crossing, the removal of the vehicular crossing does not qualify for a crossing closure.
2. Close Davis Street railroad crossing.
3. Close Independence Street railroad crossing if the railroad signal system can accommodate the new College Avenue railroad crossing signals without the closure of Deer Street railroad crossing.
4. Close the Deer Street railroad crossing (leaving the Independence Street railroad crossing open) if the railroad signal system cannot accommodate a new crossing signal with Deer Street remaining open.

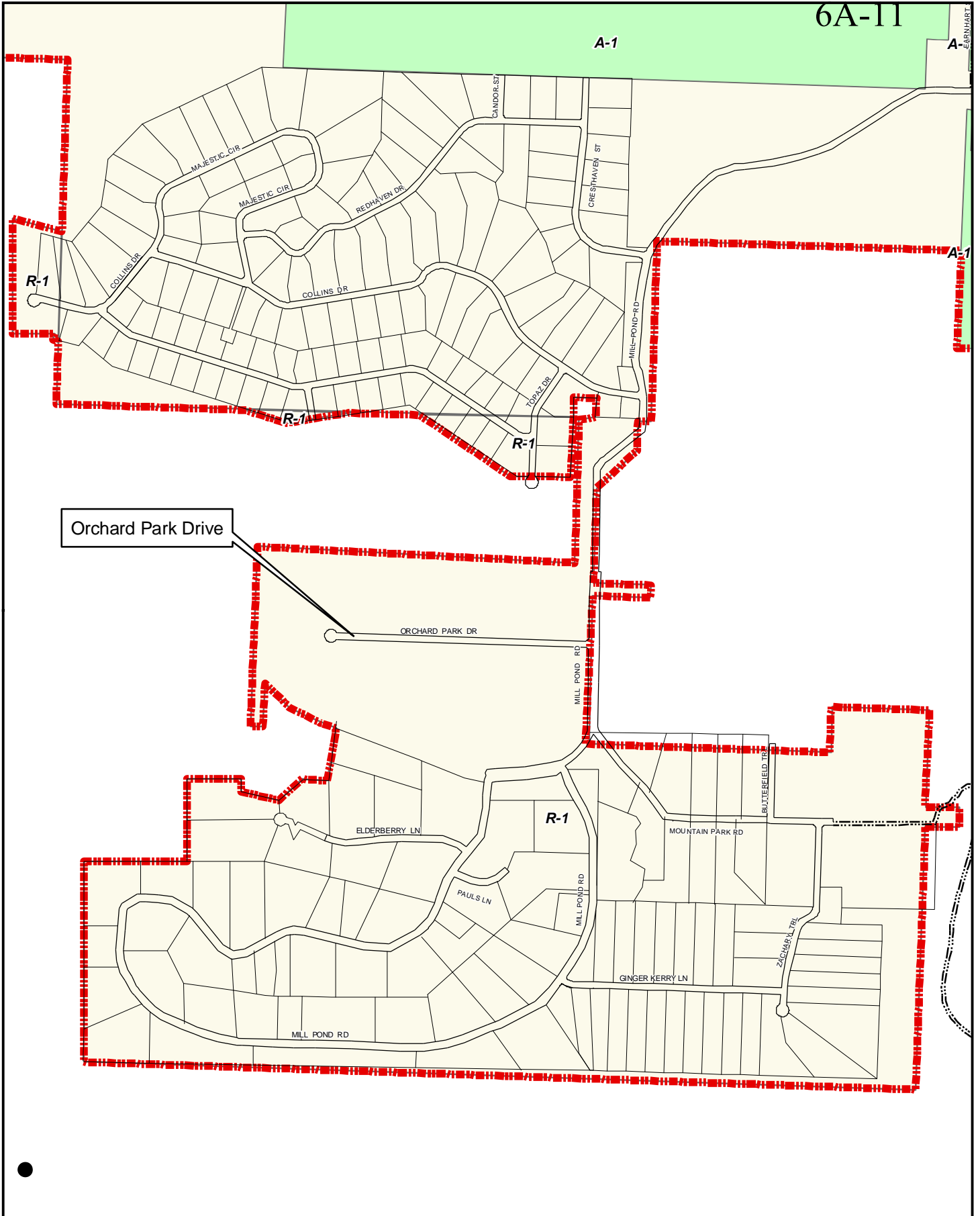
Passed this 26th day of June, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/ Treasurer



Orchard Park Drive

ORCHARD PARK DR

ELDERBERRY LN

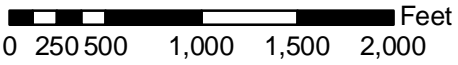
PAULS LN

MILL POND RD

R-1

MOUNTAIN PARK RD

GINGER KERRY LN



**Orchard Park Drive
Street Acceptance**

ORDINANCE NO.O-07-_____

**AN ORDINANCE APPROPRIATING DONATED FUNDS TO THE
CONWAY PARKS & RECREATION DEPARTMENT; AND FOR OTHER
PURPOSES:**

WHEREAS, funds in the amount of \$1,000 were donated to the Conway Parks Department by First State Bank for the purpose of sponsorship for Lights over the Lake;

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

SECTION 1. The City of Conway shall appropriate \$1,000 from the General Fund Revenue Donation Account to the Conway Parks Department Lights over the Lake Operating Account.

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

PASSED this 26th day of June 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



Memo

To: Mayor Tab Townsell
CC: Conway City Council
From: Brian Knopp, Parks Director
Date: June 14, 2007
Re: Appropriation of Funds

The Conway Parks Department received a \$1,000 donation check from First State Bank to be used for the fireworks display at Lights Over the Lake.

We would like to request the Conway City Council to appropriate these funds from the General Fund Revenue Donation Line Item (01.909) to the Conway Parks Department Lights over the Lake Operating Account (01.120.760).

ORDINANCE NO.O-07-_____

**AN ORDINANCE APPROPRIATING DONATED FUNDS FOR THE
CONWAY PARKS DEPARTMENT; AND FOR OTHER PURPOSES:**

WHEREAS, funds in the amount of \$1,500 were donated to the Conway Parks Department by Wes Portrait Studios to be used toward the Conway Youth Baseball program;

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

SECTION 1. The City of Conway shall appropriate \$1,500 from the General Fund Revenue Donation Account to the Conway Parks Department YBMA Operating Account for the purpose of purchasing end of year tournament trophies for youth baseball.

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

PASSED this 26th day of June 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



Memo

To: Mayor Tab Townsell
CC: Conway City Council
From: Brian Knopp, Parks Director
Date: June 19, 2007
Re: Appropriation of Funds

The Conway Parks Department received a \$1,500 donation check from Wes Portrait Studios to be used toward the Conway Youth Baseball program. This was part of the bid agreement for the sports photo package that was approved by the City Council June 12th.

We would like to request the Conway City Council to appropriate these funds from the General Fund Revenue Donation Line Item (01.909) to the Conway Parks Department YBMA Operating Account (01.120.779) to be used to purchase end of year tournament trophies.

AN ORDINANCE ACCEPTING ASSETS OBTAINED THROUGH COURT ORDER; AND FOR OTHER PURPOSES

WHEREAS, the United States District Court has granted a court order awarding specific seized assets to the Conway Police Department as enumerated on the attached list.

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

Section 1. The Conway Police Department shall accept the assets outlined on the attached listing through court order by the United States District Court for the use of the Conway Police Departments having a stated value of \$10,950.00.

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

PASSED this 26th day of June, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

M E M O R A N D U M

TO: **The Honorable Tab Townsell
and Members of City Council**

FROM: **Robin M. Scott**

DATE: **June 21, 2007**

REFERENCE: **Destruction of Accounting Records**

In accordance with Arkansas Annotated Code 14-59-114 (Maintenance and destruction of accounting records), I am requesting council approval for the destruction of the following support documents:

- **2002 and 2003 Cancelled Checks**
- **2002 and 2003 Invoices**
- **2002 and 2003 Bank statements**
- **Permanent records (journals, ledgers, subsidiary ledgers and fixed asset records) for years prior to 2000.**

Conway City Council

City Clerk-Treasurer

ORDINANCE NO. O-07-__

**AN ORDINANCE ACCEPTING REPAIR PROCEEDS AND
APPROPRIATING FUNDS FOR REPAIRS AT CITY HALL AND FOR
OTHER PURPOSES:**

WHEREAS, water damage was sustained at the Finance Offices in City Hall at the City of Conway in May 2007. Reimbursement of repair and replacement costs is anticipated to offset the cost of replacement of damaged items and repairs.

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

SECTION 1. The City of Conway shall accept damage reimbursement in the amount of \$4,760 (01.512) and shall appropriate repair and equipment costs in the same amount. The City of Conway shall also authorize disposal and removal from inventory of the damaged computer, credenza, telephone and fax machine.

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

PASSED this 26th day of June 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-07-_____

AN ORDINANCE AMENDING ORDINANCE NO. O-00-55, WHICH ADOPTED AN AMENDED EMPLOYEE HANDBOOK AND PERSONNEL POLICY FOR THE CITY OF CONWAY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council has adopted, pursuant to Ordinance No. O-00-73, an amended handbook to be used for personnel matters for the City; and

WHEREAS, a revision of Section I, Employment Policies – Travel Expenses is needed for clarification and for the fair and impartial implementation of personnel policies.

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

SECTION 1: Section I, Employment Policies – Travel Expenses shall be amended as follows:

TRAVEL POLICY

Any employee, during the course of his/her employment with the City of Conway, may be required to travel outside the city limits of Conway on official business, thereby incurring certain expenses for accommodations and meals. **Reimbursement of actual out-of-pocket expenses requires proof of purchase and original receipts submitted with a completed and approved Travel Expense Report.** It is inherently understood in this policy, however, that an individual traveling on official City business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, delays or luxury accommodations and services unnecessary, unjustified, or solely for the convenience or personal preference of the traveler in the performance of official City business are not acceptable under this standard, and travelers will be held responsible for unauthorized costs and additional expenses incurred for personal preference or convenience.

All employee travel must have proper authorization by a department head and mayor (if applicable) **prior** to its occurrence. Documentation of such approval must be kept on file within the department until the completion of the trip, at which time the approval and request for reimbursement are to be submitted to the Finance Department with the Travel Expense Report and all original receipts for expenditures.

All transportation shall be by the most economical means—taking into consideration the direct cost of the carrier, the cost of the employee’s time away from the office, and expenses incurred for additional nights lodging and meals.

Airlines – All commercial air travel shall be by the least expensive service available, generally coach rates. An employee may be asked for documentation justifying the means of transportation and/or cost savings. Advance planning should be used to take advantage of various special airline rates. When airfare rates are considerably less leaving a day earlier, the City will pay the extra day’s meals and lodging. However, the reduced airline rate must compensate for the additional meals and lodging. In those cases where an employee decides to have a family member accompany him or her on a business trip, the employee must pay all additional expenses. No adjustment is permitted to cover the expenses of accompanying family members (e.g., exchanging a regular round trip fare for two excursion fares).

Lodging – City travelers are expected to seek accommodations that are comfortable, convenient, meet business and personal needs and offer good value. The City will reimburse only for the single occupancy rate. Reimbursement of hotel rates will not be made in excess of the maximum lodging rate (excluding taxes) by location as stated on the U. S. General Services Administration website, www.gsa.gov without advance written approval by the Department Head and Mayor. When an employee is accompanied by a spouse or other guest, the lodging invoice shall note the single occupancy rate for the hotel/motel and shall be signed by an authorized employee of the hotel/motel. The employee is responsible for the difference and any room charges not pre-approved. All lodging will be reimbursed with appropriate original receipts. Travel distance greater than 70 miles is required for reimbursement of lodging expenses.

City Vehicle – Whenever possible, employees should use City vehicles for official City business. City vehicles shall be legally and appropriately operated and/or parked at all times. If expenses for gasoline or other repairs occur, the employee shall submit original receipts for such expenses to obtain reimbursement. The City has liability insurance coverage on City vehicles being driven on official business. However, this does not cover accidents which occur while **NOT** ON OFFICIAL BUSINESS. Employees will be responsible for their own liability insurance coverage in this situation.

Personal vehicle – Use of a personal vehicle will be reimbursed at the mileage rate in use by the City at the time of the travel. Reimbursement will be on a per mileage basis based on the shortest route. When using a personal automobile for a trip which originates from home, the mileage reported for reimbursement should be from home or from City offices, whichever is less. Additional vehicle related expense incurred will be the responsibility of the vehicle owner and are not the responsibility of the City. All personal vehicles used for City business must be adequately insured for liability, personal injury and property damage. Mileage shall not exceed the cost of airfare unless pre-approved by the Mayor in writing.

Economy measures – When practical, employees will carpool when attending the same conference or training. An employee may take their own car, but will not be reimbursed for mileage, or upon agreement split the reimbursement with the other drivers. Cost-sharing measures are encouraged when practical and appropriate.

Other – Reimbursement for expenses incurred for taxi/bus/shuttle services shall be allowed in conjunction with official City business. Original receipts should be obtained where possible, but if no receipts are available, then an explanation (accounting) of the request is necessary. Note that reimbursement for taxis taken between places of lodging or business and places where meals are taken is included in and limited by the Incidental portion of Meals & Incidentals discussed below. Reimbursement for rental car expenses must be pre-approved by the Department Head. A justification for the need for a rental car must be included with the Travel Expense Report indicating approval by the Department Head prior to the date of travel. Expenses necessarily associated with authorized automobile travel such as tolls and parking will be fully reimbursed upon presentation of the original receipt.

Reimbursement for business related telephone calls, conference registration or tuition, and necessary conference or training materials will be allowed with the appropriate original receipts. Whenever possible, registration costs and material costs should be pre-paid through the City or billed to the City.

Meals (inclusive of tips) will be reimbursed based on actual original receipts not to exceed the current rate of reimbursement established by the U. S. General Services Administration and available on the federal agency's website at www.gsa.gov. This provides a meals & incidentals (“M&I”) rate for

various cities and modifies the reimbursement rate currently utilized by the City for travel incurred on or after the effective date of this Ordinance. Any meal related expense in excess of the stated daily rate is the responsibility of the employee. The cost of meals is not to be averaged over the length of travel. Employees may not claim reimbursement for a meal if the cost is included in the registration cost of the training/conference. Meal allowances for the first and last day of travel is limited to 75% of the daily M&I rate, with appropriate receipts.

Travel Advances - Travel advances will not be issued for less than \$200 or more than 80% of the anticipated cost of travel. Immediately upon return, the employee must submit a Travel Expense Report and original receipts regardless of whether the employee owes advance moneys back to the City or is due additional reimbursement. Each employee requesting a cash advance must sign a payroll deduction authorization form which will allow the City to recover the advance from any salary owed the employee in the event of termination of employment or failure to submit a travel claim. A payroll deduction equal to the travel advance will be processed if a Travel Expense Report has not been submitted to the Finance Office two (2) weeks following the employee's return from travel.

Unauthorized Expenses - Notwithstanding the above provisions, the City will not reimburse items of a personal nature. Such items include but are not limited to: movies, premium television services, alcohol, dry cleaning, spas, gyms, barber/hairstylist, magazines, shoeshine, clothing, toiletries, fines or traffic violations, and spouse/guest accommodations. The City will not pay for any entertainment expenses, including but not limited to rental of movies, attendance to non-seminar or non-job related activities or for alcoholic beverages.

If unauthorized expenses have been paid by the City, the employee will be responsible for immediate reimbursement to the City either by personal check or payroll deduction.

City Credit Card - Airline reservations will be preferably made by the Mayor's office using the City credit card. Airfare charges are due and payable upon receipt of the billing from the credit card company and will be processed and charged to the traveler's department. Hotel reservations may be held by the City credit card, however, the traveler will need to arrange for direct bill, advance payment or charge the actual lodging to the traveler's personal card and request reimbursement after the travel. Any deposit charge for lodging that is due and payable upon receipt of the credit card billing will be charged to the traveler's department.

It shall be the responsibility of each Department Head to examine and approve all travel and reimbursement requests, provide written authorization and justification if there exists any variances from the travel policy directives, and to always be cognizant of the costs for employees to attend seminars, meetings and training institutes, for determining feasible use of financial resources provided in your annual operating budget. Any deviation from the above stated policy requires advance written approval of the Department Head and the Mayor.

SECTION 2: Three (3) copies of the revised section of the Amended Employee Handbook, City of Conway, Personnel Policy shall be and are hereafter kept on file in the Office of the Clerk/Treasurer.

SECTION 3: That all ordinances in conflict herewith are repealed to the extent of the conflict, specifically, Ordinance No. O-00-55 and Ordinance No. O-00-73.

SECTION 4: 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 ____ day of _____, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-07-**AN ORDINANCE ADOPTING BUDGET ADJUSTMENTS FOR THE CITY OF CONWAY, ARKANSAS, AND PROVIDING THAT THE AMOUNTS STATED IN THE BUDGET SUPPLEMENT SHALL BECOME APPROPRIATED; AND FOR OTHER PURPOSES:**

WHEREAS, the Mayor of the City of Conway has submitted to the City Council a Schedule of Proposed Mid Year 2007 Budget Adjustments for the period July 1, 2007 through December 31, 2007;

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

SECTION 1. Mid year budget adjustments for the fiscal year 2007 for the City of Conway, Arkansas, as set forth in the document entitled "City of Conway Schedule of Proposed Mid Year 2007 Budget Adjustments", providing total General Fund Balance appropriations in the amount of \$19,301, are hereby approved. Funding for such mid year adjustments will be provided by sales tax collections above the budgeted amount.

SECTION 2. Effective July 1, 2007, the several amounts as stated therein as adopted expenditures shall be and are hereby appropriated for the several purposes, functions and activities within the various departments, offices and agencies specified therein.

SECTION 3. The Mayor is directed to cause the proper accounting entries to be made in the books and records of the City so as to reflect the appropriations for the aforesaid fiscal year.

SECTION 4. All ordinances in conflict herewith are repealed to the extent of that conflict.

SECTION 5. 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 26th day of June 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

Snap-on
Equipment

June 20, 2007

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

Dear Mayor:

I am following up regarding the amendment of the lease on the property where Snap-on Equipment resides. The address of the property is 309 Exchange Avenue and is located in the industrial park area of Conway. The lease was amended on September 25, 2002, for a period of five years and will expire this year on September 30.

Once again, Snap-on Equipment, dba Equipment Services, Inc., a division of Snap-on Inc. located in Kenosha, Wisconsin, would like to request an extension of the lease whereby the City of Conway would be granting a continuation of city in-lieu-of county property taxes on the Snap-on real estate. With an annual payroll of approximately \$ 10,000,000 and significant spending for regional product components our company makes a nice contribution to our local economy. I have enclosed a copy of the proposed extension for your review and would ask for consideration of this arrangement.

I would be happy to meet with you to discuss our situation and can be contacted at 450-1575 . Please let me know what steps you desire Snap-on to take in order to obtain consideration from the city on this matter.

Best regards,



Ray Titworth
Director of Operations
Snap-on Equipment

Encl: Amendment of Lease

AMENDMENT OF LEASE

This Amendment is made as of the ____ day of June, 2007, by and between the City of Conway, Arkansas (“Lessor”), and Equipment Services, Inc. (“Lessee”).

WHEREAS, Lessor entered into a lease dated April 1, 1973, (the “Lease”), with FMC Corporation, as tenant, for certain premises located in the City of Conway, Arkansas, which premises are described in Exhibit A attached hereto which is hereby incorporated herein (the “Project”), which Lease was assigned by FMC Corporation to John Bean Company, was further assigned by John Bean Company to IDMC, Inc., and was further assigned by IDMC, Inc. to Equipment Services, Inc., effective as of December 29, 2001; and

WHEREAS, the Lease has previously been extended to September 30, 2007, pursuant to the terms of an Amendment of Lease dated September 25, 2002; and

WHEREAS, Lessor and Lessee desire to amend and further extend the term of the Lease.

NOW, THEREFORE, for \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows.

- (1) The expiration of the “Lease Term” is hereby extended to September 30, 2012.
- (2) The parties acknowledge that, because the Bonds (as such term is defined in the Lease) have been paid off in full and satisfied, Lessee shall have the right at any time to exercise its option to purchase the Project for \$100.00 pursuant to paragraph 11.3 of the Lease, and all requirements in the Lease relating to notices to the Trustee (as such term is defined in the Lease) are no longer in effect.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed and sealed on their behalf by their duly authorized representatives as of the date first above written.

CITY OF CONWAY, ARKANSAS

By: _____
 Mr. Tab Townsell Mayor

EQUIPMENT SERVICES, INC.

By: _____
 Mr. Raymond Titsworth Director of Operations

STATE OF ARKANSAS)
)
COUNTY OF FAULKNER)

On this the ____ day of June, 2007, before me, _____
the undersigned _____, personally appeared, known to me to be the
Mayor of the City of Conway, Arkansas, and the person whose name is subscribed to the
within instrument and acknowledged that [he/she] executed the same for the purposes therein
contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary

[SEAL]

My commission expires: _____

STATE OF ARKANSAS)
)
COUNTY OF FAULKNER)

On this the ____ day of June, 2007, before me, _____
the undersigned _____, personally appeared, known to me to be the
Director of Operations of Equipment Services, Inc., and the person whose name is subscribed
to the within instrument and acknowledged that [he/she] executed the same for the purposes
therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary

[SEAL]

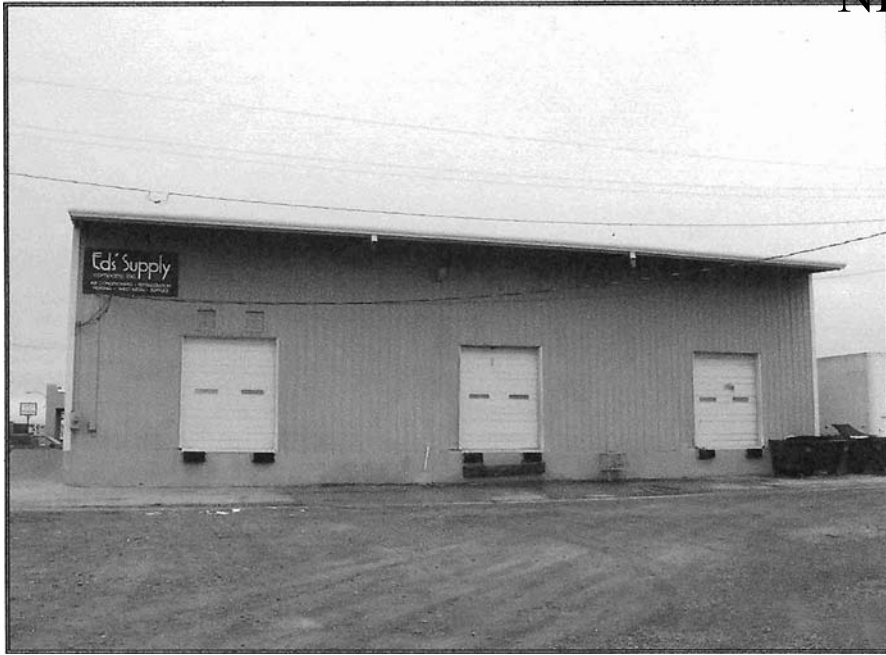
My commission expires: _____

EXHIBIT A

Part of the North Half (N ½) of the Northeast Quarter (NE ¼) of Section Eighteen (18) and part of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Seventeen (17), Township Five (5) North, Range Thirteen (13) West, described as beginning at the Northeast corner of said Section 18 and running thence South by 87 degrees 59 minutes East 20 feet, thence South by 2 degrees 01 minutes West 894.8 feet; thence South 80 degrees 03 minutes West 275.2 feet; thence South 86 degrees 31 minutes West 256.5 feet; thence South 2 degrees 00 minutes West 50.05 feet; thence South 86 degrees 31 minutes West 928.6 feet; thence North 3 degrees 59 minutes East 1,107.1 feet; thence South 88 degrees 20 minutes East 1,390.5 feet to the point of beginning, containing 33.40 acres, more or less.

MARKET RENT ANALYSIS

NB/8B



**CITY OF CONWAY PROPERTY
600 & 618 FRONT STREET
CONWAY, AR 72032**

PREPARED FOR

**MAYOR TAB TOWNSELL
CITY OF CONWAY
1201 OAK STREET
CONWAY, AR 72032**

AS OF

MAY 24, 2007

BY

**JUSTIN COOPER
COATS APPRAISAL SERVICE, INC.
394 HIGHWAY 65 NORTH
CONWAY, ARKANSAS 72032
PHONE 327-7301
FAX 327-5454**

May 24, 2007

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

Mr. Townsell:

Re: An Opinion of the market rent of the property located at 600 & 618 Front Street in the city of Conway, AR.

I have visited the interior and exterior of the subject property located at 618 Front Street and the exterior of 600 Front Street, researched the property data, and am providing an opinion as to what the market rent for the subject property should be. It is assumed that the lease rate would be over a five year period. The purpose of this analysis is to provide an opinion as to the market rent for the subject property. The buildings consist of 7,740 SF of usable area according to the lease provided by the client. The buildings are situated on a city street near the police station. The client is The City of Conway, AR and they are the **intended user of the report**. The **intended use** is to assist the client in a financial decision regarding the compensation of the leaseholder of the property. The current zoning is C-1.

The report that follows includes rent comparables and a discussion regarding how they apply to the subject property. Pertinent data is included in the enclosed report and my files. The report has sufficient information as to not confuse the reader of the report. This report is not considered to be an appraisal.

Based on my research, it is my opinion that the monthly rent for the subject property as of May 24, 2007 is: \$2,580 or \$4.00 per foot per year.

TWO THOUSAND FIVE HUNDRED EIGHTY DOLLARS PER MONTH
Or \$2,580/MONTH

The estimate of market rental is subject to the Certification and Limitations that are a part of the report. If you have any questions regarding this analysis, please call me. Thank you for giving me the opportunity to provide this service to you.

Respectfully Submitted:



May 24, 2007

Justin Cooper, CG1302
Coats Appraisal Service, Inc.

**COMPARATIVE
RENT STUDY**

Office/Warehouse Space
Conway, Arkansas

Date of Report:

June 1, 2007

FOR

Ed's Supply Company, Inc.
2611 West 7th St.
Little Rock, AR 72205

PREPARED BY

Affiliated Real Estate Appraisers
Tom M. Ferstl, MAI, SRA, EAC
Zach Holland, AR SR 2911
621 E. Capitol Ave.
Little Rock, Arkansas 72201



June 1, 2007

Ed's Supply Company, Inc.
2611 West 7th St.
Little Rock, AR 72205

RE: Ed's Supply Co.
618 Front St.
Conway, Arkansas

Dear Sirs:

Per your instructions and in accordance with your request, we have completed a comparative rental survey on the above property for the purpose of estimating "alternative market rental rates". This rental analysis is done under Standard 4 "Real Property/Real Estate Consulting Development of Uniform Standards of Professional Appraisal Practice. This report is a comparative rental survey, **and not an appraisal report**. The objective of this report is to establish market rents for warehouse space in Conway, AR. This report is to be used by Ed's Supply Company. In doing this analysis the appraiser verified the rents of the competing warehouses in the subject's neighborhood and market area, which is the City of Conway, AR.

The property was inspected on May 16, 2007. The following report contains data gathered during our investigation and shows the method of rental analysis in detail. Your attention is directed to the Rent Comparables.

The appraisers signing this report have no knowledge concerning the presence or absence of toxic materials, asbestos, and/or ureaformaldehyde foam insulation in existing improvements. If such is present, the rental value of the property may be adversely affected, and a reanalysis at additional cost will be necessary to estimate the affects of such.

This Comparative Rental Survey report was not based on a requested minimum rental rate or a specified rent.

Consulting • Valuation • Expert Testimony

621 East Capitol Avenue • Little Rock, Arkansas 72202 • Phone 501-375-1439 • Fax 501-375-8317
www.arkansasappraisers.com

CONCLUSION:

. Gross Weighted Adjustment Analysis

In addition to the adjusted mean, median, mode, and range values, the “weighted” average provides another perspective from which to view rents. Through the Gross Weighted Analysis Technique, the greater the degree of similarity between the subject property and the comparable rent, the greater the weight placed on that rent in determining the final value. The Gross Adjustment Weighted Value of alternative leases was determined to be as follows:

Comparable	Rental Rate	Percent Weighting	Value Contribution
1	\$8.40	15%	\$1.26
2	\$3.67	5%	\$0.18
3	\$8.40	15%	\$1.26
4	\$3.84	5%	\$0.19
5	\$5.89	5%	\$0.29
6	\$2.59	25%	\$0.65
7	\$5.40	25%	\$1.35
8	\$9.73	5%	\$0.49
Gross Weighted Value			\$5.67

The range of possible yearly rents for an alternative warehouse property is from \$2.59 to \$9.73 per square foot in the above analysis.

The average rental rate is \$5.99.

It is the opinion of the appraisers that the projected rent for an available alternative office/warehouse space should be approximately **\$5.70** per square foot per annum.

The projected rent for the mezzanine storage space should be approximately **\$2.50**.

Therefore, the yearly rent of an available alternative office/warehouse space the same size as 618 Front St. should be as follows:

$$\begin{aligned} 7,882 \text{ SF} \times \$5.70/\text{SF} &= \$44,927 \text{ (office/warehouse)} \\ 852 \text{ SF} \times \$2.50/\text{SF} &= \$2,130 \text{ (mezzanine storage)} \end{aligned}$$

$$\$44,927 + \$2,130 = \text{\$47,057 per year or } \text{\$3,921 per month.}$$

It should be noted that the rental rate we arrived at is not necessarily the rate that the property at 618 Front St. would command but is the rate at which the former tenant can easily find alternative space to equally fit their needs in Conway, AR.

CONWAY RENT COMPARISON

MAIN BUILDING

5600 sq ft	5.70 sq ft	21,280.00	8 mo.	COMP
5600 sq ft	3.63 sq ft	13,568.00	8 mo.	RENT
		7,712.00	8 mo.	

5600 sq ft	5.70 sq ft	31,920.00	12 mo.	COMP
5600 sq ft	3.74 sq ft	20,964.00	12 mo.	RENT
		10,956.00	12 mo.	

18,668.00 20 mo.

SMALL BUILDING

2140 sq ft	5.70 sq ft	20,330.00	20 mo.	COMP
2140 sq ft	2.50 sq ft	8,900.00	20 mo.	RENT

11,430.00 20 mo.

MEZZANINE

864 sq ft	2.50 sq ft	3,600.00	20 mo.	COMP
24X36				

3,600.00 20 mo.

RENT 33,698.00 20 mo.

MOVING EXPENSE

Labor	7,315.61	SEE ATTACHED
Truck/Fuel	750	50.00 PER VEHICLE PER DAY (5 VEHICLES - 3 DAYS)
Appraisal	975	SEE ATTACHED
Print Cost	1747	SEE ATTACHED

EXPENSE 10,787.61

TOTAL 44,485.61

ORDINANCE NO. O-07-_____

AN ORDINANCE ESTABLISHING AND CLARIFYING REQUIREMENTS FOR MOBILE ICE CREAM VENDORS AND OTHER VEHICLES VENDING PRODUCTS TO CHILDREN; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the city council expressly finds that vehicles and hand carts in which ice cream, confections, and other frozen dessert products are carried for the purpose of retail sale on the public streets has the potential to pose special dangers to the public health, safety, and welfare of children and other residents of the city; and

WHEREAS, these dangers include, but are not necessarily limited to, the conflict between traffic and the public's attraction to vehicles or hand carts selling such products; and

WHEREAS, it is desirable to provide responsible companies and individuals who engage in the operation of such vehicles with regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety and welfare of the community.

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

Section 1. All drivers of ice cream trucks and other vehicles vending products to children shall submit a copy of their commercial driver's license to the city and obtain a permit from the office of the city clerk before operating such vehicle. A commercial driver's license is required.

Section 2. All permit applicants shall provide proof of automobile insurance according to state law along with the application.

Section 3. All applicants shall be subject to a criminal history background check, and shall consent to such check as a condition of application. A conviction for any offense involving actual or attempted homicide, kidnapping, assault or assaultive offenses, sexual assault or rape, any offense requiring registration as a sexual offender in any state, theft (including robbery or burglary),

prostitution or obscenity shall be grounds for disqualification of an applicant.

Section 4. Vendors shall operate with the following safety equipment for ice cream trucks:

(1) Signs stating “WATCH FOR CHILDREN” must be provided on the front, back, and both sides of the vehicle in at least four inch letters of contrasting colors.

(2) The company name, address, and phone number must be on both sides of the vehicle in at least three-inch letters of contrasting colors.

(3) A serving window, capable of being closed when not in use, must be provided and must be located on the curbside only.

(4) Left and right outside rear view mirrors as well as two additional outside wide-angle mirrors on the front and back of the vehicle must be provided to enable the driver to see around the entire vehicle.

(5) Operable yellow or amber flashing hazard lights clearly visible not less than 100 yards from the mobile unit under average daylight conditions shall be provided. Such lights shall be mounted no more than 12 inches below the roof of the mobile unit. No fewer than two lights shall be visible from each approach.

(6) A rear bumper cover shall be installed to prevent children from standing or jumping on the rear of the vehicle.

Section 5. The following requirements shall apply to mobile ice cream vendors.

(1) Location.

a. Mobile ice cream trucks are permitted to vend in an area for no more than 15 minutes, then they must move to another location.

b. Mobile ice cream vending is prohibited within City of Conway parks, unless the vendor

has applied for and received a franchise permit for such activity.

c. Mobile ice cream trucks shall not vend within one block of any block containing an elementary or junior high school during school hours or within one hour before or after school hours on a day that school is scheduled to be in session.

d. Mobile ice cream trucks shall not vend within 100 feet from an intersection.

(2) Hours of operation.

Mobile ice cream vending may only occur from 10:00 a.m. to one-half hour before sunset.

(3) Use of sound equipment.

a. Use of sound equipment shall be limited to music or human speech.

b. Sound shall not be audible more than 100 yards from the truck. Sound shall be in violation of city or state noise or nuisance ordinances or statutes.

c. Sound equipment may only be used from 10:00 a.m. until one-half hour before sunset.

d. Sound shall not be broadcast within 100 yards of schools during school hours while school is in session, or within 100 yards of hospitals, churches, courthouses, funeral homes, or cemeteries.

e. Sound shall be turned off while the vehicle is stopped for vending.

(4) Health and safety precautions.

a. Vendors shall be in compliance with any and all state, county or federal health regulations relating to the vending of food, drinks or confections, and shall display any required permits or notices.

a. Drivers shall check around the vehicle before leaving the area to ensure that children are not remaining. When handing the purchased product to the children, drivers shall make certain traffic is clear, in case a child leaves the truck immediately and fails to observe oncoming traffic.

b. Child customers shall not be allowed inside the vehicle. This provision shall not apply to

children related to the driver while riding with the driver along the sales route.

Section 6. PENALTIES: The violation of any provision of this ordinance is declared to be an unclassified misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500.00).

Section 7. Any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 8: 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 _____ day of _____, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer