



# City of Conway Council Agenda

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

<b><u>Council Meeting Date:</u></b>	<b>August 8<sup>th</sup>, 2017</b>
<b><u>5:30pm - Committee Meeting:</u></b>	Discussion of Phoenix Recovery
<b><u>6:30pm:</u></b>	Council Meeting
<b><u>Call to Order:</u></b>	Mayor Bart Castleberry
<b><u>Roll Call:</u></b>	Michael O. Garrett, City Clerk/Treasurer
<b><u>Minutes Approval:</u></b>	<b>July 25<sup>th</sup>, 2017</b>

## **City Council Members**

Ward 1 Position 1 – Andy Hawkins  
Ward 1 Position 2 – David Grimes  
Ward 2 Position 1 – Wesley Pruitt  
Ward 2 Position 2 – Shelley Mehl  
Ward 3 Position 1 – Mark Ledbetter  
Ward 3 Position 2 – Mary Smith  
Ward 4 Position 1 – Theodore Jones Jr.  
Ward 4 Position 2 – Shelia Isby

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

### **A. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Conway Downtown Partnership & the Conway Area Chamber of Commerce)**

1. Consideration to extend the lease agreement for Snap-On Equipment.

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

1. Resolution expressing the willingness of the City of Conway to utilize federal aid surface transportation program funds for an upgrade signal project along Oak Street.
2. Consideration to purchase right of way to complete the improvements to Bruce Street east of Harkrider Street for the Street & Engineering Department.

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

1. Ordinance to approve the Public Art board music art installation, entering into an MOU for property on Markham Street and appropriate funds.

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

1. Consideration to approve the bid of an endeavor robotic system for CPD SWAT team.

**Adjournment**

Doc#2013- 18400  
Date 10/08/2013  
08:15:34 AM  
Filed & Recorded in  
Official Records of  
Faulkner County  
RHDHDA WHARTON  
FAULKNER COUNTY CIRCUIT CLERK  
Fees \$25.00  
by \_\_\_\_\_ D. C.

390537



City of Conway, Arkansas  
Ordinance No. O-13-106

**AN ORDINANCE AMENDING THE NORTHEAST OLD CONWAY AREA SPECIFIC PLAN TO ALLOW  
TRANSITIONAL HOUSING AT CERTAIN PROPERTIES IN BROWNS SUBDIVISION:**

**WHEREAS**, The City of Conway would like to amend the Northeast Old Conway Area Specific Plan to allow transitional housing on a particular lots and set appropriate conditions for its operation;

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

**Section 1.** Section V. Land Uses Allowed, of the Northeast Old Conway Specific Area Plan, adopted by referring Ordinance O -09-86, August 25, 2009 is amended to include the text below. This text shall follow Chart 6. Land Uses Allowed by Right or Condition:

**Specific Amendment for properties legally described:**

- Lots A, B, C, D, E, and F of Block 6 Replat of Browns Subdivision; 401, 413-415, 409-411, 405-407, 397-399, 393-395 Shannon Circle
- Lots 14, 15, 16, and 17 of Block 7 of Browns Subdivision; 404-406, 408-410, 412-414, 416-418 Shannon Circle
- Lots 1 and 18 of Block 6 of Browns Subdivision, Lot A Block 7 Replat of Browns Subdivision; 1228-1230, 1236-1238, 1240-1242 Jersey Street
- Lots 2, 3, 4, 5, and 6 of Block 8 of Browns Subdivision; 1239-1241, 1235-1237, 1231-1233, 1227-1229, 1223-1225 Jersey Street

1. Transitional housing services may only be operated by MFB Investments, LLC; 100 Gamble Road; Little Rock, AR; 72211. Any transfer of ownership will require City Council approval through an amendment to the Northeast Old Conway Area Specific Plan.
2. Said MFB Investments shall be allowed to offer prisoner transitional housing to approved and vetted parolees whose offenses shall not include violent offenses, sexual offenses, robbery offenses, or firearms offenses.
3. A six foot wooden privacy fence must be constructed and maintained along the rear (west property line) of the lots along Ingram Street.
4. Medical, psychological, and drug rehabilitation support services may not be offered onsite.
5. No more than four persons may occupy any one dwelling unit. Any construction is limited to the existing platted lots and must be compliant to the original R-2 zoning that allows two units (duplex) per lot with no more than four occupants per unit.
6. A 5-foot-wide concrete sidewalk shall be constructed for access from Jersey Street to Ingram Street.
7. MFB Investments, LLC, shall appear before City Council again in six months for Council review for compliance to these conditions. Community input will be heard at that time.
8. With approval from the appropriate City authorities, the streets internal to this facility shall be closed and designated as unbuildable space with all easements being retained. After streets are closed, an electronic gate shall be installed at the Jersey Street entrance to the property.
9. MFB Investments shall donate \$10,000 for a beautification project with the City and/or the neighborhood for landscaping and the planting of trees throughout the neighborhood.

**Section 2.** A definition for transitional housing shall be added alphabetically to the Northeast Old Conway Area Specific Plan Definitions following Chart 6, Land Uses Allowed by Right or Condition:

**Transitional Housing:** Transitional housing is a Department of Community Corrections licensed facility that provides housing for one or more offenders placed on Department of Community Corrections community supervision. An offender's home or the residence of an offender's family member shall not be considered a transitional housing facility for purposes of this ordinance.

**Section 3.** That any ordinance which conflicts with this ordinance is hereby repealed to the extent of the conflict.

**Section 4.** That this ordinance is necessary for the protection, 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 24<sup>th</sup> day of September, 2013.

**Approved:**



**Mayor Tab Townsell**

**Attest:**



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

## V. Land Uses Allowed

Allowable land uses vary by transect zone. The sub-urban zone is the most restrictive zone in terms of land use; in keeping with the character of the existing neighborhoods, the primary use within the sub-urban zone will be single-family residential. The transition zone (excepting the specific use of townhomes on Markham) allows single-family housing as well as higher-density multi-family housing, limited lodging, offices, and retail. Additional uses are allowed in the transition zone by condition. The urban zone is an open zone with fewer limitations on use, though several uses require conditional use permits.

Chart 6 shows allowable land uses by transect zone.

**Chart 6. Land Uses Allowed by Right or Condition**

	T3 Pine Street	T3 Brown-Erbacher	<del>T4 Markham</del>	T4 Typical	T5 Typical
<b>RESIDENTIAL USES</b>					
Accessory building	X	X		X	
Apartment house				X	X
Cottage	X	X		X	
Courtyard house				X	X
Duplex				X	X
House	X	X		X	
Live-work unit	X	X	C	X	X
Row house			X	X	X
Sideyard house		X		X	
<b>LODGING</b>					
Bed & breakfast (up to 5 rooms)		X		X	X
Dormitory			X	X	X
Hotel (no room limit)					X
Inn (up to 12 rooms)				X	X
<b>OFFICE</b>					
Live-work unit	X	X	C	X	X
Office building				X	X
<b>RETAIL</b>					
Art gallery				X	X
Kiosk				X	X
Open-market building	C	C		X	X
Restaurant				X	X
Retail - General				X	X
Retail - Restricted				X	X
<b>CIVIC</b>					
Bus shelter	X	X	X	X	X
Conference center					C
Fountain or public art	X	X	C	X	X

	T3 Pine Street	T3 Brown-Erbacher	<del>T4 Markthaus</del>	T4 Typical	T5 Typical
Library				X	X
Live theater					X
Motion picture theater					X
Museum					C
Outdoor auditorium	C	C	C	C	X
Parking garage					X
Playground	X	X	C	X	X
Religious assembly	C	C	C	C	C
Surface parking lot				C	C
<b>MIXED USES</b>					
Flex building			C	X	X
Mixed use block					X
<b>AGRICULTURE</b>					
Greenhouse				C	C
Greenhouse - private	X	X	C	X	X
Kennel	C	C		C	C
<b>AUTOMOTIVE</b>					
Drive-through facility					C
Gasoline station				C	C
<b>CIVIL SUPPORT</b>					
Cemetery	C	C		C	
Clinic				C	X
Electric substation	C	C	C	C	C
Fire station	X	X	C	X	X
Funeral home				X	X
Hospital					C
Police station	X	X	C	X	X
<b>EDUCATION</b>					
Child care facility	C	C	C	C	C
College					C
School - Elementary	C	X		X	X
School - Secondary				C	C
School - Trade					C
Adult day care center	C	C		C	C
Arboretum or botanical garden	X	X	C	X	X
Bowling alley				C	C
Community center: public	C	C		C	C
Community welfare or health center	C	C		C	C

	T3 Pine Street	T3 Brown-Erbacher	<del>T4 Markham</del>	T4 Typical	T5 Typical
Convalescent home				C	C
Convalescent/maternity/nursing home				C	C
Convent, monastery, or novitiate	C	C		C	C
Crematory				C	C
Day camp: community	C	C		C	C
Garden: no products sold on premises	X	X	X	X	X
Health studio or spa				X	X
Institution for the aged or children				C	C
Lodge or fraternal organization				C	C
Maternity home				C	C
Mausoleum	C	C		C	C
Parish house, parsonage, or rectory	C	C	C	C	C
Public buildings	C	C		C	X
Recreation facilities, commercial				C	C
Recreation facilities, community	C	C		C	C

**Specific Lot Amendment, Ordinance O-12-105, November 27, 2012:** A cellular communications tower shall be allowed on Lot 1, Block 4, Srygley Addition with the following conditions:

1. Tower maximum height shall be 110 feet.
2. Tower design must be a monopole design with internal antennae and wiring. No wiring, or other projections may be mounted externally.
3. Any lighting other than that required by the FAA or other government regulations is prohibited.
4. A wooden privacy fence shall be erected on the north side of the tower enclosure area.

**Specific Amendment for properties legally described (Ordinance O-13-106 amended per Council Actions 3-18-2014):**

Lots A, B, C, D, E, and F of Block 6 Replat of Browns Subdivision; 401, 413-415, 409-411, 405-407, 397-399, 393-395 Shannon Circle

Lots 14, 15, 16, and 17 of Block 7 of Browns Subdivision; 404-406, 408-410, 412-414, 416-418 Shannon Circle

Lots 1 and 18 of Block 6 of Browns Subdivision, Lot A Block 7 Replat of Browns Subdivision; 1228-1230, 1236-1238, 1240-1242 Jersey Street

Lots 2, 3, 4, 5, and 6 of Block 8 of Browns Subdivision; 1239-1241, 1235-1237, 1231-1233, 1227-1229, 1223-1225 Jersey Street

1. Transitional housing services may only be operated by MFB Investments, LLC; 100 Gamble Road; Little Rock, AR; 72211. Any transfer of ownership will require City Council approval through an amendment to the Northeast Old Conway Area Specific Plan.

2. Said MFB Investments shall be allowed to offer prisoner transitional housing to approved and vetted parolees whose offenses shall not include violent offenses, sexual offenses, robbery offenses, or firearms offenses.
3. A six foot wooden privacy fence must be constructed and maintained along the rear (west property line) of the lots along Ingram Street. **(Noted as complete at the March 18, 2014 Council review)**
4. Medical, psychological, and drug rehabilitation support services may not be offered onsite.
5. No more than four persons may occupy any one dwelling unit. Any construction is limited to the existing platted lots and must be compliant to the original R-2 zoning that allows two units (duplex) per lot with no more than four occupants per unit.
6. A 5-foot-wide concrete sidewalk shall be constructed for access from Jersey Street to Ingram Street. **(Noted as complete at the March 18, 2014 Council review)**
7. MFB Investments, LLC, shall appear before City Council again in six months for Council review for compliance to these conditions. Community input will be heard at that time. **(Council review was held on March 18, 2014)**
8. ~~With approval from the appropriate City authorities, the streets internal to this facility shall be closed and designated as unbuildable space with all easements being retained. After streets are closed, an electronic gate shall be installed at the Jersey Street entrance to the property.~~ **(Removed by City Council on March 18, 2014)**
9. MFB Investments shall donate \$10,000 for a beautification project with the City ~~and/or the neighborhood~~ to be distributed to the Pine Street Community Development Corporation for landscaping and the planting of trees throughout the neighborhood. **(Check accepted by City Clerk on March 18, 2014)**
10. **MFB Investments shall attempt to purchase the home of Javier Borregas and lot owned by Habitat for Humanity on Shannon Circle. MFB Investments completed purchase of the residence in May 2014.**

### **Definitions (Land Uses)**

**Accessory building** – an outbuilding not greater than 30 percent of the footprint of the principal building which may include an apartment sharing ownership with the principal building

**Apartment house** – a residential unit sharing a building and a lot with other units and/or uses; may be for rent, for sale, or for sale as a condominium

**Bed and breakfast** – an owner-occupied lodging type offering 1 to 5 bedrooms, permitted to serve breakfast in the morning to guests

**Bus shelter** – a facility located on a thoroughfare for the purpose of providing short-term shelter to patrons of a public bus system; the facility may be enclosed on up to three sides and have a roof covering

**Clinic** – a facility for examining, consulting with, and treating patients; includes offices, laboratories, and outpatient facilities but does not include hospital beds for overnight care or treatment

**Conference center** – a facility offering meeting space but not including lodging

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- 4) Setbacks. Building setbacks must be established and shown on the plat. These setbacks shall correspond with necessary utility easements.
- 5) Structures shall utilize Hardi-board, Smart-Siding, or similarly durable and impact resistant primary materials as approved by the City of Conway Planning Director. A variety of secondary materials for decorative elements shall be allowed including Hardi Board, Smart Siding, concrete, metal, or wood as approved by the City of Conway Planning Director.
- 6) The architectural design for the fencing shall be submitted to and approved by the City of Conway Planning Director.
- 7) PUD land use shall be limited to a maximum of 26 single family residential dwellings and typical accessory buildings. A community building up to 2000 square foot in area shall be allowed for the northwest corner of the PUD property.
- 8) A property owners association shall be formed in order to provide maintenance for common property including private streets, gates, fencing, and other common properties.
- 9) Twenty percent (20%) green space shall be provided through private yards and other permeable space throughout the development.
- 10) Exterior construction is prohibited from 8:00pm to 7:00am.
- 11) If required by the City Engineer, on-site drainage improvements shall be provided. Likewise, off-site drainage improvements may be utilized in lieu of, or in combination with, on-site detention per City Engineer's approval.

### **12. Ordinance amending the Northeast Old Conway Area specific plan to allow transitional housing at certain properties in the Brown's subdivision.**

#### **O-13-106**

Alderman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Matt Bell, Executive Director Phoenix Recovery Center/Owner MFB Investments LLC, explained they have operated as a drug free living facility since May 2012 which consists of 16 duplexes on Shannon and Jersey St; we employ 6 full time employees, 3 of which live on site, 2 full-time house managers, and 1 part-time Chaplin and requested transitional housing be added to the zoning ordinance in order for the facility to continue to operate in this manner. Mr. Bell stated in the recent past concerns has arisen regarding our operations as a licensed transitional housing facility that accepts ex-prisoners from the Dept of Community Corrections (DCC). Mr. Bell stated we are currently approved with the Dept of Human Services (DHS) to provide transitional housing services to individuals, and are also approved with the DCC as a licensed transitional housing facility. Mr. Bell explained we are unique in that most transitional housing facilities operate outside the guidelines of habitation; the ordinance is clear where transitional housing is defined, which this ordinance has not covered and requests this addition to the ordinance. Mr. Bell stated we operate under very strict guidelines which include monitoring our clients, drug testing, and back ground checks; these guidelines are reviewed annually by the DCC and DHS and have been extremely successful; currently there are 95 individuals; 60-70% of our clients are parolees and 95% of them are currently employed which is key to their success. Mr. Bell stated we service approximately 3.5% of the parolee population and these individuals are scattered throughout Conway and Faulkner County; back ground checks are run on these individuals by the local parole office; sex offenders and violent offenders are not allowed. Mr. Bell stated we have had very constructive neighborhood meetings over the past 8 days, with one family voicing concerns, but the majority of the neighborhood supports our continued operation based on the amended conditions set forth. Mr. Bell stated the amended conditions include fencing, egress issues to keep traffic out of the neighborhood and Ingram, and \$10,000.00 to be used



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for a neighborhood beautification project. Mr. Bell stated we have limited the offenses to not include robbery or firearm charges, but the clientele we are serving all have alcohol and drug dependency issue which is our primary function; this also includes veterans and individuals with disabilities. Frank Shaw, 1327 Main St, stated having served in the criminal justice system since the early 1970's this is near to his heart; it is telling that Conway's zoning ordinance does not have a provision for transitional housing and this is only the beginning of what is needed here in our community. Mr. Shaw stated Conway needs a psychiatric hospital and a treatment center; currently we hold individuals with problems in jail until they can enter a facility elsewhere. Mr. Shaw stated we have the only college in Arkansas that offers a degree in addiction study and yet we do not have a treatment center. Mr. Shaw stated Mr. Bell can lease to individuals who receive a subsidy from DHS in order to assist them in getting back on their feet and rejoin society. Mr. Shaw stated if council does not approve this amendment the individuals can still live as they are now but there will be no 6 full time employees, 3 on site managers, no random drug testing, and security cameras. Mr. Shaw encouraged council to support this amendment and others that will allow facilities that are needed in Conway; there is not one bed in Conway for women, as our closest facility is Renewal Ranch in Perry County which only takes in men. Anthony Stanley, President Board of Directors of Habitat for Humanity of Faulkner County, stated he represents the interest of Habitat and its homeowners including the Veregas family, which is the only single family home located on the street that houses Phoenix Recovery Center. Mr. Stanley stated after many meetings with the Veregas family, Mr. Bell and our board of directors, feel all parties concerns have been properly addressed and believes we have reached an agreement that is satisfactory for all involved. Linda Paxton, 1258 Lincoln, explained after several neighborhood meetings over the past month the consensus of the neighborhood is to support this program and encouraged council to approve this amendment. Bob Steele, Senior Program Administrator for Youth Services, stated what we do daily aligns with what Phoenix Recovery Center is trying to provide; our biggest problem is transition; 60 - 75% of the youth we take in have substance abuse problems and asked council to support this facility. Shane Wilbanks, Executive Director Life-After Prison Ministries, spoke in favor of this program and explained many individuals support and look after these men and we have seen them give back to the community and feels this is a much needed facility. Mike Wilbanks, Life-After Prison Ministries, spoke in favor of this program. Calvin Crain, 1207 Jersey, stated he has lived in his home since 2000 and was initially concerned due to his young teenage boys. Mr. Crain stated one of his main concerns is foot traffic, but he is willing to keep an open mind and support the recommended conditions; he feels it is important to see how thing progress over the next 6 months. Whitney Fowls, Phoenix Recovery Center, explained the men who are currently in this center are someone's father, son, and brother and they deserve a second chance at life and our program offers them this opportunity. Ms. Fowls stated she has worked in several facilities around the state and has yet to see another facility provide them the type of opportunity they receive at Phoenix House; we are doing everything possible to change the lives of these men in order for them to be able to regain custody of their children; many of these individuals are homeless people from Faulkner County, and the ones from outside Faulkner County will return to their own county once they leave. Mayor Townsell stated we have some slight amendments to the initial 6 conditions, with an additional 4, and a suggestion of a six month review. Mayor Townsell stated we also need to think about how we would govern future expansion of this facility because one of the conditions would be added to the zoning ordinance in regards to the purchase of the Veregas home and the lot from Habitat for Humanity. The Mayor stated the only limitation he sees now is the basic design of the lots,

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which can be subdivided, and the requirement limiting no more than four persons occupy one dwelling unit. The Mayor asked how the city will regulate what we can be allowed. Mr. Bell stated most of this deals with occupancy which is a maximum of 4; the Bragus House has 5 bedrooms which could technically house 10 individuals, 2 per bedroom, but we are restricted by 4 and stated he does not plan on varying from that. Mr. Bell stated his intention is to build a duplex on the Habitat lot which could house 4 per duplex; as he understands it this lot used to have a duplex on it. The Mayor stated his underlying question is does this revert back to the underlying zoning, what can be done with that zoning, and how do we regulate this. Wes Craiglow, Assistant Planning Director, stated it would revert to T-4. There was discussion among council with Alderman Jones voicing concerns over what he was told initially would be going in this area as he feels he was misled to some extent. Alderwoman Smith stated she is not opposed to the facility, but is opposed to the location. Alderwoman Whitmore stated she attended the meeting at the church and knew of one resident who stood up and spoke against this facility. Janet Thompson, 1209 Jersey St, stated her parents have lived at this residence since 1965, and at that time it was a nice neighborhood and feels it still has potential. Ms. Thompson stated we do not feel threatened by anyone in the neighborhood but she has had problems with neighbors; her concerns are what could be potentially constructed. Ms. Thompson stated we started seeing problems when the apartments and duplexes were built, and then there came a time the landlords no longer cared about their tenants and believes this is when crime increased in the area. Ms. Thompson stated she is concerned for the safety of her parents as she is not home during the day, however she is not opposed to a recovery center as she feels everyone deserves a chance to get help but she does not want to see the facility get any larger than it already is; she good for now as long as they adhere to the conditions. Ms. Thompson stated she agrees it would be a good to revisit this in six months. Alderman Grimes stated he is afraid if we start allowing gates on private streets we will open up issues we may not want to deal with. The Mayor stated what typically require the street to be closed and retain the easement. Alderman Hawkins stated he is concerned over how council will determine if this amendment is working. Michael Murphy, City Attorney, suggested using the DCC definition of transitional housing in section 2 of the ordinance. The wording for this is as follows: *"Transitional Housing: Transitional housing is a Department of Community Corrections licensed facility that provides housing for one or more offenders placed on Department of Community Corrections community supervision. An offender's home or the residence of an offender's family member shall not be considered a transitional housing facility for purposes of this ordinance."* After some discussion regarding Class C felonies the Mayor asked if we should eliminate the Class C reference. Mr. Murphy stated there is a state law regarding notification on these types of facilities that includes a reference to Class C felonies. It was agreed to change amendment #2 to read *"Said MFB Investments shall be allowed to offer prisoner transitional housing to approved and vetted parolees whose offenses shall not include violent offenses, sexual offenses, robbery offenses, or firearms offenses."* After some discussion of the proposed ordinance opening up the opportunity for others to open/operate a transitional housing in other neighborhoods, Mr. Murphy suggested amending the regular zoning ordinance to make this issue perfectly clear in regards to this issue. Mr. Craiglow stated once an agreed upon definition of transitional housing is reached, this type of request could be added as a conditional use request in every zone across the city. Alderwoman Mehl motioned to adopt the ordinance with the 6 month review in order to review compliance of conditions. The Mayor reiterated that condition 5 shall not allow more than 4 individuals in any one dwelling unit on the current lot arrangement. Alderman Pruitt seconded the motion. Mr. Craiglow asked if the intent is to allow 2 dwelling units per lot. The Mayor

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stated yes, if that is the underlying zoning. Mr. Craiglow stated in essence you are giving them permission to use duplexes on any one of these lots. The Mayor asked for clarification on the underlying zoning. Mr. Craiglow stated the underlying zoning is T-4; prior to this zoning was R-2 which has the lots as they are currently arranged. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Ledbetter, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 5-3. Alderman Jones, Alderwoman Whitmore, and Alderwoman Smith voted in opposition. The approved conditions are as follows:

- 1) Transitional housing services may only be operated by MFB Investments, LLC; 100 Gamble Road; Little Rock, AR; 72211. Any transfer of ownership will require City Council approval through an amendment to the Northeast Old Conway Area Specific Plan.
- 2) Said MFB Investments shall be allowed to offer prisoner transitional housing to approved and vetted parolees whose offenses shall not include violent offenses, sexual offenses, robbery offenses, or firearms offenses.
- 3) A six foot wooden privacy fence must be constructed and maintained along the rear (west property line) of the lots along Ingram Street.
- 4) Medical, psychological, and drug rehabilitation support services may not be offered onsite.
- 5) No more than four persons may occupy any one dwelling unit. Any construction is limited to the existing platted lots and must be compliant to the original R-2 zoning that allows two units (duplex) per lot with no more than four occupants per unit.
- 6) A 5-foot-wide concrete sidewalk shall be constructed for access from Jersey Street to Ingram Street.
- 7) MFB Investments, LLC, shall appear before City Council again in six months for Council review for compliance to these conditions. Community input will be heard at that time.
- 8) With approval from the appropriate City authorities, the streets internal to this facility shall be closed and designated as unbuildable space with all easements being retained. After streets are closed, an electronic gate shall be installed at the Jersey Street entrance to the property.
- 9) MFB Investments shall donate \$10,000.00 for a beautification project with the City and/or the neighborhood for landscaping and the planting of trees throughout the neighborhood.

Alderwoman Grimes motioned to move the finance items up on the agenda. Alderman Pruitt seconded the motion. The motion passed 7-1. Alderman Hawkins voted in opposition.

### **Ordinance authorizing the reclassification of a Payroll Officer to a Budget Analyst II for the Conway Finance Department.**

#### **O-13-107**

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Tyler Winningham, CFO, explained when reviewing where he wanted to take this position into the future the pay was not set to bring in an experienced employee and requested council approve this reclassification from Payroll Officer I/Budget Analyst I to a Budget Analyst II with the pay increasing to \$41,211.00. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

# 1B MFB Investments, LLC NEOCA SP Amendment

## MFB INVESTMENTS, LLC NORTHEAST OLD CONWAY AREA SPECIFIC PLAN AMENDMENT TO ALLOW TRANSITIONAL HOUSING

### APPLICANT / OWNER

Matt Ball - MFB Investments, LLC  
Little Rock, AR

### STAFF REVIEW BY

Bryan Patrick, Director  
1201 Oak Street  
Conway AR 72032

### SITE DATA

**Location.** Jersey Street and Shannon Circle

**Legal Description.** On file

**Site Area.** Approximately 3 Acres

**Current Zoning.** Northeast Old Conway Area Specific Plan.  
The sub-zone within the SP Plan is T4 Transitional

**Existing Structures.** Residential structures

**Overlay District.** None

### STAFF COMMENTS

**Northeast Old Conway Area Plan - Land Use.** This request is to amend the Northeast Old Conway Area Specific Plan (NEOCA) to allow transitional housing. The NEOCA Plan was approved by the City Council in August 2009 after many hours of Planning Staff preparation and numerous public input sessions. The overall zone is "SP" or Specific Plan, referencing the NEOCA Plan. Within this area are sub-zones based on "smart code" form based standards. The requested property is sub-zoned T4, Transitional Zone (See Transect Zone Map page 9). This zone, as its name implies, is transitional in nature. It falls between T5, urban, and T3 suburban. Therefore, land uses and structure design in the area share qualities with both urban and suburban zones. The NEOCA Plan also lists specific land uses for the area.

T4 allows by right:

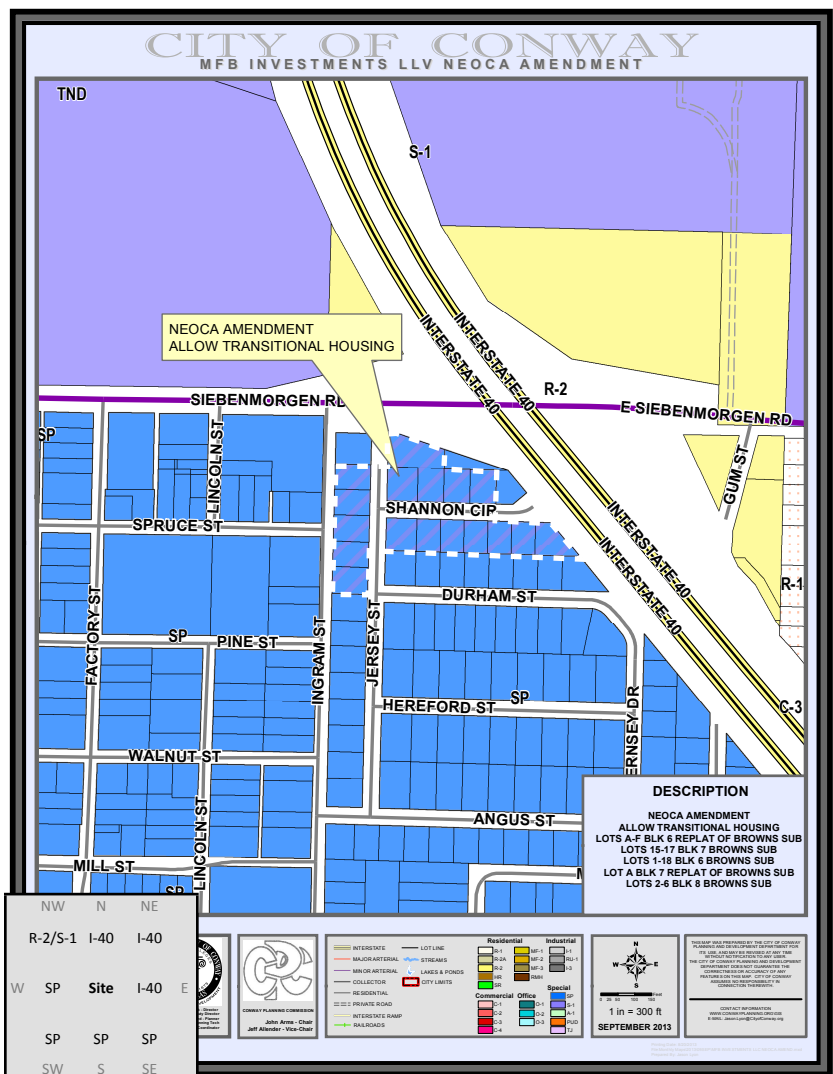
Apartments, duplex, single-family, bed & breakfast, inn (up to 12 rooms), offices, restaurant, retail, library, playground, funeral home, and elementary school.

T4 allows by conditional use permit:

Outdoor auditorium, church, parking lot, kennel, cemetery, clinic, gas station, child care, adult day care, public community center, and community health center.

The requested amendment is to address a land use issue concerning transitional housing, specifically ex-prisoners. Because the list of allowed land uses does not include prisoner transitional housing, an amendment is needed. This amendment would be specific to the requested property and may also be specific to the current owner and operation - Phoenix Recovery.

**Timeline.** In May 2012, it came to the attention of the Planning Department that duplexes in the Jersey Street area were being rented under some form of drug recovery program. Contact was made with



the owner, Matt Bell. Mr. Bell informed the City that the duplexes were made available through the Arkansas Department of Human Services as part of the Arkansas Road to Recovery drug free program. Planning Staff met with the owner and the City Attorney and determined that the duplexes were being rented with what amounted to, subsidized housing. The units are listed as certified housing available to drug free program participants. Those entered in the program are offered a rent subsidy at certified locations. Each duplex unit is rented to a maximum of four renters. No rehabilitation programs are offered therefore, Phoenix Recovery is not seen as drug rehab, clinic, or medical facility. The Phoenix Recovery office also occupies one half of a duplex. Office is an allowed use in T4. The owner stated at this time that no ex-prisoners would be allowed.

In July 2013, Planning and Development received concerns over the legality of Phoenix Recovery. In particular, the acceptance of ex-prisoners. Mr. Bell was again contacted and a meeting was arranged with the City Attorney to discuss the matter. It was decided that an amendment to the NEOCA was in order to allow the continuation of ex-prisoner housing.

**Northeast Old Conway Area Plan Amendment Specifics.** The NEOCA Plan allows for plan amendments following standard rezoning procedures. The applicant has made proper application and

## Northeast Old Conway Area Specific Plan (SP) District Subzones

notifications. In addition, there is a State requirement to conduct a public hearing for any facility accepting Class C felons. This requires the notification of property owners within 1000 feet of the facility. These State notifications were mailed in addition to City required 200 foot notifications.

This amendment would only apply to the listed property. A Specific Plan amendment may also have conditions that make the land use most compatible with the neighborhood.

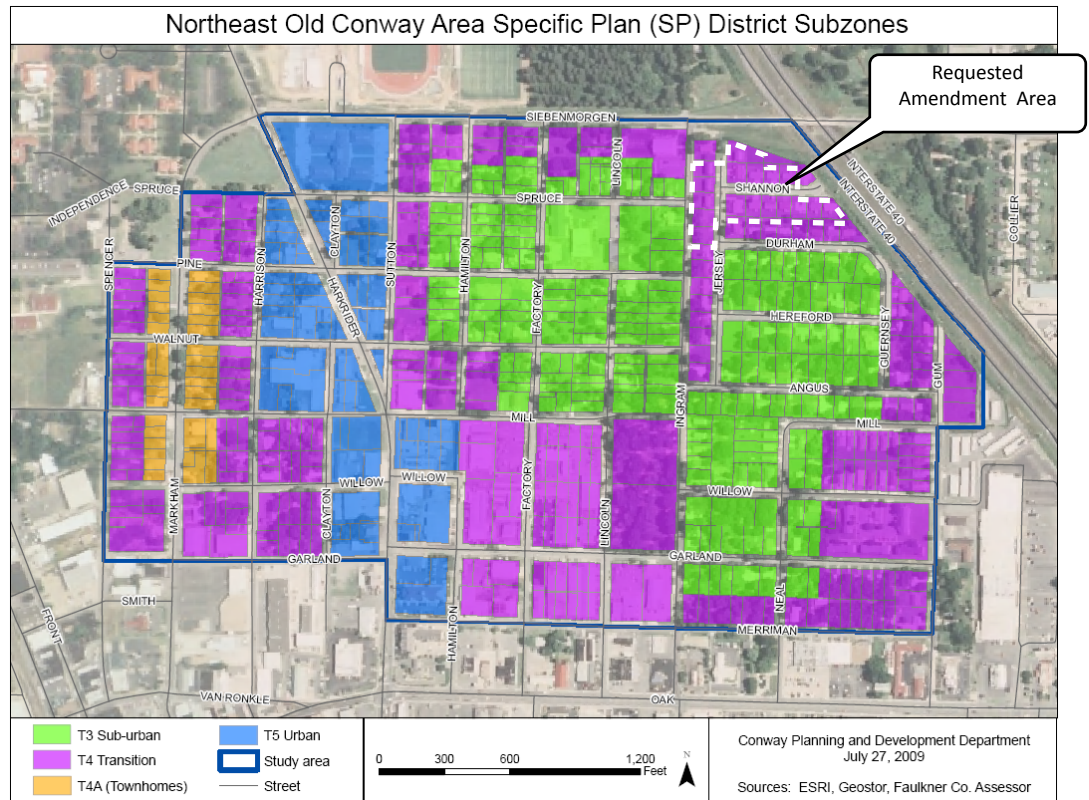
A letter submitted by Mr. Ball along with submitted exhibits are included in the report. (Pages 10 and 11)

**Staff Recommendation.** Planning Staff recommends approval of this NEOCA amendment if conditions making the use most compatible with the neighborhood can be met.

**Staff Recommended Conditions.** A list of possible conditions is presented below. The Commission should examine these suggested conditions and delete, modify, or add to as needed.

1. Transitional housing services may only be operated by MFB Investments, LLC; 100 Gamble Road; Little Rock, AR; 72211. Any transfer of ownership will require City Council approval through an amendment to the Northeast Old Conway Area Area Specific Plan.
2. Said MFB Investments shall be allowed to offer prisoner transitional housing to Class C and less felony offenders. Violent offenders and sex offenders may not be offered housing.
3. A six foot wooden privacy fence must be constructed and maintained along the rear (west property line) of the lots along Ingram Street
4. Medical, psychological, and drug rehabilitation support services may not be offered on site.
5. No more than four persons may occupy any one dwelling unit.
6. A 5 foot wide concrete sidewalk shall be constructed for access from Jersey Street to Ingram Street.
7. The owner may not rent to ex-prisoners if at any time MFB Investments loses accreditation or ceases participation with the Arkansas Department of Community Corrections.
8. The definition for Transitional Housing shall be added to the definitions section of the Northeast Old Conway Area Specific Plan:

**Transitional Housing** - A facility for the housing of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.



## Conway Planning Commission

MFB Investments, LLC (Phoenix Recovery Center) is seeking an amendment to the Northeast Old Conway Area Specific Plan per the request of the Conway Planning Department to allow for the approved use as a transitional housing facility at the location of 413-415, 409-411, 405-407, 397-399, 393-395, 408-410, 412-414, 416-418 Shannon Circle and 1228-1230, 1236-1238, 1240-1242, 1239-1241, 1235-1237, 1231-1233, 1227-1229, 1223-1225 Jersey Street.

We feel that the requested zoning is not in conflict with the zoning of surrounding uses. The location of the property is bound to the east by Interstate 40 and to the north by Siebenmorgen Road. These are contiguous properties located on Jersey Street and Shannon Circle which are dead end streets and therefore have no through traffic. (exhibit A) Our use and occupancy is consistent with the current zoning as residential duplex by the definition in the Conway Zoning Ordinance.

In 2012 Phoenix Recovery Center began operation at the subject property as drug-free living facility to provide a safe, drug free housing alternative for individuals suffering from alcohol and drug dependency. Prior to our conversion from standard market rate rental property to drug-free living we discussed the applicable zoning of the subject property with the Conway Planning Department and determined that the current zoning ordinance did not conflict with the current SP (T-4 Transition) allowable uses as duplex and other residential uses. (exhibit B) At this time we were only approved with the Arkansas Department of Human Services as a supportive, Transitional Drug-Free Housing (exhibit C). Phoenix Recovery Center has since received approval from Department of Community Corrections as an approved transitional living facility. (exhibit D) Both of these agencies require a thorough review of our policies and procedures, staff, and facilities which we have demonstrated full compliance and have received proper licensing.

Currently, the City of Conway Zoning Ordinance and the Northeast Old Conway Specific Plan do not specifically address zoning for "Transitional Housing". We are requesting that the Northeast Old Conway Specific Plan be amended to allow for transitional housing at our specific location. We currently accept individuals with a need for drug-free housing from varied sources: court referrals, counselors, private admissions, Department of Human Services and the Department of Community Corrections. We do not and will not accept individuals with violent or sexual offense history and background checks and drug screenings are performed for all admissions.

As a condition of zoning approval we would limit the occupancy as defined by the Conway Zoning Ordinance for all residences and maintain our current admissions policies to not accept individuals with violent or sexual offense history. Within 6 months from approval date we will complete perimeter wood privacy fencing around the property.



**CITY OF CONWAY**  
Planning and Development

1201 Oak Street  
Conway, AR 72032

T 501.450.6105  
F 501.450.6144

[www.conwayplanning.org](http://www.conwayplanning.org)

MAY 21, 2012

MFB Investments, LLC (Phoenix Recovery Center)  
Properties on  
Jersey St and Shannon Circle

The City of Conway confirms that **MFB Investments, LLC (Phoenix Recovery Center)** located on **Shannon Cir and Jersey St** are zoned **SP (T-4 Transition)** which does permit **Duplexes and other Residential Uses** within the City of Conway, AR.  
As such the Conway Planning determines that current usage of the properties is permitted in this location.

Sincerely yours,

Jason Lyon

Conway Planning and Development Staff

Exhibit A

Exhibit B

[All Counties Page](#)

## Faulkner County

Key : Denotes faith based \*

### Services

Service	Provider	Address	Contact
<b>A&amp;D Recreational Fitness</b>			
Not Available at this time	Laura W. Evans*		
ARVAC	Alcohol/Drug Testing	LR Outreach	
ARVAC	Assessment-SUD	LR Outreach	
Not Available at this time	Brief Intervention	LR Outreach	
ARVAC	Care Coordination	W Maegan Bell* Laura W. Evans* R Cunningham	
Michelle Leyva	Jim T. Bell	Freedom for Life*	Mason Thomas*
Michelle Hicks	Samantha Smith*	TM Consulting and Counseling	
Samantha Smith Group*	Sharon Porter		Tamara Harris
<b>Child Care</b>			
No Providers			
ARVAC	Continuing Care Counseling	LR Outreach	
ARVAC	Ed. Remediation Services	LR Outreach	Michelle Hicks
ARVAC	Employment Readiness Group	LR Outreach	Samantha Smith*
Michelle Hicks	Jim T. Bell		
	Samantha Smith Group*		
ARVAC	Family/Couples Ed. Group-SUD	LR Outreach	Michelle Hicks
ARVAC	Family/Marriage Counseling	LR Outreach	
Not Available at this time	Family/Marriage Group Counseling	LR Outreach	
Jim T. Bell	Financial Management/Credit Counseling	LR Outreach	Samantha Smith* Michelle Hicks
Samantha Smith Group*			
ARVAC	Group Counseling SUD	LR Outreach	
ARVAC	Group Relapse Prevention Services	LR Outreach	Michelle Hicks
ARVAC	Health Care Ed-Group	LR Outreach	
ARVAC	Housing Support	LR Outreach	Samantha Smith*
Jim T. Bell	Individual Counseling-SUD	LR Outreach	
ARVAC	Individual Relapse Prevention Services	LR Outreach	Michelle Hicks
ARVAC	Life Skills	LR Outreach	Samantha Smith* Laura W. Evans*
ARVAC	Jim T. Bell	Freedom for Life*	
Samantha Smith Group*	Michelle Hicks		
	Medical/Dental Care		
No Providers			
No Providers	Medical/Dental Screening		
	Mental Health Therapy	LR Outreach	
ARVAC	Counseling Assoc		Michelle Hicks
	Multi-person Ed.		
Jim T. Bell	Other Educational Services	LR Outreach	
Not Available at this time	Parenting/Child Dev. Ed.	LR Outreach	
Jim T. Bell	Peer Coaching/Mentoring	LR Outreach	Freedom for Life* Michelle Hicks
Laura W. Evans*			
No Providers	Pharmacological Interventions		
	Psychiatric Eval.	LR Outreach	
Counseling Assoc	Psychological Testing		
Not Available at this time	Recovery Check-Up	LR Outreach	Freedom for Life* Michelle Hicks
	Residential Treatment		
Not Available at this time	Spiritual Support	LR Outreach	Freedom for Life*
W Maegan Bell*	Mason Thomas*	Samantha Smith*	Samantha Smith Group*
Jim T. Bell	Spiritual Support Group	W Maegan Bell* Mason Thomas*	LR Outreach Freedom for Life*
ARVAC	Supplemental Needs	LR Outreach	Samantha Smith* Samantha Smith Group*
Jim T. Bell	Phoenix Recovery Svcs	Freedom for Life*	
ARVAC	Supportive, Transitional Drug-Free Housing	LR Outreach	Phoenix Recovery Svcs
ARVAC	Life Rock Outreach		
ARVAC	Transportation	LR Outreach	
Jim T. Bell	W Maegan Bell*	Phoenix Recovery Svc	Laura W. Evans*
Samantha Smith*	Samantha Smith Group*	Mason Thomas*	
ARVAC	Treatment Planning	LR Outreach	

Exhibit C

### Approved Transitional Housing Facilities as of 07/10/2013

Organization Name	Mailing Address	Physical Address	Intake Information	First Contact Person	Contact Num Office
United Methodist Children's Home Arkansas Cares		5821 W. Charles Bussey Ave Little Rock, AR 72204	Women w/child Only	Sharon Capell	501-661-0720 501-661-718
ARVAC Freedom House		400 Lake Front Dr. Russellville, AR 72802	Men & Women	Gary Rhodes	479-968-708
CASA Women's Shelter	P.O. Box 6705 Pine Bluff, AR 71611	1113 State Street Pine Bluff, AR 71611	Women w/child Only	Karen Palmer	870-535-295
Chance Sobriety Ministries Inc.		12127 Gabriel Lane N. Little Rock, AR 72118	Male Only	Benjamin Perkins	501-851-848
Covenant Recovery, Inc.	3201 W. Pullen Pine Bluff, AR 71601	3201 W. Pullen Pine Bluff, AR 71601	Men & Women	Jeremy McKenzie	870-850-752
The D.A.R.P. Foundation		1199 Grant Decatur, AR 72722	Male Only	Raymond Jones for Bldg. 1	918-453-926
GYST House		8101 Frenchman's Lane Little Rock, AR 72209	Men & Women	Stephanie Norvell	501-568-166
Hidden Creek Development Center	10905 West Markham Little Rock, AR 72205	10905 West Markham Little Rock, AR 72205	Men & Women	Bill Allen	501 221-102
Hoover Center/ Black Community Development/ BETTER COMMUNITY DEVELOPMENT		3805 West 13th Street Little Rock, AR 72204	Men & Women		501-663-477
Life Changing Chemical Free Living		316 Izard Street Little Rock, AR 72201	Male Only	Al Cross	501-231-366 cell phone
Lighthouse Mission Ministries, Inc or Safe Harbor Church of LR		4800 Confederate Blvd. Little Rock, AR 72206	Male Only	Pastor Charles Sims	501-374-535
Mission Global Ministries		3719 E. Broadway Street N. Little Rock, AR 72114	Male Only	Willie Adams	501-945-033
New Hope Living Center		1522 Scott Street Little Rock, AR 72202	Male Only	Abe Baird	501-376-245
Phoenix Recovery, Inc.	1224 Jersey Street (Office) Conway, AR 72032	1224 Jersey Street (Office) Conway, AR 72032	Male Only	Matt Bell	501 499-665
Power of Freedom Ministries		13533 Hwy 251 Warm Springs, AR 72478	Male Only	Wesley Garvin	870-647-205
Project New Start	P.O. Box 885 Newport, AR 72112	1417 Dewey Avenue Newport, AR 72112	Men & Women	Tim Bumpous Director	870-523-841
Project New Start Promise Land	P.O. Box 885 Newport, AR 72112	903 Second Street Newport, AR 72112	Male Only	Tim Bumpous	870-523-841
Project New Start Esther House	P.O. Box 885 Newport, AR 72112	712 Malcolm Street Newport, AR 72112	Women Only	Tim Bumpous	870-523-841
Project New Start Gideon House	P.O. Box 885 Newport, AR 72112	1501 Bryant Street Newport, AR 72112	Male Only	Tim Bumpous	870-523-841

Exhibit D

Submitted Letter Exhibits

Amendment of Lease

This amendment is made as of the \_\_\_\_ day of \_\_\_\_\_, 2017 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 Leases 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 was further assigned by Equipment Service, Inc., to Snap-On Equipment, Inc., effective July 10<sup>th</sup>, 2009; and

WHEREAS, the Lease has previously been extended to September 30, 2012, pursuant to terms of an Amendment of Lease dated September 30, 2007; and

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

NOW, THEREFORE, for \$10.00 and other goods 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<sup>th</sup>, 2027.**
- 2) The (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 1 I.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: \_\_\_\_\_  
Mayor Bart Castleberry

Snap-on Equipment, Inc.

\_\_\_\_\_  
By: Scott Champlin



State of Arkansas     )  
                                  )  
County of Faulkner    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me \_\_\_\_\_, the undersigned Mayor Bart Castleberry, 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

My commission expires: \_\_\_\_\_

State of Arkansas     )  
                                  )  
County of Faulkner    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me \_\_\_\_\_, the undersigned Scott Champlin, personally appeared, known to me to be the \_\_\_\_\_ of Snap-On Equipment, 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

My commission expires: \_\_\_\_\_

EXHIBIT A

Part of the North Half ( $N \frac{1}{2}$ ) of the Northeast Quarter ( $NE \frac{1}{4}$ ) of Section Eighteen (18) and part of the Northwest Quarter ( $NW \frac{1}{4}$ ) of the Northwest Quarter ( $NW \frac{1}{4}$ ) 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 33.10 acres, more or less.



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

**A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF CONWAY TO UTILIZE FEDERAL-AID SURFACE TRANSPORTATION ATTRIBUTABLE PROGRAM FUNDS FOR AN UPGRADE SIGNALS ALONG OAK STREET**

Whereas, The City of Conway understands Federal-aid Transportation Funds are available at 80% federal participation and 20% local match to upgrade signals along Oak Street, and

Whereas, The City of Conway understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

Whereas, this project using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

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

Section I: The City of Conway will participate in accordance with its designated responsibility, including maintenance of this project.

Section II: Mayor Bart Castleberry is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

Section III: The Conway City Council pledges its full support and hereby authorizes the City of Conway to cooperate with Metroplan and the Arkansas State Highway and Transportation Department to initiate action to implement this project.

**THIS RESOLUTION** adopted this 8<sup>th</sup> day of August, 2017.

**Approved:**

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

**Attest:**

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

08.2.2017

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# Memo

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**To**  
Mayor Bart Castleberry

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

**CC**  
Felicia Rogers  
City Attorney Chuck  
Clawson

**Re**  
ROW Acquisition Bruce  
and Harkrider Streets

**Comments:**

Preferred Distribution Center, LLC has agreed to a selling price of \$26,752.00 for the parcel of land needed for the right-of-way necessary to complete the improvements to Bruce east of Harkrider Street.

In addition, the City will be responsible for replacing the existing chain link fence within the acquired area.

I recommend approval of this agreement. Please do not hesitate to contact me if you have any questions.



Parcel No. 1  
Bruce – Harkrider Intersection  
Conway, Arkansas

**CONTRACT TO SELL**  
**REAL ESTATE FOR HIGHWAY PURPOSES**

Grantor: Preferred Distribution Center, LLC  
(Facilities Located at Southeast Corner of Bruce Street and Harkrider Street)  
Conway, Arkansas

Address: P.O. Box 2138  
Conway, Arkansas 72033

Grantee: City of Conway, Arkansas

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the City of Conway, of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following real estate, save and except the oil and gas therein and thereunder the described real estate as follows, situated in the County of Faulkner, to wit:

LEGAL DESCRIPTION

A parcel of land situated in the Northwestern Corner of Lot 4 of the South ½, Southwest ¼, Section 7, Township 5 North, Range 13 West as shown on the B.G. Wilson's Map of Conway, Arkansas in Plat Book A, Page 46 (Sheet 14) in the Office of Faulkner County Circuit Clerk & Recorder being located at the Southeastern Corner of the Bruce Street and Harkrider Street Intersection being more particularly described as follows:

Beginning at the Northwest Corner of said Lot 4, thence N89°27'03"E, 766.60 feet along the south right of way line of Bruce Street and the north line of said Lot 4 to the Northeast Corner of said Lot 4; thence S0°23'36"W, 10.00 feet along the east line of said Lot 4 to a point on the east line of said Lot 4; thence S89°27'03"W, 687.95 feet; thence 97.91 feet along a curve to the left having a radius of 50.00 feet and a chord bearing S33°21'07"W, 83.00 feet to a point on the west line of said Lot 4; thence along said west line of Lot 4 N22°44'48"W, 85.20 feet to the Point of Beginning and containing 0.205 acres more or less.

**PAYMENT DUE** (8,917.2 Square Feet ) ----- **\$ 26,752**

(Appraised value offered by the City for real estate, including damages, if any, to the remainder; to be paid after approval of title and execution of a deed as hereinafter provided).

The City shall have the irrevocable right to exercise the "Contract to Sell" at any time within thirty (30) days from date; and it is agreed that if within the time above specified, the said City shall declare its intention to exercise this "Contract to Sell" including the right to purchase said land, the Grantor(s) will execute and sign a General Warranty Deed when presented by the City and receive payment of the stated "Payment Due" from the said City, less any amount that may be found due and payable to any mortgagee. It is expressly understood that the said City shall not be obligated further unless stated herein to wit:

It is understood and agreed that closing costs will not accrue to the Grantor(s) as the Grantee's Attorney will prepare the necessary documents for closing and the Grantee will pay the cost of recording all instruments conveying title to the City of Conway.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the "Contract to Sell".

**The City of Conway is hereby authorized and directed to make payment of the purchase funds for the conveyance to Preferred Distribution Center LLC.**

Dated this \_\_\_\_\_ day of August, 2017

\_\_\_\_\_  
Signature

Fed. I.D.# /SS# \_\_\_\_\_

\_\_\_\_\_  
Signature

Fed. I.D.# /SS# \_\_\_\_\_

\_\_\_\_\_  
Signature

Fed. I.D.# /SS# \_\_\_\_\_

\_\_\_\_\_  
Signature

Fed. I.D.# /SS# \_\_\_\_\_









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

**AN ORDINANCE ACCEPTING THE REQUEST FOR PROPOSAL; ENTERING INTO A MEMORANDUM OF UNDERSTANDING; & APPROPRIATING FUNDS FOR THE CONWAY PUBLIC ART BOARD; AND FOR OTHER PURPOSES:**

**Whereas**, the Conway Public Art Board requested proposals in June, 2017 from artists for the design, implementation, and installation of an Interactive Music Installation on Markham Street; and

**Whereas**, this project marks the first public art installation by the Conway Public Art Board; and

**Whereas**, Steve Parker submitted the only proposal for a Bluescycle interactive bicycle instrument that can be played by people of all ages and abilities.

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

**Section 1.** The City of Conway shall accept the proposal from Steve Parker for the Bluescycle interactive Bicycle instrument.

**Section 2.** The City of Conway shall entered into a memorandum of understanding with Spencer Hawks for the leasing of property located at 1160 Markham Street.

**Section 3.** The City of Conway shall appropriate \$60,000 from the Parks & Recreation Voluntary Property Tax Fund Balance Appropriation Account (221.140.4900) to the Parks & Recreation – CIP Misc. Account (221.140.5990).

**Section 4.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**Passed** this 8<sup>th</sup> day of August, 2017

**Approved:**

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

**Attest:**

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

June 15th, 2017

To the members of the City of Conway Public Art Board:

Please regard this letter and materials as my enthusiastic application for the Markham Street Musical Public Art Call.

I am an artist based in Austin, TX with strong ties to Arkansas. As a Grammy-nominated musician and Fulbright Scholar, I have exhibited at the Crystal Bridges Museum of American Art, Art Basel Miami Beach, the Artosphere Festival (Fayetteville), Austin Art in Public Places, Asian Arts Initiative (Philadelphia), the Fusebox Festival, and the Lucerne Festival (Switzerland), among others. My work has received support from the NEA, ArtPlace, New Music USA, and has been recognized by the New York Times, the Austin Critics' Table, and the Miami Herald. Currently, I am a faculty member at the University of Texas at San Antonio and curator of SoundSpace at the Blanton Museum of Art.

As an artist, I am especially focused on finding new ways for people to engage with music. This has led me to create interactive musical instrument sculptures made from reclaimed brass instruments, organ pipes, and bicycles; participatory works for automobile choirs performed by amateur musicians; interactive works for 1.5 million bats, conch shell choir, and hand-built echolocation devices; large-scale, immersive spectacles for 100 tubas, 80 trombones, and 99 percussionists; and site-specific projects for lagoons, public elevators, and parking garages. Above all, my projects are always intensely collaborative and engage people of all ages and backgrounds.

I am especially intrigued about the Markham Street project because it provides a great opportunity to highlight the history of African American music in Central Arkansas. This region boasts a rich legacy of musicians in blues, jazz, soul, and classical music, most notably William Grant Still and Florence Price. Additionally, I am intrigued by the proposed Markham Street developments that demonstrate a commitment to sustainable bike-friendly infrastructure. These factors inspire me to create a work that speaks to the history of the Markham neighborhood and serves as a bike-friendly hub for future community interaction.

My application proposes the creation of an interactive bicycle instrument that can be played by people of all ages and abilities. This sculpture will be made from several interconnected bike frames that are outfitted with pitched bulb horns, bike bells, and hand-cranked wheels that work like music boxes. All of the music making devices will be pitched in the Bb blues scale, a versatile key that references the blues, jazz, soul, and classical music traditions in Central Arkansas. In addition to the bike instrument, I will also create a series of bike racks that display plaques about notable central Arkansas musicians.

Please find the details of my proposal for this open call in the attached materials. To view my portfolio, please visit [www.steve-parker.net/conway](http://www.steve-parker.net/conway) Thank you for considering my application.

Sincerely,

Steve Parker  
[steven.c.parker@gmail.com](mailto:steven.c.parker@gmail.com)  
312 498 6047

# Steve Parker

12026 Wycliff Ln, Austin, TX 78727

312 498 6047

[steven.c.parker@gmail.com](mailto:steven.c.parker@gmail.com)

[www.steve-parker.net](http://www.steve-parker.net)

## SELECT EXHIBITIONS

2017 **The Crystal Bridges Museum of American Art, Bentonville, AR:** *MusicCAGE*, an interactive sound installation that amplifies the latent musical potential outdoor plants, bridges, and other structures on the museum grounds.

**Art in Public Places TEMPO, Austin, TX:** commissioned to create *Tubascopes*, three sculptures made from reclaimed brass instruments that operate like telescopes for your ears. Modeled after acoustic locators of WWII, these structures amplify and bring focus to everyday soundscapes that are often ignored.

2016 **TEMPO Art in Public Places, Austin, TX:** *LO FI CYCLE*, an interactive bicycle musical instrument sculpture equipped with pedal powered music boxes and antique car horns fused with reclaimed brass instruments.

**Art Basel Miami Art Week, Miami, FL:** *TRAFFIC JAM*, performative public art work created for carhorn choir, amplified bicycles, pedicabs, wheelchairs, and rolled car hoods, performed in a parking lot.

**Fusebox Festival, Austin, TX:** *BAT // MAN*, an immersive work combining a live processed audio feed of 1.5 million bats, community megaphone choir, conch shell ensemble, funnel horns, and hand built echolocation devices.

2015 **Drawing Lines, Austin, TX:** *SoundAtlas*, an interactive public art soundtrack that reacts to the user's movement and GPS location in real time while they drive in their car. Sponsored by ArtPlace Foundation.

**Asian Arts Initiative, Philadelphia, PA:** *Really Good Elevator Music*, a series of satirical MUZAK / Public Service Announcements, installed in public elevators. Commissioned by Yowei Shaw, Producer for NPR's *Fresh Air* and *This American Life*.

**Fusebox Festival, Austin, TX:** *TRAFFIC JAM*, performative public art work for orchestra of trucks, automobiles, pedicabs, and live musicians. Created in a series of workshops for underserved youth and performed in a public parking lot.

2014 **Fusebox Festival, Austin, TX:** *Recycled Sounds*, a series of interactive public instrument sculptures in Austin City Hall Parking Garage. Made from reclaimed materials with underserved youth in east Austin.

**The Crystal Bridges Museum of American Art, Bentonville, AR:** *The Way of Timbre*, a site-specific sound installation for sine waves, didgeridoos, and trombones coordinated with the LED light display at the James Turrell Skyspace.

2013 **Asian Arts Initiative, Philadelphia, PA:** *Music on Pearl*, a series of interactive large scale musical instruments installed on Pearl Street in Chinatown North.

**New Spaces New Formats Festival, Philadelphia, PA:** *Birds and Bees*, an installation made from a live audio feed of honey bees, processed church bells, and the music of Hildegard von Bingen at the historic Christ Church in Philadelphia. Sponsored by the Pew Charitable Trust.

## HONORS

2017 National Endowment for the Arts  
2016 Copland Foundation Grant  
Austin Critics' Table Award Winner  
2015 National Endowment for the Arts  
New Music USA  
Best of Austin Award - Austin Chronicle  
ArtPlace - Drawing Lines  
2014 Puffin Foundation Grant  
2013 Austin Critics' Table Award Winner  
2009 University of Texas Harrington Scholar  
2004 Fulbright Scholar

## RESIDENCIES, LECTURES, AND MASTERCLASSES

2016 Art Basel Miami - Miami Dade College, Miami, FL  
Eastman School of Music, Rochester, NY  
2015 Rice University Shepherd School of Music, Houston, TX  
2014 SXSW Music Festival, Austin, TX  
2013 Asian Arts Initiative, Philadelphia, PA  
Crystal Bridges Museum of American Art  
2012 Aarhus Conservatory Denmark Trombone Studio  
The University of New Mexico  
2010 EMPAC - Rensselaer Polytechnic Institute, Troy, NY  
Conservatory of Sao Paulo, Brazil

## CURRENT POSITIONS

2010-present **Curator of SoundSpace, The Blanton Museum of Art**  
2012-present **Full-Time Lecturer, The University of Texas at San Antonio**  
2012-present **Executive Director, Collide Arts, 501(c)(3)**

## EDUCATION

2012 Doctor of Musical Arts, The University of Texas at Austin  
*Donald D. Harrington Doctoral Scholar, 3-year, \$140,000 fellowship*  
2005 Fulbright Scholar, Staatliche Hochschule für Musik Trossingen  
2004 Master of Music Performance, Rice University  
2002 BA/BM in Math and Music, Oberlin College

## Proposal: Bluescycle

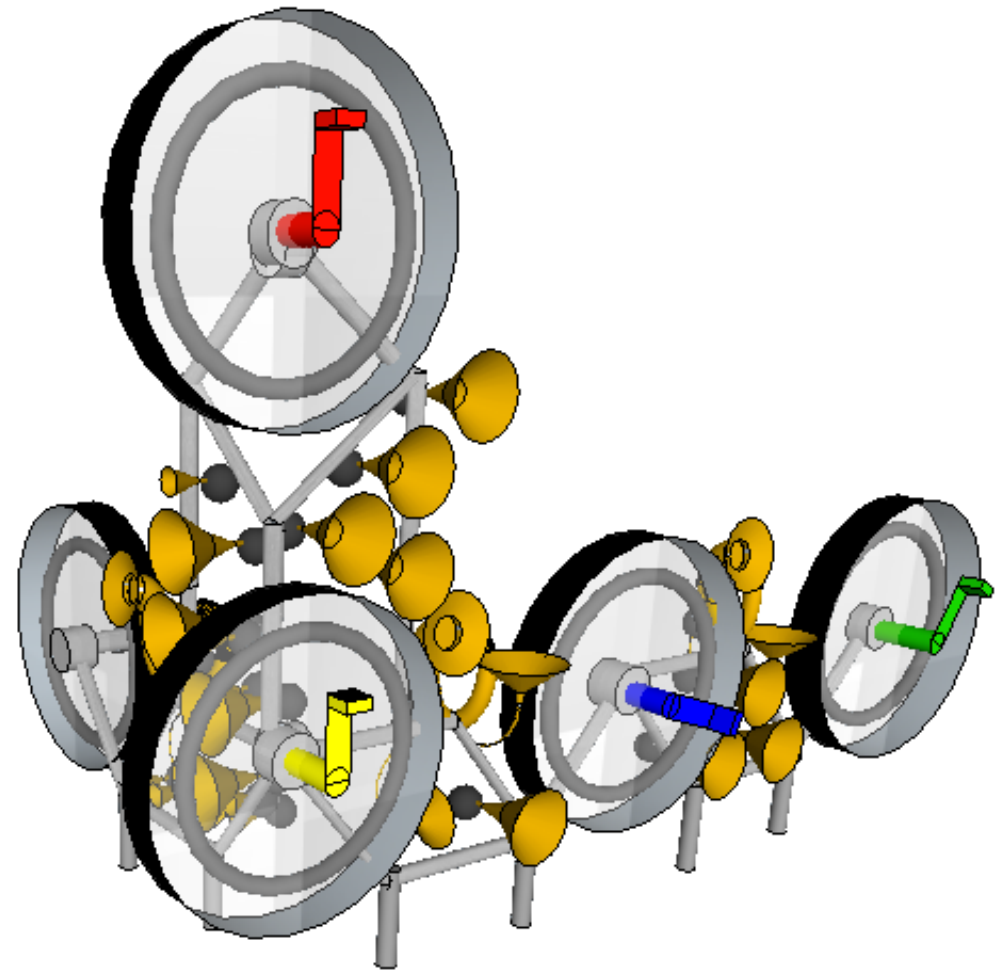
For the 2017 Markham Street Musical Public Art Call, I am proposing the creation of the **Bluescycle**, an interactive bicycle instrument that can be played by people of all ages and abilities. This sculpture is intended to honor the cultural legacy of the Markham neighborhood and to highlight the City of Conway's commitment to bike-friendly infrastructure.

The Bluescycle is a sculpture made from five interconnected bicycle frames outfitted with bulb horns, bike bells, and large music boxes. The horns are built from reinforced, salvaged brass instruments that are retrofitted with brass reeds and bulbs that produce a unique scaled pitch. The wheels function like large music boxes: when they are cranked by hand, the spokes and internal bike bells are struck by a clapper to produce a simple melody. The instrument can be played by people of all ages and abilities.

The Bluescycle will be tuned to the notes of the blues scale to reflect the cultural legacy of the neighborhood and region. The blues scale is found widely in traditional African-American music in Central Arkansas: in blues, jazz, soul, and classical music, such as in *Afro-American Symphony* by Little Rock-native William Grant Still.

Additionally, the blues scale is a highly accessible harmonic language that is a common choice for melodies and improvisations. It is regularly employed by beginning musicians as well as by seasoned professionals, and its versatility makes it a perfect choice for this project.

As this sculpture will be used by people of all ages, I always take great lengths to ensure safety. The sculpture's wheel spokes will be enclosed in a sturdy fiberglass shield on each side with dimensions that comply with ADA requirements. I have successfully implemented similar sculptures for Austin Art in Public Places, which were safe for children and adults to use and were similarly ADA compliant. An image of this can be seen to the right and is documented in detail in my work samples.



For installation, I will draw on my past experience installing similar structures. As the footing diagram indicates, the sculpture will be secured with numerous 18” Penetrator Earth Anchors. I understand that the sculpture may be moved to a different location in the future, and these anchors provide the best option for both security and manageable removal. To ensure durability, the sculpture will be built from weather-resistant materials: high grade steel with a rust-proof coating and lacquered brass. The rubber bulbs are the only materials that will require periodic replacement due to weather, and their replacement is a simple process.

In addition to the instrument, I will create a bike rack that will serve future riders of the planned Markham Street bike lanes. The bike rack will be equipped with plaques (prototype on left) that will display information about regional musicians from the blues, jazz, soul, and classical traditions. Content will include biographical information, photos, sheet music, and a QR code or phone number that will allow users to listen to excerpts of their musical works.



William Grant Still, (1896-1978), American composer and conductor, and the first African American to conduct a professional symphony orchestra in the United States. Through a prolific composer of operas, ballets, symphonies, and other works, he was best known for his Afro-American Symphony (1931).

Still was brought up by his mother and grandmother in Little Rock, Arkansas, and studied medicine at Wilberforce University, Ohio, before turning to music. He first studied composition at Oberlin Conservatory of Music in Oberlin, Ohio, then under the conservative George W. Chadwick at the New England Conservatory of Music, Boston, and later under Edward Tuller during the latter's most radical avant-garde period.

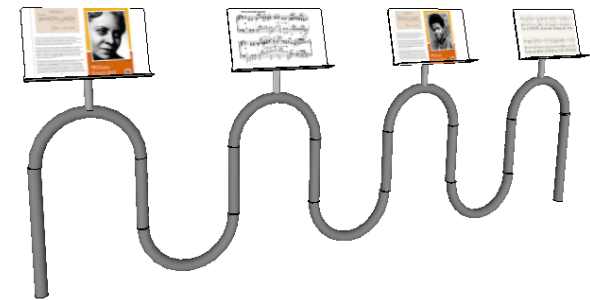
Still's concerns with the position of African-Americans in U.S. society is reflected in many of his works, notably the Afro-American Symphony, the ballet Shabari (1930), set in Africa and composed after extensive study of African music, and Lonesome (1937), and the opera The Troubadour (1938), produced (1946), with a libretto by Langston Hughes, and Highway No. 1, U.S.A. (produced 1965 and 1977). Still's compositions from the mid-1930s show the just born as a major influence on his eclectic musical style and made



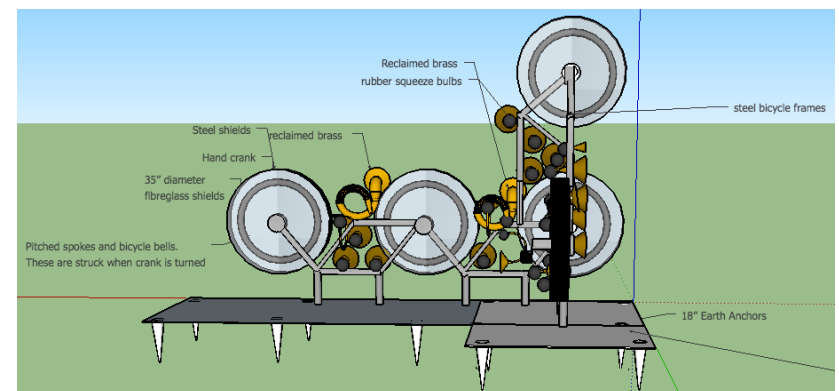
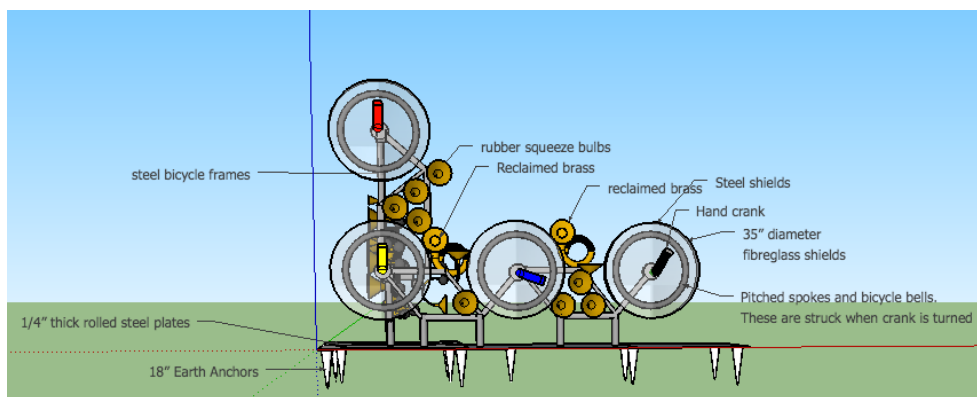
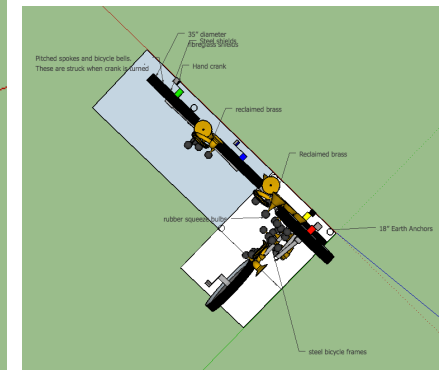
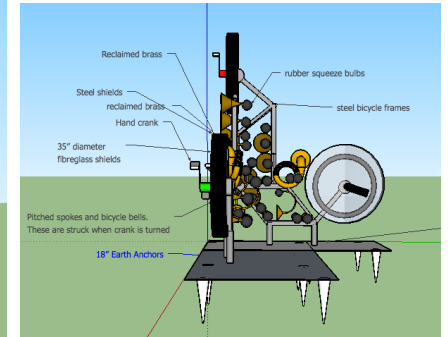
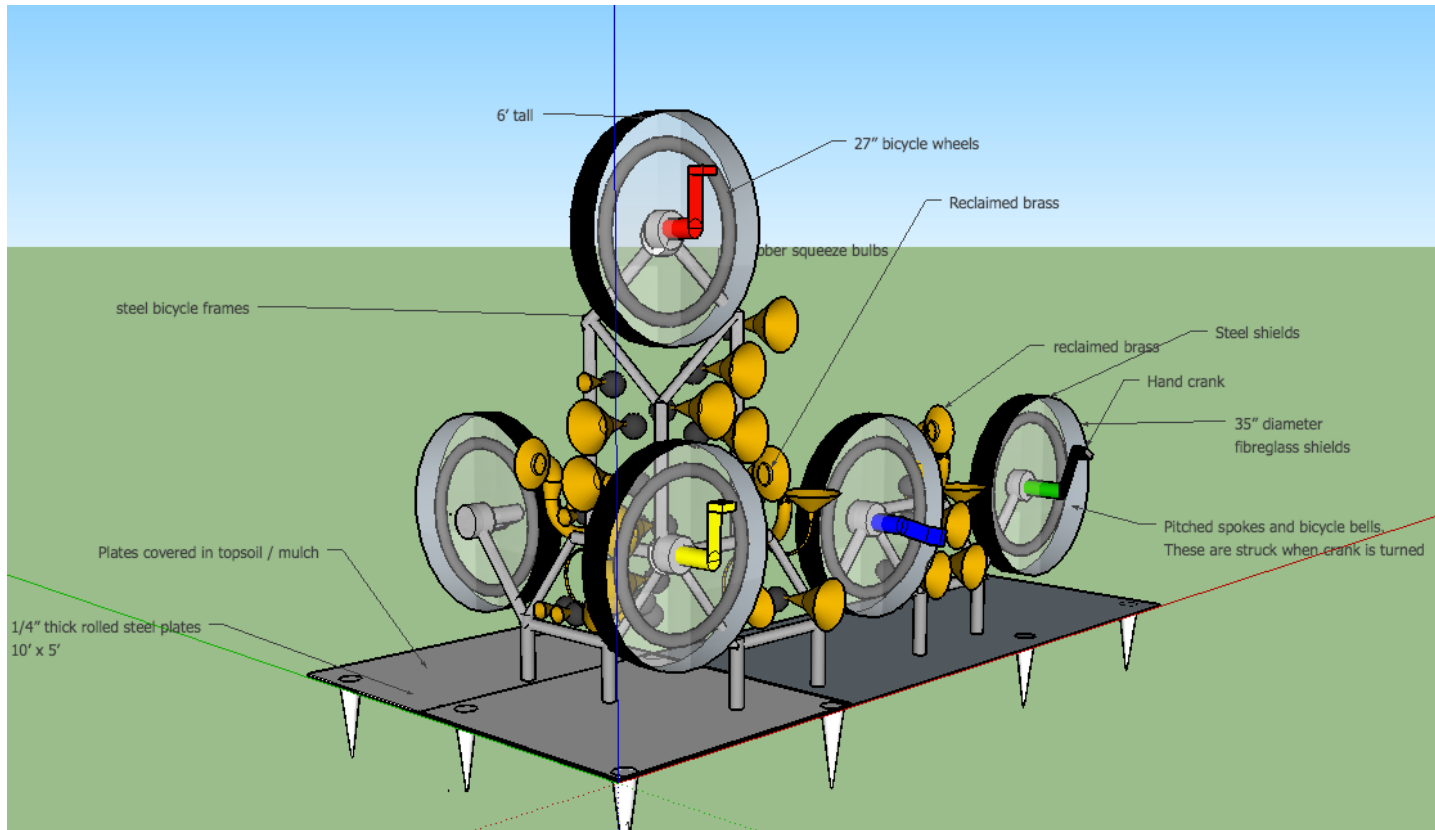
To determine which artists are showcased, I will meet with local community members residents and stakeholders to determine which native artists are most important to the community. Some possible candidates include William Grant Still, Al Green, and Florence Price, but I will defer to local residents to make the final decisions.

This project offers great potential for meaningful community engagement and outreach. My work always involves community collaboration, and there are

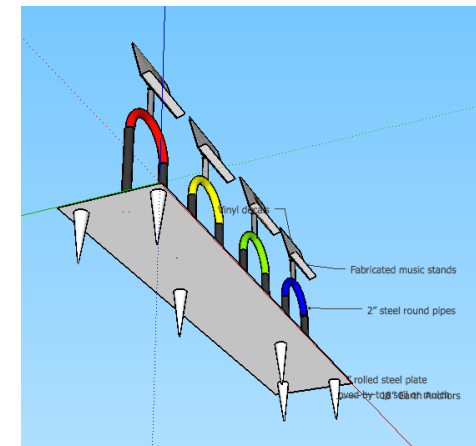
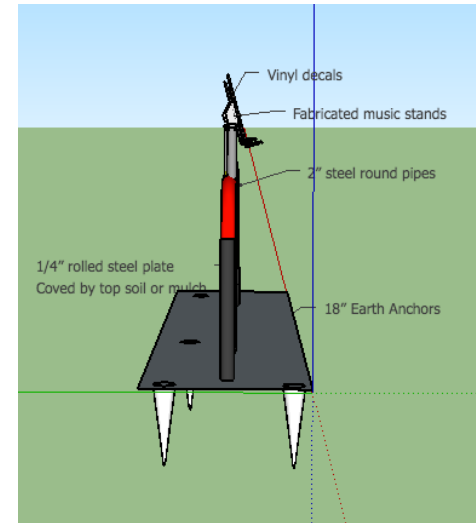
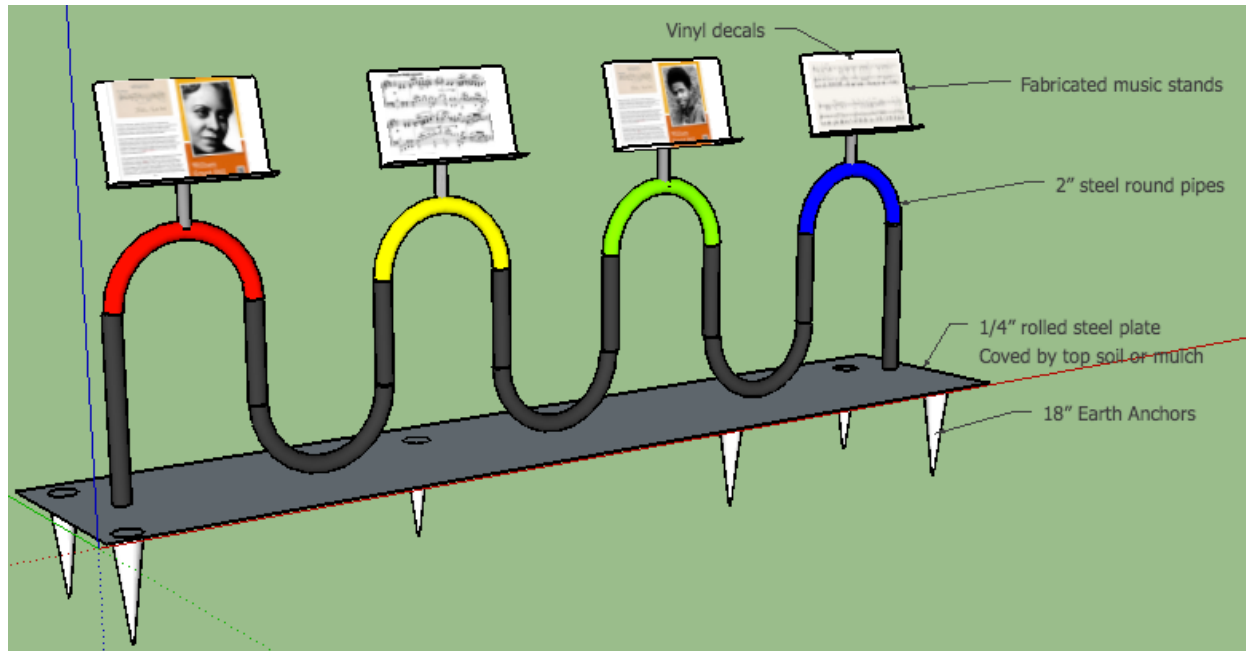
several possibilities for this throughout the arc of this project. During the design phase, I will lead workshops in instrument building that show community members how to invent and build their own musical instruments. Documentation of previous workshops I have led can be seen here: <http://recycledsoundsatx.tumblr.com>. Second, I will work closely with community members to get input on the sculpture design and bike rack plaque content. In these meetings we will choose the plaque artists, biographical content, and rack color schemes. Once the artwork is installed, I plan to activate it in a series of live performances. I envision these performances featuring local artists creating new compositions for the instrument, as well as concerts of existing works written by notable Arkansas musicians.



# Design detail (Bluescycle)



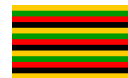
# Design detail (bike stand)



William Grant Still, (1896-1978), American composer and conductor, and the first African American to conduct a professional symphony orchestra in the United States. Though a prolific composer of operas, ballets, symphonies, and other works, he was best known for his Afro-American Symphony (1931).

Still was brought up by his mother and grandmother in Little Rock, Arkansas, and studied medicine at Wilberforce University, Ohio, before turning to music. He first studied composition at Oberlin Conservatory of Music in Oberlin, Ohio, then under the conservative George W. Chadwick at the New England Conservatory of Music, Boston, and later under Edward Varèse during the latter's most radical avant-garde period.

Still's concern with the position of African-Americans in U.S. society is reflected in many of his works, notably the Afro-American Symphony; the ballets Sable (1930), set in Africa and composed after extensive study of African music, and Lenoir Avenue (1937); and the operas The Troubled Island (1935; produced 1949), with a libretto by Langston Hughes, and Highway No. 1, U.S.A. (produced 1963 and 1977). Still's compositions from the mid-1930s show the jazz band as a major influence on his eclectic musical style and made



Possible color schemes

(To be determined by artist and community stakeholders)



Preliminary plaque mockup (Final design and content be created with community input)



# In Context image



# Estimated Budget

	amount	unit cost	total
<b>TRAVEL (Airfare roundtrip from AUS to MCO)</b>			
Site visits	3	\$300	\$900
Maintenance visits (airfare estimated over 7 years)	4	\$300	\$1200
Installation and performances	2	\$300	\$400
<b>TOTAL TRAVEL</b>			<b>\$2500</b>
<b>MATERIALS</b>			
Brass instruments	20	\$100	\$2000
1/4" Steel sheets	5	\$120	\$600
American Earth Anchors 18" Penetrator with 1-inch hex head plus stud/nut/washer	15	\$18	\$270
American Earth 4x4 Bracket	15	\$10	\$150
Shipping cost for Anchors	1	\$25	\$25
2" Round Steel tubing	30	\$40	\$1200
Vinyl (including extras)	35	\$50	\$1750
Additional fasteners and tubing			\$1000
Bulbs and brass reeds			\$1000
<b>TOTAL MATERIALS</b>			<b>\$7995</b>
<b>FABRICATION</b>			
Steel Fabrication (Robert Whiterhurst, Fisterra Studio)	100	\$40	\$4000
Vinyl printing / fabrication	10	\$200	\$2000
Brass Fabrication	20	\$40	\$800
Maintenance (estimated over 7 years)	80	\$40	\$3200
<b>TOTAL FABRICATION</b>			<b>\$10000</b>

	amount	unit cost	total
<b>PROFESSIONAL SERVICES:</b>			
Video documentation			\$500
Photo Documentation			\$300
Graphic design			\$1500
Final CAD Designs			\$3000
Structural Engineer			\$5000
<b>TOTAL PROFESSIONAL SERVICES</b>			<b>\$10300</b>
<b>INSTALLATION</b>			
Sculpture transport and packing			\$3500
Install	40	\$40	\$1600
<b>TOTAL LABOR</b>			<b>\$5100</b>
<b>INSURANCE</b>			
General Liability (over 7 years)	7	\$500	\$4000
<b>TOTAL INSURANCE</b>			<b>\$4000</b>

<b>SUB TOTAL AMOUNT</b>			<b>\$39895</b>
<b>CONTINGENCY:</b>			
5% of the Subtotal			\$1995
<b>ARTIST'S FEE:</b>			
20% of the Subtotal			\$7979
<b>GRAND TOTAL:</b>			<b>\$49869</b>

# Project Timeline

## August 2017

- Site visit and meet with community stakeholders.

## Sept-Nov 2017

- Conduct instrument building community workshops.
- Meet with Markham neighborhood residents and community groups for feedback on preliminary design.
- Obtain input from community members on which central Arkansas artists to feature in bike rack displays.

## Dec 2017

- In collaboration with community members, finalize artist list and biographical information to display in bike rack displays.
- Revise and submit final design.

## Jan 2018

- Approve final design.

## Feb - March 2018

- Fabricate sculpture.

## April 2018

- Install and unveil sculpture.
- Produce concert series that activates the sculpture in live performance and features work of central Arkansas musicians.

## **Memorandum of Understanding**

Between

Spencer Hawks, a resident of Faulkner County, Arkansas and current owner of real property located at 1160 Markham Street, Conway, AR 72032

and

The City of Conway, Arkansas

This Memorandum of Understanding (MOU) sets for the terms and understanding between Spencer Hawks (“Hawks”) and the City of Conway, Arkansas (“City”) to secure a lease on real property owned by Spencer Hawks, located at 1160 Markham Street, Conway, AR 72032.

### **Background**

Spencer Hawks is currently the sole owner of real property located at 1160 Markham Street, Conway, AR 72032, more particularly described as Lot 11, Part 12 of the Harrison Addition to downtown Conway. The City of Conway is a public organization which strives to encourage an artistic Conway through the creation, acquisition, and/or display of community-centered art.

### **Purpose**

This MOU will seek to provide the basic terms of an agreement between the two aforementioned parties regarding the placement of a temporary musical park on the real property described above. The parties are seeking to memorialize their verbal agreement as to the terms of the lease and the mutually agreed upon use of 1160 Markham Street.

### **Proposed Terms of Lease**

The proposed lease terms shall include, but shall not be limited to the following:

1. The City shall lease the real property for a term of no less than thirty-six (36 months) from the signing of this MOU;
2. The City shall pay to Hawks a yearly lease fee of One-hundred dollars and no/100 (\$100.00);
3. The City shall be responsible for all property maintenance, landscaping, and general upkeep and repairs on the property;
4. The City shall be responsible for clean-up after any event held on the property, except where mutually agreed upon;
5. The City shall carry a temporary premises and personal injury liability policy of no less than \$1,000,000, naming as insured parties Spencer Hawks, Xochilt Hawks, and the Hawks Living Trust.

**Funding**

Other than specified above, neither party is committing funds to the other party for any additional venture or project.

**Duration**

This MOU is at-will and may be modified by mutual consent of authorized officials from either party. This MOU shall become effective upon signature by the authorized officials from either party and will remain in effect until modified or terminated by any one of the parties by mutual consent. In the absence of mutual agreement by the parties this MOU shall end on July 7<sup>th</sup>, 2020.

**Termination:**

This MOU may be terminated by either party at any time by providing written notice to the other party within 30-days advance notice. Amounts due or paid by the City will be pro-rated, thus allowing for payment only for the time period in which the contract was in place.

**Contact Information**

- Spencer Hawks
- Address
- Telephone
- Fax
- E-mail

Mayor Bart Castleberry  
 City of Conway  
 Address: 1201 Oak Street, Conway, AR 72032  
 Telephone: 501.450.6110  
 Fax: 501.450.6145  
 E-mail: bart.castleberry@cityofconway.org.

\_\_\_\_\_ Date: \_\_\_\_\_  
 Spencer Hawks

\_\_\_\_\_ Date: \_\_\_\_\_  
 Mayor Bart Castleberry  
 City of Conway

**MEMORANDUM**

**TO:** City Council Members/Mayor Bart Castleberry  
**FROM:** Chief Jody Spradlin  
**DATE:** August 8, 2017  
**SUBJECT:** Acceptance of Bids

Bids were opened July 10<sup>th</sup>, 2017 for an Endeavor Robotics 110 FirstLook for the CPD SWAT team. The following bid was received:

- W.S. Darley: \$ 19,802.00

I respectfully request that the City of Conway accept this bid from W.S. Darley.

Thank you for your consideration.