



# City of Conway Council Agenda

**Council Meeting Date:**

**February 24<sup>th</sup>, 2015**

**5:30pm – Committee Meeting:**

**Presentation – Parks Master Plan Study**

**6:30pm - Council Meeting**

**Call to Order: Mayor Tab Townsell**

**Roll Call: City Clerk/Treasurer Michael O. Garrett**

**Minutes Approval: February 10<sup>th</sup>, 2015**

**Employee Service Awards**

**Mayor Tab Townsell**

City Clerk Michael O. Garrett

City Attorney Chuck Clawson

**City Council Members**

Ward 1 Position 1 – Andy Hawkins

Ward 1 Position 2 – David Grimes

Ward 2 Position 1 – Wesley Pruitt

Ward 2 Position 2 – Shelley Mehl

Ward 3 Position 1 – Mark Ledbetter

Ward 3 Position 2 – Mary Smith

Ward 4 Position 1 – Theodore Jones Jr.

Ward 4 Position 2 – Shelia Whitmore

---

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

### **A. Public Hearings:**

1. Public Hearing – Utility Easement Closing North 90 feet utility easement in N.F. Ward Subdivision
  - a. Ordinance discuss the closing the north 90 feet of the utility easement between Lots 1, 2, 17, and 18, Block 5, N.F. Ward Subdivision.

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

1. Resolution setting a public hearing to discuss the closing of a utility easement located between Lots 5 & 6 and Lots 6 & 7 in the Centerstone Subdivision Phase IV.
2. Consideration to accept bids for the hangar building at the old Cantrell Field Airport. (2 buildings)
3. Consideration to remove fixed asset (airport property) from the inventory listing for the City.
4. Consideration to amend the purchase and sale agreement for the old airport property located at 425 E. Sixth Street.
5. Resolution expressing the willingness of the City to coordinate with the Arkansas State Highway and Transportation Department for the East 6<sup>th</sup> Street/I-40 Overpass.
6. Resolution expressing the intent to annexation certain land located immediately west of Chapel Creek Subdivision North of Prince Street.
7. Consideration to approve a conditional use permit request to allow a restricted office for a private mental health services practice at property located at 1312 Donaghey Avenue.

8. Ordinance rezoning property located at 2200 W. Tyler Street from A-1 to R-1.

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

1. Ordinance amending Title 12(Parks & Recreation) of the Conway Municipal Code in regards to activity on and around Lake Beaverfork.

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

1. Ordinance appropriating & accepting funds for the travel of the District Court DWI team from the Arkansas State Police Highway Safety Program Grant.
2. Ordinance authorizing the reclassification of certain positions within District Court.

**E. Personnel**

1. Ordinance amending the employee handbook and personnel policy for the City of Conway.

**F. Finance**

1. Consideration to remove items (vehicles) from the City's fixed asset inventory record.
2. Consideration to approve the monthly financial report ending January 31, 2015.

**G. New Business**

1. Discussion/review of the ordinance to license door to door solicitors and peddlers within the City of Conway.

**Adjournment**



**City of Conway, Arkansas  
Ordinance No. O-15- \_\_\_\_**

**AN ORDINANCE CLOSING THE NORTHERN 90 FEET OF THE UTILITY EASEMENT LOCATED BETWEEN LOTS 1, 2, 17 AND 18, BLOCK 5, N.F. WARD SUBDIVISION; AND FOR OTHER PURPOSES;**

**Whereas**, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 10<sup>th</sup> day of February, 2015 asking the City Council to vacate and abandon a portion of the utility easement located between lots 1, 2, 17 and 18, Block 5, N.F. Ward Subdivision.

**Whereas**, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the easement or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as an easement herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the utility 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 this portion of the utility 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 portion of the utility easement designated as follows:

The northern 90 feet of the 20 foot utility easement located between lots 1, 2, 17 and 18, Block 5, N.F. Ward Subdivision as shown in plat Book H, page 115 to the records of Faulkner County, Arkansas.

**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 24<sup>th</sup> day of February, 2015.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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

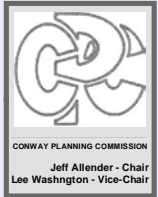
# CITY OF CONWAY

## 89 TORREYSON ST -- EASEMENT CLOSING



**DESCRIPTION**

**89 TORREYSON ST  
LOT 1 & 2 BLK 5 NF WARD  
NORTH 20 FT  
UTILITY EASEMENT CLOSING**



INTERSTATE	LOT LINE	<b>Residential</b>	<b>Industrial</b>
MAJOR ARTERIAL	STREAMS	R-1	MF-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-2
COLLECTOR	CITY LIMITS	R-2	MF-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		<b>Commercial</b>	<b>Office</b>
RAILROADS		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	
		<b>Special</b>	SP
			S-1
			A-1
			PUB



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION  
LANDMARK: 885 WEBSTER  
gis.cityofconway.org (UNDER DEVELOPMENT)  
E-MAIL: Jason.Lyon@CityofConway.org





CONCURRENCE TO VACATE  
A DEDICATED UTILITY EASEMENT

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone Company, a Delaware Corporation d/b/a AT&T Arkansas, hereby concurs in the release of its interest in a twenty foot (20') dedicated utility easement that runs north to south along the rear property lines of Lots 1, 2, 17 and 18 of Block 5 of the N. F. Ward Subdivision to the City of Conway, as shown on the plat of records in plat Book H at Page 115 in the Faulkner County circuit clerk's office.

AT&T has no facilities within this portion of the utility easement and has no plans to use it in the future.

Signed and executed this 10th day of October, 2014.

By: *Lynda E. Sommerfeldt Palmer*  
Lynda E. Sommerfeldt Palmer  
Mgr.-OSP Planning & Engineering Design  
Right-of-Way & Joint Use of Poles

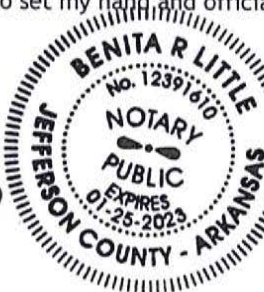
CORPORATE ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF JEFERSON

On this the 10th day of October, 2014, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared Lynda E. Sommerfeldt Palmer, who, after being duly sworn, declared that she is the right-of-way manager for on for Southwestern Bell Telephone Company, a Delaware Corporation, d/b/a AT&T Arkansas, and that she executed the foregoing instrument as the act and deed of said company of her 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)



*Benita R. Little*  
Benita R. Little  
Notary Public in & for Jefferson Co., AR  
My commission expires January 25, 2023



October 24, 2014

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

Re: Closing of utility easement in N.F. Ward Subdivision Lots 1, 2, 17 & 18 Block 5  
(89 Torreyson Street), Conway, Faulkner County, Arkansas.

Dear Mayor Townsell:

Conway Corporation will need to maintain the easement in the above area, but will abandon the north 90 feet of that utility easement (from back of existing building at 89 Torreyson North) between Lots 1, 2, 17 & 18 of Block 5 in the N.F. Ward Subdivision.

If you have any questions, please let me know.

Respectfully yours,

CONWAY CORPORATION

Leslie Guffey  
Engineering and Planning



817 N Creek Dr  
Conway, AR 72032  
Fax: 501 336 8372

October 22, 2014

RE: Easement Abandonment

To Whom It May Concern:

Centerpoint Energy has reviewed the easement modifications and we do not have any conflicts with the closing of these easements listed below:

The east 30 feet of lots 17 & 18, block 5 replat of N.F. Ward Subdivision, to the City of Conway, Arkansas, As shown on plat of records in flat Book H, page 115, records of Faulkner County, Arkansas.

ALSO

The West 60' of lots 1 & 2, Block 5 replat of N.F. Ward Subdivision, to the City of Conway, Arkansas. All in Section 13 T-5-N, R-14W.

Thank You,

A handwritten signature in cursive script that reads "Dennis Fisher".

Dennis Fisher  
Tanya Malcolm





**City of Conway, Arkansas**  
**Resolution No. R-15- \_\_\_\_**

**A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE CLOSING OF THE UTILITY EASEMENTS LOCATED BETWEEN LOTS 5 AND 6 AND LOTS 6 AND 7, CENTERSTONE SUBDIVISION, PHASE IV.**

**Whereas**, a petition has been filed with the City Council of the City of Conway, Arkansas by Salter Acquisitions, LLC to abandon the existing utility easement between Lots 5 and 6 and Lots 6 and 7, Centerstone Subdivision, Phase IV within the corporate limits of the City of Conway; 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, ARKANSAS;**

1. That the City Council shall hear said petition at its regular meeting to be held at the Russell L. "Jack" Roberts District Court Building, 810 Parkway Street, Conway, Arkansas, on March 10<sup>th</sup>, 2015 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 24<sup>th</sup> day of February, 2015.

**Approved:**

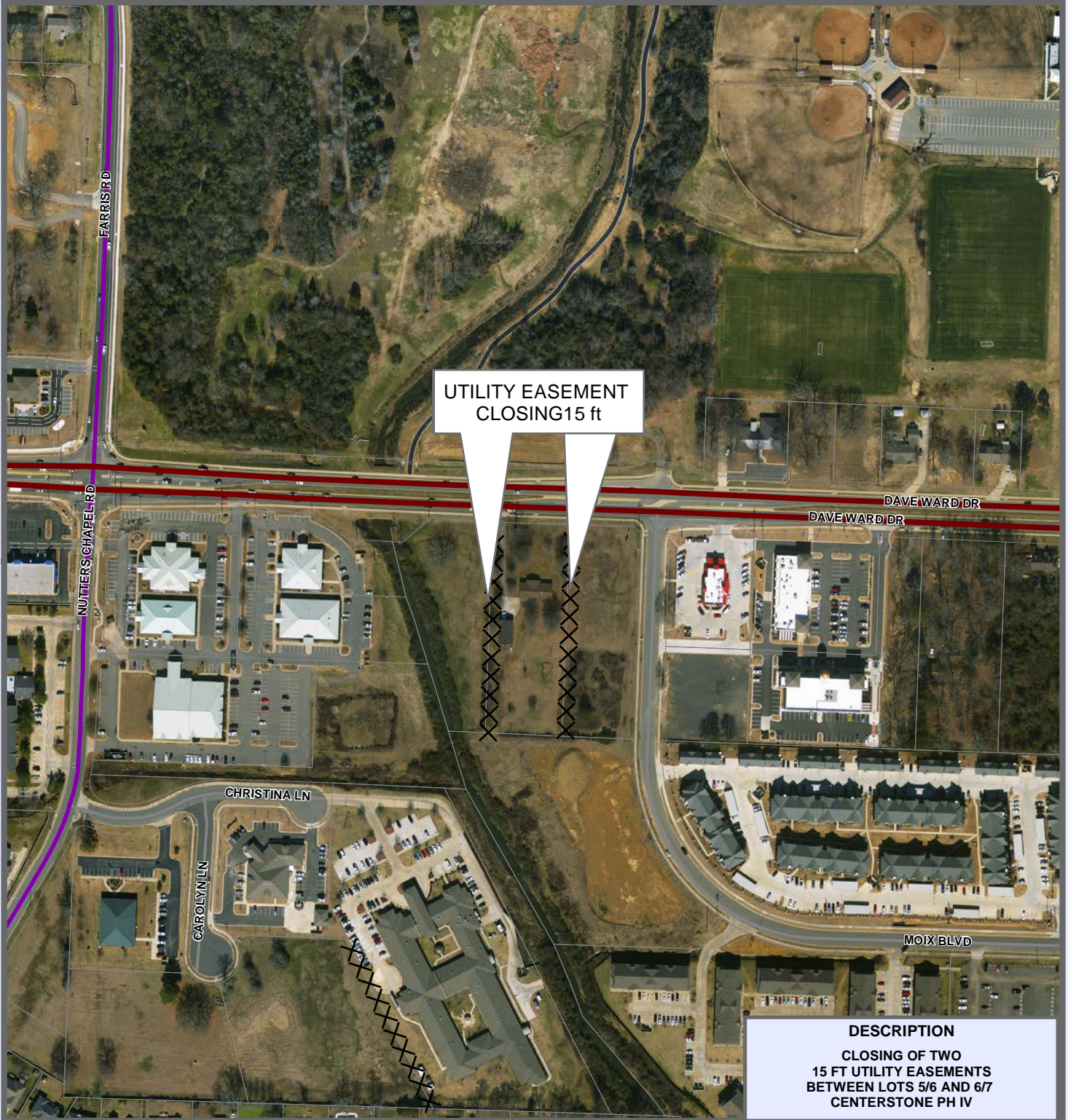
\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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

# CITY OF CONWAY

## CENTERSTONE PHASE IV EASEMENT CLOSINGS



UTILITY EASEMENT  
CLOSING 15 ft

**DESCRIPTION**  
**CLOSING OF TWO  
 15 FT UTILITY EASEMENTS  
 BETWEEN LOTS 5/6 AND 6/7  
 CENTERSTONE PH IV**

Tab Townsack - Mayor  
 Wesley Pruitt & Shelly Mott - Aldermen Ward 1  
 Mark Luchinger & Mary Smith - Aldermen Ward 2  
 Theodore Jones, Jr. & Sheila Williams - Aldermen Ward 3  
 Chuck Clawson - City Attorney  
 Michael Garnett - City Clerk

Bryan Patrick - Director  
 Wes Crutcher - Deputy Director  
 Christy Sutherland - Planner  
 Beth Skelton - Planning Tech  
 Jason Lyon - GIS Coordinator

CONWAY PLANNING COMMISSION  
 Lee Washington - Chair  
 Mark Lewis - Vice-Chair

<ul style="list-style-type: none"> <li>INTERSTATE</li> <li>MAJOR ARTERIAL</li> <li>MINOR ARTERIAL</li> <li>COLLECTOR</li> <li>RESIDENTIAL</li> <li>PRIVATE ROAD</li> <li>INTERSTATE RAMP</li> <li>RAILROADS</li> </ul>	<ul style="list-style-type: none"> <li>LOT LINE</li> <li>STREAMS</li> <li>LAKES &amp; PONDS</li> <li>CITY LIMITS</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>R-1</li> <li>R-2A</li> <li>R-2</li> <li>HR</li> <li>SR</li> </ul> <p><b>Commercial</b></p> <ul style="list-style-type: none"> <li>C-1</li> <li>C-2</li> <li>C-3</li> <li>C-4</li> </ul>	<p><b>Industrial</b></p> <ul style="list-style-type: none"> <li>MF-1</li> <li>MF-2</li> <li>MF-3</li> <li>RMH</li> </ul> <p><b>Office</b></p> <ul style="list-style-type: none"> <li>O-1</li> <li>O-2</li> <li>O-3</li> </ul>	<p><b>Special</b></p> <ul style="list-style-type: none"> <li>I-1</li> <li>RU-1</li> <li>I-3</li> <li>SP</li> <li>S-1</li> <li>A-1</li> <li>PUD</li> </ul>
--	---	--	---	---

0 25 50 100 150 Feet  
 1 in = 300 ft  
**FEBRUARY 2015**

THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION  
 LANDMARK GIS WEBSITE:  
[gis.cityofconway.org](http://gis.cityofconway.org) (UNDER DEVELOPMENT)  
 E-MAIL: [Jason.Lyon@CityofConway.org](mailto:Jason.Lyon@CityofConway.org)



# MEMO

**To:** Mayor Tab Townsell  
**CC:** Conway City Council  
**From:** Josh Zylks, Airport Manager  
**Date:** February 19<sup>th</sup>, 2015  
**Subject:** Approval of Bids for Hangars and Fuel Tanks

---

Sealed bids were opened on January 22, 2015 at City Hall for the hangar buildings and fuel tanks at the old Dennis F. Cantrell Field Airport. I recommend approval of the bids for each individual building to the following:

1. Building 1: Don Adamson- \$10,000
2. Building 2: Don Adamson- \$25,000

Bid Tabs for Airport Hangar and Fuel Tanks on January 22<sup>nd</sup>, 2015

Building 1: Don Adamson- \$10,000

Building 2: Don Adamson- \$25,000  
Joe Wisenhunt-\$16,100

Please advise if you have any questions.

Thank you,  
Josh Zylks



# MEMO

**To:** Mayor Tab Townsell  
**CC:** Conway City Council  
**From:** Josh Zylks, Airport Manager  
**Date:** February 20<sup>th</sup>, 2015  
**Subject:** Disposal/Removal from Inventory

---

I would like to request approval to remove Building 1 & Building 2 (metal hangars) at the old Dennis F. Cantrell Field for the City's fixed asset inventory list. These buildings will be disposed of by approval of sealed bids which opened on January 22<sup>nd</sup>, 2015.

Please advise if you have any questions.

Thank you,

Josh Zylks

**AMENDMENT TO PURCHASE AND SALE AGREEMENT**

This Amendment is made and entered into by and between the **CITY OF CONWAY**, a municipal corporation chartered under the laws of the State of Arkansas (hereinafter referred to as “Seller”) and **CANTRELL FIELD JOINT VENTURE, LLC**, an Arkansas limited liability company (hereinafter referred to as “Buyer”).

WHEREAS, Seller and Buyer did heretofore enter into that certain Purchase and Sale Agreement dated April 16, 2014 (the “Agreement”) and;

WHEREAS, said Agreement provided in Section 3(b) for an eight month Inspection Period; and

WHEREAS, there are certain matters that were required under the Contract which have yet to be finished and the parties are making efforts to get all of these matters resolved; and

WHEREAS, the parties agree that additional time is required in order to complete these items and have agreed to extend the Inspection Period for the purposes hereinafter set forth below.

NOW, THEREFORE, for and in consideration of the premises, the parties do hereby agree as follows:

1. The Inspection Period is hereby extended until the following items have been accomplished; provided, however, the Inspection Period is only being extended for the conclusion of such items:

A. Section 4(b)(i)(D) required that the decommissioning of the airport be completed prior to September 15, 2014. The City acknowledges that certain aspects of Buyer’s inspection cannot be commenced and completed until the airport is decommissioned and abandoned. Therefore, Buyer shall have an additional period of sixty (60) following the decommissioning and abandonment of the airport to complete, or allow for completion by others, the following matters to its satisfaction:

- i. Complete soils tests;
- ii. Seller’s salvaging/removal of the Allison and other hangers;
- iii. Seller’s removal of fueling operation facilities, runway lighting, etc.
- iv. Seller’s excavation of area(s) in the vicinity of the tee hangars and investigation of presence of reported contamination and the issuance of a remediation plan for Buyer’s approval; and
- v. Approval by Buyer of Seller’s remediation plan.

B. Section 4(b)(i)(E) required that the parties would enter into a Development Agreement. A draft of this Development Agreement has been submitted to the City and is awaiting

response. Therefore, the parties agree to extend until such time as the Development Agreement is final.

C. Section 12 requires the Seller to pay for any remediation work identified in the environmental assessment. The parties acknowledge that the full environmental assessment has not been completed and Buyer's Inspection Period is extended for the purpose of completing the environmental assessment and the delivery of the remediation plan by City for Buyer's approval.

2. Except as amended hereby, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, Seller and Buyer have hereunto executed this Purchase and Sale Agreement on the dates appearing beneath their respective signature blocks.

**WITNESS:**

**SELLER:**

\_\_\_\_\_

CITY OF CONWAY, SELLER

BY:

\_\_\_\_\_  
MAYOR TAB TOWNSELL

ATTEST:

\_\_\_\_\_  
Michael O. Garrett, City Clerk  
(MOG)

STATE OF ARKANSAS            }  
COUNTY OF FAULKNER        }

SUBSCRIBED AND SWORN to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

My commission expires:   /   /

WITNESS:

\_\_\_\_\_

BUYER:

CANTRELL FIELD JOINT VENTURE, LLC

By Its Managers:

Cantrell Field Redevelopment Company, Inc.

By \_\_\_\_\_  
President

Wilson Conway, LLC

By: \_\_\_\_\_  
As Its Manager

STATE OF ARKANSAS        }  
COUNTY OF FAULKNER    }

SUBSCRIBED AND SWORN to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

My commission expires:   /   /



**City of Conway, Arkansas  
Resolution No. R-15- \_\_\_\_**

**A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF CONWAY TO COORDINATE WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE EAST 6<sup>TH</sup> STREET/INTERSTATE 40 OVERPASS IN CONWAY.**

**Whereas**, the City of Conway plans to construct an overpass over Interstate 40 at East 6<sup>th</sup> Street; and

**Whereas**, the Arkansas State Highway and Transportation Department has no objection to the project; and

**Whereas**, the City understand that all costs for the project are the responsibility of the City.

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

1. The City will participate in accordance with its designated responsibilities in this project.
2. The Mayor or his designated representative is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this City project.
3. The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

**PASSED** this 24<sup>th</sup> day of February, 2015.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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





**City of Conway, Arkansas**  
**Resolution No. R-15- \_\_\_\_\_**

**A RESOLUTION ESTABLISHING THE INTENT OF THE CITY OF CONWAY TO ANNEX CERTAIN LANDS LOCATED IMMEDIATELY WEST OF CHAPEL CREEK SUBDIVISION NORTH OF PRINCE STREET.**

**Whereas**, the City Council of the City of Conway, Arkansas, has been informed that Trinity Development has petitioned the County Court of Faulkner County, Arkansas, for annexation into the City of Conway, Arkansas, the following described lands in Faulkner County, Arkansas:

A part of the SW1/4 SE1/4 of Section 8, Township 5 North, Range 14 West, Faulkner County, Arkansas being more particularly described as commencing at the southwest corner of said SW1/4 SE1/4 and running thence N01°48'42"E, 29.30 feet to the north Right of Way of Prince Street for the point of beginning; thence continue N01°48;42"E, 732.45 feet to the southwest corner of Lot 12 of Chapel Creek Subdivision Phase I; thence run along the boundary of said subdivision S88°07'49"E, 902.40 feet to the southeast corner of Lot 83 of said subdivision; thence run S01°31'22"W along the boundary of said subdivision 709.96 feet to the north Right of Way of Prince Street; thence run along said Right of Way N89°55'06"W, 424.42 feet; thence N89°13'53"W, 481.83 feet to the point of beginning containing 15.00 acres more or less.

**Whereas**, it is desired to indicate unto the County Court of Faulkner County, Arkansas, the attitude of the City of Conway, Arkansas toward such annexation.

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

1. The City Council does hereby declare its willingness to accept said lands as a part of the City of Conway, Arkansas to be zoned **R-1**.
2. That such lands shall not be annexed until such time as those streets within and abutting this property that are to be accepted for city maintenance and those streets that are to be accepted as public roads solely for the purpose of issuing building permits shall have been established and noted on the annexing ordinance and right-of-way dedicated.
3. That such lands shall not be annexed until such time as it has been determined which parcels of property within the annexation have been created in accordance with the Subdivision Ordinance requirements and are therefore eligible for issuance of building permits.
4. That such lands shall not be annexed until such time as agreements with Conway Corporation, the City of Conway's utilities provider, shall have

been established and noted on the annexing ordinance and utility easements dedicated.

**PASSED** this 24<sup>th</sup> day of February, 2015.

**Approved:**

---

**Mayor Tab Townsell**

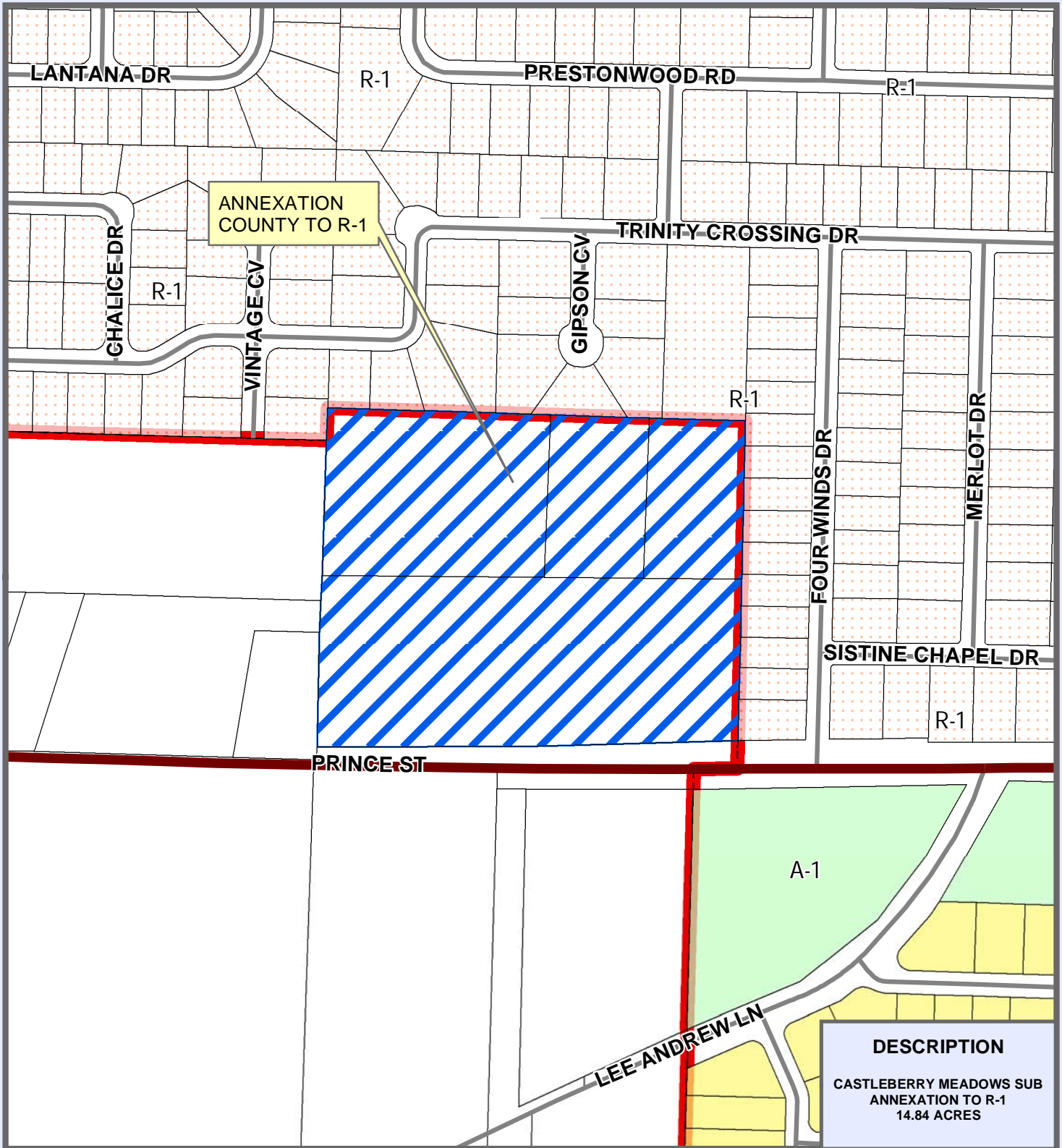
**Attest:**

---

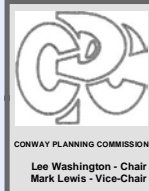
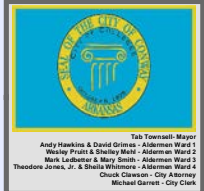
**Michael O. Garrett**  
**City Clerk/Treasurer**

# CITY OF CONWAY

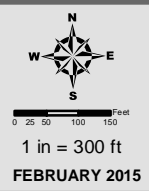
## CASTLEBERRY MEADOWS SUB -- ANNEXATION (R-1 ZONING)



**DESCRIPTION**  
**CASTLEBERRY MEADOWS SUB**  
**ANNEXATION TO R-1**  
**14.84 ACRES**

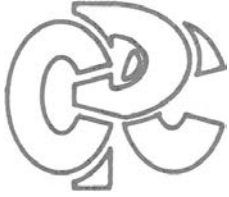


INTERSTATE	LOT LINE	<b>Residential</b>	<b>Industrial</b>
MAJOR ARTERIAL	STREAMS	R-1	MF-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-2
COLLECTOR	CITY LIMITS	R-2	MF-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		<b>Commercial</b>	<b>Special</b>
RAILROADS		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	SP
			S-1
			A-1
			PUD
			TJ



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

**CONTACT INFORMATION**  
 WWW.CONWAY-PLANNING.ORG/GIS  
 E-MAIL: Jason.Lyon@CityOfConway.org

**CONWAY PLANNING COMMISSION**

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

**MEMO**

**To: Mayor Tab Townsell**  
**CC: City Council Members**

**From: Lee Washington, Planning Commission Chairman**  
**Date: February 18, 2015**

**Re: Conditional Use Permit request for restricted office for a private mental health services practice at property located at 1312 Donaghey Avenue**

---

A request for a conditional use permit to allow a restricted office for a private mental health services practice at property that is located at 1312 Donaghey Avenue with the legal description:

Block 9, north half of lot 12, Lot 13 and the south 13 feet of Lot 14, Anderson Addition

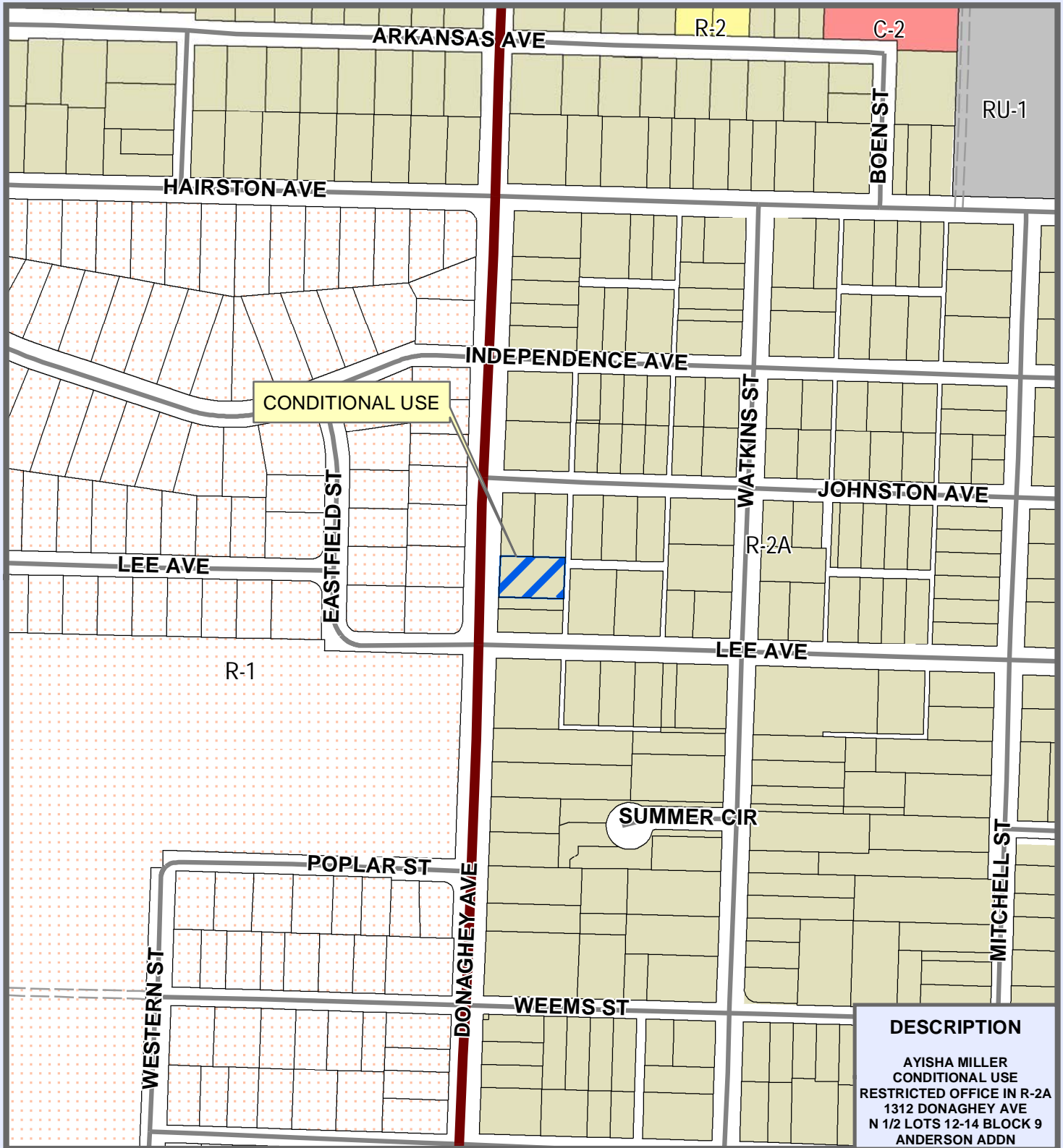
was reviewed by the Planning Commission at its regular meeting on February 17, 2015. The Planning Commission voted 7-0 that the request be sent to the City Council with a recommendation for approval subject to the following conditions.

1. Hours of operation will be limited to 7:00 am to 7:00 pm, Monday through Friday.
2. The total number of employees may not exceed four (4).
3. The Conditional Use Permit is limited to Ayisha Miller/Business Entity, once formally established.
4. The existing structure shall be used for the restricted office. The character of the structure shall remain residential.
5. Parking is limited to the existing driveway and the rear of the structure.
6. Signage is limited to a 2 foot by 2 foot, non-illuminated sign attached to the structure as defined by the Conway Sign Ordinance (O-96-60). No freestanding signage or banners may be used.

Please advise if you have any questions.

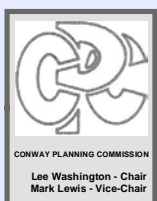
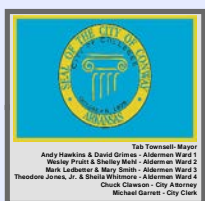
# CITY OF CONWAY

AYISHA MILLER -- CONDITIONAL USE RESTRICTED OFFICE

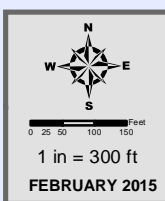


**DESCRIPTION**

**AYISHA MILLER  
CONDITIONAL USE  
RESTRICTED OFFICE IN R-2A  
1312 DONAGHEY AVE  
N 1/2 LOTS 12-14 BLOCK 9  
ANDERSON ADDN**



<ul style="list-style-type: none"> <li>— INTERSTATE</li> <li>— MAJOR ARTERIAL</li> <li>— MINOR ARTERIAL</li> <li>— COLLECTOR</li> <li>— RESIDENTIAL</li> <li>— PRIVATE ROAD</li> <li>— INTERSTATE RAMP</li> <li>— RAILROADS</li> </ul>	<ul style="list-style-type: none"> <li>— LOT LINE</li> <li>— STREAMS</li> <li>— LAKES &amp; PONDS</li> <li>— CITY LIMITS</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>R-1</li> <li>R-2A</li> <li>R-2</li> <li>HR</li> <li>SR</li> </ul>	<p><b>Commercial Office</b></p> <ul style="list-style-type: none"> <li>C-1</li> <li>C-2</li> <li>C-3</li> <li>C-4</li> </ul>	<p><b>Industrial</b></p> <ul style="list-style-type: none"> <li>MF-1</li> <li>MF-2</li> <li>MF-3</li> <li>RMH</li> </ul>	<p><b>Special</b></p> <ul style="list-style-type: none"> <li>SP</li> <li>S-1</li> <li>A-1</li> <li>PUD</li> <li>TJ</li> </ul>	<p><b>RU-1</b></p>
--	---	--	--	--	---	--------------------



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION  
WWW.CONWAYPLANNING.ORG/GIS  
E.MAIL: Jason.Lyon@CityOfConway.org

Printing Date: 1/26/2015  
File: C:\GIS\Map\Planning Commission\2015\2015 AYISHA MILLER USE.mxd  
Prepared By: Japm



**City of Conway, Arkansas**  
**Ordinance No. O-15- \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 2200 W. TYLER STREET FROM A-1 TO R-1:**

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

**Section 1:** The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **A-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

A part of the E1/2 SW1/4 NW1/4 of Section 3, Township 5 North, 14 West, Faulkner County, Arkansas, being more particularly described as beginning at the southeast corner of said E1/2 SW1/4 and running thence N87°46'56"W, 661.22 feet to the southwest corner of said E1/2 SW1/4 NW1/4; thence run N02°08'19"E along the west line of said E1/2 SW1/4 NW1/4 973.39 feet; thence run S87°51'58"E, 661.14 feet to the East line of said E1/2 SW1/4 NW1/4; thence run S02°08'02"W, 974.36 feet to the point of beginning containing 14.78 acres more or less.

to those of **R-1**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

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

**PASSED** this 24<sup>th</sup> day of February, 2015.

**Approved:**

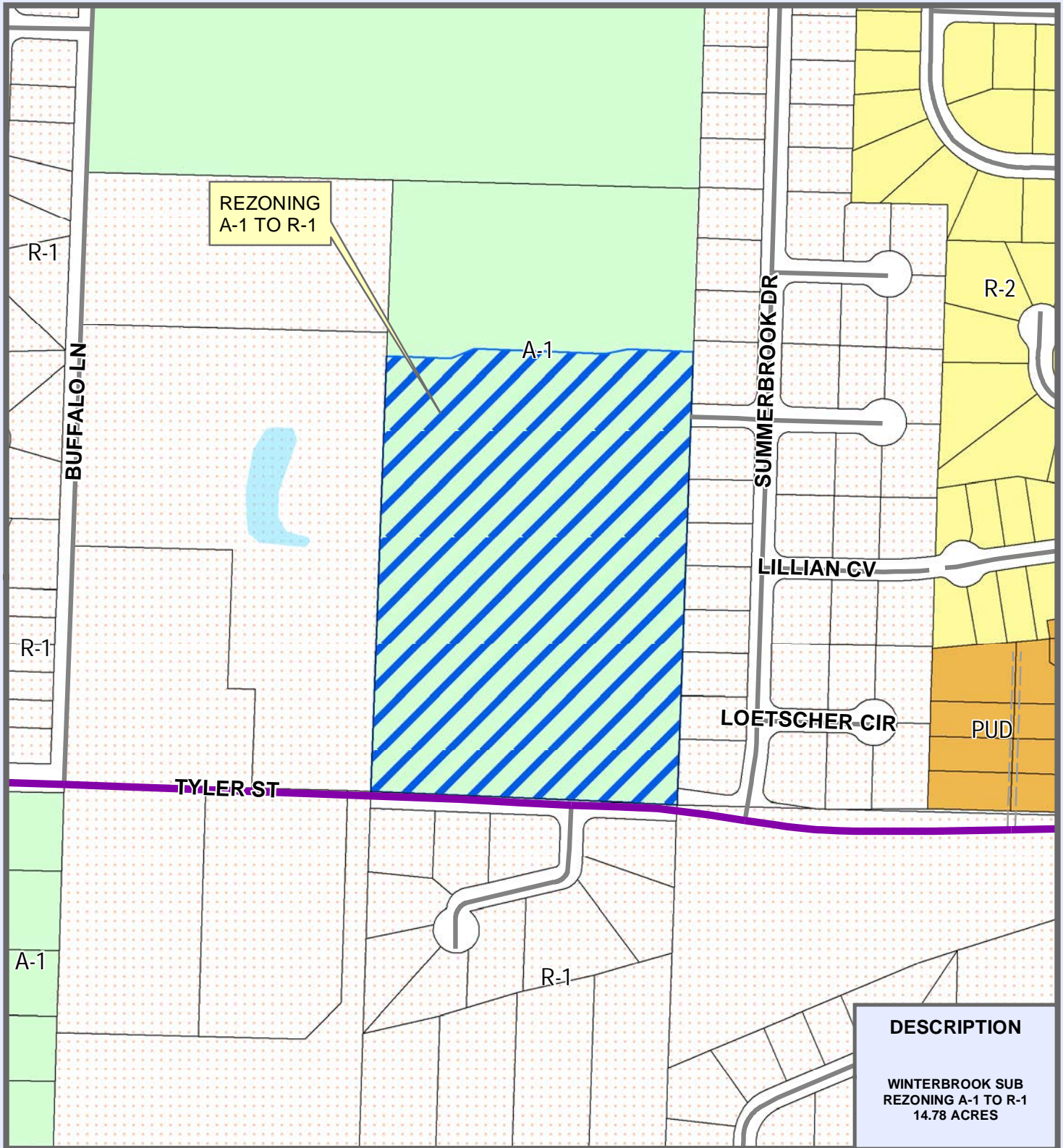
\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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

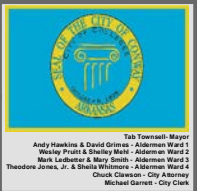
# CITY OF CONWAY

## WINTERBROOK SUB -- REZONE A-1 TO R-1

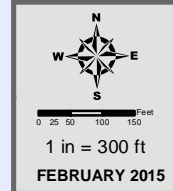


**DESCRIPTION**

WINTERBROOK SUB  
REZONING A-1 TO R-1  
14.78 ACRES



INTERSTATE	LOT LINE	<b>Residential</b>	<b>Industrial</b>
MAJOR ARTERIAL	STREAMS	R-1	I-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-2
COLLECTOR	CITY LIMITS	R-2	MF-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		<b>Commercial</b>	<b>Special</b>
RAILROADS		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	PUD
			TJ



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION  
WWW.CONWAY-PLANNING.ORG/GIS  
E.MAIL: Jason.Lyon@CityOfConway.org



**City of Conway, Arkansas**  
**Ordinance No. O-15-\_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 12 (PARKS AND RECREATION) OF THE CONWAY MUNICIPAL CODE; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

**Whereas**, the Mayor and City Council desire to amend Title 12 of the Conway Municipal Code;

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

**SECTION 1.** Title 12 (Parks and Recreation) Chapter 12.12 (Activity on and around Beaverfork Lake) Section 22 (Structures) shall be amended to read as follows:

12.12.22.A.2 Rules governing boat docks, boat houses, and piers generally:

a) Landowners wishing to construct a new structure into the lake must complete an application to apply for approval to build a structure into the lake. The applicant must submit documentation showing the location of the property for which a permit is requested, the existing lot lines and the extrapolation of these lines into the lake, the design and dimensions of the structure, the materials to be used in construction and a written agreement signed by all owners of record of the adjacent property for which the permit is requested, providing that if the structure is removed or demolished by the City pursuant to the procedures of Chapter 12.12 of the Conway Municipal Code, the permittee, applicant and property owner agrees to pay to the City the costs of such removal or demolition. Additional documentation may be required if the submitted documents do not clearly show the application meets the requirements of this code. The Lake Supervisor as well as the City Building Inspector, and a registered professional engineer must certify the application and they must conform to Beaverfork ordinance and design guidelines. New structures permitted for construction only are subject to periodic review of city building inspectors. Final approval must be granted by the City Building Inspector in writing and the written agreement governing removal or demolition costs must be executed prior to the issuance of the annual permit and occupancy and use of the structure by the applicant.

b) No structure may encroach on an imaginary line drawn from perpendicular to the property line into the lake from the existing lot corners. Structure into the lake shall be limited to one (1) per lakefront property owner and one per easement.

Two (2) adjacent landowners may construct a structure on the lot line of the properties for their joint use. The dimensions for such a structure shall be the same as a single owner structure.



All structures into the lake are for the private use of the owner except as reasonable in cases of emergency. The City reserves the right to periodically enter upon the structure for purposes of inspection and enforcement of lake regulations.

All structures into the lake must have appropriate reflective materials on the sides and ends of the structures for the safety of boaters.

All structures into the lake shall meet the minimum construction and maintenance requirements provided by the Lake Supervisor.

All remodeling, alterations, or additions to any structure must receive the written permission of the Lake Supervisor prior to work being done. Requests to alter or remodel any structure should include a description of the work to be done; detailing any dimensions changes and plans listing the location of any and all changes. The Lake Supervisor's approval will be determined by the conformance of the plans to lake regulations.

All structures into the lake must be permitted annually. Permits must be displayed on the lakeside of the structure in clear view of the lake. Permits will be good from April 1<sup>st</sup> of each year until March 31<sup>st</sup> of the following year.

c) Structures in the lake must remain in good repair, pass the annual inspection, have on file with the City the written agreement governing removal or demolition costs set out above and pay the required annual fee. Failure to maintain those fees and standards or execute the written agreement shall be grounds for revoking or non-renewal of the permit, demolition of the structure, and denial of lake access.

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

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

**PASSED** this 24<sup>th</sup> day of February, 2015.

**Approved:**

---

**Mayor Tab Townsell**

**Attest:**

---

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



**City of Conway, Arkansas**  
**Ordinance No. O-15-\_\_\_\_\_**

**AN ORDINANCE APPROPRIATING FUNDS FOR THE TRAVEL OF CONWAY DISTRICT COURT DEPARTMENT DWI TEAM AND ACCEPTANCE OF REIMBURSEMENT FROM THE ARKANSAS STATE POLICE HIGHWAY SAFETY PROGRAM GRANT; AND FOR OTHER PURPOSES**

**Whereas**, the City of Conway District Court has received a grant in the amount of up to \$12,000 from the Arkansas State Police Highway Safety Program Grant that will reimburse travel to DWI Court Training for the DWI Team Members; and

**Whereas**, the grant is 100% reimbursable to Conway District Court; which has a need to book travel in advance of the receipt of the grant.

**Whereas**, these funds must be expended with invoices and proof of payment submitted to the Arkansas State Police Safety Program for reimbursement.

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

**Section 1.** The City of Conway shall appropriate funds in the amount of \$12,000 from the Grant Fund– State Grant Revenue Account (399-000-4201) to the Conway District Court Travel Expenses Account in the Grant Fund (399-128-5720) and accept reimbursement funds from the grant post travel from the HSO in the amount of up to \$12,000.

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

**PASSED** this 24th day of February 2015.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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



**City of Conway, Arkansas**  
**Ordinance No. O-15-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE RECLASSIFICATION OF A CHIEF DEPUTY COURT CLERK DIVISION I AND SPECIAL SERVICES SUPERVISOR POSITION IN DISTRICT COURT TO A DISTRICT COURT CLERK DIVISION I AND A CHIEF DEPUTY COURT CLERK POSITION; AND FOR OTHER PURPOSES**

**Whereas**, the City of Conway District Court for the Ninth District would like to request the reclassification of the Chief Deputy Court Clerk Division I to a District Court Clerk Division I and a Special Services Supervisor to a Chief Deputy Court Clerk position; and

**Whereas**, the annual salary for the District Court Clerk Division I is \$53,483.00 and the annual salary for the Chief Deputy Court Clerk position will be \$34,666.

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

**Section 1.** The City of Conway shall reclassify the Chief Deputy Court Clerk Division I to a District Court Clerk Division I. The District Court Clerk Division I shall perform those duties as directed by the District Judge, Division I, up to and including the duties of a District Court Clerk as set out by Arkansas Code Annotated § 16-17-211(c). No additional salary funds are required for the reclassification of this position.

**Section 2.** The City of Conway shall reclassify the Special Services Supervisor position to a Chief Deputy Court Clerk position and the Chief Deputy Court Clerk shall perform those duties as directed by the District Court Judge Division I and Division II and the District Court Clerk Division I and Division II up to and including the duties of a Deputy Court Clerk as set out by Arkansas Code Annotated §16-17-106. No additional salary funds are required for the reclassification of this position.

**Section 3.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**PASSED** this 24<sup>th</sup> day of February 2015.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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



**City of Conway, Arkansas**  
**Ordinance No. O-15-\_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE 0-10-125, WHICH ADOPTED AN EMPLOYEE HANDBOOK AND PERSONNEL POLICY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

**Whereas**, the City Council has adopted, pursuant to Ordinance 0-10-125, an Employee Handbook to be used for personnel matters for the City.

**Whereas**, a revision of Section I, Employment Polices is needed 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 Polices – Equal Opportunity Employer section shall be amended as follows:

**Equal Opportunity Employer**

The City of Conway is committed to providing equal employment opportunities without regard to race, color, religion, gender, national origin, age, disability, sexual orientation, gender identity or expression, genetic information, marital status or status as a covered veteran in accordance with applicable federal, state, and local laws governing non-discrimination in employment. This policy applies to all terms and conditions of employment, including but not limited to: hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training.

**Section 2.** Three (3) copies of the revised Section I, Equal Opportunity Employer section of the Employee Handbook, City of Conway, Personnel Policy shall be and hereafter kept on file in the Office of the City Clerk/Treasurer.

**Section 3.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**Section 4.** 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 24<sup>th</sup> day of February, 2015.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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



## City of Conway

**Finance Department**

1201 Oak Street  
Conway, AR 72032

Date: February 9, 2015

To: City Council

From: Tyler Winningham, CFO

Re: Disposal of vehicles

---

I would like to request approval to remove the following two vehicles from our fixed asset inventory records:

-1996 Jeep Cherokee; VIN: 1J4FJ2855TL202323

-2006 Jeep Liberty; VIN: 1J4GL48KX6W257735

Both were assets of the Street Department, and they have been traded in towards the purchase of a new vehicle. Both vehicles were fully depreciated on the City's books.



City of Conway, Arkansas  
Monthly Financial Reports  
January 31, 2015

City of Conway  
 Monthly Financial Report - General Fund  
 For the month ended January 31, 2015



<b>Revenues</b>	<b>Budget</b>	<b>Month Activity</b>	<b>Year to Date</b>	<b>Encumbered</b>	<b>(Over)/Under Budget</b>	<b>% Expend/Collect</b>
Ad Valorem Tax	2,835,000	299,263	299,263		2,535,737	11%
Payments in Lieu of Tax	25,000	-	-		25,000	0%
State Tax Turnback	2,103,250	123,690	123,690		1,979,560	6%
Sales Tax	17,500,000	1,417,420	1,417,420		16,082,580	8%
Beverage Tax	420,000	-	-		420,000	0%
Franchise Fees	3,597,000	258,095	258,095	-	3,338,905	7%
Permits	404,800	12,460	12,460		392,340	3%
ACIEA Revenues	5,000	579	579		4,421	-
Dog Tags & Fees	25,000	1,090	1,090		23,910	4%
Municipal Court Fines and Fees	1,015,000	156,311	156,311		858,689	9%
Law Enforcement	686,500	11,744	11,744		674,756	2%
Federal Grant Revenues	30,000	-	-		30,000	0%
Parks	537,500	21,699	21,699		515,801	4%
Interest Income	19,500	229	229		19,271	1%
Insurance Proceeds	-	2,573	2,573		(2,573)	-
Donations	-	1,354	1,354		(1,354)	-
Act 833 Revenue	80,000	1,627	1,627		78,373	2%
Miscellaneous Revenues	130,000	2,844	2,844		127,156	2%
Transfers from Other Funds	423,000	-	-		423,000	0%
Loan Proceeds	500,000	500,000	500,000		-	-
<b>Total Revenues</b>	<b>30,336,550</b>	<b>2,811,116</b>	<b>2,811,116</b>	<b>-</b>	<b>27,525,434</b>	<b>9%</b>
<b>Expenditures</b>						
Admin (Mayor, HR)	604,809	37,965	37,965	389	566,455	6%
Finance	452,261	34,599	34,599	-	417,662	8%
City Clerk/Treasurer	179,197	12,285	12,285	-	166,912	7%
City Council	81,913	529	529	-	81,384	1%
Planning	372,416	27,327	27,327	566	344,523	7%
Physical Plant	551,074	36,041	36,041	531	514,502	7%
Fleet Maintenance	114,569	5,900	5,900	1,734	106,935	5%
Information Technology	864,836	52,467	52,467	32,663	779,706	6%
Airport	500,000	204,657	204,657	960	294,383	41%
Permits and Inspections	477,175	37,442	37,442	262	439,471	8%
Nondepartmental	632,820	203,974	203,974	55,263	373,583	32%
Police	9,953,347	874,125	874,125	12,153	9,067,069	9%
CEOC	1,083,662	67,396	67,396	7,162	1,009,105	6%
Animal Welfare	425,127	28,187	28,187	3,594	393,345	7%
Municipal District Court	862,082	62,980	62,980	84	799,018	7%
City Attorney	358,583	28,089	28,089	106	330,388	8%
Fire	9,482,596	819,673	819,673	51,528	8,611,395	9%
Parks	2,874,240	150,225	150,225	29,179	2,694,836	5%
	29,870,707	2,683,860	2,683,860	196,174	26,990,673	9%
Transfer to Reserve	500,000	-	-	-	500,000	0%
<b>Total Expenditures</b>	<b>30,370,707</b>	<b>2,683,860</b>	<b>2,683,860</b>	<b>196,174</b>	<b>27,490,673</b>	<b>9%</b>
<b>Net Revenue/(Expense)</b>	<b>(34,157)</b>		<b>127,256</b>			

\*All figures are unaudited

Notes:

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

City of Conway  
 Balance Sheet - General Fund  
 For the month ended January 31, 2015



Cash - Operating	3,950,970
Cash - Reserve	500,000
Petty Cash	715
Taxes Receivable	3,167,420
Accounts Receivable	3,268,820
Due from Other Funds	391,621
Due from Street	8,596
Fleet Inventory	15,539
Fuel Inventory	(50,530)
General Inventory	694
<b><i>Assets</i></b>	<b><u>11,253,846</u></b>
Accounts Payable	99,984
Salaries Payable	201,911
Insurance and Benefits Payable	154,539
Event Deposits	500
Due to Other Funds	21,627
Deferred Revenue	3,002,536
<b><i>Liabilities</i></b>	<b><u>3,481,097</u></b>
Fund Balance - Committed to cash flow	2,000,000
Fund Balance - Committed to reserve	1,500,000
Fund Balance - Unassigned	4,272,749
<b><i>Fund Balance</i></b>	<b><u>7,772,749</u></b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>11,253,846</u></b>

\*All figures are unaudited



City of Conway  
 Monthly Financial Report - Street Fund  
 For the month ended January 31, 2015



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
<b>Revenues</b>						
Ad Valorem Tax	1,464,520	92,039	92,039		1,372,481	6%
Payments in Lieu of Tax	15,000	-	-		15,000	0%
State Tax Turnback	3,474,911	286,658	286,658		3,188,253	8%
Severance Tax	360,000	33,744	33,744		326,256	9%
Sales Tax	245,000	19,861	19,861		225,139	8%
Sign Permits	500	-	-		500	0%
Engineering Fees	10,000	575	575		9,425	6%
Interest Income	18,000	-	-		18,000	0%
<b>Total Revenues</b>	<b>5,587,931</b>	<b>432,876</b>	<b>432,876</b>	<b>-</b>	<b>5,155,055</b>	<b>8%</b>
<b>Expenditures</b>						
Personnel Costs	2,338,129	143,236	143,236	-	2,194,893	6%
Other Operating Costs	<u>2,116,422</u>	<u>64,482</u>	<u>64,482</u>	<u>239,928</u>	<u>1,812,012</u>	<u>3%</u>
Total Operating Costs	4,454,551	207,718	207,718	239,928	4,006,905	5%
Capital Outlay	<u>1,309,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,309,000</u>	<u>0%</u>
<b>Total Expenditures</b>	<b>5,763,551</b>	<b>207,718</b>	<b>207,718</b>	<b>239,928</b>	<b>5,315,905</b>	<b>4%</b>
<b>Net Revenue/(Expense)</b>	<b>(175,620)</b>		<b>225,159</b>			

\*All figures are unaudited

Notes:

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

City of Conway  
Street Fund  
2015



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-15-02	1/13/15	Increase pay for CDL drivers	11,620
O-15-06	1/27/15	Transportation funding for agencies	164,000
			<u>\$ 175,620</u>

City of Conway  
Balance Sheet - Street Fund  
For the month ended January 31, 2015



Cash - Operating	3,215,532
Accounts Receivable	1,464,015
Due from Other Funds	6,527
<b><i>Assets</i></b>	<b><u>4,686,104</u></b>
Accounts Payable	19,590
Salaries Payable	3,201
Due to Other Funds	150
Due to General	8,447
Deferred Revenue	1,294,270
<b><i>Liabilities</i></b>	<b><u>1,325,658</u></b>
<b><i>Fund Balance</i></b>	<b>3,360,447</b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>4,686,104</u></b>

\*All figures are unaudited

City of Conway  
 Monthly Financial Report - Sanitation  
 For the month ended January 31, 2015



<b>Revenues</b>	<b><u>Budget</u></b>	<b><u>Month</u> <u>Activity</u></b>	<b><u>Year to</u> <u>Date</u></b>	<b><u>Encumbered</u></b>	<b><u>(Over)/Under</u> <u>Budget</u></b>	<b><u>%</u> <u>Expend/Collect</u></b>
Sanitation Fees	8,750,000	883,787	883,787		7,866,213	10%
Proceeds - Recycled Materials	300,000	42,168	42,168		257,832	14%
Landfill Fees - General	240,000	15,716	15,716		224,284	7%
Insurance Proceeds	21,882	-	-		21,882	0%
Interest Income	54,000	-	-		54,000	0%
Miscellaneous Revenues	-	20	20		(20)	=
<b>Total Revenues</b>	<b>9,365,882</b>	<b>941,691</b>	<b>941,691</b>	<b>-</b>	<b>8,424,191</b>	<b>10%</b>
<b>Expenditures</b>						
Personnel Costs	3,826,250	282,819	282,819	-	3,543,431	7%
Other Operating Costs	3,324,699	128,377	128,377	55,452	3,140,870	4%
Total Operating Costs	7,150,949	411,197	411,197	55,452	6,684,300	6%
Capital Outlay	2,191,314	-	-	-	2,191,314	0.0%
<b>Total Expenditures</b>	<b>9,342,263</b>	<b>411,197</b>	<b>411,197</b>	<b>55,452</b>	<b>8,875,614</b>	<b>4%</b>
<b>Net Revenue/(Expense)</b>	<b>23,619</b>		<b>530,494</b>			

**\*All figures are unaudited**

Notes:

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

City of Conway  
 Balance Sheet - Sanitation  
 For the month ended January 31, 2015



Cash - Operating	2,995,707
Petty Cash	200
Post Closure Cash Account	5,476,430
Due from Other Funds	14,488
General Inventory	2,122
Land & Buildings	2,805,839
Infrastructure	1,186,444
Machinery and Equipment	5,711,830
Vehicles	10,553
Computer Equip & Software	2,875
<b><i>Assets</i></b>	<b><u>18,206,489</u></b>
Accounts Payable	53,416
Salaries Payable	171,207
Net Pension Obligation	1,286,026
Due to Other Funds	101,125
Accrued Interest Payable	24,525
2010 Recycling Note - US Bank	410,587
Landfill Close/Post Close	7,926,380
<b><i>Liabilities</i></b>	<b><u>9,973,265</u></b>
<b><i>Net Assets</i></b>	<b>8,233,224</b>
<b><i>Total Liabilities and Net Assets</i></b>	<b><u>18,206,489</u></b>

\*All figures are unaudited

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

City of Conway  
 Monthly Financial Report - Airport  
 For the month ended January 31, 2015



	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to</u> <u>Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u> <u>Budget</u>	<u>%</u> <u>Expend/Collect</u>
<b>Revenues</b>						
Airport Fuel Sales	945,000	46,776	46,776		898,224	5%
T-Hangar Rent	96,500	14,220	14,220		82,280	15%
Community Hangar Rent	15,000	-	-		15,000	0%
Ground Leases	20,250	13,233	13,233		7,018	65%
Miscellaneous Revenues	2,500	1,475	1,475		1,025	59%
<b>Total Revenues</b>	<b>1,079,250</b>	<b>75,703</b>	<b>75,703</b>	<b>-</b>	<b>1,003,547</b>	<b>7%</b>
<b>Expenditures</b>						
Personnel Costs	192,943	14,253	14,253	-	178,690	7%
Fuel for Resale	753,500	46,617	46,617	-	706,883	6%
Other Operating Costs	97,650	516	516	59	97,074	1%
Total Operating Costs	1,044,093	61,386	61,386	59	982,648	6%
Capital Outlay	-	-	-	-	-	0%
<b>Total Expenditures</b>	<b>1,044,093</b>	<b>61,386</b>	<b>61,386</b>	<b>59</b>	<b>982,648</b>	<b>6%</b>
<b>Net Revenue/(Expense)</b>	<b>35,157</b>		<b>14,318</b>			

\*All figures are unaudited

Notes:

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

City of Conway  
Balance Sheet - Airport  
For the month ended January 31, 2015



Cash - Operating	(5,816)
Accounts Receivable - Fuel Vendor	47,208
<b><i>Assets</i></b>	<b><u>41,391</u></b>
Accounts Payable	54
<b><i>Liabilities</i></b>	<b><u>54</u></b>
<b><i>Fund Balance</i></b>	<b>41,337</b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>41,391</u></b>

\*All figures are unaudited

City of Conway  
Monthly Financial Report - Major Project Funds  
For the month ended January 31, 2015



Parks and Rec A&P Tax

Balance, 12/31/14	421,559
Receipts	230
Payments	(98,061)
Balance, 1/31/15	\$ 323,729

Pay as you go Sales Tax

Balance, 12/31/14	1,387,420
Receipts	262,228
Payments	(17,784)
Balance, 1/31/15	\$ 1,631,865

Street Impact Fees

Balance, 12/31/14	72,478
Receipts	17,161
Payments	(1,430)
Balance, 1/31/15	\$ 88,210

Parks Impact Fees

Balance, 12/31/14	140,357
Receipts	5,630
Payments	-
Balance, 1/31/15	\$ 145,987





**City of Conway, Arkansas**  
**Ordinance No. O-15-\_\_\_\_\_**

**AN ORDINANCE TO PROTECT AGAINST CRIMINAL ACTIVITY, INCLUDING FRAUD AND BURGLARY, MINIMIZE THE UNWELCOME DISTURBANCE OF CITIZENS AND THE DISRUPTION OF PRIVACY AND TO OTHERWISE PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE BY REGULATING, CONTROLLING AND LICENSING DOOR-TO-DOOR SOLICITORS AND PEDDLERS; REPEALING THOSE PORTIONS OF ORDINANCE NO. A-169 IN CONFLICT HEREWITH; REPEALING ANY OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

**Whereas**, the City of Conway, Arkansas (the “City”) is authorized and empowered under the provisions of Arkansas Code Annotated § 14-54-103 to regulate and license soliciting persons, hawkers and peddlers, as those terms are commonly applied; and

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

**Section 1: Definitions.**

The following words, terms, and phrases, and their derivations, when used in the Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) *Canvasser* means any person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue, or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

(b) *Charitable* means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported.

(c) *Chief* means the Chief of the Conway Police Department.

(d) *City* means the City of Conway, Arkansas.

(e) *Contributions* mean and include the words alms, money, subscription, property or other donations under the guise of a loan or money or property.

(f) *Department* means the Conway Police Department.

(g) *Peddler* means any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as

part of the scheme to evade the provisions of this Ordinance. Peddler does NOT include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good, or service that is offered to a resident for purchase at a location away from his/her residence or at a time different from the time of visit.

(h) *Peddling* includes all activities ordinarily performed by a peddler as indicated under paragraph (g) of this Section.

(i) *Person* means a natural person or any firm, corporation, association, club, society or other organization.

(j) *Solicitor* means any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial purposes.

(k) *Solicitation* includes all activities ordinarily performed by a solicitor as indicated under paragraph (j) of this Section.

## **Section 2: Permit Requirements and Exemptions.**

It shall be unlawful for any person eighteen (18) years of age or older to engage in peddling or solicitation activities within the City of Conway, Arkansas, without first obtaining a permit issued by the Conway Police Department; provided, however, that the following are exempted from the provisions of this Section and the Ordinance:

(a) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;

(b) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;

(c) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person.

(d) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.

(e) A "canvasser" as defined in SECTION 1.

(f) Students grades kindergarten through 12th grade, enrolled in a public or private school located within the corporate limits of the City of Conway, peddling or soliciting for the benefit of their school or an organization thereof or for any private, nonprofit social club or organization to which they belong, such as, but not limited to, FBLA, band, FHA, FFA, Boy Scouts or Girl Scouts.

## **Section 3. Permit for Sponsoring Juvenile Peddlers.**

(a) No person under the age of eighteen (18) years of age shall be permitted to engage in peddling except as provided in this Section.

(b) A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of (1) or more persons under eighteen (18) years of age.

(c) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.

(d) The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the ~~individual~~ sponsoring person, company or organization. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting.

(e) The sponsor shall comply with the child labor law requirements of the State of Arkansas Department of Labor, including but not limited to Arkansas Code Annotated § 11-6-101 *et seq.*

#### **Section 4. Permit Application.**

Every person subject to the provisions of this Ordinance shall file with the Chief of the Conway Police Department an application in writing on a form to be furnished by the Department, which shall provide the following information:

(a) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;

(b) A brief description of the business or activity to be conducted;

(c) The hours and location for which the right to peddle or solicit is desired;

(d) If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(e) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

(f) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, including but not limited to Ark. Code Ann. § 26-77-102, would exempt the applicant from the licensing requirements of the Ordinance; and

(g) Two (2) photographs of the applicant which shall have been taken within sixty (60) days immediately prior to the date of filing of the application and accurately depicts the applicant. The photographs shall measure 2 inches by 2 inches and show the head and shoulders of the applicant in a clear and distinguishing manner. Juveniles peddling under a sponsor's permit as set out in Section 3 shall not be required to display an identification photograph.

**Section 5. Fees.**

At the time the application is filed with the Department, the applicant shall pay a fee to cover the cost to the City of processing the application and investigating the facts stated therein. The fee shall be \$\_\_\_\_\_ dollars for each solicitor or peddler or sponsor for Juvenile Peddlers pursuant to Section 3.

**Section 6. Application Review and Permit Issuance.**

(a) Upon receipt of an application, the Chief, or authorized representative, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.

(b) If the Chief finds the application to be satisfactory, the Chief shall endorse his approval on the application and shall, upon payment of the prescribed fee, deliver the required permit to the applicant.

(c) The permit shall show the name, address and photograph of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

(d) A record of all permits issued shall be maintained by the Department for a period of two (2) years and shall otherwise conform to the City's record retention policies and state law pursuant to Ark. Code Ann. § 14-2-203 *et seq.*

**Section 7. Denial of Permit.**

(a) Upon the Chief's review of the application, the Chief may refuse to issue a permit to the applicant under this Ordinance for any of the following reasons:

(1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;

(2) An investigation reveals that the applicant falsified information on the application;

(3) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application or has an active arrest warrant or otherwise a fugitive of justice;

(4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

(5) There is no proof as to the authority of the applicant to serve as an agent to the principal; or

(6) The applicant has been denied a permit under this Ordinance within the immediate past year, unless the applicant can and does show to the satisfaction of the Chief that the reasons for such earlier denial no longer exist.

(b) The Chief's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved not later than \_\_\_\_ days after receipt of the application and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

**Section 8. Permit Expiration.**

All permits issued under the provisions of this Ordinance shall expire ninety (90) days from the date of issuance, unless an earlier expiration date is noted on the permit.

**Section 9. Identification Badges.**

(a) At the same time the permit is issued, the Chief shall issue to each permittee a badge, which shall be worn by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the City.

(b) A canvasser, otherwise exempt from the provisions of this Article and Ordinance, may request the issuance of an identification badge from the City for the purpose of assuring city residents of the canvasser's good faith.

**Section 10. Permit Exhibition.**

Every person required to obtain a permit under the provisions of this Ordinance shall exhibit the permit when requested to do so by any prospective customer or Department employee.

**Section 11. Transfer Prohibited.**

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this Ordinance.

**Section 12. Entry Upon Premises Unlawful.**

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a canvasser, peddler, or solicitor, to enter upon any residential premises in the City where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises in a manner which reasonably conveys notice to a person who enters the premises, a decal or sign bearing the words "No Peddlers," "No Solicitors," "No Trespassing" or words of similar import. Violation of this section does not preclude prosecution under state law for criminal trespass.

**Section 13. Hours of Solicitation.**

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 8:00 p.m. and 8:00 a.m. In establishing 8:00 p.m. as a reasonable time for cessation of these activities at residential premises, the City Council hereby finds that such time is consistent with the Arkansas Rules of Criminal Procedure, Rule 13.2, regarding nighttime search warrants.

**Section 14. Permit Revocation.**

Any permit issued under this Ordinance may be revoked or suspended by the Chief, after notice and hearing, for any of the following reasons:

- (a) Fraud, misrepresentation or false statement contained in the application for a permit;
- (b) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

**Section 15. Notice and Hearing.**

Notice of a hearing for a revocation of a permit issued under this Ordinance shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

**Section 16. Appeals**

(a) Any person aggrieved by the action or decision of the Chief to deny, suspend or revoke a permit applied for under the provisions of this Ordinance shall the right to appeal such action or decision to the Mayor or authorized representative within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.

(b) An appeal shall be taken by filing with the Chief a written statement setting forth the grounds for the appeal.

(c) The Chief shall transmit the written statement to the Mayor within ten (10) days of its receipt and the Mayor shall set a time and place for a hearing on the appeal.

(d) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.

(e) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

(f) The decision of the Mayor on the appeal shall be final and binding on all parties concerned.

**Section 17. Claims of Exemption.**

Any person claiming to be legally exempt from the regulations set forth in this Ordinance, or from the payment of an application fee, shall cite to the Chief the statute or other legal authority under which exemption is claimed and shall present to the Chief proof of qualification for such exemption.

**Section 18. Violations and Penalty.**

(a) Violation of any of the provisions of this Ordinance shall be treated as a violation, and shall, upon conviction, be punishable by a fine of Two Hundred Fifty (\$250.00) Dollars.

(b) The penalty for subsequent offenses that occur within twelve (12) months of the prior offense shall be Five Hundred (\$500.00) Dollars.

(c) Each day of a continuing violation of the provisions of this Ordinance may be treated as a separate offense.

**Section 19. Severability.**

The provisions of this Ordinance are declared to be severable. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this Ordinance is declared or adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such decision, declaration or adjudication shall not be affect the remaining sections, sentences, clauses, phrases or portions of this Ordinance, but they shall remain in full force and effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

**Section 20: Repealing Clause.**

That all ordinances or resolutions or portions thereof of the City in conflict herewith are hereby repealed to the extent of such conflict, including those portions of Ordinance A-169 in conflict herewith.

**Section 21: Effective Date of Ordinance.**

This Ordinance shall be in full force and effect from and after its passage and publication and shall have an effective date of March 1, 2015.

**Passed** on this 24<sup>th</sup> day of February, 2015.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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