

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



Aldermen

Ward 1 Position 1 – Andy Hawkins

Ward 1 Position 2 – David Grimes

Ward 2 Position 1 – Mark Vaught

Ward 2 Position 2 – Shelley Mehl

Ward 3 Position 1 – Jack Bell

Ward 3 Position 2 – Mary Smith

Ward 4 Position 1 – Theodore Jones, Jr.

Ward 4 Position 2 – Shelia Whitmore

CITY OF CONWAY

5:30pm –Committee Meeting

Planning & Permit Fee Increases

6:30pm -- Council Meeting

Courtroom in District Court Building

810 Parkway, Conway, AR 72034

April 10, 2007

1. Call to Order

2. Roll Call

3. Minutes: *March 27th, 2007*

4. Recognition of Guests:

5. Public Hearings:

A. Public hearing to discuss closing an easement in the south fifteen feet of Lot 1A-1 of the replat of Lot 1A in Scherman Heights.

1. Ordinance closing a utility easement located at the south fifteen feet of Lot 1A-1 of the replat Lot 1A in Scherman Heights.

B. Public hearing to discuss closing West Simms Street in the Blaney Subdivision.

1. Ordinance closing a portion of West Simms Street (unimproved between Hubbard and Denison Street.

6. Report of Standing Committees:

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

1. Consideration of entering into an agreement and an ordinance appropriating funding for the Faulkner County Senior Citizens & Faulkner County Council of Developmental Disabilities for transportation services.
2. Consideration of a parking lot variance for Hendrix College.
3. Ordinance accepting the annexation of certain lands located south of Cresthaven Subdivision Phase II west of Mill Pond Road.
4. Consideration of an overlay variance by Roy Martin for property located at the corner of South Donaghey Avenue and Dave Ward Drive.
5. Ordinance amending the fees collected by the Conway Planning Department.
6. Ordinance amending the fees collected by the Conway Permit/Inspection Department.

7. Consideration of bids for a demolition of the structure located at 1905 Meadowlake Drive.
8. Consideration/ordinance of rezoning property from A-1 to PUD by Esmeraldo Castro for property that is located on the west side of Churchill Drive between Spring Valley Drive and Morning Glory (1655 Churchill Drive).
9. Consideration/ordinance of a rezoning property from R-2 to C-3 by Steve and Tracy Gafner for property that is located approximately 270 feet south of East Oak Street immediately east of Conway Commons Shopping Center.

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

1. Consideration to accept bids on 30 yard containers for the Conway Sanitation Department.
2. Ordinance accepting auction proceeds, disposing of equipment and appropriating additional funding for equipment at the Sanitation Department.

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

1. Ordinance waiving bids procedures for the purchase of office equipment for District Court.

7. Old Business

- A. Consideration of an appeal of ruling by the Old Conway Design Review Board by John & Joyce Hardin with a property address of 1215 Hunter Street.
- B. Consideration of bids for The Meadows Subdivision (Phase 2) street and drainage improvements.
- C. Consideration of street projects for the City.

8. New Business

- A. Consideration to accept the offer and acceptance from Robert Garrett, Jr. for property located at 917 East Siebenmorgan Road and 1001 East Siebenmorgan Road
- B. Ordinance amending evacuation permit which establishes the requirements and standards for excavation.
- C. Discussion/consideration of City Parks.

Adjournment

ORDINANCE NO. O-07- _____

AN ORDINANCE CLOSING A FIFTEEN FOOT (15') UTILITY EASEMENT ALONG THE SOUTHERN PROPERTY LINE OF LOT 1A-1 OF THE REPLAT OF LOT 1A OF THE SCHERMAN HEIGHTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, a petition was duly filed with the City Council of the City of Conway on the 10th day of April 2007 asking the City Council to vacate and abandon all portions of the easement designated on the plat of record in plat book K, within the city limits of Conway, AR.

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

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

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

The South 15.00 (fifteen) feet of Lot 1A-1 of the replat of Lot 1A Scherman Heights as shown in Plat Book K, on page 230, Records of Faulkner County, Arkansas.

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

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

Passed this 10th day of April, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-07- _____

AN ORDINANCE TO VACATE AND ABANDON A PORTION OF WEST SIMMS STREET (UNIMPROVED BETWEEN HUBBARD AND DENISON STREET) AND; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 10th day of April, 2007 asking the City Council to vacate and abandon a portion of West Simms Street.

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 right-of-way or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street right-of-way 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 West Simms Street to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the portion of West Simms Street.

WHEREAS, the following exception shall be in place: the closure of said right of way of West Simms as long as a 15 foot utility easement remains centered on the existing utility due to an electric/CATV line in the said portion of West Simms.

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

Section 1. The City of Conway releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to West Simms Street designated as follows:

West Simms Street (unimproved between Denison and Hubbard Road)

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 and approval.

Passed this 10th day of April, 2007.

Approved:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-07-_____

**AN ORDINANCE APPROPRIATING FUNDS FOR SENIOR CITIZENS PROGRAM;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, there is a need to support the Senior Citizen Transportation Program with funding to the Faulkner County Senior Citizens Program.

WHEREAS, the Faulkner County Senior Citizens Program is requesting a total \$46,338 of which \$20,000 has already been budgeted for these transportation needs for the calendar year 2007.

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

SECTION 1. The City of Conway shall appropriate \$26,338 from General Fund – Fund Balance Appropriation Account (01.190) to the Account (01.106.863) for the Senior Citizen Transportation Program.

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 10th day of April, 2007

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

**CONTRACT FOR TRANSPORTATION SERVICES WITH
FAULKNER COUNTY SENIOR CITIZEN PROGRAM**

For the fee of \$46,338 Faulkner County Council on Aging, Inc. shall provide transportation services to the senior citizens of Conway, Arkansas. Length of contract shall be January 1st, 2007 through December 1st, 2007.

Transportation services shall include but not limited to:

Employment transportation
Medical transportation
Educational transportation
Recreational transportation
Transportation for personal needs (shopping, bill paying, prescriptions, etc.)

All services shall be provided on request and as vehicle scheduling permits

Faulkner County Senior Citizens Program shall maintain daily trip sheets of all transportation services. Any further documentation necessary or required by City, State, or Federal requirements will be maintained and available upon request for review or audit by City officials.

Faulkner County Senior Citizens Program will provide services to all mentioned above classes without regard to race, color, religion, sex, national origin, disability, veteran status, or marital status.

Mayor Tab Townsell

Debra Robinson
Faulkner County Senior Citizens Program

Michael O. Garrett
City Clerk/Treasurer
City of Conway

Bill Zellner
Board President
Faulkner County Senior Citizens Program

ORDINANCE NO. O-07-_____

AN ORDINANCE APPROPRIATING FUNDS FOR FAULKNER COUNTY COUNCIL ON DEVELOPMENTAL DISABILITIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, there is a need to support with funding to the Faulkner County Council on Developmental Disabilities.

WHEREAS, the Faulkner County Council on Developmental Disabilities is requesting a total \$12,500 for these transportation needs for the calendar year 2007.

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

SECTION 1. The City of Conway shall appropriate \$12,500 from General Fund – Fund Balance Appropriation Account (01.190) to the Account (01.106.872) for the Faulkner County Council on Development Disabilities.

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 10th day of April, 2007

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

**CONTRACT FOR TRANSPORTATION SERVICES WITH
FAULKNER COUNTY COUNCIL ON DEVELOPMENTAL
DISABILITIES**

For the fee of \$12,500 Faulkner County Council on Development Disabilities shall provide transportation services to persons who are 18 years of age or older with developmental disabilities. Length of contract shall be January 1st, 2007 through December 1st, 2007.

Transportation services shall include but not limited to:

Employment transportation
Transportation needs as permitted by program

All services shall be provided on request and as vehicle scheduling permits

Faulkner County Council on Developmental Disabilities shall maintain accurate records of all transportation services. Any further documentation necessary or required by City, State, or Federal requirements will be maintained and available upon request for review or audit by City officials.

Faulkner County Council on Developmental Disabilities will provide services to all mentioned above classes without regard to race, color, religion, sex, national origin, disability, veteran status, or marital status.

Mayor Tab Townsell

**Robert Wright, Executive Director
FCC/DD**

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

**Kathy Hall
Board President
FCC/DD**



HENDRIX

March 27, 2007

Members of the Conway City Council
Mayor Tab Townsell
Planning Director Bryan Patrick

Subject: Request for Parking Lot Variance

Because of the Harkrider Street improvement project, Hendrix College will be losing about half the 120 parking spaces in the existing Mabee Center parking lot. This summer, the College plans to begin construction of a new, 147-space parking lot at the southwest corner of Markham and Harkrider that ultimately will serve our new Wellness and Athletic Center via the pedestrian underpass. The new WAC facility will have additional parking for the handicapped on the west side of the building and a circle drive with some parking on the east side, and additional lots nearby when the Village at Hendrix develops. Until the Harkrider project is completed, however, there will be a need for temporary parking for the WAC, which is scheduled to be completed in July.

Hendrix is proposing to construct a temporary, gravel lot that will accommodate 92 vehicles at the north end of the WAC to serve this purpose.

To do this, however, requires the granting of a variance by the Conway City Council. Please accept this letter and the attached plans showing details of the proposal, as Hendrix College's formal request for this variance, and I ask that you consider it at your April 10 meeting.

If you have questions, please contact me at 450-3823 (or e-mail me at ryan@hendrix.edu). I will be at the April 10 meeting to answer any questions you may have.

Thank you in advance for your consideration.

Loyd Ryan
Associate Vice President for Operations
Hendrix College
1600 Washington Avenue
Conway AR 72032
(501) 450-3823
ryan@hendrix.edu

ORDINANCE NO. O-07 - _____

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN LANDS LOCATED SOUTH OF CRESTHAVEN SUBDIVISION PHASE II WEST OF MILL POND ROAD TO THE CITY OF CONWAY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

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

Section 1: That the City of Conway, Arkansas, hereby accepts the hereinafter described territory, annexed to said City by order of the County Court of Faulkner County, Arkansas, heretofore entered on the **8TH** day of **MARCH 2007** and said territory being situated in Faulkner County, Arkansas, shall be a part of the City of Conway and shall be zoned **R-1** and described as follows:

A part of the N½ NW¼ of Section Two (2), Township Four (4) North, Range Fourteen (14) West, and a part of the SW¼ SW¼ of Section Thirty-Five (35), Township Five (5) North, Range Fourteen (14) West, Faulkner County, Arkansas, being more particularly described as beginning at the ¾" rebar marking the SW corner of said N½ NW¼ and running thence N02°59'08"E, along the West line of said N½ NW¼, 999.91 feet to the boundary of Cresthaven Subdivision Phase 2 to the City of Conway, Arkansas. Thence run along the boundary of said Subdivision S72°18'44"E, 157.68 feet; thence N80°46'15"E, 921.70 feet; thence S55°59'48"E, 999.21 feet; thence S89°38'36"E, 578.81 feet; thence S02°06'17"W, 647.65 feet to a point on the South line of said N½ NW¼; thence run N87°26'57"W, 2480.46 feet to the point of beginning. Said tract contains 50.95 acres more or less.

The following land has been deeded to the City of Conway for right of way and easement:

A part of the N ½ NW ¼ of Section Two (2), Township Four (4) North, range fourteen (14) West being more particularly described as commencing at the Southeast corner of said N ½ NW ¼ and running thence N87°26'57"W, 75.30 feet to the point of beginning; thence continue N87°27'11"W, 45.76 feet; thence N00°15'29"E, 648.46 feet; thence S89°38'36"E, 32.12 feet; thence N02°19'30"E, 98.21 feet; thence N55°06'08"E, 136.94 feet; thence S02°07'37"W, 17.96 feet; thence S53°57'23"W, 41.02 feet; thence S48°08'36"W, 47.60 feet; thence S30°21'49"W, 40.14 feet; thence S12°51'33"W, 50.47 feet; thence S02°11'04"W, 48.97 feet; thence S00°16'20"W, 620.15 feet to the point of beginning. Said tract contains 0.78 acres more or less.

and that above said – described lands and territory be, and the same hereby are, declared to be a part of the City of Conway, Faulkner County, Arkansas.

Section 2: That the City of Conway hereby accepts the following section(s) of street(s) as public street(s) for maintenance and for the purpose of providing street frontage for the issuance of building permits.

Mill Pond Road

Section 3: That unless a street is specifically named in this ordinance as being accepted for maintenance or to provide street frontage for the issuance of building permits, it shall not be accepted for either purpose.

Section 4: From and after this date, the inhabitants residing within and upon the hereinabove described lands and territory shall have and enjoy all the rights and privileges of, and be subject to all the laws, rules, ordinances, limitations and regulations imposed upon the inhabitants within the original limits of said City of Conway, Arkansas, and for voting purposes, said lands are hereby assigned to and designated as a part of **Ward 4** of the City of Conway, Arkansas.

Section 5: It is hereby ascertained and declared that it is necessary for the protection and preservation of the public health and safety that the foregoing ordinance shall take effect and be in force from and after its passage and publication.

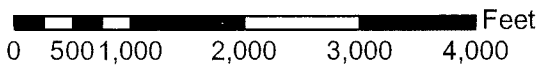
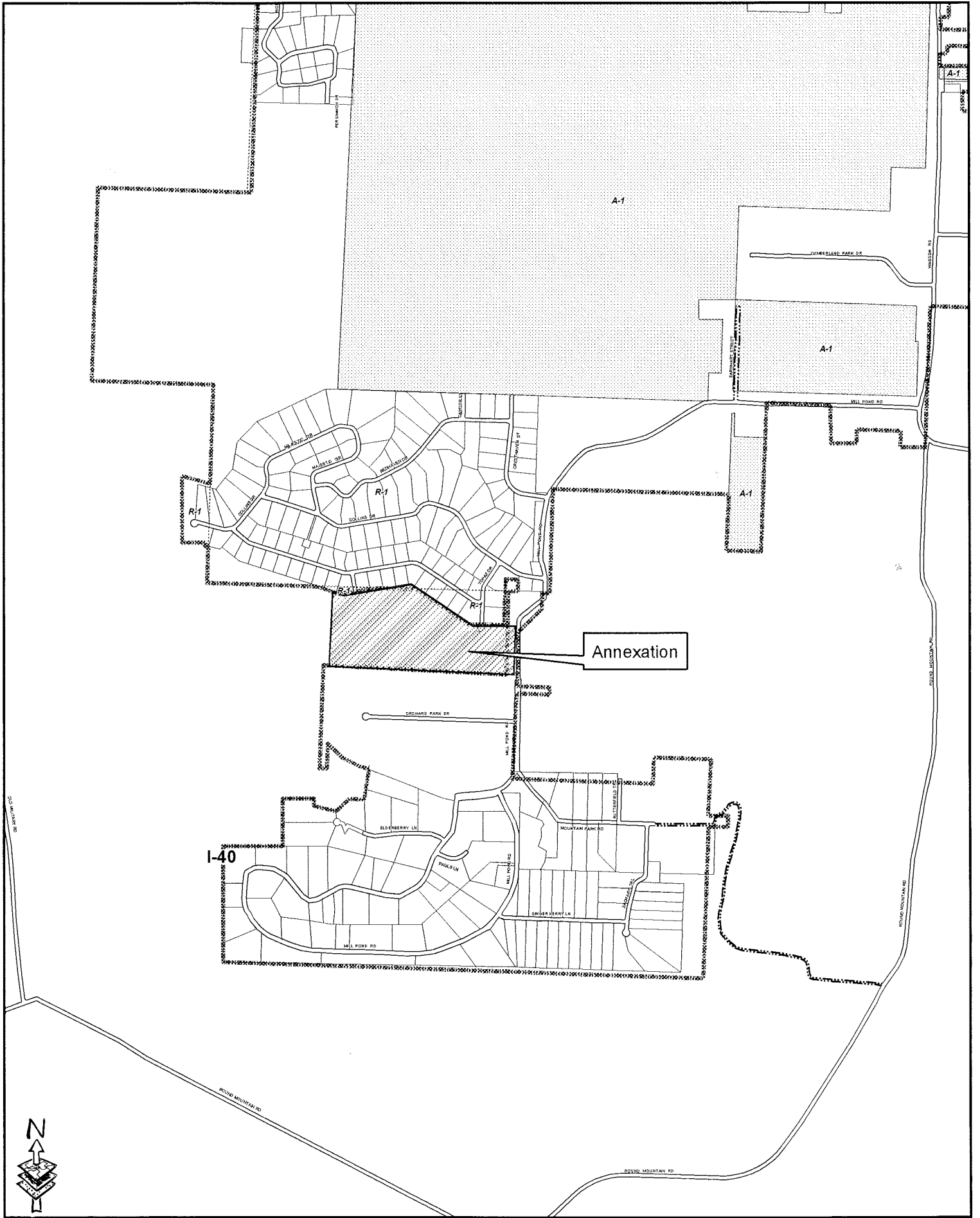
PASSED this _____ day of _____, 2007.

APPROVED:

Tab Townsell, Mayor

ATTEST:

Michael O. Garrett, City Clerk



Collins Annexation

**PRESTON SCROGGIN
FAULKNER COUNTY JUDGE**

(501) 450-4900
Conway, Arkansas 72034

FILED

2007 MAR -8 P 3:59

MELINDA REYNOLDS
COUNTY CLERK

BY *[Signature]* DC

IN THE COUNTY COURT OF FAULKNER COUNTY

COURT ORDER 07-22

**IN THE MATTER OF
ANNEXATION OF CERTAIN
LANDS TO THE CITY OF
CONWAY, ARKANSAS**

As per legal notice of the intent of seeking annexation of certain lands to the city of Conway. The Court met on March 8, 2007 at 10:00 A.M. (see attachments)

There were no persons appearing at this session of the Court in the opposition to the proposed annexation.

Therefore, this Court rules that, contingent upon the city of Conway's approval of the request for annexation of this property, approval is granted for the release of the lands for such purposes.

IT IS SO ORDERED.

[Signature of Preston Scroggin]

**Preston Scroggin
Faulkner County Judge
March 8, 2007**

Richard A. and Barbara J. Collins

NO. 01 - 07-22

FILED
Feb 2
2007 JAN 23 A 8:33

Petition For Annexation

MELINDA REYNOLDS
COUNTY CLERK
BY *ML* DC

Richard A. and Barbara J. Collins for its petition for the annexation of certain lands unto the City of Conway, Arkansas, states:

- 1. Petitioner is the owner of the following described lands in Faulkner County, Arkansas:

A PART OF THE N 1/2 NW 1/4 OF SECTION TWO (2), TOWNSHIP FOUR (4) NORTH, RANGE FOURTEEN (14) WEST, AND A PART OF THE SW 1/4 SW 1/4 OF SECTION THIRTY-FIVE (35), TOWNSHIP FIVE (5) NORTH, RANGE FOURTEEN (14) WEST, FAULKNER COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A 3/8" REBAR MARKING THE SW CORNER OF SAID N 1/2 NW 1/4 AND RUNNING THENCE N02°59'08"E, ALONG THE WEST LINE OF SAID N 1/2 NW 1/4, 999.91 FEET TO THE BOUNDARY OF CRESTHAVEN SUBDIVISION PHASE 2 TO THE CITY OF CONWAY, ARKANSAS. THENCE RUN ALONG THE BOUNDARY OF SAID SUBDIVISION S72°18'44"E, 157.68 FEET; THENCE N80°46'15"E, 921.70 FEET; THENCE S55°59'48"E, 999.21 FEET; THENCE S89°38'36"E, 578.81 FEET; THENCE S02°06'17"W, 647.65 FEET TO A POINT ON THE SOUTH LINE OF SAID N 1/2 NW 1/4; THENCE RUN N87°26'57"W, 2480.46 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTRAINS 50.95 ACRES MORE OR LESS.

- 2. Said lands are contiguous to and adjoin lands which are included within the city limits of the City of Conway, Arkansas; said lands are adaptable for residential purposes; an accurate map of said lands is attached to this petition; the limits of the territory to be annexed have been accurately described herein; all other requirements of the law for the annexation of said lands into the City of Conway, Arkansas, have been met; and said lands should be annexed unto the City of Conway, Arkansas, and become a part thereof.

WHEREFORE, Petitioner prays that this Court enter its order abandoning unto the City of Conway, Arkansas, for annexation, the aforesaid lands.

Richard A. and Barbara J. Collins
14 Deerwood
Conway, AR 72034

BY: *Richard A. Collins*
(name)
Barbara J. Collins

OVERLAY DISTRICT VARIANCE

DN: OV2006MAR01
 ID: OV2006MAR01
 GL: 51409NE

**Martin Request for Variance from Overlay District Ordinance Requirements
 Concerning Allowance of Drives and Berms / Screening in Street Right of Way,
 and Front Setback / Landscaping**

APPLICANT'S**NAME(S)**

Roy Martin
 Central AR Real Estate

REQUESTED**VARIANCE(S)**

1. A variance from the requirement for 35 feet of front setback
2. A variance from the requirements for 20 feet of landscape buffer exclusive of street right of way
3. A variance to allow berms and or screening within the street right of way

PRESENT ZONING

O-2

ABUTTING ZONING

C-3, R-1, R-2, C-3, and S-1

LOCATION

This property is located at the corner of South Donaghey Avenue and Dave Ward Drive

DIMENSIONS

160 feet of frontage along Donaghey Ave.
 147 feet of frontage along Dave Ward Drive

AREA

.45 acres

ABUTTING STREETS AND THEIR CLASSIFICATIONS

Dave Ward Drive – Major arterial
 South Donaghey Avenue – Major arterial

STRUCTURES ON THE PROPERTY

None

APPLICANT'S SUBMITTED JUSTIFICATION FOR THE VARIANCE

Site plan review required the dedication of additional street right of way thereby creating difficulties to develop the property.

NOTIFICATION

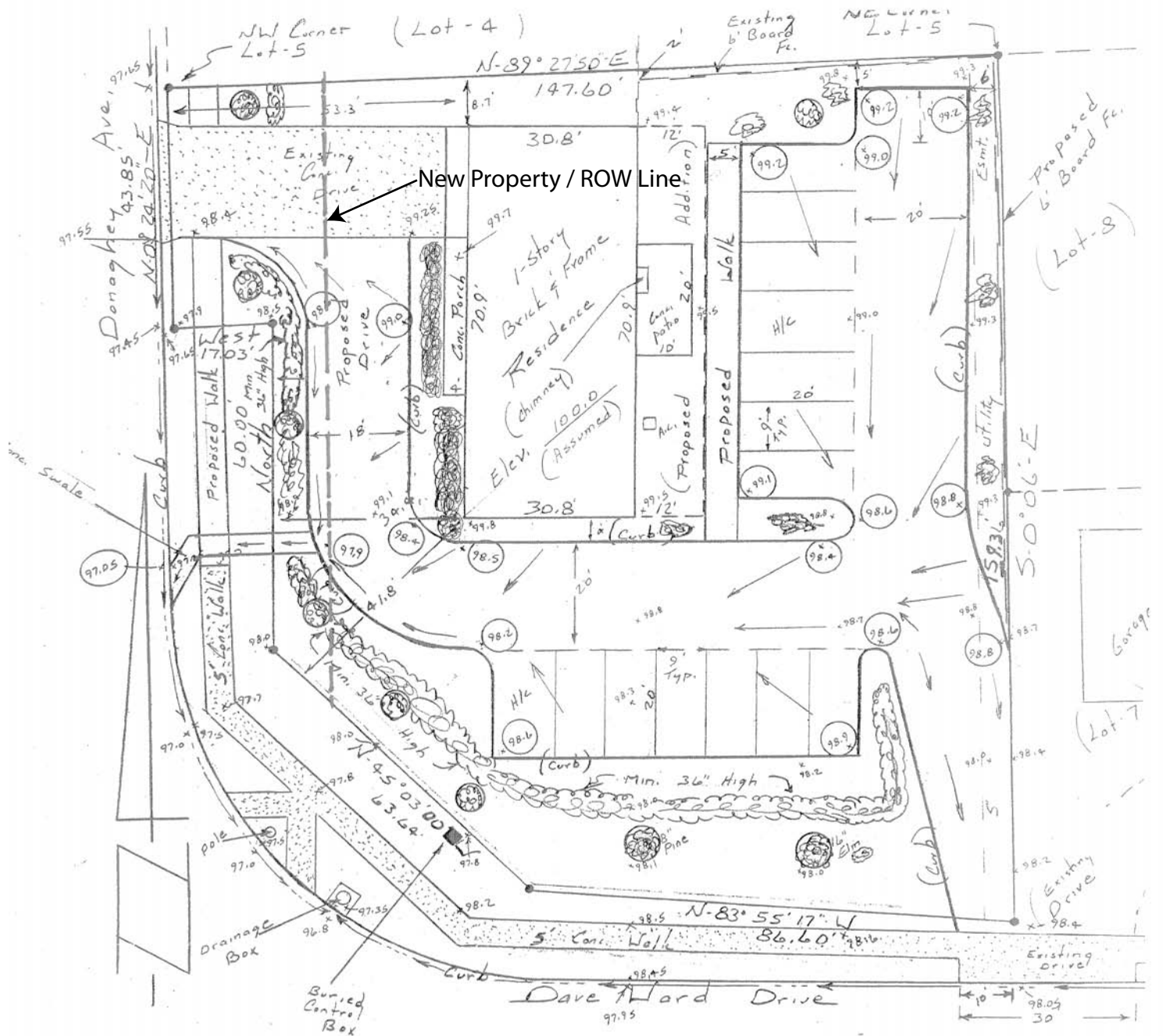
In compliance

COMMENTS

The City Council recently rezoned this property in order for Mr. Martin to remodel the existing home into a realty office. As part of site plan review, all deficient rights of way must be dedicated. An additional 10 feet of right of way is required along Donaghey Avenue. With the dedication of this right of way, Dave Ward Overlay District regulations create some difficulties. The required setback from Donaghey Avenue is 35 feet. With dedication, the setback will be approximately 25 feet. New construction will be at the east side of the existing building so there will be no additional encroachment. A 20 foot landscape buffer is required along Donaghey this is not possible with the ROW dedication. Berms and screening are typically within private property. A screening wall and landscaping will be provided but it cannot be placed on private property. There will be no sight line blockage with this screening as the current curb lines and sight lines are being maintained.

ENCLOSURES

A map of the area, and the submitted site plan



ORDINANCE NO. 0-07-_____**AN ORDINANCE AMENDING FEES COLLECTED BY THE PLANNING DEPARTMENT; AND FOR OTHERS PURPOSES.**

WHEREAS; costs to the City for rezoning requests, conditional use permit requests and requests to the Board of Zoning Adjustment for variances as delineated in the Conway Zoning Ordinance rise over time, and;

WHEREAS; it is appropriate to increase the fees to cover a part of the cost to the City of Conway of administering these requests;

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

ZONING ORDINANCE FEES:

Section 1: That the first sentence of SECTION 801.4 - PROCEDURE FOR APPEALS, D. Fee of the City of Conway Zoning Ordinance as adopted by Ordinance 0-94-54 on September 27, 1994 is hereby amended to read as follows:

The fee for any appeal or application to the Board shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable.

Section 2: That the first sentence of SECTION 901.2 - PROCEDURE FOR AUTHORIZING CONDITIONAL USES, L. Fee of the City of Conway Zoning Ordinance as adopted by Ordinance 0-94-54 on September 27, 1994 is hereby amended to read as follows:

The fee for any application for a conditional use permit shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable.

Section 3: That the second sentence of SECTION 901.4 - AMENDMENTS, C. Procedure, (1) of the City of Conway Zoning Ordinance as adopted by Ordinance 0-94-54 on September 27, 1994 is hereby amended to read as follows:

Any petitioner must pay a filing fee of three hundred twenty-five dollars (\$325.00), no part of which shall be refundable.

Section 4: That the second and third sentences of SECTION 1001.3 – MOVING OF BUILDINGS - Fee of the City of Conway Zoning Ordinance as adopted by Ordinance 0-94-54 on September 27, 1994 is hereby amended to read as follows:

The application fee shall be three hundred twenty-five dollars (\$325.00) for any building located within the City of Conway. For any building located outside the City of Conway, the application fee shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable.

Section 5: That the first sentence of ARTICLE 1101 SITE PLAN REVIEW SECTION 1001.10 - FEES of the City of Conway Zoning Ordinance as adopted by Ordinance 0-94-54 on September 27, 1994 is hereby amended to read as follows:

A. For site plans with 5000 square feet or less of building gross floor area and 5000 square feet or less of lot coverage area, a fee of three hundred twenty-five dollars (\$325.00) must be paid by the applicant at the time of the submission of the site plan.

B. For site plans with over 5000 square feet of building gross floor area and 5000 square feet of lot coverage area, a fee of four cents (\$0.04) per square foot of gross floor area and two cents (\$0.02) per square foot of lot coverage area must be paid by the applicant. The maximum fee shall be three thousand two hundred and fifty dollars (\$3250.00)

C. An appeal to the City Council for a site plan review that is denied shall be three hundred twenty-five dollars (\$325.00)

Section 6: That the last sentence of ARTICLE 401 ZONING DISTRICT REGULATIONS SECTION 401.9 C. PROCEDURES FOR OBTAINING PUD ZONING C. ZONING APPLICATION and PRELIMINARY PLAT of the City of Conway Zoning Ordinance as adopted by Ordinance 0-94-54 on September 27, 1994 is hereby amended to read as follows “The Application shall be processed following the procedure for a change of zone district boundary as contained in Article 901, with the exception of fees.

A. FEES

1. NON-RESIDENTIAL - A filing fee of one thousand one hundred and twenty five dollars (\$1125.00) must be paid by the applicant at the time of submission for a nonresidential PUD zoning amendment, no part of which shall be refundable.

2. RESIDENTIAL - A filing fee of five hundred and twenty five dollars (\$525.00) must be paid by the applicant at the time of submission for a residential PUD of 10 or less units, a fee of seven hundred and twenty five dollars (\$725.00) for 25 or less residential units, and a fee of one thousand one hundred and twenty five dollars (\$1125.00) for 26 or more units.

ANNEXATION FEE

Section 7: The fee for any request for annexation to the City of Conway shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable.”

EASEMENT, STREET, AND ALLEY CLOSING FEE

Section 8: The fee for any request for the closing of an easement, street, or alley shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable.”

OVERLAY DISTRICT VARIANCE FEE

Section 9: I: That SECTION 1, G. of Ordinance 0-00-167 as adopted on December 28, 2000 is hereby amended to add paragraph 4, which shall read as follows:

4. The fee for any application for a variance shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable.

PARKING LOT VARIANCE FEE

Section 10: That the paragraph with the heading REQUIREMENTS ALONG PUBLIC RIGHT-OF WAY of Ordinance 0-91-54 as adopted on December 10, 1991 is hereby amended to add the following sentence that shall read as follows:

The fee for any application for an exception or variance shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable.

SUBDIVISION, REPLAT, AND LOT MERGER FEE

Section 11: That ARTICLE VI ADMINISTRATION AND ENFORCEMENT, SECTION 3 - FEES of the City of Conway Subdivision Ordinance as adopted by Ordinance O-00-03 on January 25, 2000 is hereby amended to read as follows:

For each preliminary plat submitted at the time of filing, the subdivider shall pay to the Designated Agent the following filing fee:

\$200 Residential <10 lots
\$400 Residential <25 lots
\$800 Residential >26 lots
\$800 Nonresidential

For each Final Plat submitted, the fee shall be as follows:

\$200 Residential <10 lots
\$400 Residential <25 lots
\$800 Residential >26 lots
\$800 Nonresidential

Any subsequent variances, waivers, extensions, etc. after preliminary or final plat approval that require the plat to be placed on the Planning Commission agenda shall pay a fee of one hundred dollars(\$100).

All recording fees shall be paid by the subdivider.

That ARTICLE IX LOT MERGERS, SECTION 3 – PROCEDURES, (2) of the City of Conway Subdivision Ordinance as adopted by Ordinance O-00-03 on January 25, 2000 is hereby amended to read as follows:

(2) The application shall not be accepted until the applicant has paid a fee of \$200.00. All recording fees shall be paid by the subdivider.

Section 8: That all above fee increases will become effective on July 1, 2007.

Section 9: That all ordinances in conflict herewith are hereby repealed to the extent of that conflict.

PASSED this 10th day of April, 2007

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-07- _____

**AN ORDINANCE ESTABLISHING NEW BUILDING-RELATED PERMIT FEES FOR THE
CITY OF CONWAY; DECLARING AN EMERGENCY; AND FOR OTHER
PURPOSES:**

Whereas, the City of Conway has not raised the majority of its building-related permit fees since 1999; and

Whereas, the cost of issuing the permits and conducting the inspections has risen markedly since that time; and

Whereas, it is important for fees to reflect a significant percentage of the actual costs to the City of Conway of providing the services paid for by the fees.

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

Section 1: That Section 11.04.26, (E) of the Conway Municipal Code is hereby amended to read as follows:

"(E) Application for permits shall be made according to the following table of charges:

All other fees (includes remodeling, additions, and repairs, excluding minor repairs as noted in Section (A,) of this ordinance): All trades

Rough and Final Inspections	\$ 15.00
Reinspect	\$ 25.00

ELECTRICAL All new construction is \$0.10 per square foot, with a minimum of \$36.00, whichever is greater.

Temporary Construction pole (service) (MUST BE INSPECTED)	no charge
Outlets 1 to 5	\$ 5.50
Over 5	\$ 0.30 each
Light Fixtures & Switches 1 to 5	\$ 5.50
Over 5	\$ 0.30 each
Outside Electric Signs	\$ 6.25
Electric Window Signs	\$ 3.75
Neon Borders, window and outside	\$ 3.75
Service only (such as mobile homes) TPP (temporary power to structure	\$30.00

prior to final inspection-expires in 30 days)	\$20.00
Electric Stove, Ranges, Dryers or Hot Water htrs.	\$ 6.75
Vent Hoods	\$ 2.00
Dish Washers	\$ 2.00
Disposals	\$ 2.00
Electric Heater 1to 15 KW	\$ 3.75
16 to 25 KW	\$ 6.75
Air Conditioners: 20 to 30 amp	\$ 3.00
40 to 60 amp	\$ 4.00

In case the electrical inspector is required to make more than one trip for the purpose of inspecting any work due to a violation of codes, ordinances, wrong address, or any other irregularities caused by the master electrician or his agents, a charge of \$25.00 shall be paid for each additional trip or reinspection.”

Section 2: That Section 11.08.05, (b) of the Conway Municipal Code is hereby amended to read as follows:

“(b) Application for permits shall be made on suitable forms provided by the Permits and Inspection Department. The application shall be accompanied by fees in accordance with the following fee schedule:

All new construction (under roof)	\$ 0.10 per square foot
Commercial & Residential minimum	\$ 50.00

All other:

PLUMBING All new construction (minimum of \$36.00)	\$ 0.10 per sq .ft.
Accessory	\$ 20.00
Fixtures	\$ 3.50
Water Heater	\$ 10.00
Gas Service Line per meter	\$ 20.00

MECHANICAL Heating and Cooling System for a New Structure (minimum \$36.00)	\$ 0.10 per sq. ft.
--	---------------------

Replacement or addition of a Mechanical Heating or Cooling system	\$ 15.00 each
---	---------------

Remodeling of a Heating and Cooling System for a structure (ductwork only)	\$ 36.00 minimum
--	------------------

Any reinspection or additional inspection required by the inspector and caused by the failure of the subcontractor to be ready for testing or not complying with code procedures is \$25.00.”

Section 3: That Section 11.16.06, a. of the Conway Municipal Code is hereby amended to read as follows:

“On all buildings, structures, additions or alterations requiring a building permit, the fee for such permit shall be paid at the time of the filing of the application in accordance with the following schedule:

BUILDING/Residential (All fees are minimum if cost per square ft. is more.)

All new free-standing construction (under roof)	\$ 0.10 per sq. ft. (\$50.00 minimum)
Additions to single family dwellings	\$ 35.00
Accessory	\$ 20.00
Remodeling	\$ 30.00
\$ 1.00 per \$1,000 of Construction costs	

NON-RESIDENTIAL (All fees are minimum if cost per square foot is more.)

New Construction	\$ 0.10 per sq. ft. (\$50.00 minimum)
Additions	\$ 45.00
Accessory	\$ 50.00
Remodeling	\$ 30.00
\$ 1.00 per \$1,000 of Construction costs	

Section 4: That this ordinance shall not take effect until July 1st, 2007 shall be in full force and effect from and after said date.

Section 5: That all ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of that conflict.

PASSED this 10th day of April, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

CITY OF CONWAY

Code Enforcement
1201 Oak Street
Conway, Arkansas 72032



Larry Lute
Code Enforcement Officer
Barbara McElroy
Code Enforcement Assistant

TO: Mayor Tab Townsell

Date: April 2, 2007

From: Barbara McElroy
Code Enforcement Department

Subject: 2805 Meadowlake Road

The Code Enforcement sent bids out for removal and clean up on a mobile home located on 1905 Meadowlake Road. Bids were opened on April 2nd at 10:am and 3 bids were submitted. They are as follows:

- | | |
|------------------------------|--------|
| ▪ Poor Boy's Handman Service | \$1450 |
| ▪ Paladino Construction Inc. | \$1900 |
| ▪ Lipsmeyer Demolition Inc. | \$2000 |

Code Enforcement recommends Poor Boy's Handyman Service for the low bid of \$1450.00.

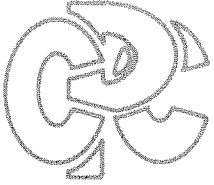
I have attached copies of the bidders who were sent out an invitation to bid and a copy of all bids.

Sincerely,

Barbara McElroy

Invitation to Bid List

1. B & B Sewing
32 West Republican Road
Greenbrier, AR 72058
2. Poor Boy's Handyman Service
11 Melrose Lane
Damascus, AR 72039
3. Carlton Hays
Dee Hays Contractors
909 Brownlee
North Little Rock, AR 72117
4. J. D. Thompson Cell 269-3831
305 West Cadron Ridge Road
Wooster, AR 72181
5. Phillip Thomas
Thomas Salvage & Demolition
56 Calico Road
Morrilton, AR 72110
6. Shane Hobbs
Hobbs Properties
P.O. Box 945
Conway, AR 72033
7. Lipsmeyer Demolition
Gary Lipsmeyer (501-912-2878) work (501-759-2642) home
P.O. Box 70
Bigelow, AR 72016
8. Robinson Inc. (479-264-0162 Joey)
P.O. Box 29
Dardenelle, AR 72834



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

6A-8

March 28, 2007

Council Members
Conway, AR 72032

Dear Council Members:

A request for a rezoning from A-1 to PUD by Esmeraldo Castro for property that is located on the west side of Churchill Drive between Spring Valley Drive and Morning Glory (1655 Churchill Drive) with the legal description:

Tract C Spring Valley Subdivision

was reviewed by the Planning Commission at their regular meeting on February 20, 2007. The Planning Commission voted 8 – 0 for denial. Mrs. Castro has requested to appeal the decision at the City Council meeting on April 10, 2007.

Sincerely,

Adam Thomas, Chairman
Planning Commission

ORDINANCE NO. O-07-_____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED ON THE WEST SIDE OF CHURCHILL DRIVE BETWEEN SPRING VALLEY DRIVE AND MORNING GLORY (1655 CHURCHILL DRIVE) FROM A-1 TO PUD:

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

SECTION 1: That 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:

Tract C Spring Valley Subdivision

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

SECTION 2: That all ordinances in conflict herewith are repealed to the extent of the conflict.

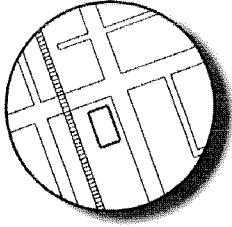
Passed this 10th day of April, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



**CITY OF CONWAY
PLANNING DEPARTMENT**

1201 Oak Street
Conway, Arkansas 72032
(501) 450-6105

February 22, 2007

Mrs. Esmeralda Castro
251 Hwy 225 West
Greenbrier, AR 72058

Dear Mrs. Castro:

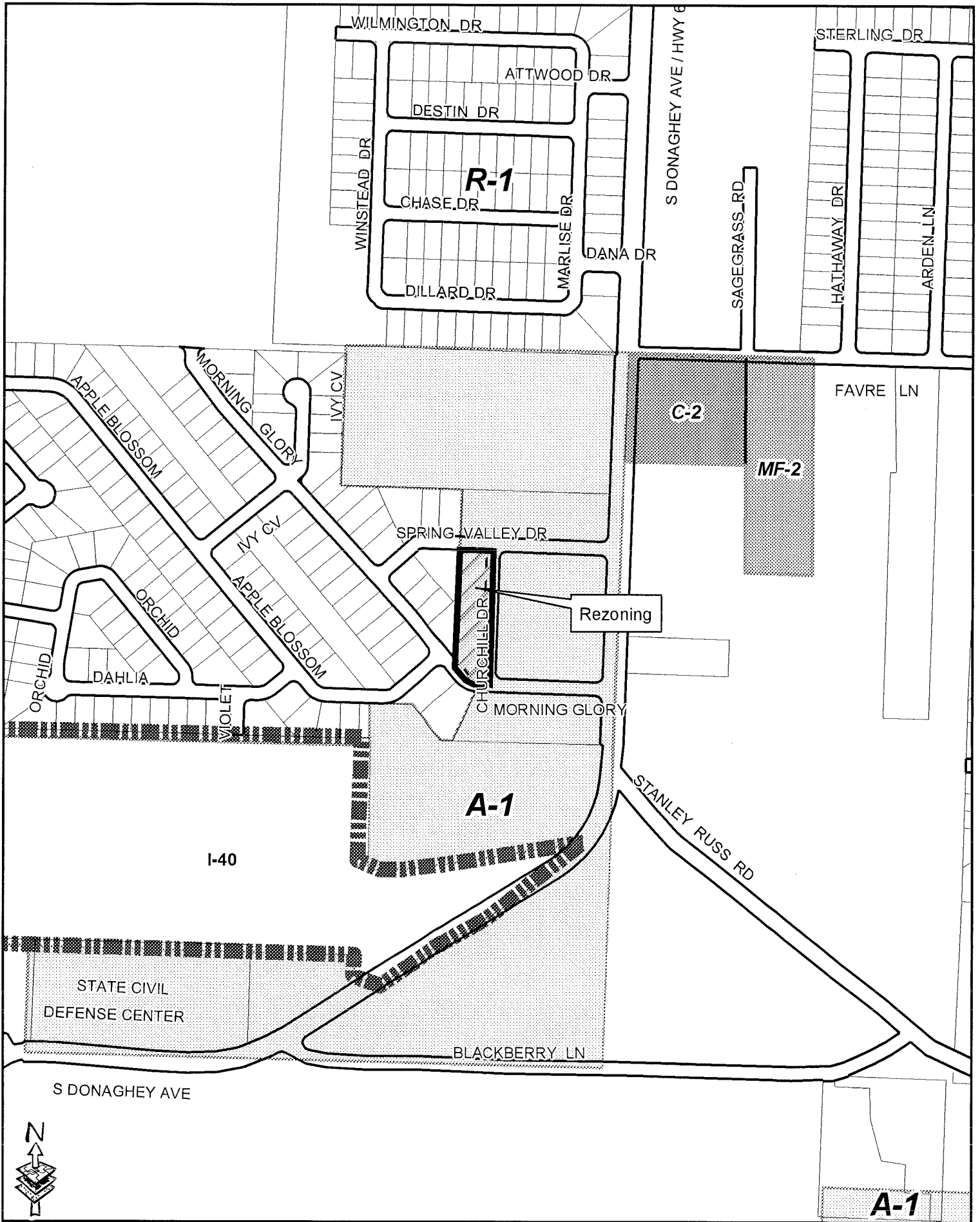
Your request for rezoning from A-1 to PUD for property located on the west side of Churchill Drive between Spring Valley Drive and Morning Glory (1655 Churchill Drive) with the legal description:

Tract C Spring Valley Subdivision

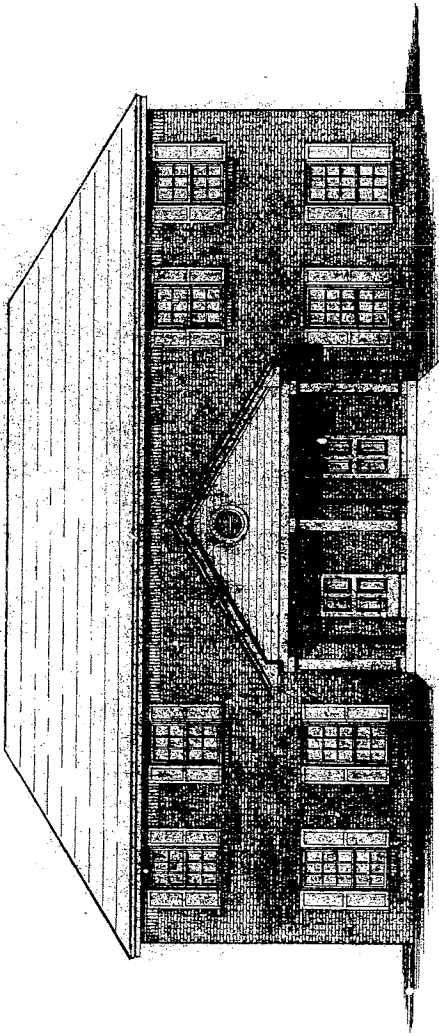
was reviewed by the Planning Commission at its regular meeting on February 20, 2007. The Planning Commission voted 8 – 0 that the request be sent to the City Council with a recommendation of denial. You have thirty (30) days from the date of this denial, or until March 23, 2007, to appeal their denial to the City Council if you so choose. Please contact the Planning Department if you decide to appeal and our office will get your item placed on the Council agenda. The next meeting of the City Council would normally be on March 13, 2007, but that date may change. The deadline to get an item placed on the agenda for the first meeting in March is noon, March 6, 2007. If you decide to appeal the commission's denial, please keep checking the City of Conway website or Conway's local newspaper to find what the date for that first March meeting is if it is indeed changed.

Sincerely,

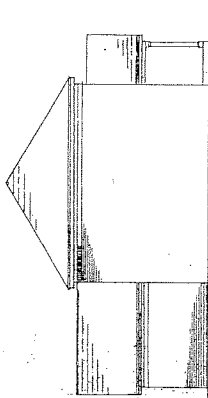
Lileha Rhea
Administrative Assistant



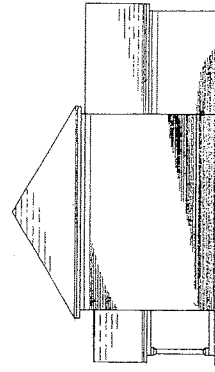
A-1



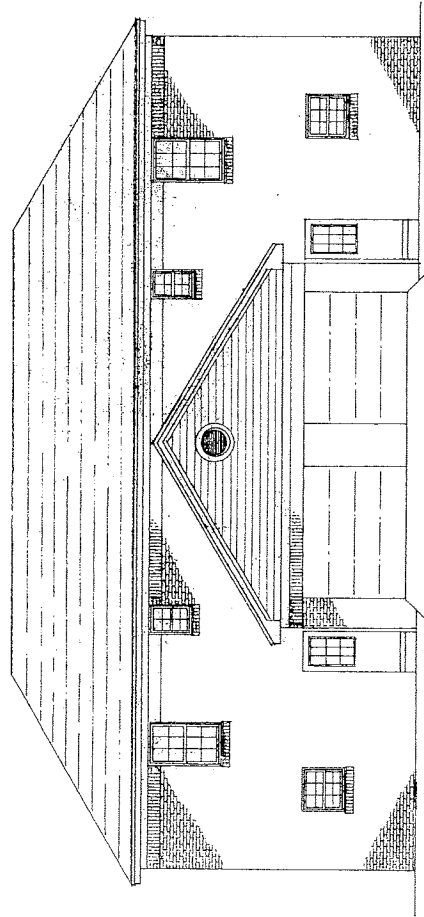
FRONT ELEVATION 1/4" = 10'



LEFT SIDE ELEVATION 1/8" = 10'

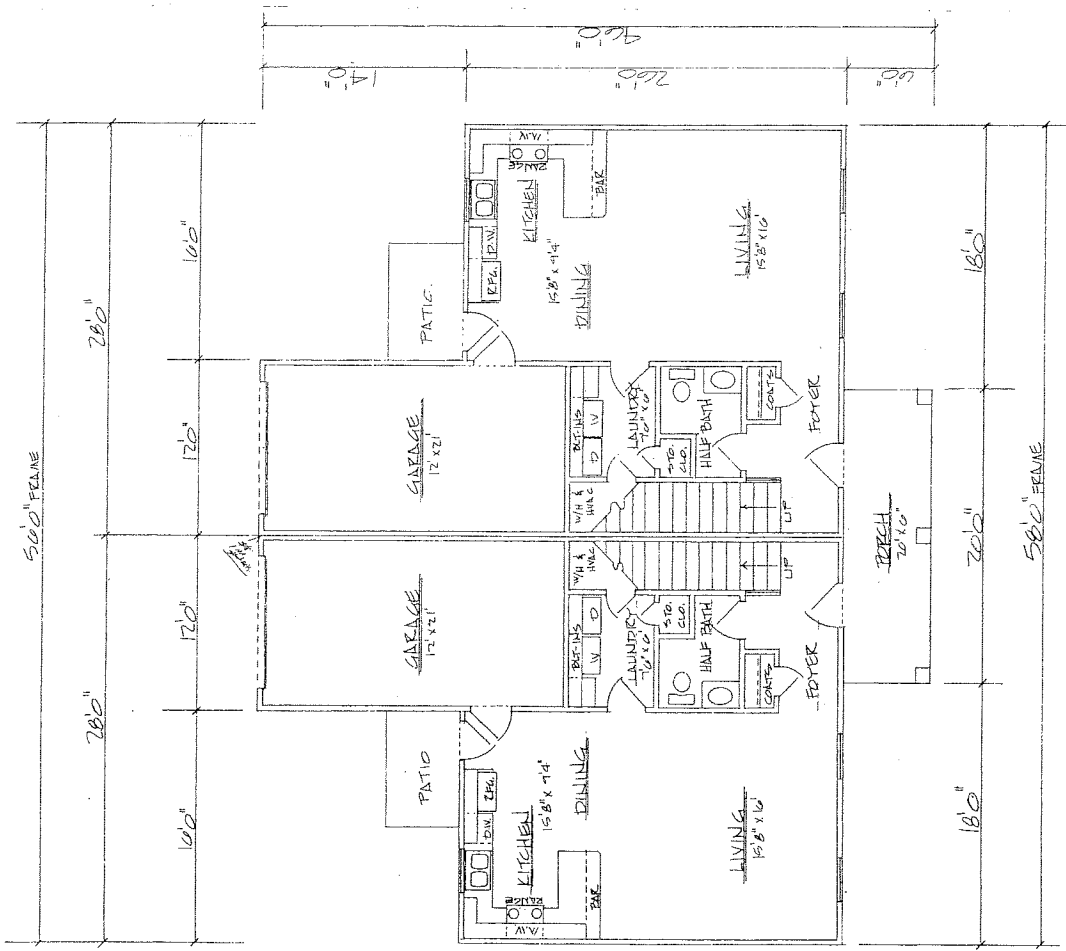


RIGHT SIDE ELEVATION 1/8" = 10'



REAR ELEVATION 1/4" = 10'

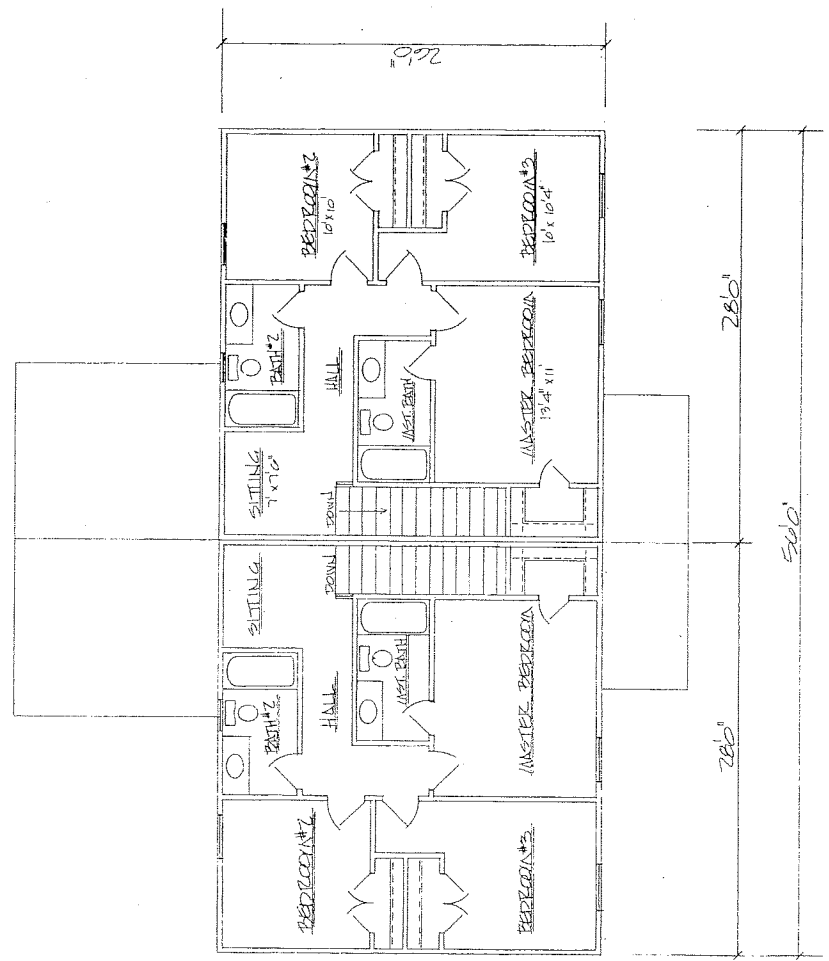
PLAN # 2007-2744-116
FOR THE CASTROS



FIRST FLOOR PLAN 1/4" = 1'-0"

PLAN # 2027-2744-116
 FOR: THE CASTROS
 PREP BY: CHERYL LINN GFA-3055

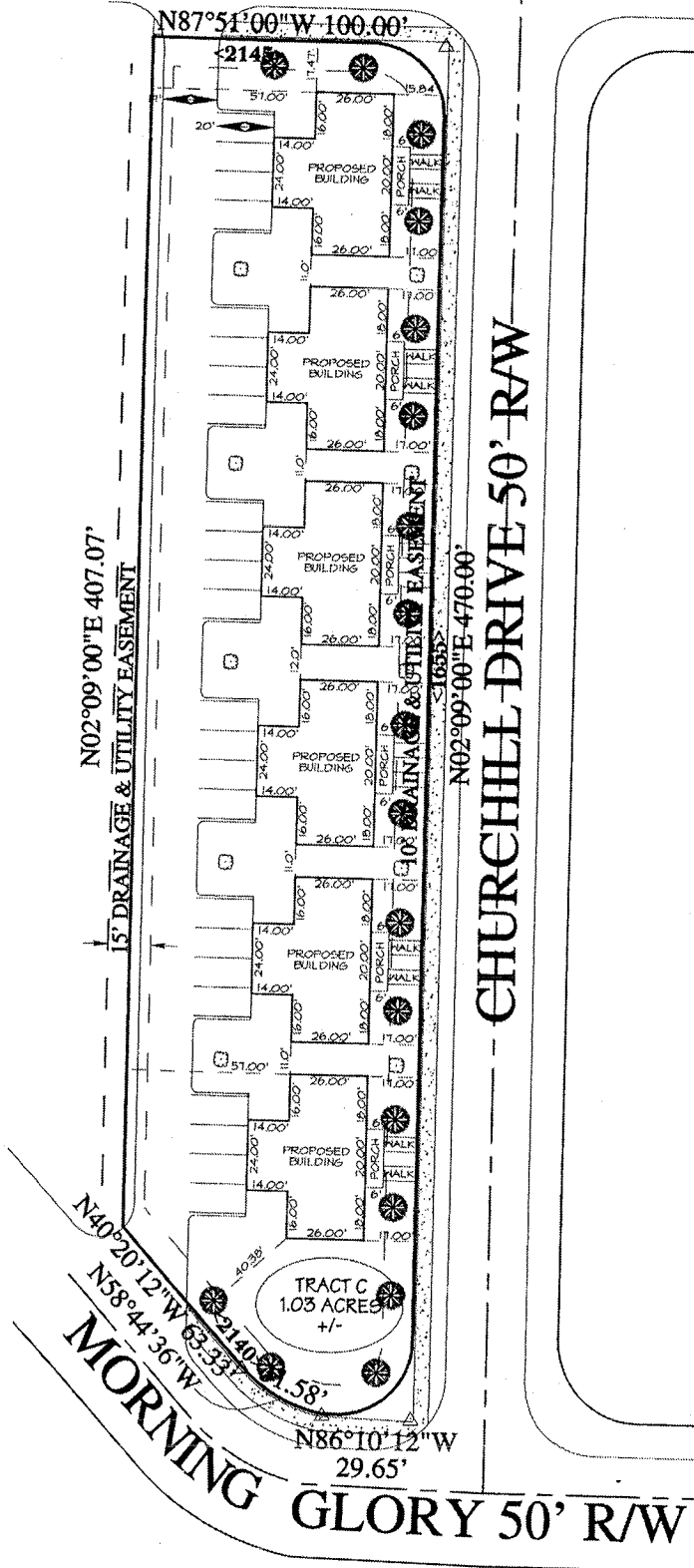
1ST FLOOR 644#
 2ND FLOOR 728#
 TOTAL HEATED 1372#
 GARAGES 2744#
 PORCHES 570#
 UNDER ROOF 3490#





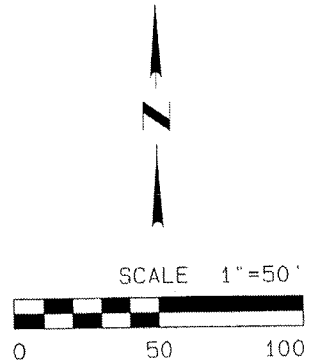
SECOND FLOOR PLAN 1/4" = 1'-0"

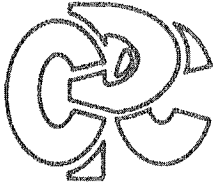
SPRING VALLEY SUBDIVISION TRACT C PUD

SPRING VALLEY DR. 50' R/W



SITE INFORMATION
1. 1.25 ACRES 2. GROSS S.F. OF BUILDING: 12000 S.F. 3. PARKING SPACES: 10x20' 4. DRIVE AISLE: 20' MINIMUM 5. LOT SLOPE TO BE LESS THAN 5% 6. LIGHTING TO BE PLACED ON BUILDING AND WILL BE INWARD DOWNWARD & SHROUDED.
PARKING COUNT
PROVIDED: REGULAR 10x20': 24
SITE AREA
TOTAL AREA = 44834.74 SQUARE FEET IMPERVIOUS AREA = 24776.70 SQUARE FEET 55.26% GREEN AREA = 20058.04 SQUARE FEET 44.74%
TOTAL VEHICULAR USE AREA = 23975.90 SQUARE FEET
ZONING PUD
NOTE: LANDSCAPING AREA TO BE GRASS WITH TREES PLANTED AT A RATIO OF ONE TREE PER 30 FEET OF FRONT PROPERTY LINE
 2" CALIPER BRADFORD PEAR TREE
 HOLLY SHRUB





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

6A-9

March 29, 2007

Council Members
Conway, AR 72032

Dear Council Members:

A request for a rezoning from R-2 to C-3 by Steve and Tracy Gafner for property that is located approximately 270 feet south of East Oak Street immediately east of Conway Commons Shopping Center with the legal description:

Part of the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 8, T5N, R13W, Faulkner County, Arkansas, described as follows: Beginning at a point 25 feet north and 25 feet west from the northwest corner of Lot 9, Block 2, Hensley's Subdivision as shown on a plat of record in plat book A, page 233, and running thence south 125 feet; thence west 135 feet to the west line of said $W\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$; thence north 125 feet; thence east 135 feet to the point of beginning (aka 35 Dendron, Conway, Arkansas 72032).

Part of the West Half ($\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Eight (8), Township Five (5) North, Range Thirteen (13) West, described as beginning at a point 500 Feet West and 428 Feet South of the Northeast corner of the West $\frac{1}{2}$ $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 8, T5N, R13W, which point is the Northwest corner of Lot 8, Block 2, Hensley Subdivision, which plat is of record in Book "A", Page 233, and run thence West 160 feet to the west line of said $W\frac{1}{2}$, $NW\frac{1}{4}$, $NE\frac{1}{4}$, thence South 892 feet to the southwest corner of said West $\frac{1}{2}$, $NW\frac{1}{4}$, $NE\frac{1}{4}$, thence East 160 Feet, thence North along West Line of Block 2, Hensley Subdivision 892 Feet to the point of beginning; less and except the East 25 feet.

was reviewed by the Planning Commission at their regular meeting on March 19, 2007. The Planning Commission voted 8 – 0 for denial. Mr. and Mrs. Gafney have requested to appeal the decision at the City Council meeting on April 10, 2007.

Sincerely,

Adam Thomas, Chairman
Planning Commission

ORDINANCE NO. O-07-_____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED APPROXIMATELY 270 FEET SOUTH OF EAST OAK STREET IMMEDIATELY EAST OF THE CONWAY COMMONS SHOPPING CENTER FROM R-2 TO C-3:

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

SECTION 1: That the Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **R-2** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Part of the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 8, T5N, R13W, Faulkner County, Arkansas, described as follows: Beginning at a point 25 feet north and 25 feet west from the northwest corner of Lot 9, Block 2, Hensley's Subdivision as shown on a plat of record in plat book A, page 233, and running thence south 125 feet; thence west 135 feet to the west line of said $W\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$; thence north 125 feet; thence east 135 feet to the point of beginning (aka 35 Dendron, Conway, Arkansas 72032).

Part of the West Half ($\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Eight (8), Township Five (5) North, Range Thirteen (13) West, described as beginning at a point 500 Feet West and 428 Feet South of the Northeast corner of the West $\frac{1}{2}$ $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 8, T5N, R13W, which point is the Northwest corner of Lot 8, Block 2, Hensley Subdivision, which plat is of record in Book "A", Page 233, and run thence West 160 feet to the west line of said $W\frac{1}{2}$, $NW\frac{1}{4}$, $NE\frac{1}{4}$, thence South 892 feet to the southwest corner of said West $\frac{1}{2}$, $NW\frac{1}{4}$, $NE\frac{1}{4}$, thence East 160 Feet, thence North along West Line of Block 2, Hensley Subdivision 892 Feet to the point of beginning; less and except the East 25 feet.

to those of **C-3**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

SECTION 2: That all ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED THIS 10th DAY OF APRIL, 2007

Approved:

TAB TOWNSELL, MAYOR

Attest:

MICHAEL O. GARRETT, CITY CLERK



CITY OF CONWAY
SANITATION DEPARTMENT

*P.O. Box 915
4550 Hwy. 64 West
Conway, AR 72033
(501) 450-6155
Fax: (501) 450-6157*

6B-1
Cheryl Harrington
Director

April 4, 2007

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

Re: 15-30 yard Open Top Containers

Dear Mayor Townsell,

Bids were submitted at 10:00 am, Wednesday April 4, 2007 at City Hall for 15-30yard Open Top Containers. Three bids were submitted:

#1 Crain Mfg. Inc.	\$54,975.00
#2 Downing Sales	\$63,815.25
#3 Steelform Ind.	\$84,715.10

I recommend the bid from Crain Mfg. Inc. of \$54,975.00. It was the bid that met or exceeded all specifications that we required. This amount also included freight and taxes.

Please advise if you have questions or need additional information.

Sincerely,

Cheryl Harrington

Cheryl Harrington
Sanitation Director

BID SUMMARY

15 - 30 yard Open Top Containers

Bid # 1 submitted by Steelform Ind.

Total.... \$84,715.10

Bid # 2 submitted by Downing Sales

Total.... \$63,815.25

Bid # 3 submitted by Crain Mfg. Inc.

Total.... \$54,975.00

I recommend accepting the bid from Crain Mfg. Inc. for \$54,975.00. This figure includes freight and taxes.

ORDINANCE NO.O-07-_____**AN ORDINANCE ACCEPTING AUCTION PROCEEDS, DISPOSING OF EQUIPMENT AND APPROPRIATING ADDITIONAL FUNDS FOR SANITATION DEPARTMENT EQUIPMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, the Sanitation Department had two older balers which have been replaced. In conjunction with its approval of the funding appropriation of the new equipment, on November 14, 2006, City Council directed the City to auction the old equipment in public bid;

WHEREAS, a public auction was conducted and a high bid of \$78,000 was received from Ely Enterprises, Inc. on April 4, 2007; and

WHEREAS, the Sanitation Department is in need of a roll off truck which could be partially funded through the auction proceeds but will require additional funding;

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

SECTION 1. The City of Conway shall accept auction proceeds in the amount of \$78,000 from Ely Enterprises, Inc. into account \$23,920 and shall dispose two old balers located in the MRF Building.

SECTION 2. The City of Conway shall appropriate funds for the purchase of a roll off truck in an amount up to \$115,000 to \$23,934 – Sanitation Surcharge Fund-Heavy Equipment, with \$78,000 provided by the auction proceeds and up to \$37,000 provided through fund balance appropriation (23.990).

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 10th day of April, 2007

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

Date: April 4, 2007

BID SUMMARY
Balers - Auction

Bid # 1 Ely Enterprises Inc.	
Baler #1	\$51,500.00
Baler #2.....	\$26,500.00
Total.....\$78,000.00	

Although we received only the one bid I suggest we accept this amount. The amount bid is \$3,000.00 more than I had expressed to you and the Mayor would be "top dollar" for the pair.

ORDINANCE NO. O-07-__

AN ORDINANCE WAIVING BIDS FOR PURCHASE OF OFFICE EQUIPMENT FOR DISTRICT COURT; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

WHEREAS, The City of Conway District Court requested and was granted approval and funding to purchase a mobile filing system in conjunction with the FY 2007 budget; and

WHEREAS, quotations obtained for the equipment indicated that Tab Products Company offered the equipment desired at the lowest price (\$15,416.47) although competitive bids were inadvertently not obtained prior to its installation as is required by City purchasing policy;

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

SECTION 1. The City of Conway shall waive the requirement for obtaining bids for the purchase of a mobile filing system for the District Court and shall utilize Tab Products Company as a sole source vendor.

SECTION 2: 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.

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

PASSED this 10th day of April 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

NOTICE OF APPEAL

FROM: John T. Hardin and Joyce M. Hardin, 1215 Hunter Street, Conway, AR 72032
TO: Conway City Council
RE: Appeal of ruling by Old Conway Design Review Board to pay in lieu sidewalk payment in connection with approval of project on February 28, 2007

This is notice that John T. Hardin and Joyce M. Hardin, owners of 1215 Hunter Drive, Conway, Arkansas, hereby request that the City Council overrule the February 28, 2007, order by the Old Conway Design Review Board requiring them to make an in lieu sidewalk payment in connection with a building project @ 1215 Hunter Street, Conway, AR.

Reasons for the appeal are as follows:

A. As to requiring a sidewalk:

1. The cost to build such a sidewalk bears no relationship to the underlying building permit, either by dollar or type of project;
2. Requiring sidewalk construction as a condition to a building permit in the Old Conway Overlay District but not for the rest of Conway is unfair and improper discrimination;
3. Requiring sidewalk construction as a condition to a building permit is an amendment to the Conway Building Code which was not properly noticed or approved by the City Council;
4. The geography of 1215 Hunter Street makes the placement of a sidewalk nonsensical and may even be contrary to other Conway ordinances dealing with preservation of trees, drainage and rights of way (e.g. the sidewalk will cover significant portions of tree root systems and will end approximately 1/3rd of the way up a neighbor's fence);

5. Requiring a sidewalk will lower the value of the property because of the sidewalk's location;

6. A sidewalk on this property creates an attractive nuisance and invites vandalism.

B. As to the required in-lieu payment:

1. The payment bears no relationship to the cost/size/type of project which requires the building permit;

2. The payment may be imposed an unlimited number of times (i.e. any time there is a building permit project);

3. The in-lieu fee for building permits only in the Conway Overlay District is unfair and improper discrimination;

4. The in-lieu fee is an amendment to the Conway Building Code which was not properly noticed or approved by the City Council;

5. There is no end to the number of in-lieu payments which may be required and the amount of the payment bears no relation to the amount of the project which triggers a building permit;

6. The sidewalk payment may be used for any of Conway, not just the Conway Overlay District.

CITY OF CONWAY
2007 MAR 20 P 4: 03
RECEIVED
by [signature]



CITY OF CONWAY
OB/7B STREET AND ENGINEERING DEPT.

100 East Robins • Conway, AR 72032
501-450-6165 • Fax 501-513-3566

Ronnie D. Hall, P.E.
City Engineer

March 20, 2007

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

Re: The Meadows Subdivision - Phase 2
Street and Drainage Improvements

Dear Mayor Townsell,

Bids were received at 10:00 AM, Monday, March 19, 2007 at Conway City Hall for the above referenced project. This project involves the construction of the street, sidewalk and storm drainage for Phase 2 of the Meadows Subdivision. The project includes approximately 7,300 feet of street construction to provide access to the proposed lots in Conway Development Corporation's Technology Park. Seven bids were received for this work as summarized below and detailed on the attached Tabulation of Bids.

Robinson Backhoe & Dozer, Inc.	\$1,385,355.76
Tom Lindsey Contractor, Inc.	\$1,509,081.70
Mid-South Contractors, Inc.	\$1,633,243.88
Big River Construction	\$1,633,775.40
F.P. Bivens Construction Co.	\$1,674,550.48
Paladino-Nash, Inc.	\$1,715,623.16
Township Builders, Inc.	\$1,946,203.00
Engineer's Estimate	\$1,582,850.00

The low bid was submitted by Robinson Backhoe & Dozer Service of Conway, Arkansas in the amount of \$1,385,355.76. This bid appears to be a fair and reasonable bid for the work involved. I recommend that this project be awarded to Robinson Backhoe & Dozer Service.

This project is funded by the Industrial Development Bonds.

Please advise if you have questions or need additional information.

Sincerely,

Ronnie Hall, P.E.

MEMORANDUM

TO: MAYOR TAB TOWNSELL

FROM: RONNIE HALL, P.E.
CITY ENGINEER

DATE: March 14, 2007

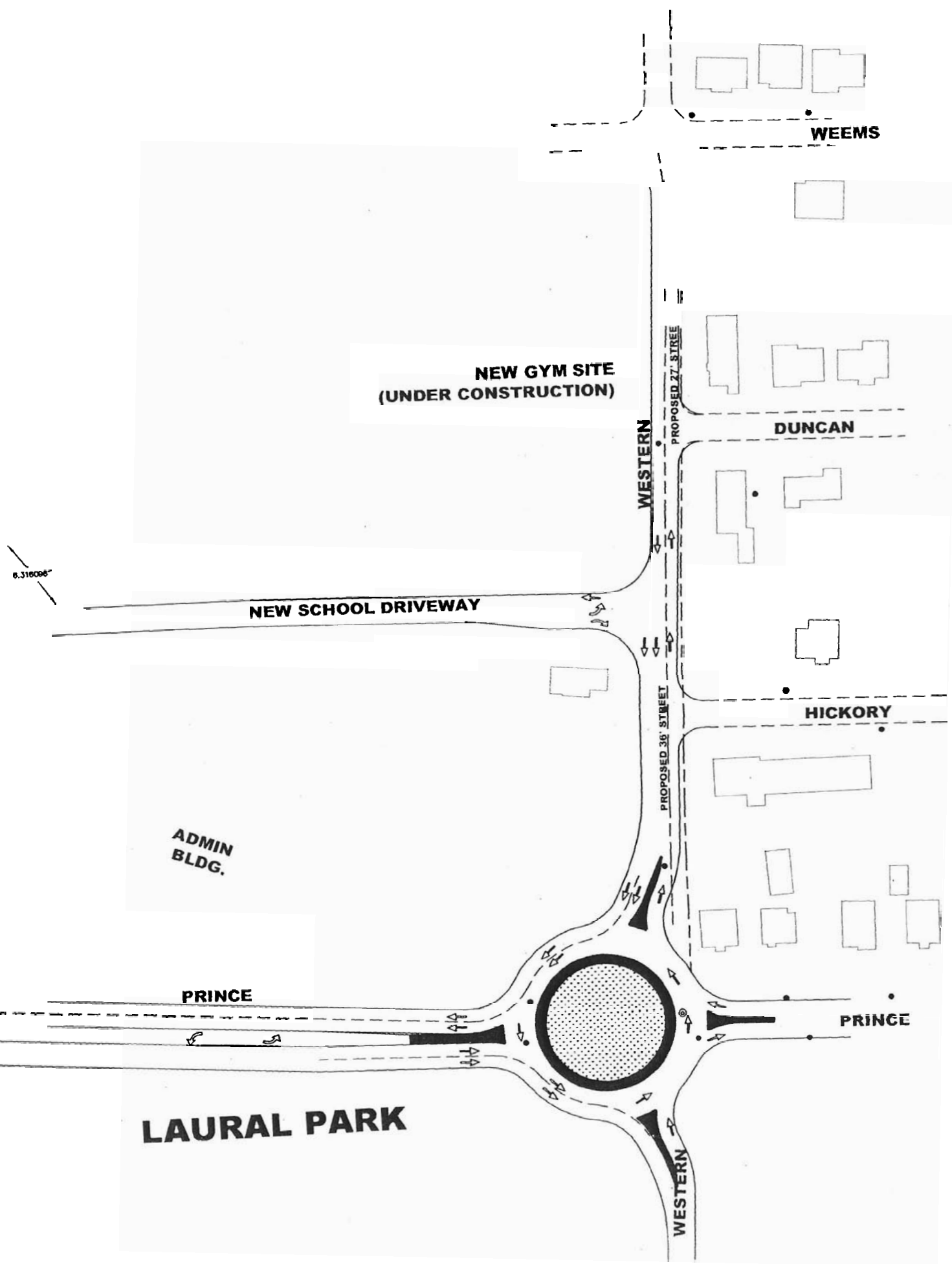
REFERENCE: Prince - Western Roundabout

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

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

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

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



**NEW GYM SITE
(UNDER CONSTRUCTION)**

NEW SCHOOL DRIVEWAY

**ADMIN
BLDG.**

LAURAL PARK

WESTERN

PROPOSED 27' STREET

PROPOSED 36' STREET

WEEMS

DUNCAN

HICKORY

PRINCE

PRINCE

WESTERN

6.316006°

OFFER AND ACCEPTANCE

1. **BUYERS AND SELLERS:** The City of Conway, a municipal corporation chartered under the laws of the State of Arkansas, ("Buyer"), offers to buy, and Robert Garrett, ("Seller"), agrees to sell, subject to the terms and conditions set forth herein, the following described property in Faulkner County, Arkansas:
2. **LEGAL DESCRIPTION:**

Part of the NW ¼ SW ¼ S5-T5N-R-13W, Faulkner County, Arkansas. Containing 10.05 acres, more or less. Subject to survey.
3. **PURCHASE PRICE:** The Buyer shall pay for the property the sum of \$573,000.00.
4. **OTHER CONDITIONS:** Seller must vacate the houses on the property by June 30, 2007. Monthly rental for continued residency in either of the houses after the closing date shall be \$1,100 per month for the house located at 917 East Siebenmorgan Road and \$800 per month for the house located at 1001 East Siebenmorgan pro rated for partial months.
5. **CONVEYANCE:** Unless otherwise specified, conveyance shall be made to Buyer, or as directed by Buyer, by general warranty deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property.
6. **FINANCING:** Parties agree that said offer is contingent upon approval of the Conway City Council, the successful completion of an agreement to purchase the 9.41 acres of property located immediately east of this property, and the formal appropriation of funds for the \$573,000.00 to be paid at closing.
7. **TITLE REQUIREMENTS:** Sale contingent upon merchantable title in Seller.
8. **PRORATIONS:** Taxes and special assessments due on or before closing shall be paid by Seller.
9. **CLOSING AND CLOSING COSTS:** The closing date shall be within 45 days of the date of execution of this Agreement. The parties agree that the time for closing may be extended by written agreement of the parties. The parties agree that they shall equally divide the following costs: Survey, revenue stamps and the title insurance policy. Buyer shall pay any other closing costs or fees.
10. **GOVERNING LAW:** This Agreement shall be governed by the laws of the State of Arkansas.
11. **MERGER CLAUSE:** This Agreement when executed by both Buyer and Seller, shall contain the entire understanding and agreement between the Buyer and Seller with respect to the matters

referred to herein and shall supersede all prior or contemporaneous agreements, representations and understanding with respect to such matters and no oral representation or statement shall be considered a part hereof.

CITY OF CONWAY, BUYER

BY: *Tab Townsell*
MAYOR TAB TOWNSELL

ACCEPTANCE

The above offer is accepted on this 4th day of April, 2007 at 9:19
a.m. or p.m.

Robert D Garrett
ROBERT D. GARRETT, SELLER

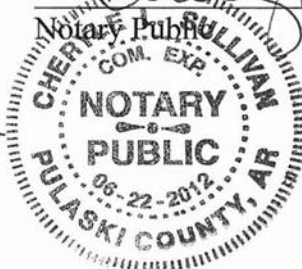
Robert D Garrett Jr
ROBERT D. GARRETT, JR., SELLER

STATE OF ARKANSAS
COUNTY OF ~~FAULKNER~~ Pulaski

SUBSCRIBED AND SWORN to before me on this 4th day of April, 2007.

Cheryl Sullivan

My Commission Expires: 6/22/2012



ORDINANCE NO. O-07-_____

AN ORDINANCE AMENDING ORDINANCE O-06-67 WHICH ESTABLISHES THE REQUIREMENTS AND STANDARDS FOR EXCAVATION PLAN APPROVAL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Whereas, the City wishes to amend Ordinance O-06-67 to clarify the requirement for vertical height of excavation for single family construction.

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

Section 1: That Section 1 and Section 3 of the Excavation Plan Approval Requirement as adopted by Ordinance O-06-67 on May 23rd, 2006 is hereby amended as follows:

Section 1: Excavation Plan Approval Required: That any person engaging in excavation into a hillside or sloped area (ground slope is steeper than 3 feet horizontal to 1 foot vertical) where the maximum vertical height of the excavation exceeds 10 feet for single family construction or non single family construction, an excavation plan must be submitted for approval.

- 1. Excavation below the natural ground surface where the slope is 3 feet horizontal to 1 foot vertical.**

Section 3: Design Standards for excavation:

- 1. All slope areas (areas greater than 3 feet horizontal to 1 foot vertical).....**

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

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

Passed this 10th day of April, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

CITY OF CONWAY
STREET DEPARTMENT
2007 EXISTING AND PROPOSED STREET PROJECTS
March 29, 2007

ESTIMATED STREET FUND BALANCE @ END 2006

		\$ 2,000,000				
	ORIGINAL AMOUNT	CURRENT ESTIMATE	WARD 1	WARD 2	WARD 3	WARD 4
A APPROVED & FUNDED PROJECTS FROM PRIOR YEARS*						
1 Poplar Street - Outfall Dich Weems to Duncan (city forces)	\$ 10,447	\$ 5,000			\$ 5,000	
2 College - Salem Int - Add W B Rt Turn on College @ Salem (city forces)	\$ 35,000	\$ 50,000			\$ 50,000	
3 Country Club Ln - Stermer to Dave Ward (city forces) (funding deferred 3/27/07)	\$ -	\$ -	\$ -			
4 Front Street Overlay (Completed in 07)	\$ 22,996	\$ 48,000		\$ 22,996		
5 Golden Meadows Creek Channelization (funding deferred 3/27/07)	\$ -	\$ -			\$ -	
6 Summerbrook Outfall Drainage Channel (funding deferred 3/27/07)	\$ -	\$ -			\$ -	
7 Richland Hills Dr Paving - Hilton to Richland Hills Dr	\$ 27,000	\$ 35,900				\$ 27,000
8 Richland Hills Dr New Cutover Under Richland Hills Dr	\$ 15,000	\$ 15,000				\$ 15,000
9 Street Department Building Addition	\$ 100,000	\$ 100,000				
10 Software for Traffic Signal Master Controller Software	\$ 100,000	\$ 100,000				
TOTAL CARRIED OVER STREET CONSTRUCTION PROJECTS	\$ 310,443	\$ 353,900	\$ -	\$ 22,996	\$ 55,000	\$ 42,000
B CARTS FUNDED PROJECTS (City's 20% - Federal 80% Match):						
2 Western Loop Engineering Study - 20% Match	\$ 10,000	\$ -	\$ 5,000			\$ 5,000
3 Salem Road Railroad Overpass (2010+) (\$3,800,000)	\$ -	\$ -			\$ 950,000	
4 Harkinder Improvements thru Hendrix College - 20% Match (\$4,700,000) (funding increased 3/27/07)	\$ 950,000	\$ -		\$ 950,000		
TOTAL CARRIED OVER CARTS PROJECTS	\$ 960,000	\$ -	\$ 5,000	\$ 950,000	\$ 5,000	\$ -
TOTAL CARRIED OVER PROJECTS ALREADY INCLUDED IN BUDGET		\$ 1,270,443				
ESTIMATED STREET FUND BALANCE PRIOR TO 2007 REVENUE OR EXPENSES		\$ 729,557				
TRANSFER TO 07 BUDGET FOR STREET REHABILITATION		\$ 207,802				
ESTIMATED STREET FUND AT END OF 2007		\$ 521,755				

C STREET AND DRAINAGE PROJECTS APPROVED BY CITY COUNCIL BUT NOT FUNDED FROM STREET FUND:						
1 MAYOR LANE (EAST INDUSTRIAL PARK ACCESS ROAD- ADED GRANT)	\$ 612,584					\$ 612,584
2 FAVRE LANE - ELLEN SMITH TO SALEM -24' ASPHALT W/ DITCH (IMPACT FEE)	\$ 1,145,815		\$ 1,145,815			
3 TYLER ST - EVE LN TO WILLOW RUN SUB - 36' CURBED TO FILL IN GAPS (IMPACT FEE)	\$ 836,935				\$ 836,935	
4 MUSEUM RD - SIEB TO LOWER RDG- 36' Curbed To C W - 30' open shoulder to L. R. (IMPACT FEE)	\$ 1,242,198			\$ 1,242,198		
5 SALEM ROAD - MEADOWLAKE TO U S 64 @ NEW INTERCHANGE - 36' CURBED (SALES TAX)	\$ 2,746,865			\$ 2,746,865		
6 MEADOWS TECHNOLOGY PARK - STREETS & DRAINAGE - (IND DEVELOPMENT BONDS)	\$ 2,400,000					\$ 2,400,000
7 GUY MURPHY INDUSTRIAL PARK STREETS AND DRAINAGE - (IND DEVELOPMENT BONDS)	\$ 588,000					\$ 588,000
8 STREETScape ALONG OAK ST - FRONT TO CHESTNUT (CDBG)	\$ 195,000			\$ 97,500		\$ 97,500
	\$ 9,767,397		\$ 1,145,815	\$ 4,086,563	\$ 836,935	\$ 3,698,084

D 2007 STREET FUND BUDGET						
ESTIMATED STREET FUND REVENUE FOR 2007						
State Fuel Tax Turn Back	\$ 2,500,000					
Property Tax (50% 3 mil co. road tax)	\$ 957,488					
Sales Tax (St. Fund Share of Salary Tax)	\$ 200,000					
Conway Corp Franchise Fee	\$ 140,000					
Misc. (Interest, signs & other)	\$ 27,400					
TOTAL ESTIMATED REVENUE FOR 2007		\$ 3,824,888				
BUDGETED PERSONAL SERVICES COST						
1 BUDGETED PERSONAL SERVICES COST	\$ 1,738,790					
2 BUDGETED OPERATING COST (Patching & Construction Material, Fuel, Equip maint., Etc)	\$ 959,956					
3 PROFESSIONAL SERVICES	\$ 25,000					
4 TRAFFIC SIGNAL MAINTENANCE	\$ 85,000					
5 TRAFFIC SIGNAL CAPITAL COST - Truck, Flashing Lt., Coord Plan, video sensor	\$ 266,100					
6 BUILDING ADDITION (100,000 from 06)	\$ 50,000					
7 EQUIPMENT - (Dozer, Dump Truck & Pickup)	\$ 160,000					
8 SOFTWARE (Primarily for new traffic signal control program) (\$100,000 from 2006)	\$ 60,000					
9 ALLOWANCE FOR STREET OVERLAYS & STREET RECONSTRUCTION	\$ 480,042					
TOTAL SALARIES AND USUAL OPERATING COST		\$ 3,824,888				

E STREET OVERLAYS & PROJECTS for 2007						
STREET	LIMITS of OVERLAY	EST COST				
1 ROUNDABOUT @ Sebenmorgen - Bob Courtway - Freyaldenhoven Ln.		\$ 80,000		\$ 80,000		
2 WESTERN	Prince to Weems	\$ 50,000	\$ 50,000			
3 ROUNDABOUT @ Prince & Western (50% COST)		\$ 40,000	\$ 40,000			
4 FRONT STREET OVERLAY ACTUAL COST OVER BUDGET AMOUNT		\$ 23,200		\$ 23,200		
5 OAK STREET	Front to Chestnut	\$ 10,000		\$ 5,000		\$ 5,000
6 SIDEWALKS (LOCATION TO BE DETERMINED)		\$ 50,000				
7 MILL POND ROAD	Bottom of Hill to Collins Dr	\$ 120,000	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500
8 BLANEY HILL ROAD	Old Landfill to City Limits (2,300 feet)	\$ 131,644		\$ 131,644		\$ 120,000
9 CENTENNIAL CLUB	Tyler thru Driving Range Area	\$ 18,000			\$ 18,000	
10 MORNINGSIDE DR	Prince to Timberlane Trail (should be rebuilt to avoid filling to top curb)	\$ 36,000			\$ 36,000	
11 COUNTRY CLUB RD	Prince to College	\$ 27,000			\$ 27,000	
12 CROSS POINT	Nutter Chapel to Archer	\$ 20,000	\$ 20,000			
13 DEERWOOD	Westgate (concrete street needs rebuilding)	\$ 12,000	\$ 12,000			
14 OAKLAWN	Westgate (concrete street needs rebuilding)	\$ 24,000	\$ 24,000			
15 ROSEWOOD	Westgate (concrete street needs rebuilding)	\$ 11,000	\$ 11,000			
16 BIRCHWOOD	Westgate (concrete street needs rebuilding)	\$ 12,000	\$ 12,000			
17 REDBUD	Westgate (concrete street needs rebuilding)	\$ 12,000	\$ 12,000			
18 OAKDALE	Westgate (concrete street needs rebuilding)	\$ 11,000	\$ 11,000			
TOTAL STREET OVERLAY & PROJECTS FOR 2007		\$ 687,844	\$ 204,500	\$ 252,344	\$ 93,500	\$ 137,500