

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 Vaughn

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 –TBA

6:30pm -- Council Meeting

Courtroom in District Court Building

810 Parkway, Conway, AR 72034

October 9th, 2007

1. Call to Order

2. Roll Call

3. Minutes: *September 25th, 2007*

4. Recognition of Guests:

5. Public Hearings:

A. Public hearing to discuss removing the 7.5 floodway easement on Lots 28 & 45, in Weatherstone Subdivision.

1. Ordinance to remove the 7.5 floodway easement on Lots 28 & 45 in Weatherstone Subdivision.

6. Report of Standing Committees:

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

1. Consideration to enter an agreement with Peters & Associates for traffic signal coordination on Oak St, Prince St, & Donaghey Ave.
2. Ordinance accepting donation funds and appropriating funds for Orchard Park Road Improvements.
3. Ordinance to rezone property located on the North side of Highway 64 East at 1570 East Oak Street from A-1 to C-3.
4. Ordinance to rezone property located at the northwest corner of Prince Street at Country Club Road intersection and extending north along Country Club Road for approximately one-quarter of a mile from A-1 to R-1.
5. Ordinance to rezone property located approximately 300 feet north-northeast of the Donaghey Avenue/Meadowlake Road intersection, directly in front of the original phase of June Beene apartments (the westernmost apartments) from O-2 to O-1.

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

1. Ordinance waiving bids for the purchase of a transmission for the Terex dirt truck for the Sanitation Department.
2. Consideration of bids for the purchase of a Commercial Rear Load Refuse truck for the Sanitation Department.
3. Resolution approving a contract of obligation with the Department of Environmental Quality.

C. Finance

1. Consideration of bids for two digital copiers for City Hall & the Conway Police Department.
2. Ordinance appropriating funds for office equipment for City Hall & the Conway Police Department.

7. Old Business

- A. Ordinance amending the fees collected by the Conway Permit Department.

8. New Business

Adjournment

ORDINANCE O-07-_____

ORDINANCE TO REMOVE THE FLOODWAY EASMENT DESIGNATED AS THE EXISTING WEST 7.5 FOOT FLOODWAY PORTION OF THE EASEMENT ON THE WEST PROPERTY LINE OF LOTS 28 & 45 IN THE WEATHERSTONE SUBDIVISION; 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 day of 9th day of October asking the City Council to remove the existing 7.5 floodway portion of the easement located on lots 28 & 45, Plat Book K, page 112, Records of Faulkner County, Arkansas.

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

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

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

THE 7.5 FOOT FLOODWAY PORTION OF THE EASEMENT ON THE WEST PROPERTY LINE OF LOTS 28 & 45

Section 2. All other utilities shall remain intact.

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

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

Passed this 9th day of October, 2007

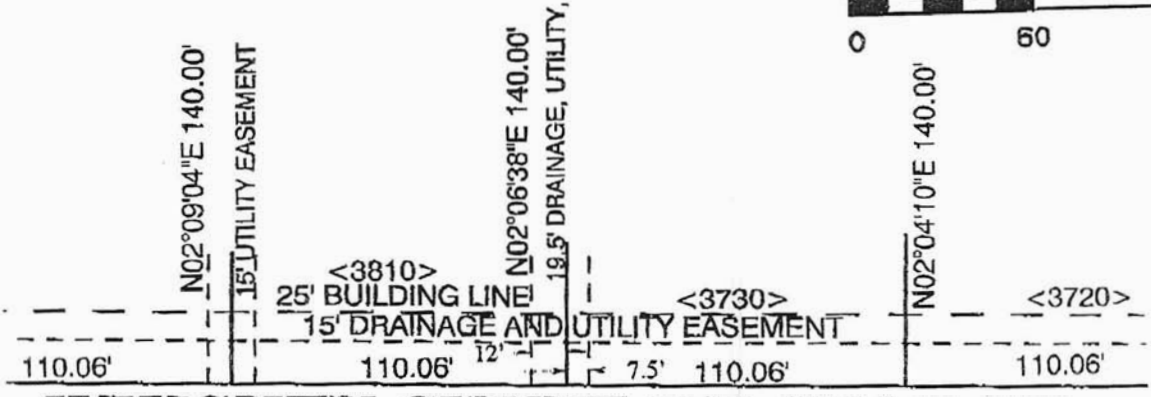
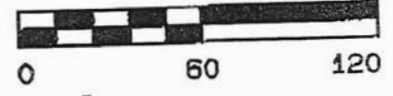
Approved:

Mayor Tab Townsell

Attest:

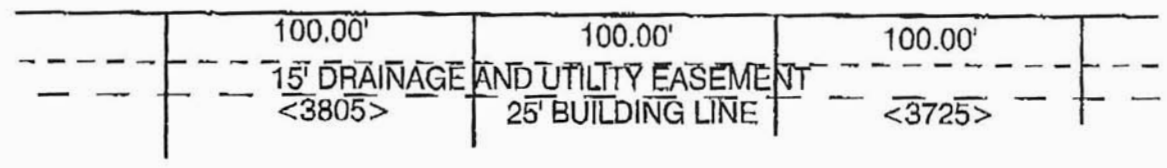
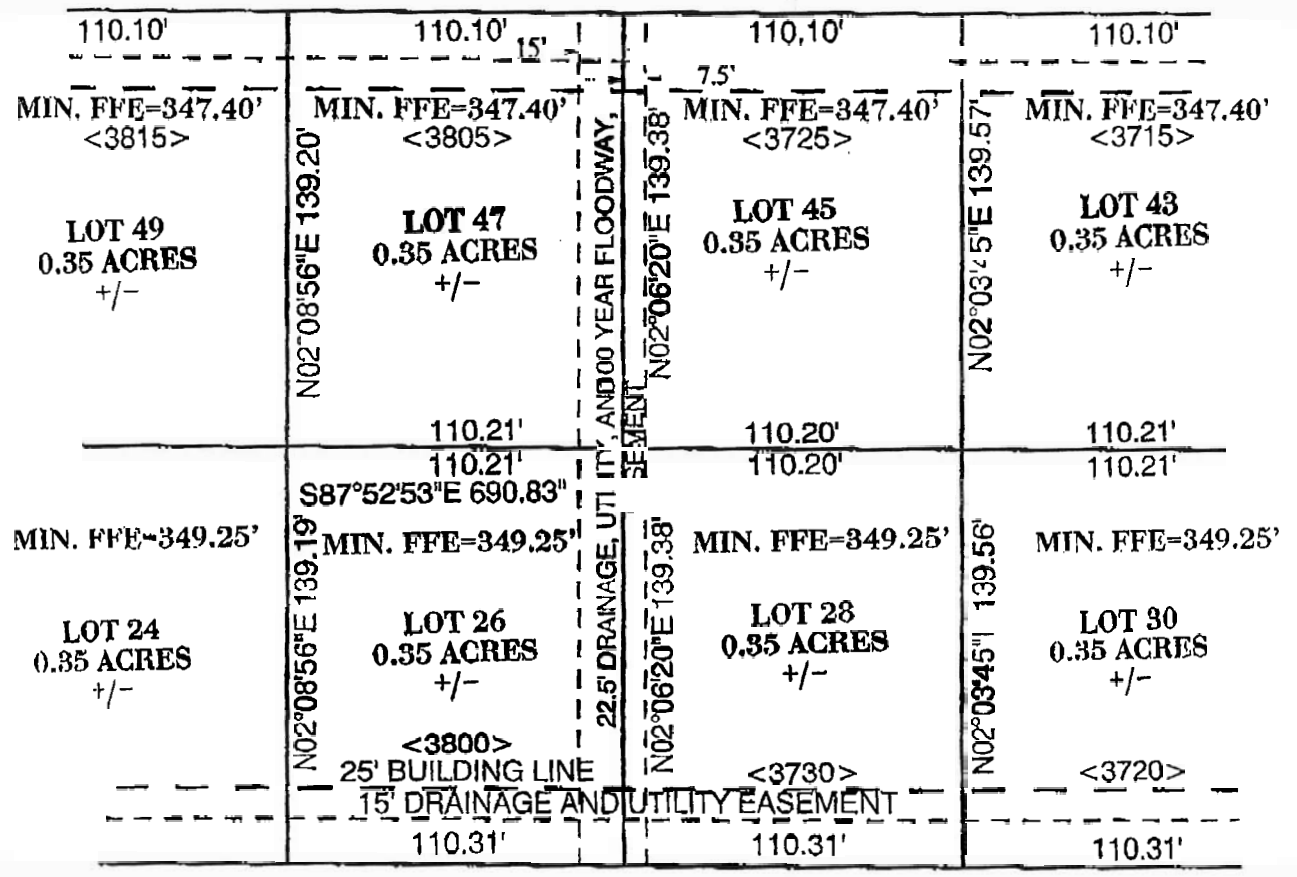
Michael O. Garrett
City Clerk/Treasurer

SCALE 1"=60'



WHISKEY CHUTE DR. (50' R/W)

S87°58'40"E 740.34'



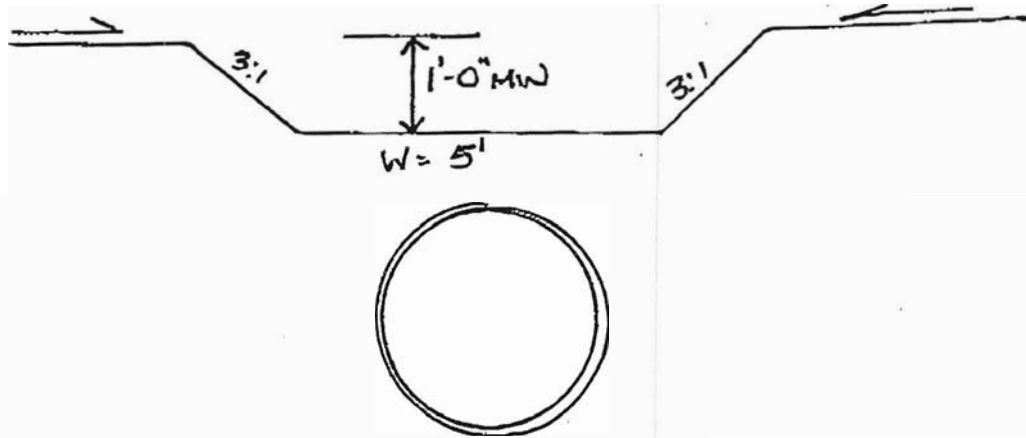
16/17

$$Q_n = (28)(0.04) = 1.12$$

$$d/w = 0.17 \quad \therefore d = (0.17)(5) = 0.85'$$

CONSTRUCT FLOODWAY DITCH 3:1 SIDE SLOPES,
DEPTH = 1'-0"

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS
AMPAD



FROM

(WED) SEP 12 2007 16:50/ST. 16:50/No. 8800000933 P 1



September 12, 2007

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

Re: Vacating of utility and drainage easement as shown on Lots 28 and 45, in Weatherstone Subdivision, Plat Book K, page 112, Records of Faulkner County, Arkansas.

Dear Mayor Townsell:

Conway Corporation has no objections to the request to vacate the existing West 7 foot 6 inch utility and drainage easement located on Lots 28 and 45, in Weatherstone Subdivision, in Conway Arkansas.

If you have any questions, please let me know.

Respectfully yours,

CONWAY CORPORATION

Tony R. Leach
Engineering and Planning

cc: Central Arkansas Professional Surveying

MEMORANDUM

TO: MAYOR TAB TOWNSELL

FROM: RONNIE HALL, P.E.
CITY ENGINEER

DATE: September 3, 2007

REFERENCE: Traffic Signal Coordination

I have attached for your review and approval an agreement with Peters and Associates for the traffic signal coordination. This agreement covers engineering work required to update the Traffic Signal Coordination Plan on Oak Street, Prince Street and Donaghey Ave. The estimated cost of this work is \$41,639.00. Our budget includes the money for this work.

We selected this engineer based on our prior selection process in which he was chosen as the consultant. The work proposed is a continuation of this work.

Please advise if you wish us to detail the project requirements and request a proposed contract from these consultants.



PETERS & ASSOCIATES
ENGINEERS, INC.

• CIVIL & TRAFFIC ENGINEERING •

5507 Ranch Drive - Suite 205 (501) 868-3999
Little Rock, Arkansas 72223 Fax (501) 868-9710

This is an agreement made as of _____, 2007 between

The City of Conway, Arkansas _____ (OWNER)

AND

Peters & Associates Engineers, Inc. hereinafter referred to as "ENGINEER"

The OWNER and the ENGINEER in consideration of the mutual covenants in this contract agree in respect of the performance of professional engineering services by ENGINEER and in respect of the payment for those services by OWNER as set forth below. Execution of this agreement by the ENGINEER and OWNER constitutes OWNER'S written authorization to ENGINEER to proceed on the date first above written with services described in Section II below.

SECTION I - GENERAL

The OWNER agrees to employ the ENGINEER and the ENGINEER agrees to perform professional engineering services for the project. The ENGINEER has visited the site of the project. Engineering will conform to the requirements and standards of the OWNER, and the standards of skill and care ordinarily used by members of the ENGINEER'S profession practicing under similar conditions. In accordance with applicable regulations, laws and procedures. The ENGINEER will coordinate his services with the OWNER, and others required in the accomplishment of the work.

SECTION II - SCOPE OF SERVICES

The ENGINEER shall render all professional engineering services as listed below:

Traffic Signal Timing Plan Development and Implementation Engineering Services

The City of Conway, Arkansas has a need for development and implementation of coordinated traffic signal timing plans on the following signalized intersections in the city:

Donaghey Avenue and

Prince Street
Caldwell Street
Robinson Avenue
College Avenue
Bruce Street
Dave Ward Drive

Prince Street and

Donaghey Avenue
Farris Street
Morningside Drive
Salem Road
Country Club Road

Oak Street and

Locust Street
Front Street
Chestnut Street
Court Street
Harkrider Street
Ingram Street
Faulkner Street
I-40 Southbound Ramp
I-40 Northbound Ramp
Museum Road
Bob Courtway Drive
Elsinger Road
East German Lane

Project Initiation

- A. Discuss TOD for timing plans.
- B. Discuss priority of corridors.
- C. Determine necessary pedestrian counts.
- D. Discuss special timing plans (school, railroad preempt, etc.).

Data Collection

- A. Conduct Turning Movement Counts.
- B. Review proposed timing plan structure by corridor.

Design Phase

- A. Enter existing local controller timing data into SYNCHRO.
- B. Enter turning movement data into SYNCHRO.
- C. Calculate initial optimized timing data for each intersection.
- D. Review existing phasing and make recommendation for modifications.
- E. Review special preempt phasing and recommend modifications.
- F. Recalculate optimized timing plan data.

Implementation Phase

- A. Assist City personnel to load timing plan data into computer.
- B. Field test each timing plan for equipment integrity.
- C. Make modifications to either field equipment or timing plan data.
- D. Initiate timing plans under design traffic conditions.
- E. Modify splits and offsets by intersection to optimize to field conditions.

Additional Traffic Engineering Services

When requested by the OWNER, the ENGINEER shall provide an estimate of cost for requested additional traffic engineering services and perform such only after written authorization has been given by the OWNER.

SECTION III - THE OWNER and ENGINEER FURTHER AGREE

1. This is an Arkansas Contract and in the event of a dispute concerning a question of fact in connection with the provisions of this contract which cannot be disposed of by mutual agreement between the OWNER and ENGINEER, the matter shall be resolved in accordance with the Laws of the State of Arkansas.
2. This Agreement may be terminated by either party by seven (7) days written notice in the event of substantial failure to perform in accordance with the terms hereof by the one (1) party through no fault to the other party. If this Agreement is so terminated, the ENGINEER shall be paid for the time and materials expended to accomplish the services performed to date; however, the ENGINEER may be required to furnish an accounting of all costs. If the contract is so terminated, the engineer shall be paid for his time at the rate of 2.50 times the actual salary costs paid to his employees working on the project, and the actual costs of materials expended.
3. The ENGINEER will provide capabilities in critical program areas requiring expertise, and experience, and familiarity with the City of Conway street system. The services to be provided under this Agreement will be performed as directed by OWNER, consistent with program objectives and time schedules. Compensation will be provided on an "Hourly Rate" basis consistent with SECTION IV - ENGINEERING FEES.
4. The ENGINEER shall obtain and maintain, at the ENGINEER'S expense, such insurance as required by law to protect the ENGINEER from claims under the Workers Compensation Act and such comprehensive general liability insurance as required by law to protect the ENGINEER from all claims for bodily injury, death, or property damage which may arise from the performance by the ENGINEER or by the ENGINEER'S agents of the ENGINEER'S functions and services required under this Agreement.
5. The ENGINEER shall obtain and maintain, at the ENGINEER'S expense, professional liability insurance in an amount not less than \$1,000,000.
6. After completion of the Project, and prior to final payment, the ENGINEER shall deliver to the OWNER, all original documentation (including electronic files and mapping) prepared under this Contract.

SECTION IV - ENGINEERING FEES

1. For the Traffic Signal Timing Plan Development and Implementation Engineering Services described above, the engineering fees shall be as indicated and based on the HOURLY FEE SCHEDULE listed below:

CLASSIFICATION	FEE
Principal Engineer	\$ 151.00
Project Manager	\$ 125.00
Senior Technician	\$ 85.00
Technician/CADD Operator	\$ 55.00

2. The OWNER agrees to pay the ENGINEER the fee based on the attached man-hour estimate and NOT TO EXCEED **\$41,639.00**. Reimbursable expenses shall be exclusive of the fee. Reasonable out of pocket expenses for materials and services will be invoiced at actual cost, and receipts will be made available upon request. Common items that are acceptable include: printing and photographic work, special delivery services, and subsistence expenses such as meals and automobile mileage. The Engineer will be paid monthly based on man-hours expended to date and upon statements submitted by the ENGINEER to the OWNER. These statements will be substantiated by a monthly progress report prepared by the ENGINEER, and submitted in the form and number required by the OWNER. Fees based on groups of intersections on described previously in this agreement are as follows:

- Donaghey Avenue \$9,994.00
- Prince Street \$8,745.00
- Oak Street \$22,900.00

3. For Additional Traffic Engineering Services described in SECTION II, the OWNER and the ENGINEER agree to negotiate the Engineering Fee in accordance with the Scope of Services to be performed. The same hourly fee schedule indicated above shall apply for providing authorized Additional Traffic Engineering Services.

SECTION VI - TERM, COMMENCEMENT, AND COMPLETION

1. This Agreement shall commence on the effective date set forth above and remain in effect for one year from the effective date. The Traffic Signal Timing Plan Development and Implementation Engineering Services are to be completed no later than **March 1, 2008**, unless extended or terminated by the OWNER in accordance with this Agreement. Authorized work associated with the Additional Traffic Engineering Services will be completed as directed by the City. Time is of the essence in performance of this Agreement. The ENGINEER shall complete the work, and the OWNER shall provide any required approval of the work in a reasonable and timely manner.

2. The ENGINEER shall begin work under the terms of this Agreement within ten (10) days of receiving written notice to proceed.

SECTION VII - OWNER RESPONSIBILITY

1. OWNER shall designate a person(s) to act as OWNER'S representative with respect to the services to be rendered under this Agreement.
2. OWNER shall make available to the ENGINEER all data, criteria, drawings, manuals, operating history, meeting minutes and logs relevant to the project effort.
3. OWNER shall provide the ENGINEER aerial photographs of the study area as needed.
4. OWNER will provide the ENGINEER a list of existing and proposed signals in the study area.
5. OWNER will provide the ENGINEER a print out of the existing data for each intersection which includes the phase and coordination data.
6. OWNER shall provide ENGINEER access to all the facilities necessary to perform this Agreement.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

OWNER:

CITY OF CONWAY, ARKANSAS

ENGINEER:

PETERS & ASSOCIATES ENGINEERS, INC.



Address for giving notices:

City of Conway
City Hall
Conway, Arkansas 72032

Address for giving notices:

Ernest J. Peters, P.E.
Peters & Associates Engineers, Inc.
5507 Ranch Drive, Suite 205
Little Rock, Arkansas, 72223

ORDINANCE NO. O-07-____

AN ORDINANCE ACCEPTING DONATIONS; APPROPRIATING FUNDS FOR THE ORCHARD PARK ROAD IMPROVEMENTS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

WHEREAS, residents of the Orchard Park Road have requested certain street improvements be made and have donated funds to the City of Conway to cover 50% of the material cost of such improvements. The City of Conway Street Department has agreed to provide materials to complete the improvements and Faulkner County will provide the labor. The estimated cost of 50% of the material cost for this project is \$11,968. Funding will not be available in the Street Fund for this project until 2008 and will be advanced by the General Fund to the Street Fund until that time.

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

SECTION 1. The City of Conway shall accept donations to provide funding for improvements to Orchard Park Road and will appropriate an advance to the Street Fund in the amount of \$11,968 from the General Fund Appropriation account (01.990) and \$11,968 from the Street Revenue Donation account (02.909), to the Street Fund - Orchard Park Road Project (02.360.767) for street improvements.

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 9th day of October, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O – 07 – _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED ON THE NORTH SIDE OF HIGHWAY 64 EAST AT 1570 EAST OAK STREET FROM A-1 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 A-1 symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Lots 3 and 4, Adcock Subdivision, as shown on plat of record in Plat Book A, Page 145, Records of Faulkner County, Arkansas, lying north of the new right-of-way of Highway #64 and a part of the SE¼, Section 5, Township 5 North, Range 13 West, described as beginning at a point 1,336 feet west and 544.5 feet north of the southeast corner of said SE¼; thence north 460.86 feet (deeded 460.0 feet); thence north 88 degrees 05 minutes 44 seconds west 440 feet; thence south 460.86 feet (deeded 460.0 feet); thence south 88 degrees 05 minutes 44 seconds east 280 feet; thence south 489.31 feet or to the north right-of-way of Highway #64; thence along said right-of-way to a point south 89 degrees 51 minutes 13 seconds east 160.0 feet; thence leaving said right-of-way north 484.41 feet to the point of beginning, in Faulkner County, Arkansas, LESS AND EXCEPT THAT PORTION PREVIOUSLY ZONED C-3

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 9th DAY OF October, 2007

Approved:

TAB TOWNSELL, MAYOR

Attest:

MICHAEL O. GARRETT, CITY CLERK



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

September 18, 2007

Council Members
Conway, AR 72032

Dear Council Members:

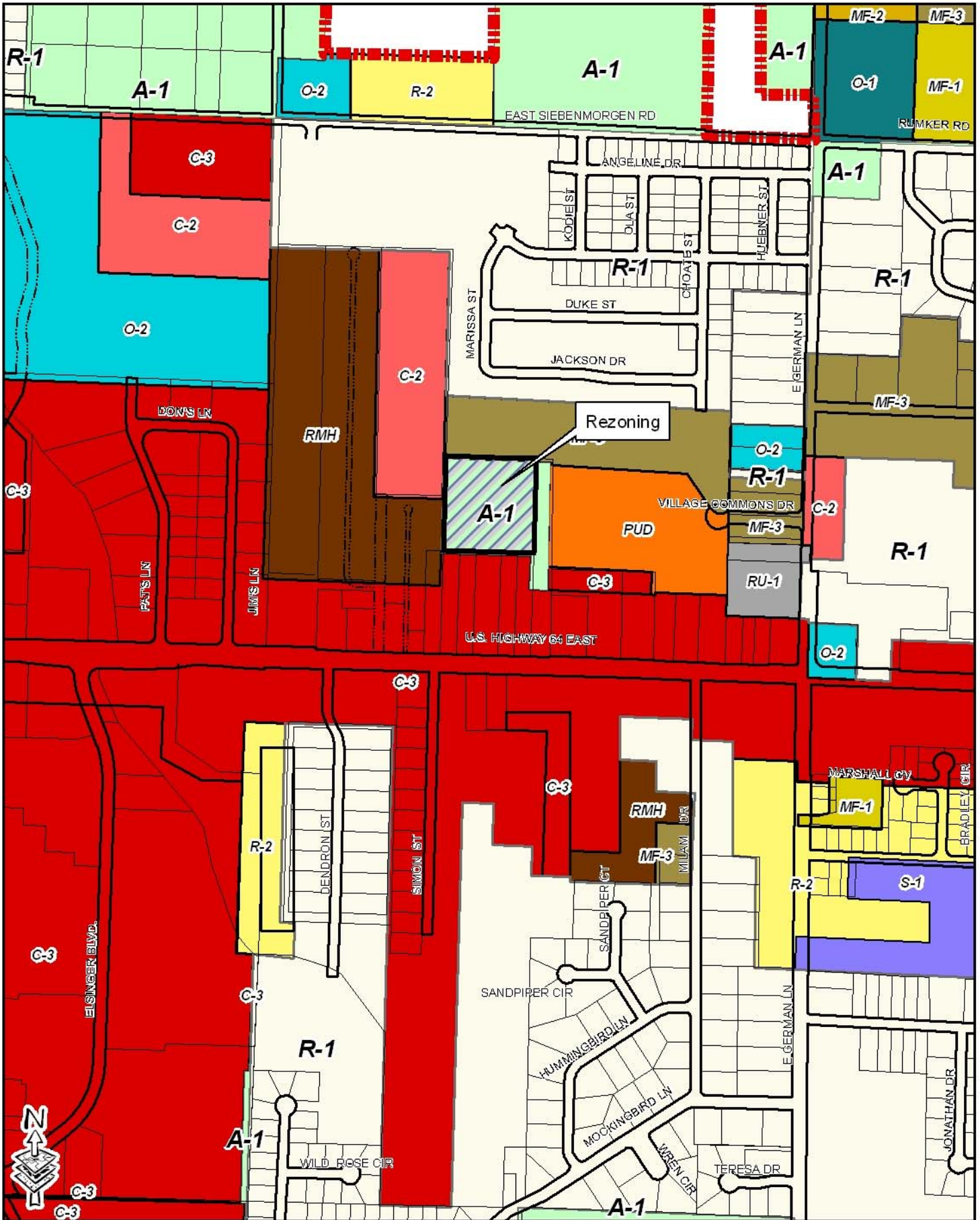
A request for rezoning from A-1 to C-3 for property located on the north side of Highway 64 East at 1570 East Oak with the legal description:

Lots 3 and 4, Adcock Subdivision, as shown on plat of record in Plat Book A, Page 145, Records of Faulkner County, Arkansas, lying north of the new right-of-way of Highway #64 and a part of the SE 1/4, Section 5, Township 5 North, Range 13 West, described as beginning at a point 1,336 feet west and 544.5 feet north of the southeast corner of said SE 1/4 ; thence north 460.86 feet (deeded 460.0 feet); thence north 88 degrees 05 minutes 44 seconds west 440 feet; thence south 460.86 feet (deeded 460.0 feet); thence south 88 degrees 05 minutes 44 seconds east 280 feet; thence south 489.31 feet or to the north right-of-way of Highway #64; thence along said right-of-way to a point south 89 degrees 51 minutes 13 seconds east 160.0 feet; thence leaving said right-of-way north 484.41 feet to the point of beginning, in Faulkner County, Arkansas, LESS AND EXCEPT THAT PORTION PREVIOUSLY ZONED C-3.

was reviewed by the Planning Commission at its regular meeting on September 17, 2007. The Planning Commission voted 6 – 0 that the request be sent to the City Council without recommendation.

Submitted by,

Adam Thomas, Chairman
Planning Commission



Smith Rezoning

ORDINANCE NO. O – 07 – _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE PRINCE STREET AT COUNTRY CLUB ROAD INTERSECTION AND EXTENDING NORTH ALONG COUNTRY CLUB ROAD FOR APPROXIMATELY ONE-QUARTER OF A MILE FROM A-1 TO R-1;

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:

The east 165.00 feet of the SE¼ SW¼ Section 3, Township 5 North, Range 14 West, Faulkner County, Arkansas.

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

PASSED THIS 9th DAY OF October, 2007

Approved:

TAB TOWNSELL, MAYOR

Attest:

MICHAEL O. GARRETT, CITY CLERK



CONWAY PLANNING COMMISSION

1201 OAK STREET • CONWAY, AR 72032

(501) 450-6105

September 18, 2007

Council Members
Conway, AR 72032

Dear Council Members:

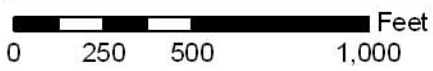
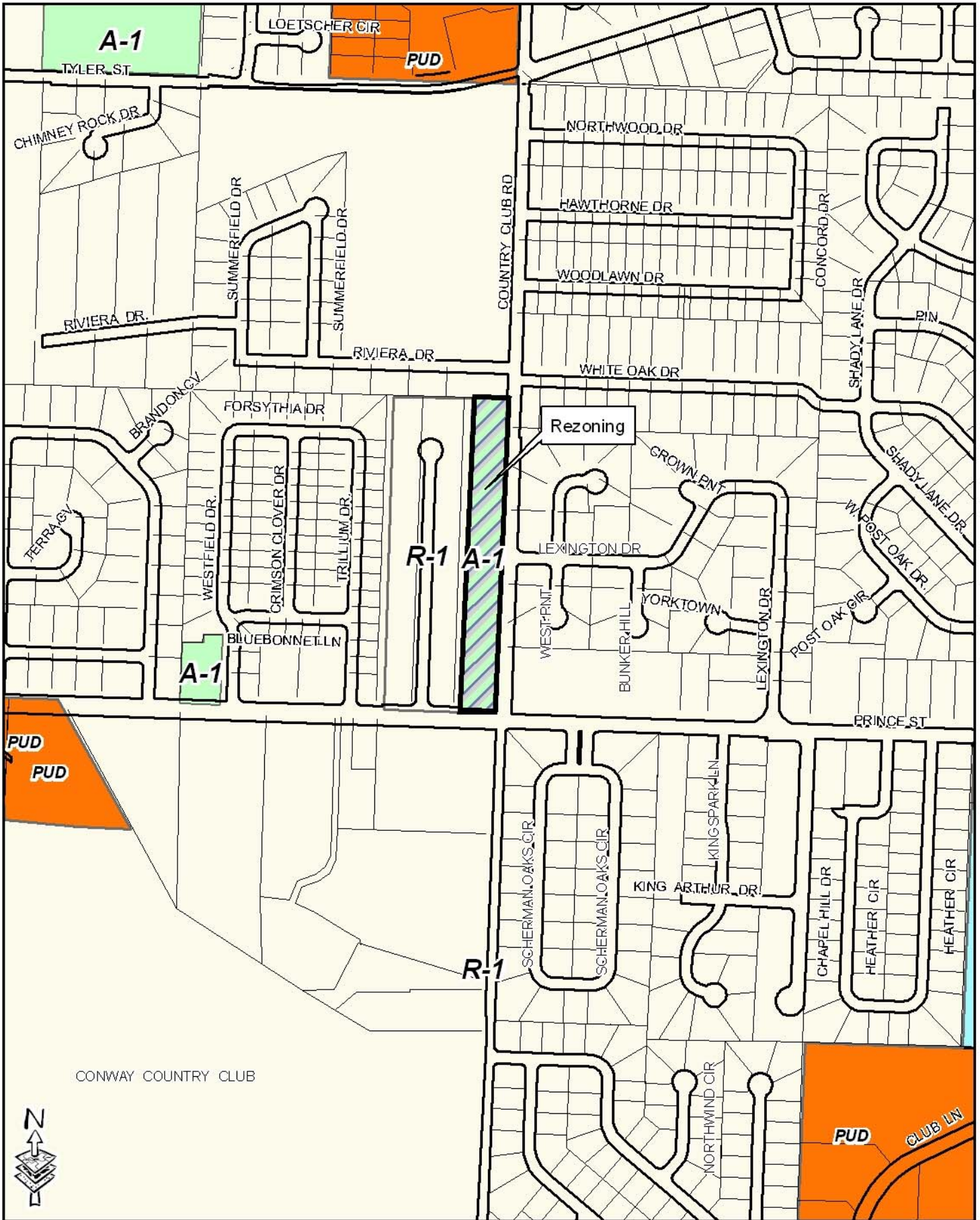
A request for rezoning from A-1 to R-1 for property located at the northwest corner of the Prince Street at Country Club Road intersection and extending north along Country Club Road for approximately one-quarter of a mile with the legal description:

The east 165.00 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, Township 5 North, Range 14 West, Faulkner County, Arkansas.

was reviewed by the Planning Commission at its regular meeting on September 17, 2007. The Planning Commission voted 6 – 0 that the request be sent to the City Council with a recommendation of denial. The applicant has notified the City of his intent to appeal the Planning Commission's denial of this rezoning request and asked that the appeal be placed on the October 9, 2007, agenda.

Submitted by,

Adam Thomas, Chairman
Planning Commission



PH LLC Rezoning

Mailing Address:
P.O. Box 10382
Conway, AR 72034



Office 501-327-3630
Fax 501-327-3630
phllc@conwaycorp.net

www.penningtoncompanies.com

Dear Planning Director,

I am writing this letter to inform you of my decision to appeal the planning commission's denial from A-1 to R-1 on the Corner of Prince and Country Club.

Thank you for your help in this matter,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a horizontal line extending to the right.

9/19/2007

John Pennington, Managing Member
PH LLC

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED APPROXIMATELY 300 FEET NORTH-NORTHEAST OF THE DONAGHEY AVENUE / MEADOWLAKE ROAD INTERSECTION, DIRECTLY IN FRONT OF THE ORIGINAL PHASE OF JUNE BEENE APARTMENTS (THE WESTERNMOST APARTMENTS), FROM O-2 TO O-1;

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 O-2 symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Being part of the NW¼ of the SW¼ of Section 36, T-6-N, R-14-W, Faulkner County, Arkansas; described as beginning of the NW corner of said NW¼ SW¼, thence S-0-05-34-E along the West line of said NW¼ SW¼ 775.0 feet to the point of beginning, thence leaving the West line N-47-54-05-E 86.18 feet, thence N-55-21-55-E 86.18 feet, thence along a curve to a point S-15-44-11-E 110.68 feet, thence S-30-16-44-E 41.93 feet to the North right of way of Donaghey Avenue; thence along said right of way to a point S-47-31-40-W 148.25 feet, thence to a point S-30-56-55-W 148.25 feet to the West line of said NW¼ SW¼, thence leaving said right of way along said West line N-0-05-34-W 263.22 feet to the point of beginning containing 0.74 acres more or less

AND

Being a part of the NW¼ of the SW¼ of Section 36, T-6-N, R-14-W, Faulkner County, Arkansas; described as beginning of the NW corner of said NW¼ SW¼, thence S-00-05-34-E along the West line of said NW¼ SW¼ 775.0 feet; thence leaving the West line N-47-54-05-E 86.18 feet; thence N 55-21-55-E 86.18 feet; thence N-62-30-33-E 78.80 feet to the point of beginning; thence N-68-59-43-E 71.01 feet; thence N-75-08-39-E 71.01 feet; thence S-00-05-34-E 11.56 feet; thence S-89-38-36-E 162.00 feet to the centerline of a street; thence along said centerline to a point S-00-05-34-E 26.94 feet; thence to a point S-10-00-00-E 79.10 feet to the North right of way of Donaghey Avenue; thence leaving said centerline along said right of way to a point S-79-30-17-W 134.16 feet; thence to a point S-76-54-29-W 44.80 feet; thence to a point S-69-12-17-W 99.98 feet; thence leaving said right of way N-30-16-44-W 41.93 feet; thence to a point N-15-11-09-W 78.32 feet; thence N-00-05-34-W 32.02 feet to the point of beginning containing 0.91 acres more or less.

to those of O-1, 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 9th DAY OF October, 2007

Approved:

TAB TOWNSELL, MAYOR

Attest:

MICHAEL O. GARRETT, CITY CLERK



CONWAY PLANNING COMMISSION

1201 OAK STREET • CONWAY, AR 72032

(501) 450-6105

September 18, 2007

Council Members
Conway, AR 72032

Dear Council Members:

A request for rezoning from O-2 to O-1 for property located approximately 300 feet north-northeast of the Donaghey Avenue/Meadowlake Road intersection, directly in front of the original phase of June Beene Apartments (the westernmost apartments), with the legal description:

Being part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, T-6-N, R-14-W, Faulkner County, Arkansas; described as beginning of the NW corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence S-0-05-34-E along the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ 775.0 feet to the point of beginning, thence leaving the West line N-47-54-05-E 86.18 feet, thence N-55-21-55-E 86.18 feet, thence along a curve to a point S-15-44-11-E 110.68 feet, thence S-30-16-44-E 41.93 feet to the North right of way of Donaghey Avenue; thence along said right of way to a point S-47-31-40-W 148.25 feet, thence to a point S-30-56-55-W 148.25 feet to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence leaving said right of way along said West line N-0-05-34-W 263.22 feet to the point of beginning containing 0.74 acres more or less

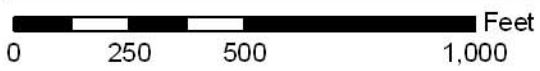
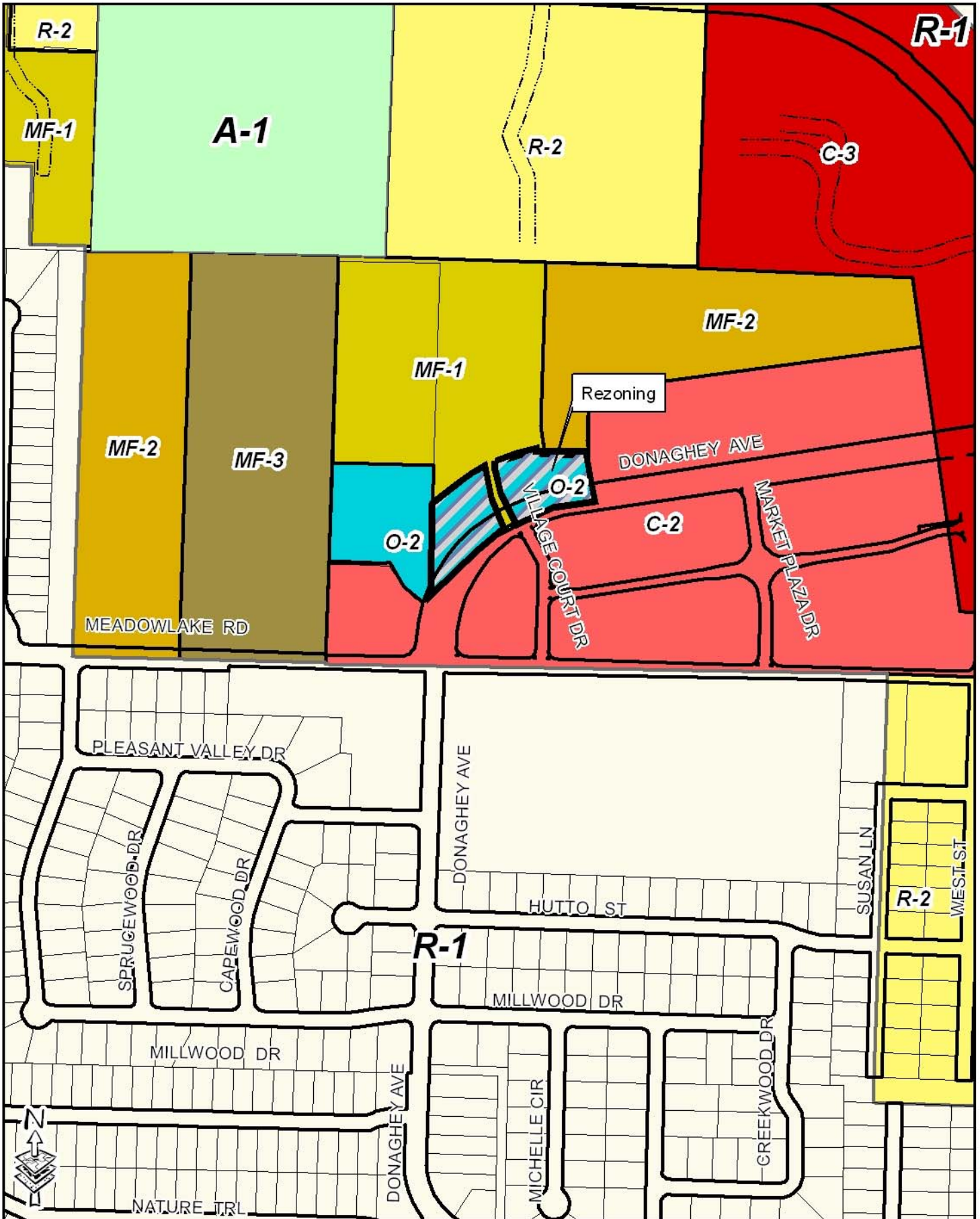
AND

Being a part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, T-6-N, R-14-W, Faulkner County, Arkansas; described as beginning of the NW corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence S-00-05-34-E along the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ 775.0 feet; thence leaving the West line N-47-54-05-E 86.18 feet; thence N 55-21-55-E 86.18 feet; thence N-62-30-33-E 78.80 feet to the point of beginning; thence N-68-59-43-E 71.01 feet; thence N-75-08-39-E 71.01 feet; thence S-00-05-34-E 11.56 feet; thence S-89-38-36-E 162.00 feet to the centerline of a street; thence along said centerline to a point S-00-05-34-E 26.94 feet; thence to a point S-10-00-00-E 79.10 feet to the North right of way of Donaghey Avenue; thence leaving said centerline along said right of way to a point S-79-30-17-W 134.16 feet; thence to a point S-76-54-29-W 44.80 feet; thence to a point S-69-12-17-W 99.98 feet; thence leaving said right of way N-30-16-44-W 41.93 feet; thence to a point N-15-11-09-W 78.32 feet; thence N-00-05-34-W 32.02 feet to the point of beginning containing 0.91 acres more or less.

was reviewed by the Planning Commission at its regular meeting on September 17, 2007. The Planning Commission voted 6 – 0 that the request be sent to the City Council with a recommendation of approval.

Submitted by,

Adam Thomas, Chairman
Planning Commission



Rankin Rezoning

ORDINANCE NO. O-07-____

**AN ORDINANCE WAIVING BIDS FOR PURCHASE OF TRANSMISSION
FOR TEREX DIRT TRUCK; DECLARING AN EMERGENCY AND FOR
OTHER PURPOSES;**

WHEREAS, the City of Conway Sanitation Department has a need for a transmission for the Terex dirt truck and has located a local vendor for the transmission;

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

Section 1. The City of Conway shall waive the requirements for obtaining bids for the purchase of the Transmission and shall utilize Scott Construction Equipment Co for Transmission, Labor and Warranty.

Section 2. This ordinance is necessary for the protection of the public peace, health and safety; an emergency is hereby declared for 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 9th day of October, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CITY OF CONWAY
SANITATION DEPARTMENT

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

6B-2

Cheryl Harrington
Director

October 3, 2007

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

Re: Commercial Rear Load Refuse Truck

Dear Mayor Townsell,

Bids were submitted at 10:00 am, Monday October 1, 2007 at Conway City Hall for a Commercial Rear Load Refuse Truck. Five bids were submitted:

Truck Center of Arkansas	\$116,760.00
Downing Sales & Service	\$124,933.00
Roy Conley & Co.	\$128,726.00
Amick Equipment Sales	\$131,227.00
RDK Truck	\$146,509.00

I recommend the bid from Downing Sales & Service for \$124,933.00 or \$122,533.00 after trade in allowance. It was the bid that met or exceeded all specifications that we required.

Please advise if you have questions or need additional information

Sincerely,

Cheryl Harrington
Sanitation Director

BID SUMMARY

Bid # 2007-49

Commercial Refuse Truck

Bid # 1 submitted by Truck Center

1- 2008 25 yd. New Way Cobra 25 Body on 2007 Freightliner M2-106
Price: \$116,760.00 after \$2,400.00 trade in of old cart tipper
Delivery of truck 120 days from written order
Many exceptions to specs.

Bid # 2 submitted by RDK Truck

1- 2008 25yd. E-Z Pack Goliath Body on 2007 Sterling MBE900-280
Price: \$146,509.00 no trade in for tipper
Delivery of truck 30 days
Many exceptions to specs.

Bid # 3 submitted by Downing Sales

1- 2008 25 yd. Load Master Excel Body on 2007 Freightliner M2-106
Price: \$124,933.00 before \$2,400.00 trade in for tipper
Delivery of truck 85- 115 days after receipt of order
Meets all specs.

Bid #4 submitted by Amick Equipment Sales

1- 2008 25 yd. Load Master Body on 2007 Freightliner M2-106
Price: \$131,227.00 + tax no trade in for tipper
Delivery of truck 90- 120 days from receipt of order
Meets all specs.

Bid #5 submitted by Roy Conley & Co.

2008 25yd. Load Master on 2007 Freightliner M2-106
Price: \$128,726.00 no trade in for tipper
Delivery of truck 250-275 days from receipt of order
Meets all specs.

I recommend accepting the bid from Downing Sales with a bid of \$124,933.00 or \$122,533.00 after trade in allowance.

RESOLUTION NO. R-07- _____

**A RESOLUTION APPROVING A CONTRACT OF OBLIGATION WITH THE
DEPARTMENT OF ENVIRONMENTAL QUALITY**

WHEREAS, the City of Conway, Arkansas deems it necessary and proper to enter into the attached Contract of Obligation with the Department of Environmental Quality as authorized Arkansas Code Annotated § 8-6-1603.

NOW, THEREFORE, BE IT RESOLVED by the City of Conway, AR that Tab Townsell, as the Signatory Agent of the City of Conway, AR is hereby authorized to enter into the Contract of Obligation affixed hereto and to sign the Contract of Obligation on behalf of the City of Conway, AR.

PASSED, APPROVED, AND ADOPTED this 9th day of October, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

CONTRACT OF OBLIGATION

THIS AGREEMENT is made and entered into by and between the City of Conway, Arkansas, hereinafter referred to as the City and the Arkansas Department of Environmental Quality, hereinafter referred to as the Department.

Whereas, the City has submitted a permit application for the construction, operation and maintenance of a solid waste disposal or processing facility pursuant to the requirements of the Arkansas Solid Waste Management Act (Arkansas Code Annotated §8-6-201 et.seq.) and the regulations promulgated thereunder.

Whereas, pursuant to Arkansas Code Annotated §8-6-1603 a municipality or county may execute a "Contract of Obligation" in lieu of a performance bond to provide financial assurance for corrective actions, closure, or post-closure care of the site. Then, in consideration of the issuance of Permit No. 0026-SCYW-MC by the Department to the City of Conway, AR for the operation of solid waste disposal site and solid waste management systems (specifically, a medium compost facility), and in consideration of the mutual covenants contained herein, the Department and the City, hereby agree as follows:

1. The City, is hereby bound unto the Department in the sum of twenty five thousand dollars (\$25,000) and hereby authorizes the Director of the Department, or designee, to collect said sum from any general revenues being disbursed or to be disbursed from the State of Arkansas to the City upon failure of the City to perform required corrective actions, close the facility or provide post-closure care where applicable in accordance with the requirements of the Act and regulations promulgated thereunder.
2. Should the Department find that the City has failed to perform corrective actions, properly close the facility or provide proper post-closure care where applicable, the Department shall notify the City of such finding and shall afford the opportunity for administrative and judicial review of such finding prior to seeking collection of any funds as authorized under this contract.

3. The City hereby authorizes the Commissioner of Revenues and the State Treasurer to withhold any funds from general revenues being disbursed or to be disbursed from the State of Arkansas to the City upon receiving notice from the Director of the Department of the City's failure to perform corrective action, properly close the facility or provide proper post-closure care.
4. This contract shall terminate upon written approval from the Department that:
 - (a) the facility has been closed in compliance with the requirements of the Act and the regulations; or
 - (b) the owner or operator has completed post-closure care in compliance with the requirements of the Act and the regulations; or
 - (c) the corrective action has been successfully completed in accordance with the Act and the regulation and financial assurance is no longer required.

If the City desires to terminate this contract prior to proper closure or post-closure care of the facility, or if the facility decides to provide an alternative form of corrective action financial assurance, where applicable, it must:

- (a) send a notice of termination in writing addressed and delivered to the Department; and
 - (b) post with the Department an acceptable alternative as provided for in the regulations promulgated in accordance with Arkansas Code Annotated §8-6-1603, or by any rules and regulations adopted pursuant to the Act; and
 - (c) receive a written acknowledgment from the Department of receipt by the Department of an acceptable alternative assurance of financial performance.
5. The City has by resolution attached hereto and which is hereby incorporated herein and expressly made a part of this agreement, authorized the signatory thereof to execute this contract of obligation and bind the City to the terms hereof.
 6. The effective date of this contract is the date this contract is executed by the Director of the Department.

IN WITNESS WHEREOF the parties hereto have set their hands and seals.

The City of Conway, AR

Arkansas Department of Environmental Quality

Department

Teresa Marks, Director

Steve Martin, Chief, Solid Waste Division

Tab Townsell, Mayor

For Teresa Marks

Date

Date

City of Conway
Mayor's Office

Memo:

To: Mayor Tab Townsell
CC: City Council Members
From: Felicia Rogers
Date: October 4th, 2007
Re: 2007-47 (2) Two Digital Copiers

On October 1st, 2007 at 10:00am at City Hall; bids were opened for the purchase of a two Digital Copiers for Conway City Hall & Police Department.

The bids tabs are attached.

Please advise if you have any questions.

2007-47 Bid Tabs

Bidder	Contact Person	Equipment Type	Total Cost of Bid w/ taxes	Warranty & Additional Information
Business World	Robert Newman	Rioch 5500SP	\$22,724.00	0.0065
Ricoh	Clint Kordsmeier	Rioch 5500SP	\$23,780.36	0.007
Business World	Robert Newman	Kyocera KM 6030	\$23,814.00	0.0065
Central Arkansas Copier Sales & Leasing	Rance Patterson	Canon ImageRunner 5055	\$23,995.00	0.0075
Panasonic	Lealon Worrell	Panasonic DP 8060	\$24,840.73	Services & Supplies for 1 year contract 210,000 copies per copier
Conway Office Supply	Larry Malpiea	Canon ImageRunner 5055	\$25,298.00	0.07
Quality Office	Andy Kramolis	Canon ImageRunner 5055	\$25,309.80	\$5519.60 yearly amt (both copiers) \$2759.80 per copier 600,000 copies for both copiers 0.086 overage
Capital Business Machines	Ben Higgs	Kyocera KM 6030	\$25,364.06	0.08

ORDINANCE NO. O-07-_____

**AN ORDINANCE APPROPRIATING FUNDS FOR OFFICE EQUIPMENT;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES;**

WHEREAS, the City of Conway has a need for copier equipment for City Hall and for the Police Department – Records Office which has not previously been appropriated;

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

SECTION 1. The City of Conway shall appropriate an amount not to exceed \$26,364.06 from the (01.990) General Fund Appropriation Account to 01.102.941 (Finance Department Office Machines) and 01.113.941 (Police Department Office Machines for the purchase of two copiers.

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

SECTION 3. That this ordinance shall go into effect from and after its passage and publication.

PASSED this 9th day of October, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE 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
Re-inspect	\$ 25.00

ELECTRICAL All new construction is \$0.06 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)	\$30.00
TPP (temporary power to structure 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)	\$ 0.06 per square foot Beginning January 1 st , 2008 \$ 0.10 per square foot Beginning July 1 st , 2008
Commercial & Residential minimum	\$250.00
All other:	
PLUMBING All new construction (minimum of \$36.00)	\$ 0.06 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) \$ 0.06 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) \$ 0.06 per sq. ft.
Beginning 1-1-2008
\$ 0.10 per sq. ft.
Beginning 7-1-2008
(\$250.00 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 \$ 0.06 per sq. ft.
Beginning 1-1-2008
\$ 0.10 per sq. ft.
Beginning 7-1-2008
(\$250.00 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 January 1, 2008 but 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 9th day of October 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer