

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

Extraterritorial Jurisdiction

6:30pm -- Council Meeting

Courtroom in District Court Building

810 Parkway, Conway, AR 72034

May 22nd, 2007

1. Call to Order

2. Roll Call

3. Minutes: *May 8th, 2007 & May 10th, 2007*

4. Recognition of Guests:

5. Public Hearings:

A. Public hearing to discuss a conditional use permit for MF-1 density in a R-2 zone for property located at 308 Salem Road for Roy Massey.

1. Consideration of a conditional use permit for MF-1 density in a R-2 zone for property located at 308 Salem Road.

6. Report of Standing Committees:

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

1. Consideration of a request to place a sign in the City's right of way by Raush Coleman for property located at East German Lane.
2. Consideration of bids from the Street Department for a Platform Life and Service body truck (Bucket truck), Four wheel drive compact utility vehicle (SUV), & a Crawler Dozer.
3. Consideration of bids from the Street Department for improvements on Favre Lane (Salem to Donaghey Ave).

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

1. Ordinance appropriating asset forfeiture funds to the Conway Police Department.
2. Ordinance waiving bids for allocation of court automation funds to cover computer repair and maintenance.

C. Personnel

1. Consideration of the addition of a Special Projects Manager to the existing pay grid for the Administration Dept.
2. Ordinance appropriating funds for the Special Projects Manger position for the Administration Dept.

7. Old Business

- A. Consideration of an appeal of a ruling by the Old Conway Design Review Board for John & Joyce Hardin with a property address of 1215 Hunter Street.

8. New Business

- A. Ordinance granting a franchise agreement to Robert Haskett, owner of the Brewery, to operate a vending cart in Simon Park. (*Information will be provided at meeting*)

Adjournment

RESOLUTION NO. R-07-_____

A RESOLUTION REQUESTING THE CONWAY PLANNING COMMISSION TO EXERCISE THE PLANNING AND ZONING ORDINANCES OF THE CITY OF CONWAY WITHIN LANDS LYING OUTSIDE OF THE CITY LIMITS OF THE CITY BUT IN THE TERRITORIAL JURISDICTION AS DETERMINED BY ARKANSAS STATUTE

Whereas, The City of Conway, Arkansas is over fifty thousand (\$50,000) people in population according to the latest United States census data, and

Whereas, The City of Conway is also situated on a navigable stream by virtue of having land within the corporate limits of the city situated along both the Arkansas River and the Cadron Creek, and

Whereas, The City and its immediate surroundings are both under tremendous development pressures, and

Whereas, In this large area which will most likely one day be part of the City of Conway no jurisdiction is currently exercising planning and or zoning controls of any kind, and

Whereas, Development will most likely dramatically increase in this area due increasing costs of developing inside the city and increasing prospects of commercial and industrial development due to the Fayetteville Shale Play; and

Whereas, Arkansas Statute A.C.A. 14-56-413 charges Planning Commissions to designate the areas within the territorial jurisdiction for which it will prepare plans, ordinances, and regulations,

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

Section 1. The City Council requests the Conway Planning Commission extend the plans, ordinances, and regulations of the city’s planning and zoning ordinances into an area described below:

West to the Arkansas River and, where applicable, west across the North Cadron Creek to the limits legally applicable in relation to the extraterritorial jurisdiction of the City of Menifee,

North to the East Cadron Creek or the limits legally applicable in relation to the City of Greenbrier, the City of Wooster, and the City of Holland,

East to the various full limits applicable or to the limits legally applicable in relation to the City of Vilonia and the City of Holland and

South to the territorial limits agreed to with the City of Mayflower.

Section 2. That due to the increased developmental pressures, it is further requested that the Planning Commission act upon this request with all due haste.

PASSED this 22nd day of May, 2007

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



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

PH/5A-1

May 1, 2007

Council Members
Conway, AR 72032

Dear Council Members:

**SUBJECT: Roy Massey Appeal of Planning Commission Denial of
Conditional Use Permit Request for MF-1 Density in R-2 Zoning**

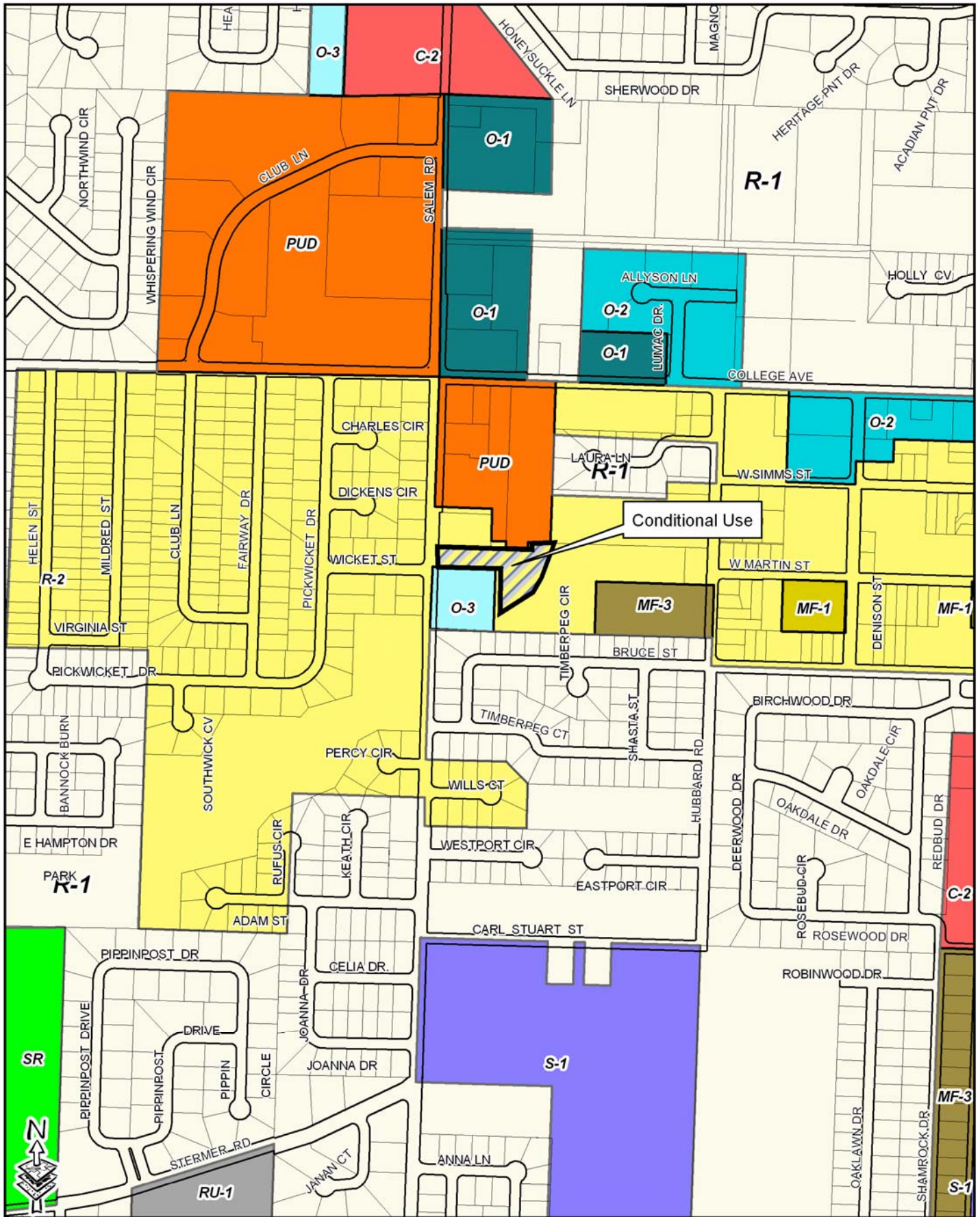
A request for a conditional use permit for MF-1 density in an R-2 zone for property located at 308 Salem Road, Conway, Arkansas with the legal description:

*Lot 17, Valley Creek Subdivision, as shown in Plat Book at
Page 247 in the Plat of Records of Faulkner County, Arkansas.*

was reviewed by the Planning Commission at its regular meeting on March 19, 2007. The Planning Commission voted 8 – 0 that the request be denied. Through his representative Bill Adkisson, Mr. Massey has requested to appeal the Planning Commission's denial at the City Council meeting on May 8, 2007.

Sincerely,

Adam Thomas, Chairman
Planning Commission

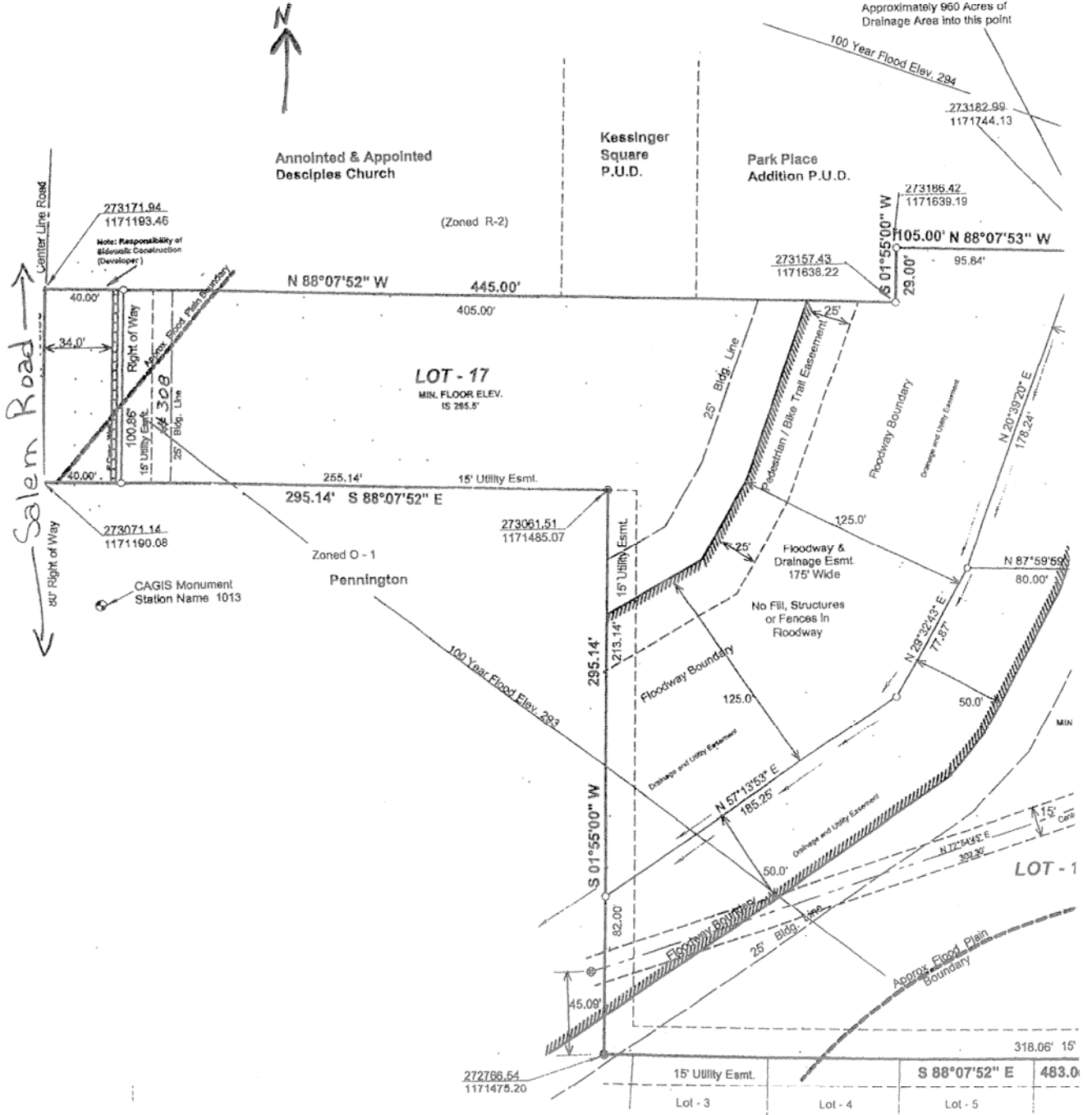


0 500 1,000 2,000 Feet

Massey Conditional Use

VALLEY CREEK SUBDIVISION

Part of the NW 1/4 SW 1/4
 Section 11
 T-5-N R-14-W
 Faulkner County
 Arkansas
 12.29 Acres +/-



RIGHT OF WAY ENCROACHMENT OFF PREMISE SIGN REQUEST

Rausch Coleman Right of Way Encroachment Request

Rausch Coleman has requested that a sign be placed in the street right of way of Village Commons Drive. An enclosed letter and drawings from Kim Hesse of Rausch Coleman explains their request for the placement of the sign in the street right of way.

The size of the sign has been determined by the use of the sign for two separate residential developments on two separate lots. The sign ordinance allows apartment and condominium complexes to have one monument identification sign equal to or less than 36 square feet in area and less than 6 feet in height. Therefore, the size of the sign is in compliance with the zoning ordinance; 2 developments = 72 square feet in area less than 6 feet tall.

By granting this row of way encroachment, the sign will be an off premise sign as the sign will not be on either development's property. This variance will be granted along with the allowance to encroach the right of way.



May 11, 2007

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

RE: Request to be placed on Council Agenda
Sign Encroachment Request

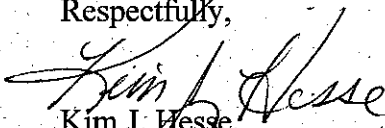
Dear Mayor and Council –

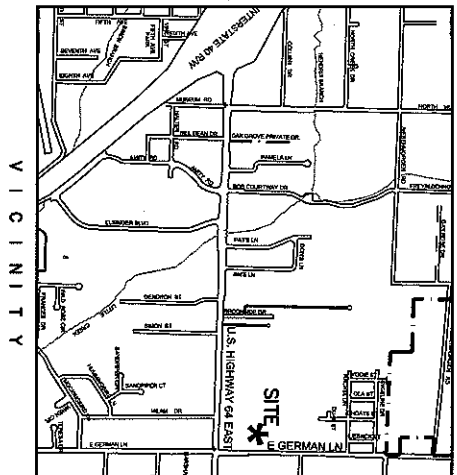
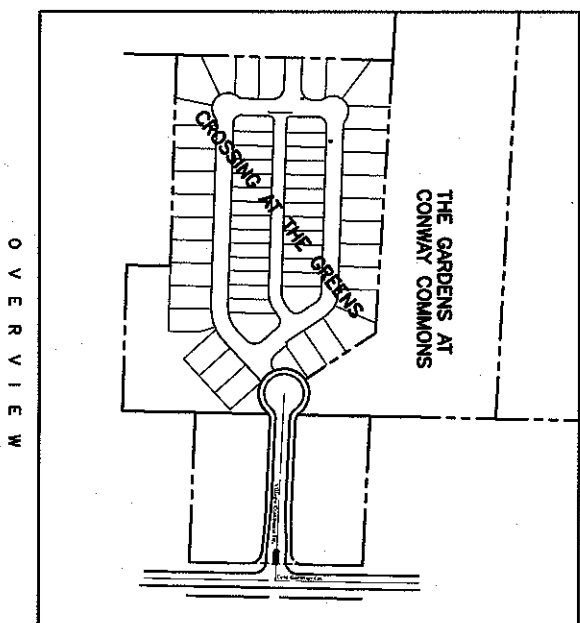
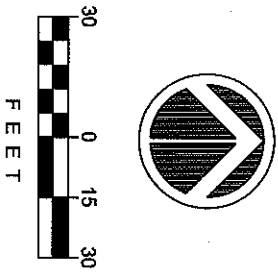
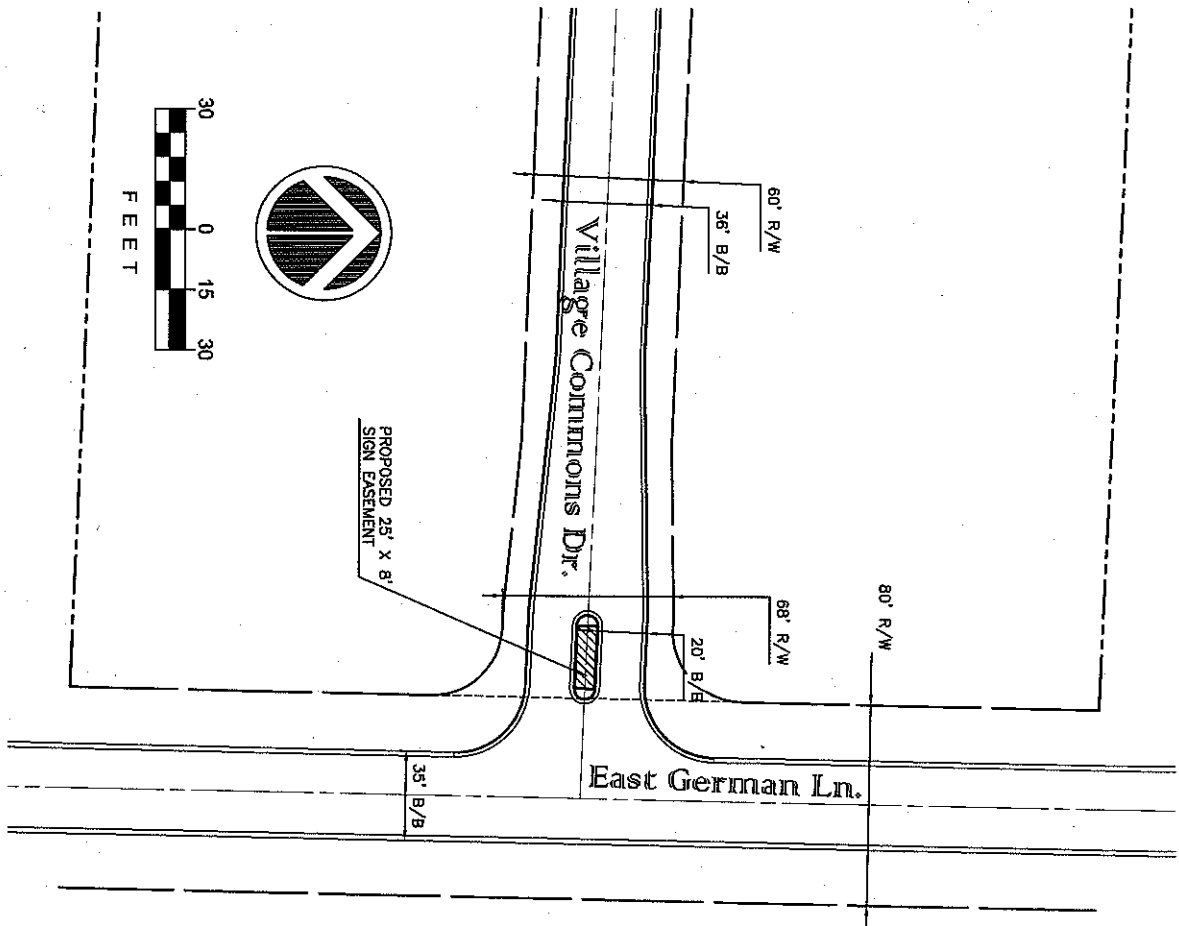
The Integrated Real Estate Group and Rausch Coleman Conway LLC, developers for the Gardens at Conway Commons and the Crossing on the Green request to be heard by the Council at the May 22 meeting. The basis of the request is to acquire permission to place a monument sign within the right of way of Village Commons Drive. Village Commons Drive is constructed with a median at the intersection with East German Lane. The median is set back from the right of way of East German Lane where structures will not impede the line of sight for vehicular traffic. Attached is a drawing which includes a vicinity map, a drawing of the intersection and median in Village Common Dr. and dimensions where the sign is requested to be placed. Also included is a graphic of the sign itself with dimensions.

Rausch Coleman Conway LLC owns the two lots on either side of Village Commons Drive and has an agreement with Integrated Real Estate to share a sign in the median location if allowed by the City. The Sign will include lighting that is to be positioned on the ground to shine on the face of the sign. Landscaping and irrigation is also to be included surrounding the sign if acceptable to the City. If necessary, we can prepare maintenance agreements or easements to allow or require certain parameters for maintaining the median and sign within the right of way. Since this location places the sign off of the premises of both developments, we would also be requesting a variance to this effect from the Sign Ordinance.

Representatives from both the Integrated Real Estate Group and Rausch Coleman Conway will be present to discuss the request and answer any questions. The Gardens at Conway Commons is nearing completion as the Crossing on the Green begins construction. We wish to extend our gratitude for the positive working relationship we have experienced with the Planning Commission, Council and staff at the City of Conway and look forward to future coordination as our projects evolve.

Respectfully,


Kim J. Hesse,
Rausch Coleman Land Development

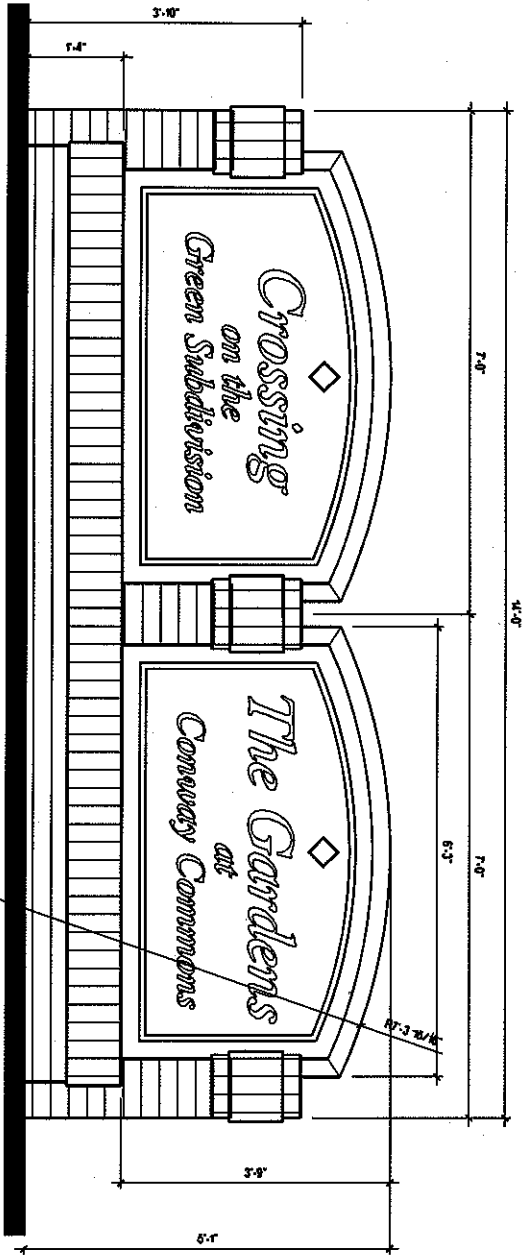


DATE: May 7, 2007
SCALE: 1" = 30'
REVISIONS:
1071

**VILLAGE COMMONS DRIVE
SIGN EASEMENT EXHIBIT**

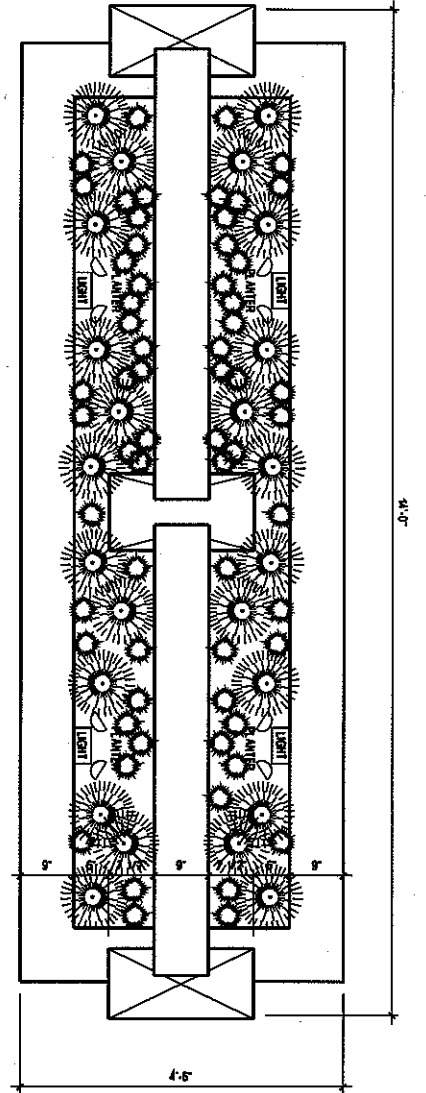
**RAUSCH COLEMAN
LAND DEVELOPMENT**

308 EAST MAIN
FARMINGTON, AR 72730
479-267-6008



01 Elevation
SCALE 3/8" = 1'-0"

K:\ARCHITECTURE\COMMONS\COMMONS.DWG

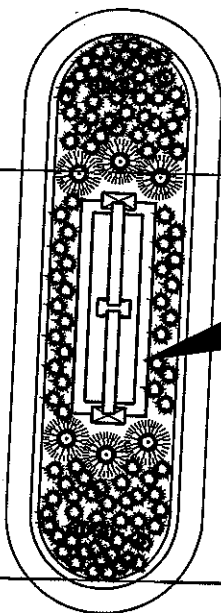


09 Plan
SCALE 3/8" = 1'-0"

K:\ARCHITECTURE\COMMONS\COMMONS.DWG

10" W

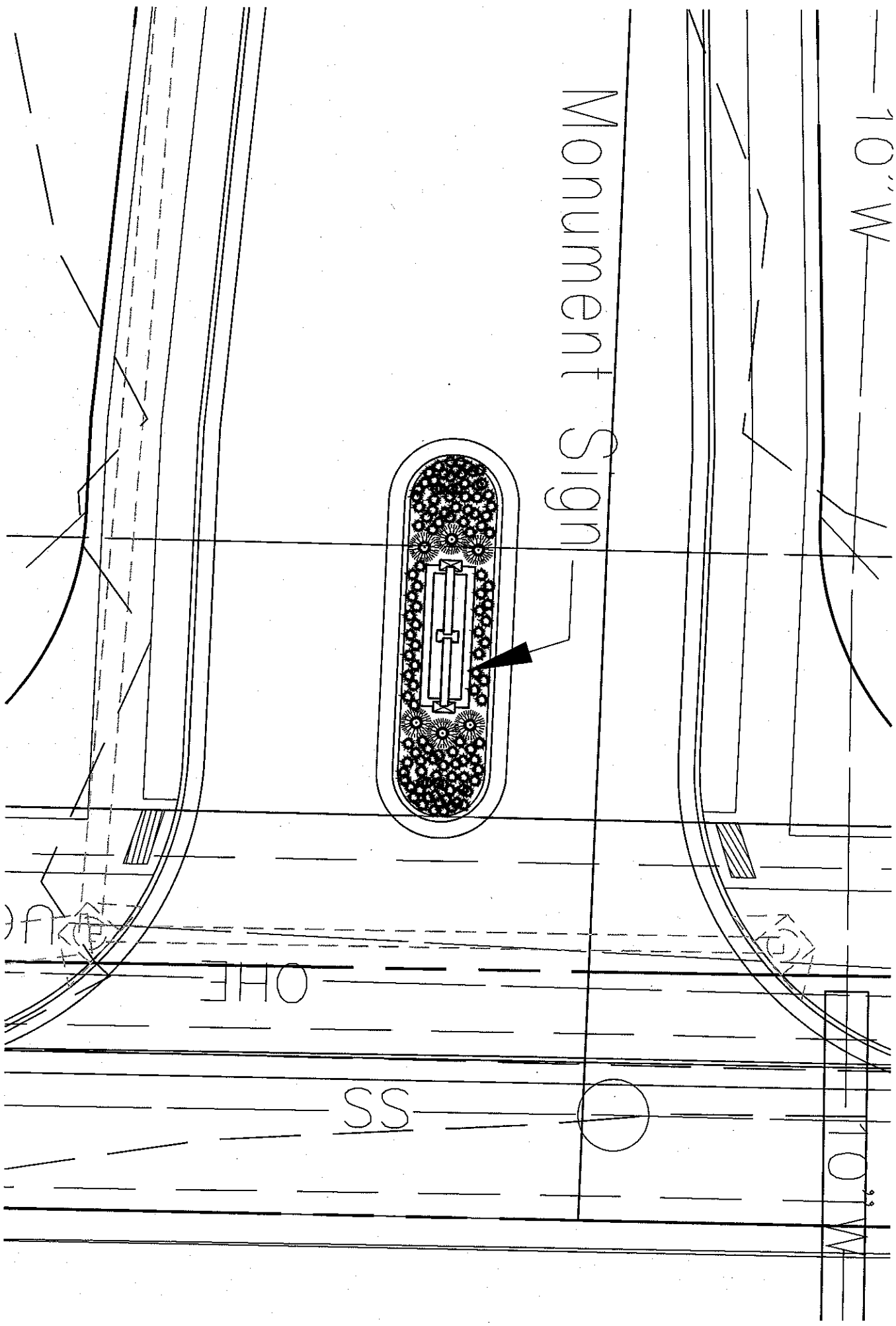
Monument Sign



OHE

SS

10" W



MEMORANDUM

TO: MAYOR TAB TOWNSELL
 FROM: RONNIE HALL, P.E.
 DATE: May 16, 2007
 REFERENCE: STREET DEPARTMENT EQUIPMENT BIDS

Bids were received at 10:00 am Tuesday May 15, 2007 for a dozer, utility vehicle and platform truck for the street department. The results of the bids are as follows:

Dozer

H & E Equipment for a Komatsu D41P-6C	\$96,500.00
Scott Equipment for a Case 1150K	\$114,000.00
J.A. Riggs Tractor Co. for a Cat D5-NXL	\$129,250.00
Warrior of Arkansas for a John Deere 700J XLT	\$132,435.00

The Komatsu dozer has a maximum 110 Horsepower. Our equipment specifications required a minimum of 115 horsepower. With Komatsu not conforming to the minimum horsepower specified, we request that the bid be awarded to the Scott Equipment Company for a Case 1150K. The Case dozer meets the equipment specifications.

Platform Lift Truck

Stamm Manufacturing for a 07 Ford LCF ATR 41 I	\$90,964.00
--	-------------

We recommend award of the Platform Lift Truck to Stamm Manufacturing for the 07 Ford LCF ATR 41 I.

Utility Vehicle (4WD)

Landers Chrysler Dodge Jeep for a 07 Jeep Liberty	\$19,290.00
Cook Jeep Chrysler for a 07 Jeep Liberty	\$25,052.00

We recommend that the bid be awarded to Landers Chrysler Dodge Jeep for a 07 Jeep Liberty.

All of the above items are included in the 2007 budget for the street department.



CITY OF CONWAY
STREET AND ENGINEERING DEPT.

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

Ronnie D. Hall, P.E.
City Engineer

6A-3

May 16, 2007

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

Re: Favre Lane Improvements
South Donaghey to Salem

Dear Mayor Townsell;

Bids were received at 10:00 AM, Wednesday, May 16, 2007 at Conway City Hall for Favre Lane Improvements between Salem Road and the end of the existing street at Ellen Smith School (400 feet west of South Donaghey). This project involves the construction of 3,000 feet of 36 foot wide curbed street between Ellen Smith School and Gardenia Dr. and approximately 1,100 feet of 27' wide (because of limited ROW) curbed street between Josh Dr. and Salem Road. The six bids received are summarized as follows and detailed on the enclosed bid tabulation.

Paladino Construction	\$1,167,251.50
F. P. Bivens	\$1,287,681.99
Paladino-Nash	\$1,289,248.72
Mid-South Contractors	\$1,304,121.31
Tom Lindsey Contractor	\$1,388,426.00
Big River Construction, Inc.	\$1,454,002.00
Engineer's Estimate	\$1,416,582.00

The low bid was submitted by Paladino Construction of Conway, Arkansas in the amount of \$1,167,251.50. I recommend that this project be awarded to the low bidder, Paladino Construction.

This project was approved for funding with Street Impact fees.

Please advise if you have questions or need additional information,

Sincerely,

Ronnie Hall, P.E.

ORDINANCE NO. O-07-____

**AN ORDINANCE APPROPRIATING ASSET
FORFEITURE FUNDS TO THE POLICE DEPARTMENT;
DECLARING AN EMERGENCY; AND FOR OTHER
PURPOSES**

WHEREAS, the Conway Police Department needs approximately \$3,000 for a CVSA laptop and;

WHEREAS, money in the Conway Police Department Asset Forfeiture account is allowed, by law, to be used for such purposes as these;

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

SECTION 1. The City of Conway shall appropriate \$3,000 from the Asset Forfeiture Undesignated Contingency account to the Asset Forfeiture Office Machines expense account and whereas:

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 and 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 22nd day of May, 2007

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-07-___**AN ORDINANCE WAIVING BIDS FOR ALLOCATION OF COURT
AUTOMATION FUNDS; DECLARING AN EMERGENCY AND FOR OTHER
PURPOSES:**

WHEREAS, The District Court has collected an additional fee from all individuals paying fines on time payment plans of \$2.50 per person since August 2001 to fund the cost of court automation and has collected in excess of \$155,000 since inception; and

WHEREAS, The City of Conway Finance Department has projected \$40,000 to be generated through revenue related to court automation for FY 2007. Of the projected \$40,000 District Court request approval to allocate \$10,000 to cover cost of computer repair and maintenance.

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

SECTION 1. The City of Conway shall approve a budgetary transfer in the amount of \$10,000 for District Court expenses related to the court automation, which have been previously appropriated as court automation – undesignated contingency to cover computer repair and maintenance (01.110.239).

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

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

PASSED this 22nd day of May 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

2007 City of Conway Pay Grid - Parks Development Manager									
ACS Grade	Category	Job Title	A Step A	B Step B	C Step C	D Step D	E Step E	F Step F	G Max/Step G
74	Manager	Parks Development Mgr	\$ 20.7981	\$ 21.4915	\$ 22.1849	\$ 22.8781	\$ 23.5714	\$ 24.2645	\$ 24.9579
		Special Projects Mgr.*							
		Annual Salary	\$ 43,260.05	\$ 44,702.32	\$ 46,144.59	\$ 47,586.45	\$ 49,028.51	\$ 50,470.16	\$ 51,912.43
*Special Projects Manager position title will be added to the existing grid on the same grade as the Parks Development Manager.									
Proposed Position: Special Projects Manager									
Assumptions: The following costs have been figured based on the assumption the employee is hired on June 1, 2007									
Hour Rate			\$20.80						
Per Pay Period			\$1,663.85						
Social Security			\$103.16						
Medicare			\$24.13						
Pension			\$99.83						
Life Insurance			\$1.70						
Medical Insurance			\$239.20						
Dental Insurance			\$20.80						
Unemployment Insurance			\$5.19						
Workers Compensation Insurance			\$4.32						
Total per Pay Period			\$2,162.17						
15 pay periods as of June 1, 2007			\$32,432.60						
Total Expected 2007 Cost			\$32,432.60						

ORDINANCE NO. O-07-___

AN ORDINANCE APPROPRIATING FUNDS FOR NETWORK ENGINEER STAFF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

WHEREAS, the City Council of the City of Conway has determined that there is a need for a Special Projects Manager;

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

SECTION 1. The authorized staffing level in the City of Conway Administration Department is increased by one (1) Special Projects Manager position.

SECTION 2. The City of Conway shall appropriate \$32,432.60 from the General Fund-Fund Balance Appropriation Account to the Administration Personnel Services Accounts for the current year expenditures for the Special Projects Manager.

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 22nd day of May 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]

East to the various full limits applicable or to the limits legally applicable in relation to the City of Vilonia and the City of Holland and

South to the territorial limits agreed to with the City of Mayflower.

Section 2. That due to the increased developmental pressures, it is further requested that the Planning Commission act upon this request with all due haste.

PASSED this 22nd day of May, 2007

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer