

## INFORMATION ONLY

*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 – TBA**

6:30pm -- Council Meeting

Courtroom in District Court Building

810 Parkway, Conway, AR 72034

August 7th, 2007

**1. Call to Order**

**2. Roll Call**

**3. Minutes:** *July 24<sup>th</sup>, 2007 & July 31<sup>st</sup>, 2007*

**4. Recognition of Guests:**

**5. Public Hearings:**

- A. Public hearing to discuss an updated citywide development guidelines (excluding single-family and duplex)

**6. Report of Standing Committees:**

**A. Economic Development (Airport, Conway Corporation, CDC, Downtown Partnership)**

- 1. Ordinance regarding new federal standards pertaining to electric utilities under the public utilities regulatory policies act of 1978, as amended by the energy policy act of 2005.

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

- 1. Resolution to set a public hearing to discuss closing a utility/drainage easement in the North Market Plaza P.U.D.
- 2. Ordinance appropriating funds for the Old Conway Design Review Board.
- 3. Consideration of bids for Downtown Conway Sidewalk renovations (Oak Street – Front Street to Chestnut St.) *Information will be provided at meeting.*

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

- 1. Consideration to accept the offer and acceptance for property located near the Sanitation Department.

2. Ordinance appropriating funds to purchase the land near the Sanitation Department.
3. Consideration of bids for a crawler dozer with low bid from for the City Sanitation Department.
4. Ordinance amending the Conway Municipal Code Section 12.12.22 in regards to Beaverfork Lake structures for the Conway Parks Department.

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

1. Ordinance appropriating funds to cover expenses associated with the hiring of the Deputy Attorney for the City's Attorney's Office.
2. Ordinance appropriating donated funds to purchase leadership program for the Conway Fire Department.

**E. Finance**

1. Consideration to remove items from the fixed assets (inventory) and to dispose of them.

**7. Old Business**

**8. New Business**

**Adjournment**

**\*\*\* THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING**

*“cliff’s  
notes”*

**design standards** pattern book

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*CITY-WIDE  
DEVELOPMENT  
GUIDELINES*

**conway, arkansas**



This document is intended to highlight the changes between the current "Site Plan Review" provisions and the newly-proposed "Development Review" Design Standards Pattern Book. As you read through it, please note that all current regulations are listed along the left column, and the corresponding changes italicized along the right. Also, please be aware that any and all non-regulatory provisions, i.e. those which contain verbiage like "should," "recommended," or "encouraged," are left out of this document entirely as they will not actually be enforced during the review and approval process; they are offered within the DSPB only as a resource.

Please keep in mind that all of the standards contained within the new DSPB pertain only to multi-family, office, commercial, and industrial developments. At no time are any of the included provisions applicable to single-family or duplex residential projects.

**C U R R E N T P R O P O S E D**

## Administrative Action

### project planning

Currently, developers must research and adhere to no fewer than nine ordinances, each of which offering its own set of standards for development within the City. This includes, but is not limited to, the Zoning Ordinance, Subdivision Ordinance, Parking Lot Ordinance, Sign Ordinance, Landscaping Ordinance, Hillside Protection Ordinance, Siltation Prevention Ordinance, and on and on and on. This makes what should be very simple research very time consuming, not to mention confusing, for all parties involved.

All information can be found in text-only documents, with little or no imagery, diagrams, or graphic representations of the material covered.

Preliminary conferences are required only of PUD projects.

No formal application process exists for Site Plan Review. This makes it difficult, first, to know exactly what information needs to be submitted for review and approval, and second, to properly track projects as they move through the review process.

Currently Site Plan Review fees are set at a flat rate of \$35. NOTE: Many large-scale projects will receive months worth of discussion and review prior to ever being approved, and the money paid for employee work hours accumulated during the planning and reviewing phases dramatically exceeds the current fee rate.

*The DSPB (and its respective ordinance: Article 1101, Conway Zoning Ordinance) effectively merges the most necessary portions of each of the current separate ordinances. The end result is one easy-to-use document which contains the information and regulations most pertinent to the day-to-day needs of development planning, review and approval, and construction. This aids the developer, the architects and engineers, the contractors, and the city administrators by sourcing all info in one place.*

*Includes a full-color, web-based pattern book complete with example photos and drawings, tables and charts, and other visual aids to offer a more accurate understanding of what is required of projects.*

*Preliminary conferences are required for all developments within the City. This gets all parties "on the same page" prior to finalizing development plans and/or making the formal submission.*

*A formal application process is introduced for Development Review. This includes a detailed information packet for applicants, points-of-contact forms for the City, checklists for architects/engineers, and a map of all reviewing departments for the project representative attempting to acquire permits.*

*Development Review, in similar fashion to permit and subdivision fees, will be based upon the size of the project; commonsensically speaking: the larger the project, the more time it takes City personnel to review it. The new fees will be \$325, plus 2¢ per ft<sup>2</sup> for all impervious surfaces (parking, etc.) and 4¢ per ft<sup>2</sup> for all structures. Fee not to exceed \$3250, regardless of the project's size.*

## Administrative Action

### approval

Site Plan Review approval is good for two years.

*Development Review approval is good for one year.*

## Chapter One: Preface

### scope

Pertains only to structures

*Pertains to not only structures, but any site construction/ addition, to include parking lots, etc.*

"Kicks in" on any expansions of 2,500 ft<sup>2</sup> and/or 25%, whichever comes first.

*The expansion criteria changes to 2,000 ft<sup>2</sup> and/or 20%.*

I-3, Intensive Industrial District, is not reviewed.

*I-3 is now covered, but in a limited manner (see page 65, DSPB)*

No review of outdoor dining (patio) areas.

*These areas added for review/approval.*

## Chapter Two: Site Characteristics

### environmental requirements

Ordinance O-02-53 states that "implement measures" must be taken to prevent soil deposition onto streets, but offers no defined standards for doing so.

*Offers standards and requirements which include gravel construction entrances, silt fencing, and straw bale check dams which prevent siltation of roadways and storm water infrastructure.*

Does not address noise levels or "truck routes" during construction.

*Allows the city engineer the opportunity to prescribe specific routes for disruptive or destructive heavy vehicles during period of construction.*

### site coverage

A maximum of 85% of any site may be covered by impervious surface. (15% minimum pervious.)

*A maximum of 80% of any site may be covered by impervious surface. (20% minimum pervious.)*

## Chapter Three: Design and Architecture

### size & shape

Facade (wall) planes shall not run in one continuous direction for more than 75 feet.

*Facade (wall) planes shall not run in one continuous direction for more than 35 feet in structures 20,000 ft<sup>2</sup> or less, or 50 feet in structures greater than 20,000 ft<sup>2</sup>.*

### facade characteristics

Metal siding shall not dominate main facade (i.e. 49% or less).

*Metal siding shall not cover greater than 20% of any facade.*

Only the "primary facade" is considered with regards to architectural treatment.

*All sides of a structure are treated similarly; this is increasingly stressed where visible from streets and residential areas.*

Franchise (corporate) architecture is not addressed.

*Franchise architecture is prohibited. Site-specific architecture is required and shall correspond to surrounding or desired themes/districts/overlays.*

Blank walls are not addressed specifically.

*Blank walls are defined, prohibited, and addressed with such measures as vegetation, materials, or facades variations.*

## Chapter Four: Traffic, Access, Parking, and Loading

### access requirements

No minimum curb cut width provided.

*Curb cuts shall be a minimum of 12 feet in width.*

Curb cuts shall be no less than 40 feet apart.

*Curb cuts shall be no less than 100 feet apart.*

Curb cuts shall be no less than 20 feet from a side lot line.

*Curb cuts shall be 100 feet from the nearest side lot line, unless a joint access drive is utilized (required where lots are less than 240 feet wide).*

Curb cuts shall be no less than 50 feet from the nearest street intersection.

*Curb cuts shall be no less than 125 feet from any street intersection.*

Joint access in not required.

*Joint access is required where a lot is less than 240 feet wide.*

Cross access is required for all properties adjacent to collector streets and above.

*Cross access is required along all streets.*

## parking area design

Parking area circulation is not currently addressed.

*A "hierarchy of circulation" is required of all parking lots. This defines and provides for access, circulation, and parking drives, and functions similar to the street classification system (i.e. collectors & arterials).*

"Modular parking areas" are not current addressed.

*Parking areas greater than 48 spaces are required to be broken down into smaller "modules" so as to break down massive expanses of uninterrupted pavement. These modules are generally separated by landscaping.*

## driveway throat length

The City currently has no driveway throat length requirements.

*Large commercial projects shall be designed with "throats" to allow for the stacking (queuing) of vehicles at the driveway entrance/exit.*

## parking requirements

Currently, the City refers to Article 501 of the Zoning Ordinance for all required parking calculations. Those which are designated are "hard-wired" and offer little or no flexibility. This can present problems as land uses change and evolve over time. Further, not all uses are best served by a "one size fits all" solution (i.e. furniture stores which may be huge in size, but generate relatively little demand for parking).

*Parking requirements will be general in nature and flexible based upon the individual characteristics of each development, not "hard-wired". During Development Review, a thorough assessment of demand will be conducted based upon adjacent traffic patterns, land uses, potential for future evolution (such as with a strip center which changes often), national trends, and research from outside sources (Institute for Traffic Engineers' and the American Planning Association's parking guidelines).*

There are no current maximum parking standards.

*Development Review will introduce maximum parking requirements, which will prevent projects from "over-paving" their property.*

Although often encouraged, shared parking is not well defined or regulated.

*Shared parking provisions and calculations allow for a small decrease in required parking when adjacent property owners enter into a permanent shared parking agreement.*

## pedestrian circulation

Pedestrian safety control measures within parking areas are not currently provided for.

*Designing parking lots which recognize the need for pedestrian safety are discussed and several desirable control measures are identified (however, these are only "required" on large-scale projects; see page 57, DSPB).*



## Chapter Five: Screening and Fencing

### trash, refuse, & recyclable material storage

Dumpster screening is not well defined and may be fencing, vegetation, berming, or another approved method.

*A full enclosure must be provided which completely screens the dumpster facilities and corresponds directly to the structure being served (i.e. brick = brick).*

Dumpster covers are not currently required.

*A cover shall be provided (to prevent windblown debris and foul odors) when a dumpster is located within 25 feet of a residential area and/or public R/O/W.*

Facilities in disrepair are not addressed.

*Facilities in disrepair are offered 30 days from notice to make repairs, etc.*

### mechanical & utility equipment

Utility equipment is not currently required to be screened.

*All utility equipment shall be screened with an appropriate screening measure (defined by the DSPB Glossary) and approved by Conway Corp.*

### service, loading, & storage areas

Service, loading, and storage areas are not currently addressed within Site Plan Review.

*These areas shall be screened to minimize the noise, odor, and visual problems caused to adjacent buildings, properties, and streets. Several methods for achieving this are referred to within the DSPB, and are especially firm when these areas are adjacent to residential uses.*

### fencing

Chain link fencing may be the standard silver, which is very obtrusive and visually unappealing.

*All chain link fencing shall be painted or coated in a non-obtrusive color, such as black or green.*

## Chapter Six: Landscaping

### general requirements

Dedicated "Landscaping Plans" are not currently required, and those that are submitted may be planned and drawn by anyone (with or without formal training).

*A "Landscaping Plan" will be required for all projects requiring Development Review. In addition, for projects greater than 2 acres, the plan must bear the seal/stamp and signature of a certified landscape architect.*

No requirement to replace dead plant material exists.

*All dead plant material shall be replaced within one year from notice.*

No current recommended tree and shrub list exists.

*A list of recommended trees and shrubs is provided in the appendix of the DSPB. This was compiled and reviewed with the help of the U of A Cooperative Extension Service to ensure applicability with our growing region.*

### preservation

There is no current requirement to display preexisting site conditions prior to Site Plan Review submission.

*All projects shall submit a sketch/survey detailing the conditions which exist prior to site clearing operations. Any opportunity for tree and waterway preservation will be recognized and addressed during the Preliminary Conference.*

No allowances (credits) are currently made for the preservation of trees and other plant materials which preexist the development.

*Where provisions are made to preserve healthy plant materials on the project site, credit shall be granted to other applicable requirements.*

### structural base

There is no current requirement for landscaping around structures.

*There shall be a landscape strip around the base of all structures, except where walkways cross. The strip shall be a minimum of 3 feet in width.*

### site perimeter

A minimum landscaped area of 6 feet is required along all street frontages.

*A minimum landscaped area of ten feet or 5% of the average depth of the lot, whichever is greater, shall be provided along all street frontages.*

Currently, no side/rear landscaping requirements exist.

*A minimum landscaped area of 6 feet shall be provided along nonresidential areas, and of 20 feet along residential areas.*

Current tree and/or shrub planting requirements pertain only to street frontage and parking lots.

*Requirements for trees and/or shrub plantings apply to all landscaped areas of the site.*

## parking lots

Parking lots greater than 25 spaces are required to have no less than 5% landscaped area (islands).

*In parking lots with 24 or more spaces, no more than 12 continuous parking spaces are permitted without a landscape island.*

Each island must be 80 ft<sup>2</sup> minimum and contain one tree or shrub.

*Each island shall be 300 ft<sup>2</sup> and 8 feet wide minimum and contain one canopy tree or two understory trees.*

There shall be a ratio of 1 tree or shrub per 25 parking spaces, and one tree or shrub per 40 feet along the perimeter of the parking lot.

*There shall be a ratio of at least one tree per 24 spaces throughout the parking lot, and no parking space shall be further than 60 feet from the nearest tree.*

There are no current provisions pedestrian-friendly "buffer" areas to be placed in large parking lots.

*In parking areas of 200 or more spaces, landscape areas shall be used to create "buffers" which run the length/width of the parking lot. These will include sidewalks.*

## parking lot screening

Parking lot screening is currently only required when lots are adjacent to residential areas, or within the Prince/Hogan/DWD Overlay District.

*Parking lot screening is required city-wide whenever any parking lots abut residential areas or street rights-of-way.*

Screening (where applicable) is provided by berms or 6 foot tall fencing only.

*Screening may be one or more of the following: planter box, berm, wall/opaque fence, hedgerow, or (ideally) a combination of the above. Standards for design are applied for each method.*

No standards currently exist for berm construction.

*Berms may have a max slope of 3:1 and gently undulate so as to appear natural and not man-made.*

## sign base

There are no current landscaping requirements for areas surrounding the base of signs.

*All signs shall include a landscaped area at their base to soften an otherwise bulky appearance. The width of this area shall be 1/2 of the height of the sign, with a maximum 8 feet required (i.e. interstate zone signs).*

## Chapter Seven: Lighting

Lighting shall be directed inward toward the site, and designed to not create significant light pollution upon surrounding areas. However, a shielded ("shrouded") fixture is not required.

No current height restrictions exist.

No current floodlighting restrictions exist.

*Inward, downward, and shrouded becomes the standard in all applications. Fixtures must be fully shielded ("full cut-off") and light levels shall not exceed 0.5 footcandles at the property line.*

*No lighting shall be mounted higher than 25 feet.*

*Floodlighting is not permitted (except in I-3).*

## Chapter Eight: Signage

Ordinance O-06-134 ("The Sign Ordinance") regulates all signage within the City.

*No change. The DSPB simply makes the current ordinance easier to understand by applying photographs as examples for each type of sign.*

## Chapter Nine: Special Standards

### **mixed use**

No current regulations exist for mixed-use developments.

*The noise, traffic, lighting, and other elements generated by the commercial component of the project shall not negatively impact the residential component.*

### **large-scale ("big-box")**

No current regulations exist for large-scale ("big box") commercial developments.

*A minimum of 5% of the total project shall be designated as permanent common space for use as an outdoor public gathering area.*

*Clearly defined pedestrian circulation systems shall be provided throughout the project, both adjacent to storefronts and within the parking areas, as well.*

*The side of any structures which abut streets shall be surrounded by a landscape buffer which is equal in width to the height of the structure, and planted densely enough to sufficiently lessen the impact of an otherwise bulky appearance.*

## large-scale (“big box”)

*Every attempt shall be made to minimize the imposing mass, encourage designs that complement neighborhood buildings, and foster a human-scaled and pedestrian-friendly environment.*

*The design of any outdoor storage or gardening facilities shall complement the architecture of the primary structure.*

*Facades which face streets, whether they serve as front, side, or rear of the building, shall be architecturally detailed to avoid being appearance of being the “back of the building”.*

## outdoor dining establishments

No current regulations exist for outdoor dining establishments.

*Outdoor seating for eating and drinking not covered by permanent roof structure shall be allowed for up to 50% of the establishment’s allowed indoor seating.*

*The seating should be entirely on privately owned or leased property and outside the public right-of-way. Any right-of-way encroachment must be approved by the Conway City Council.*

*The seating shall not require or be dependant upon any new structures not otherwise permitted by the City of Conway Zoning Ordinance.*

*All outdoor seating shall be arranged in such a way so as to be safe under all conditions for pedestrian and vehicular traffic. It shall not inhibit the free circulation on public sidewalks or safe egress from buildings.*

*The property owner shall be responsible for maintaining the outdoor seating area in a clean, sanitary, and orderly manner.*

*Outdoor seating shall consist of only necessary items (i.e. tables, umbrellas, chairs, patio heaters etc.). All items should be considered integral to the general design theme of the structure and site, and correspond and complement that theme accordingly.*

## vehicle dealerships & repair shops

No current regulations exist for vehicle dealerships and repair shops.

*Associated uses or activities which create excessive amounts of noise (car repair, exterior sound systems, car audio installation, engine testing, etc.) shall not be immediately adjacent to residential areas.*

*Service areas shall be screened from view of streets and residential area. These areas shall be located to the rear of the site, where feasible.*

## fuel/service stations & car washes

No current regulations exist for fuel/service stations and car washes.

*Dense landscaping, berming, architectural treatments or a combination of these elements shall be used to maximize the screening of the site from streets and residential areas.*

*Canopies shall avoid appearing "pre-engineered," and appear relevant to the overall building design and that of the surrounding area. The use of pitched roofs and roofing materials which complement or correspond to the primary structure on canopies is required.*

*Columns supporting the canopy should be of sufficient thickness to portray a visual sense of strength, balance, and traditional masonry proportions. The use of brick, stone, or other substantial building materials is required.*

## I-3 intensive industrial districts

No current regulations exist for I-3 intensive industrial district developments; they do not require Site Plan Review approval.

*Site layouts shall be designed to provide aesthetically pleasing street scenes; controlled accesses with maneuver area for emergency vehicles; convenient visitor parking; well-screened outdoor storage, loading areas, equipment and service areas; and an emphasis on the primary entrance or office portion of the building.*

*Visitor and handicapped parking shall be located adjacent to the primary entrance of the building (the "office" entrance).*

*Loading and storage areas shall be screened from view from public rights-of-way and non-industrial properties.*

### I-3 intensive industrial districts

*Landscaping shall be used to screen unsightly areas (i.e. storage, loading, and service areas) from public view. All landscaping within the "Image Zone" of the project shall meet all provisions of Chapter Six of the DSPB.*

*Primary entryways (i.e. office, business, visitor entryways) shall make every attempt to portray a quality office appearance through architectural treatments.*

## Chapter Ten: Appendix

### exceptions

*NOTE: The following section includes no updated information from the current Site Plan Review regulations regarding "Variance and Exceptions". This is included below simply for reference and clarity.*

1. Deviations from the regulations established by this Article shall be permitted in specific circumstances and shall be referred to as "Exceptions." Requests for Exceptions from site development, construction, and appearance design standards shall be in writing and shall be submitted with the Development Review application. Such request shall demonstrate:
  - i. Special conditions or circumstances exist that are not applicable to other lands, structures, or developments such that a literal interpretation of this Pattern Book would result in an undue hardship. These special conditions or circumstances may not result from the actions of the applicant.
  - ii. An Exception is necessary to make possible the reasonable use of the land, structure(s), and/or additions thereto, and that, if granted, such Exception will be in harmony with the general purpose and intent of all ordinances, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
2. If the Planning Director refuses to grant a requested Exception, then the Development Plan is, for all intents and purposes, considered disapproved and therefore subject to the Development Review Appeal process outlined in Section 1101.5 of the City of Conway Zoning Ordinance.
3. If the Planning Director decides to grant a requested Exception, then he/she must, within 1 business day, notify all City Council members. If any one of the City Council members feels that the Exception request should not have been granted, the Council member must notify the Planning Director within 5 business days. Upon this notification, the development plan will be forwarded to the Planning Commission and/or City Council for a re-review, and possible revocation, of the the granted Exception(s) in accordance with Section 1101.9 of the Zoning Ordinance.

**ORDINANCE NO. O-07 \_\_\_\_\_****AN ORDINANCE REGARDING NEW FEDERAL STANDARDS PERTAINING TO ELECTRIC UTILITIES UNDER THE PUBLIC UTILITIES REGULATORY POLICIES ACT OF 1978, AS AMENDED BY THE ENERGY POLICY ACT OF 2005; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, the Public Utility Regulatory Policies Act of 1978 (“PURPA”) as amended by the Energy Policy Act of 2005 (“EPACT 2005”) requires municipal electric utilities with total retail sales of 500 million kilowatt-hours during any calendar year to formally consider and determine whether to adopt five new electric utility standards relating to net metering; smart metering; interconnection; fuel diversity; and fossil fuel generation efficiency (the “Standards”); and

WHEREAS, Conway Corporation, the lessee operator of the city-owned electric utility, had annual retail sales in excess of this 500 million kilowatt-hours and accordingly must comply with PURPA, as amended by EPACT of 2005; and

WHEREAS, management of Conway Corporation published a notice in the Log Cabin Democrat and accepted written comments for 45 days in 2006 on net metering, fuel efficiency and fuel diversity and this month conducted a public hearing after a notice in the Log Cabin Democrat on smart metering and interconnection as required by PURPA, as amended by EPACT of 2005; and

WHEREAS, Management of Conway Corporation have considered the comments and evaluated the consequences of these new Standards to the Corporation and have recommended policies on those Standards;

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

SECTION ONE. Conway Corporation opts to implement the net metering service to any electric customer that Conway Corporation serves. Net metering service under which electric energy generated by the customer from an eligible on-site generating facility such as solar energy and is delivered to the local distribution facilities may be used to offset electric energy provided by Conway Corporation during the billing period. In addition, net metering service is regulated by Act 1781 of 2001 as amended by Act 1026 of 2007 of the Arkansas General Assembly. Conway Corporation should develop rules and regulations to allow net metering no later than January 1, 2008. Based on these facts, the City Council hereby directs Conway Corporation to offer this provision.

SECTION TWO. Conway Corporation opts out of the Fuel Diversity standard. Section 1251 of the Energy Policy Act of 2005 requires each utility company to consider adoption of a plan to minimize dependence on one fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies including renewable technologies. Conway Corporation’s only owned generation is a 2% undivided interest in the White Bluff Steam Electric Station and the Independence Steam Electric Station. These coal-fired generating plants are located in Jefferson County and Independence County. The plants are operated by Entergy Arkansas, Inc. The remainder of Conway Corporation’s energy is provided through a power purchase agreement with Constellation Energy Commodities Group which



prohibits the Corporation from adding additional owned generation. Based on these facts, the Council hereby directs Conway Corporation to opt-out of this provision.

SECTION THREE. Conway Corporation opts out of the Fossil Fuel Generation Efficiency standard. Section 1251 of the Energy Policy Act of 2005 requires each utility to consider the development and implementation of a 10-year plan to increase the efficiency of its fossil fuel generation. Conway Corporation owns 2% of 4 fossil fuel plants, White Bluff Steam Electric Station Units 1 and 2 and Independence Steam Electric Station Units 1 and 2. These plants are co-owned with others and operated by Entergy Arkansas, Inc. These plants supply approximately 40% of the energy needed by Conway Corporation. The remainder of its energy is provided through a power purchase agreement with Constellation Energy Commodities Group. Conway Corporation cannot control energy efficiency at these plants due to its minority ownership. Based on these facts, Conway Corporation does not have the ability to adopt this standard and the Council hereby directs Conway Corporation to opt-out of this provision.

SECTION FOUR. Conway Corporation opts out of the Smart Metering standard. Section 1252 of the Energy Policy Act of 2005 requires consideration of the use of time-based metering and communications. Under the proposal, each electric utility shall offer each of its customer classes time-based rate schedules under which the retail rate charged by the electric utility varies during different time periods with the utility's costs of generating and purchasing energy at the wholesale level. In its existing ownership contract with Entergy Arkansas, Inc. ("EAI"), Conway Corporation does not receive any difference in price from the coal units based on time of generation or purchase. Replacement Energy is provided in the event of loss of coal generation and is priced at the average of the Replacement Energy cost; Conway Corporation does initiate these purchases. In its power purchase agreement with Constellation Energy Commodities Group, Conway Corporation does not receive any difference in price based on the time of generation or purchase. Therefore, since Conway Corporation does not receive time based charges for energy it cannot pass those on to retail customers and the Council hereby directs Conway Corporation to opt out of this provision.

SECTION FIVE. Conway Corporation opts out of the Interconnection standard. Section 1254 of the Energy Policy Act of 2005 requires each electric utility to make available interconnection service unless it opts out of the provision. Interconnection service means service to an electric consumer under which an on-site generating facility on the consumer's premises shall be connected to the local distribution facilities. Conway Corporation's power supply agreement with Constellation Energy Commodities Group prohibits Conway Corporation from expanding any program which encourages distributed generation. Therefore, the Council hereby directs Conway Corporation to out of this provision except with respect to interconnection that is a part of the Company's net metering rules addressed in Section One above.

SECTION SIX. It is ascertained and declared that the implementation of this Ordinance is of immediate concern to the inhabitants of the City; that by reason thereof an emergency exists and this Ordinance, being necessary for the immediate preservation of public welfare, shall take effect and be in full force from and after its passage and approval.

PASSED: \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

## RESOLUTION NO. R-07-\_\_\_\_\_

**A RESOLUTION CLOSING A UTILITY/DRAINAGE EASEMENT IN THE NORTH MARKET PLAZA P.U.D SUBDIVISION; AND FOR OTHER PURPOSES**

**WHEREAS**, a petition has been filed with the City Council of the City of Conway, Arkansas by Watson-Rankin, LLC to abandon the East 10' of a 25' utility/drainage easement along and adjacent to North Market Drive on the West lot line of Lots 5 and 6, the East 10' of a 25' utility/drainage easement along and adjacent to Village Court Drive along the West lot line of Lot 4 and the West 10' of a 25' utility/drainage easement along and adjacent to Market Plaza Drive all in North Market Plaza P.U.D. Subdivision to the City of Conway in the North Market Plaza P.U.D within the corporate limits of the City of Conway, Arkansas; and

**WHEREAS**, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

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

1. That the City Council shall hear said petition at its regular meeting to be held at District Court Building, 810 Parkway Street, Conway, Arkansas, on the 28<sup>th</sup> day of August 2007 at 6:30 p.m.
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

**PASSED** this 7<sup>th</sup> day of August, 2007

**Approved:**

**Attest:**

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

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

**ORDINANCE NO. O-07-\_\_\_\_\_**

**AN ORDINANCE APPROPRIATING FUNDS FOR THE OLD CONWAY DESIGN REVIEW BOARD TO PURCHASE EDUCATIONAL MATERIAL AND TO RETAIN AN ARCHITECT; AND FOR OTHER PURPOSES;**

**WHEREAS**, the City of Conway created the Old Conway Design Review Board to preserve the historic character of the older residential areas in Conway by requiring new construction to conform to proper design standards;

**WHEREAS**, these standards will require the use of an architect to be retained on an as needed basis as a consultant and will require the purchase of relevant education material for board members; and

**WHEREAS:** the funding for this has not previously been appropriated by Council action;

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

**SECTION 1.** The City of Conway shall appropriate \$2000 from the (01.990) General Fund Appropriation Account to 01.108.226 (Professional Services) and appropriate \$240.00 to 01.108.335 (Training and Education)

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

**PASSED** this 7<sup>th</sup> day of August, 2007.

**APPROVED:**

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

**ATTEST:**

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

**OFFER AND ACCEPTANCE**

1. **BUYER AND SELLER:** The City of Conway, a municipal corporation chartered under the laws of the State of Arkansas, ("Buyer"), offers to buy, and Kathryn Allen Trent ("Seller") agrees to sell, subject to the terms and conditions set forth herein, the following described property in Faulkner County, Arkansas:

2. **LEGAL DESCRIPTION:**

All that part of the S  $\frac{1}{2}$  -SW  $\frac{1}{4}$  , Section 28 and all that part of the SE  $\frac{1}{4}$ -SE  $\frac{1}{4}$ , Section 29, T-6-N R-14-W, Faulkner County, Arkansas lying South and West of I-40 highway, being more particularly described as follows: beginning at the SW corner of said S  $\frac{1}{2}$  - SW  $\frac{1}{4}$ , Section 28; thence S-87°29'21"E along the South line of said S  $\frac{1}{2}$  -SW  $\frac{1}{4}$  2388.36 feet to the South right of way of I-40 highway; thence along the South and West right of way of I-40 Highway as follows: N-72°56'44"W 368.0 feet; thence N - 82°06'52" – W. 966.86 feet; thence N-72°24'11" W 763.14 feet; thence N-67°26'37" – W, 520.08 feet thence N-58° 48' 15" W, 831.60 feet; thence N-43°45'53"W, 418.1 feet; thence N-50°19'50" – W 102.9 feet to the North line of said SE  $\frac{1}{4}$  - SE  $\frac{1}{4}$ , Section 29; thence leaving said right of way N-87°54'20"-W 119.3 feet to the NW Corner of said SE  $\frac{1}{4}$  - SE  $\frac{1}{4}$ ; thence S-0°04'27" – E 1321.32 feet to the SW Corner of said SE  $\frac{1}{4}$  - SE  $\frac{1}{4}$ ; thence S - 87°56'56" E, 1329.33 feet to the point of beginning containing 39.12 acres (+/-)

Grantors hereby reserved all oil, gas, and mineral in, on and under said lands.

3. **PURCHASE PRICE:** The Buyer shall pay to the Seller the sum of \$156,000

4. **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.

5. **FINANCING:** Parties agree that said offer is contingent upon approval of the Conway City Council and formal appropriation of funds for the \$156,000 and all closings costs and revenue stamps to be paid at closing.

6. **TITLE REQUIREMENTS:** Sale contingent upon merchantable title in Seller.

7. **PRORATIONS:** Taxes and special assessments due on or before closing shall be paid by Seller.

8. 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.

BTT  
7-24-07

9. GOVERNING LAW: This Agreement shall be governed by the laws of the State of Arkansas.

10. 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: [Signature]  
MAYOR TAB TOWNSELL

ACCEPTANCE

The above offer is accepted on this 23 day of July, 2007 at 11:00 a.m. or p.m.

[Signature]  
Kathryn Allen Trent, SELLER

[Signature]  
Kathryn Allen Trent, SELLER

STATE OF ARKANSAS  
COUNTY OF FAULKNER

SUBSCRIBED AND SWORN to before me on this 23 day of July, 2007.

[Signature]  
Notary Public

My commission expires:

Bryan D. Trent/  
Notary Public-State of Arkansas  
Faulkner County  
My Commission Expires 10-16-2016  
My Commission # 12350957

## ORDINANCE NO. O-07-\_\_\_\_\_

**AN ORDINANCE APPROPRIATING FUNDS TO PURCHASE PROPERTY LOCATED BY THE CURRENT CITY LANDFILL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

**WHEREAS**, the City of Conway request to appropriate funds to cover cost associated with buying 39.12 acres +/- for property located by the current landfill.

**WHEREAS**, the funding for this purchase has not previously been appropriated by Council action;

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

**SECTION 1.** The City of Conway shall appropriate \$60,000 from the Sanitation Undesignated Contingency (50.118.999) to (23.118.911), Lands

**SECTION 2.** 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.

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

**PASSED** this 7<sup>th</sup> day of August, 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*

6C-3

**Cheryl Harrington**  
*Director*

July 31, 2007

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

Re: Crawler Dozer

Dear Mayor Townsell,

Bids were submitted at 10:00 am, Monday July 23, 2007 at City Hall for a Crawler Dozer. Three bids were submitted:

H & E Equipment Services	\$119,750.00
Scott Equipment Company	\$134,638.00
Warrior of Arkansas	\$157,850.00

I recommend the bid from Scott Equipment Services for \$134,638.00. 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



**AN ORDINANCE AMENDING CONWAY MUNICIPAL CODE SECTION 12.12.22 STRUCTURES; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, the Conway Parks Department desires to amend Section 12.12.22 (Structures) of the Conway Municipal Code.

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

**SECTION 1.** Chapter 12.12.22 of the Conway Municipal Code is hereby amended to read as follows:

- A. Structure into the Lake:
- 2. Rules Governing boat docks, boat houses, and piers generally:

Landowners wishing to construct a new structure into the lake must complete an application to apply for approval to build a structure into the lake. The applicant must submit documentation showing the location of the property for which a permit is requested, the existing lot lines and the extrapolation of these lines into the lake, the design and dimensions of the structure, the materials to be used in construction, and a resolution to be adopted by the City Council for its approval. Additional documentation may be required if the submitted documents do not clearly show the application meets the requirement of this code. The Lake Supervisor as well as the City Building Inspector, and a registered professional engineer must approve of the application.

- 4. Maintenance Requirement.

All structures and improvements must pass an annual inspection to determine its structural soundness. The Lake Supervisor will determine structural soundness with assistance of the City Building Inspector and/or a registered professional engineer or their designees.

**SECTION 2.** All other parts and enumerated paragraphs in Chapter 12.12.22 remain intact, unamended, and are in full force and effect.

**SECTION 3.** That all ordinances in conflict herewith are hereby repealed to the extent of that conflict.

**SECTION 4.** 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 7<sup>th</sup> day of August, 2007

**APPROVED:**

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

**ATTEST:**

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

**ORDINANCE NO. O-07-\_\_\_\_**

**AN ORDINANCE APPROPRIATING FUNDS FOR THE OFFICE OF THE CITY ATTORNEY TO PAY FOR ADVERTISING COSTS FOR THE POSITION OF DEPUTY CITY ATTORNEY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,**

**WHEREAS**, the City Council of the City of Conway has approved the position of Deputy City Attorney and appropriated funds for that position for the remainder of the fiscal year 2007; and

**WHEREAS**, advertising costs in the amount of \$487.76 were incurred in advertising the position with the *Arkansas Democrat-Gazette* classifieds; and

**WHEREAS**, the Office of the City Attorney needs to appropriate funds in the amount of \$487.76 to cover costs associated with the advertising for said position.

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

**SECTION 1.** The City of Conway shall appropriate \$487.76 from the General Fund Balance Appropriation account (01.990) into Legal Fees (01.111.222).

**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 7th day of August, 2007.

**APPROVED:**

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

**ATTEST:**

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

## ORDINANCE NO. O-07-\_\_\_\_\_

**AN ORDINANCE APPROPRIATING DONATED FUNDS TO PURCHASE A LEADERSHIP PROGRAM FOR THE CONWAY FIRE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, the Conway Fire Department requests \$2,000 to assist in the purchase of a leadership program to be presented to the members and area fire department of the Conway Fire Department.

**WHEREAS**, funds in the amount of \$2,000 were donated by Acxiom to be used for such purpose:

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

**SECTION 1.** The City of Conway shall accept donated funds in the amount of \$2,000 and appropriate \$2,000 from the General Fund Revenue Donation Account (01.909) to the Fire Department Training Operating Account (01.115.335).

**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 7<sup>th</sup> day of August, 2007.

**APPROVED:**

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

**ATTEST:**

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

**M E M O R A N D U M**

**TO:**                   **The Honorable Tab Townsell  
and Members of City Council**

**FROM:**               **Robin Scott  
Chief Financial Officer**

**DATE:**               **July 31, 2007**

**REFERENCE:**   **Disposal of property**

The attached listing details items to be removed from the fixed assets (inventory). I would like to request approval to remove these items from our inventory listing and to dispose of them. Vehicles will be sold for scrap or offered for sale through “as is” sealed bid auction—whichever appears to provide the best price to the City. Vehicles sold for scrap will also be cannibalized for whatever parts might be used by Fleet Maintenance, with documentation maintained by Fleet Maintenance for any salvaged parts with an estimated value of at least \$500. Any vehicle sold for scrap will first be offered for training purposes to the Conway Fire Department.