

City Council Members

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 – Jim Rhodes  
Ward 3 Position 2 – Mary Smith  
Ward 4 Position 1 – Theodore Jones, Jr.  
Ward 4 Position 2 – Shelia Whitmore

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



**5:30pm -- Committee Meeting:  
2010 City of Conway Budget  
6:30pm -- City Council Meeting  
Courtroom in District Court Building  
810 Parkway, Conway, AR 72032  
December 8<sup>th</sup>, 2009**

**1. Call to Order**

**2. Roll Call**

**3. Minutes:** *November 24<sup>th</sup>, 2009*

**4. Recognition of Guests:**

**5. Public Hearings:**

A. Public hearing to discuss the closing of a 15' extended overhead electric utility easement located in part of the Block 6 of the west end addition at 2740 College Avenue.

1. Ordinance closing the 15' extended overhead electric utility easement located in part of Block 6 of the west end addition at 2740 College Ave.

B. Public hearing to discuss the closing of a portion of right of way located at the northeast & southeast corner of Prince Street & Western Avenue.

1. Ordinance to abandon a portion of the Western Avenue right of way at the northeast corner & southeast corner of Prince Street & Western.

**6. Report of Standing Committees:**

**A. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce)**

1. Consideration of payment to property owners & possible condemnation of properties for the acquisition of the new Conway Municipal Airport.

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

1. Consideration to accept nominations for the Old Conway Review Design Board, Historic District, Commission & Oak Grove Cemetery Board.

2. Resolution requesting the Faulkner County Tax Collector to place a certified lien on property located at 1845 Drury Lane as a result of incurred expenses by the City.

3. Ordinance to accept additional funding and appropriating additional grant revenue funds to CDBG.

4. Ordinance to rezone property located at 2018 Caldwell Street, stretching north to Cross Street from R-1 to HR.
5. Consideration to purchase a Smartsensor Advance Detector unit from Mid American Signal for the intersection of Donaghey and Dave Ward Drive.
6. Consideration to provide speed humps on Freyaldenhoven Lane between Siebenmorgen Road and Theodore Jones School.
7. Consideration of annual bids for asphalt, gravel, concrete, concrete pipe, concrete work, concrete work, & gasoline/diesel for the City of Conway.
8. Consideration to lease space in the Pine Street Community Center.

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

1. Consideration to enter into an agreement with the Faulkner County Solid Waste Management District.
2. Ordinance waiving bids for contracted services with Terracon Consultants Inc. in conjunction with the City Landfill testing
3. Ordinance waiving competitive bids and appropriating funds for clearing services through Tucker Creek Bike Trail.
4. Consideration to enter into a professional services agreement for an inspector at Conway Station Park.

*(Additional information may be provided prior to meeting)*

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

1. Ordinance amending Title 4 of the Conway Municipal Code as related to Pawnbrokers & Scrap Metal Dealers.
2. Consideration to accept annual bids for the Conway Police Uniforms.

*(Information to be provided prior to meeting)*

**E. Finance**

1. Ordinance adopting the FY2010 City of Conway budget.
2. Ordinance waiving bids for the purchase of police vehicles for the Police Department.
3. Ordinance waiving bids for the purchase of a new fire truck for the Fire Department.

**7. Old Business**

**8. New Business**

- A. Discussion of levying permit fees for alcoholic beverages & a business license permit fee.

**Adjournment**



**City of Conway, Arkansas**  
**Ordinance No. O-09- \_\_\_\_\_**

**AN ORDINANCE CLOSING THE 15' EXTENDED OVERHEAD ELECTRIC UTILITY EASEMENT LOCATED IN PART OF BLOCK 6 OF THE WEST END ADDITION AT 2740 COLLEGE AVENUE; AND FOR OTHER PURPOSES;**

**WHEREAS**, a petition was duly filed by **Kids Play Properties, LLC** with the City Council of the City of Conway, Arkansas on the 17<sup>TH</sup> day of November, 2009 asking the City Council to vacate and abandon a 15' portion of an extended overhead utility easement described as lying in part of Block 6, West End Addition.

**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 overhead electric utility easement to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the overhead electric utility easement.

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

**Section 1.** The City of Conway, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the 15' overhead electric utility designated as follows:

Lying in part of Block 6, West End Addition, to the City of Conway, Faulkner County, Arkansas for overhead electric facilities more particularly described as follows:

Commence at the SE corner of Block 6, West End Addition to the City of Conway; thence North 87 degrees 45 minutes 07 seconds West 222.57 feet to the southwest corner of Lot 6, Tucker Creek Professional Park Addition to the City of Conway; thence North 87 degrees 44 minutes 22 seconds West 342.57 feet to a point; thence North 15.01 feet to a point; thence North 02 degrees 48 minutes 13 seconds East 23.77 feet to a point; thence North 19 degrees 10 minutes 03 seconds East 128.38 feet to the point of beginning; thence North 19 degrees 10 minutes 03 seconds East 40.25 feet to a point; thence South 87 degrees 47 minutes 48 seconds East 15.68 feet to a point; thence South 19 degrees 10 minutes 03 seconds West 94.00 feet to a point; thence North 02 degrees 12 minutes 12 seconds East 51.41 feet to the point of beginning.

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

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

Passed this 8<sup>th</sup> day of **December**, 2009.

**Approved:**

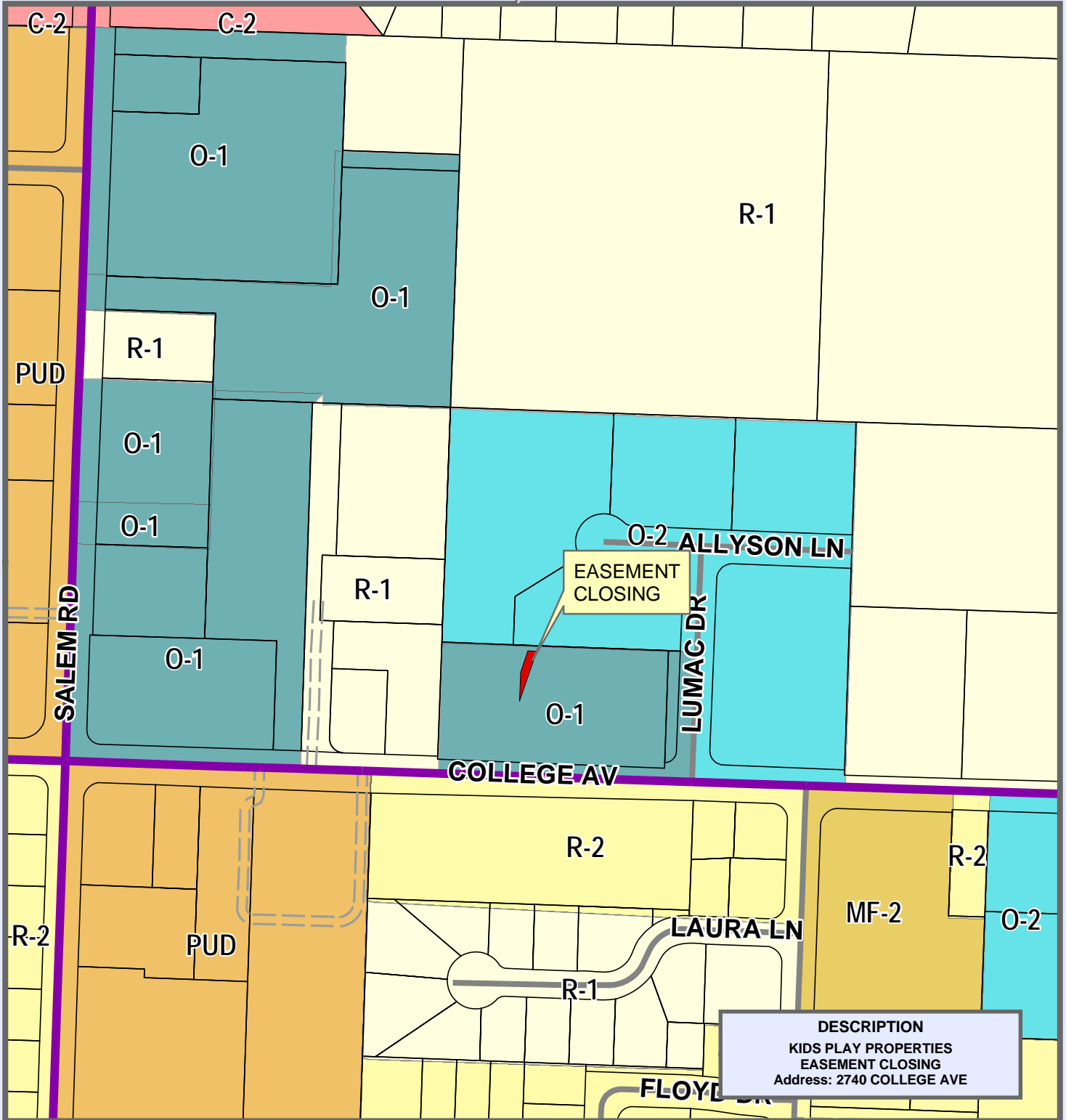
\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

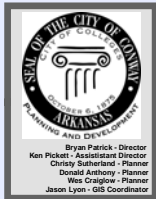
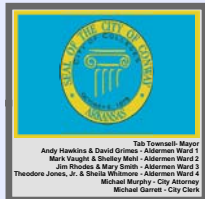
\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**

# CITY OF CONWAY

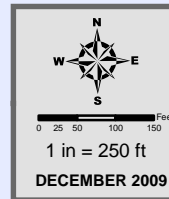
## KIDS PLAY PROPERTIES, LLC EASEMENT CLOSING



**DESCRIPTION**  
**KIDS PLAY PROPERTIES**  
**EASEMENT CLOSING**  
 Address: 2740 COLLEGE AVE



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



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

CONTACT INFORMATION  
 LANDMARK GIS WEBSITE  
[gis.cityofconway.org/LANDMARK\\_DEVELOPMENT/](http://gis.cityofconway.org/LANDMARK_DEVELOPMENT/)  
 E-MAIL: [Jason.Lyon@CityOfConway.org](mailto:Jason.Lyon@CityOfConway.org)



engineering

Birmingham  
Conway  
Little Rock  
Oklahoma City  
Rogers  
Russellville  
Tulsa  
Wichita

November 17, 2009

Conway City Council  
District Court Building  
810 Parkway  
Conway, AR 72032

**RE: Pediatrics Plus Modular Building  
Easement Relocation  
Conway, AR**

Dear Sir and/or Madam:

Please find attached a site plan for the proposed modular building that is to be placed on the Pediatric Plus Therapy Center property located at 2740 College Ave in Conway. On behalf of Kids Play Properties, we formally request a portion of the 15' overhead electric easement crossing the property be relocated as indicated on the site plan in order to accommodate the desired location of the modular building. We have attached a map of the West End Addition to the City of Conway, a plat of the Tucker Creek Professional Park, a current warranty deed for the less and except portion of Block 6 described on the Tucker Creek Professional park plat, the deed for the subject easement, and a description of the portion of the easement to be vacated. Also, we have included a sketch of the proposed easement location shown on the site which will be dedicated to the City of Conway.

All utility companies have been contacted in regards to the relocation of this easement. However, we are still awaiting responses approving this request.

Thank you for your time and consideration.

Sincerely,  
**CRAFTON, TULL, SPARKS & ASSOCIATES, INC.**

Brad Peterson, P.E.  
Project Engineer







CenterPoint Energy  
817 North Creek Drive  
Conway, AR 72032  
501-377-4791  
501-336-8372 (fax)

Date: 11/24/09

**Attention:** Crafton Tull Sparks,  
City Council of Conway, and the Honorable Tab  
Townsell - Mayor of Conway

**Subject:** Easement Relocation:  
Pediatrics Plus Modular Building- a portion of the 15'  
overhead electric easement lying in part of Block 6,  
West End Addition, to the City of Conway, Faulkner  
County Arkansas

CenterPoint Energy has no conflict with the relocation of the portion of the 15-foot overhead electric easement lying in part of Block 6, West End Addition, to the City of Conway, Faulkner County Arkansas. Easement relocation as per attached plat drawings.

Kyle Allison, Marketing Consultant  
CenterPoint Energy, Conway Area

A handwritten signature in cursive script, appearing to read "Kyle Allison".





**Lynda Palmer**  
AT&T Arkansas  
Mgr.-OSP Ping. & Engrg. Design  
Right-of-Way  
Joint Use of Poles

1111 West Capitol, Rm 941  
Little Rock, AR 72201  
(501) 373.5255 Phone  
(501) 373.0229 Fax  
lynda.palmer@att.com

November 18, 2009

Crafton Tull Sparks  
Attn: Brad Peterson, P.E., Proj. Engr.  
10825 Financial Centre Parkway  
Little Rock, AR 72211

Dear Brad:

Please let this letter serve as our concurrence to your proposed relocation of a portion of the 15' overhead electric easement crossing the property at 2740 College Avenue in Conway.

AT&T has no facilities within this easement. If you have questions about our facilities near this location, please contact David Cain, our Conway engineer, at 501-373-8171.

Sincerely,



**City of Conway, Arkansas**  
**Ordinance No. O-09- \_\_\_\_\_**

**AN ORDINANCE TO ABANDON A PORTION OF THE WESTERN AVENUE RIGHT OF WAY AT THE NORTHEAST CORNER & SOUTHEAST CORNER OF PRINCE STREET AND WESTERN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES;**

**WHEREAS**, a request has been made before the City Council of the City of Conway, Arkansas on the December 8<sup>th</sup>, 2009 asking the City Council to the abandon the right of way at the Northeast & Southeast at the corner of Prince Street & Western Avenue.

**WHEREAS**, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the right of way or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street right of way herein described; is no longer required for use as a street right of way by the general public; that all the owners of the property abutting upon the portion of the right of way to be abandoned are not adversely impacted by the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the right of way.

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

**Section 1.** The City of Conway, Arkansas hereby abandons a portion of Western Avenue being situated adjacent to and west of Lot 1 Block 5, H.P. Merrit Addition to the City of Conway in part of the of the SE ¼, SE ¼, Section 2, Township 5 North, Range 14 West in Faulkner County, Arkansas, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 1 thence N02°09'02"E, 5.00 feet along the west line of said Lot 1 to the Point of Beginning; thence continuing along the west line of said Lot 1 N02°09'02"E, 120.00 feet; thence S24°42'07"W, 65.19 feet; thence S02°09'02"W, 25.00 feet; thence S33°32'31"E, 42.85 feet to the Point of Beginning and containing 0.04 acres more or less.

Also, the City of Conway hereby abandons a portion of Western Avenue being situated adjacent to and west of Block 2, of the NE ¼, NE ¼, NE ¼ Section 11, Township 5 North, Range 14 West in Faulkner County, Arkansas as shown on survey and plat made by B.F. Stermer on November 7, 1945 being more particularly described as follows:

Commencing at the point of intersection of the South Line of Prince Street (50 foot ROW) with the East line of Western Avenue (60 foot ROW) thence S02°14'20"W, 5.00 feet along the East line of Western Avenue to the Point of Beginning; thence continuing along the East line of Western Avenue S02°14'20"W, 120.00 feet; thence N34°49'40"W,

49.77 feet; thence N02014'20"E, 40.00 feet; thence N38054'41"E, 50.23 feet to the Point of Beginning and containing 0.05 acres more or less.

**Section 2.** The entire area of right of way abandoned as described above shall be retained as a "Utility and Drainage Easement" for use by existing and future public and private utilities and for use by the city for existing and future drainage purposes. Said easement shall give the city and utility companies the right to excavate and backfill as required to inspect, install, maintain and replace utilities and storm drainage facilities.

**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 8<sup>th</sup> day of December, 2009.

**Approved:**

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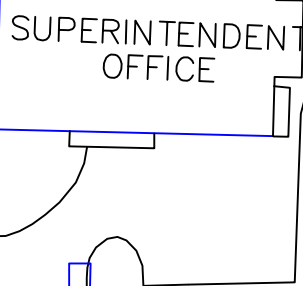
**Mayor Tab Townsell**

**Attest:**

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

ADMIN BLDG.



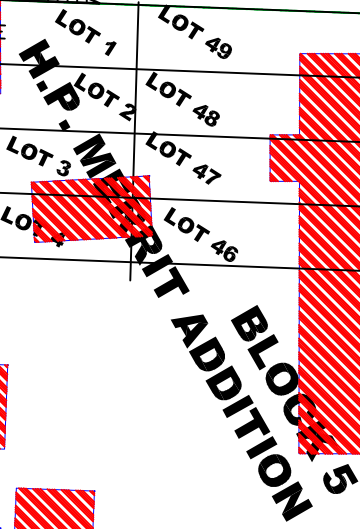
CONWAY HIGH SCHOOL WEST

PRINCE

WESTERN

HICKORY

HICKORY

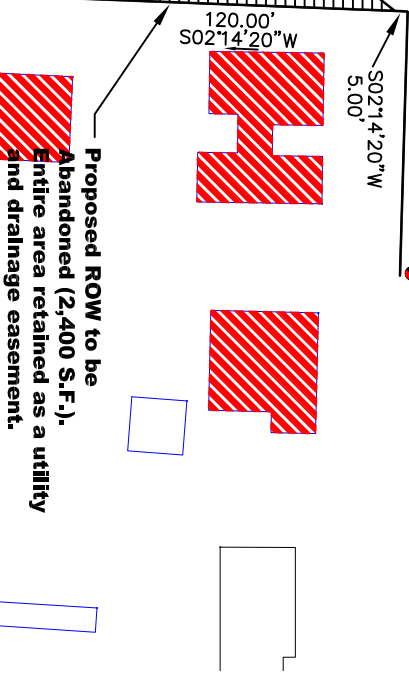


Proposed ROW to be Abandoned (1,812 S.F.). Entire area retained as a utility and drainage easement.

PRINCE (50' ROW)

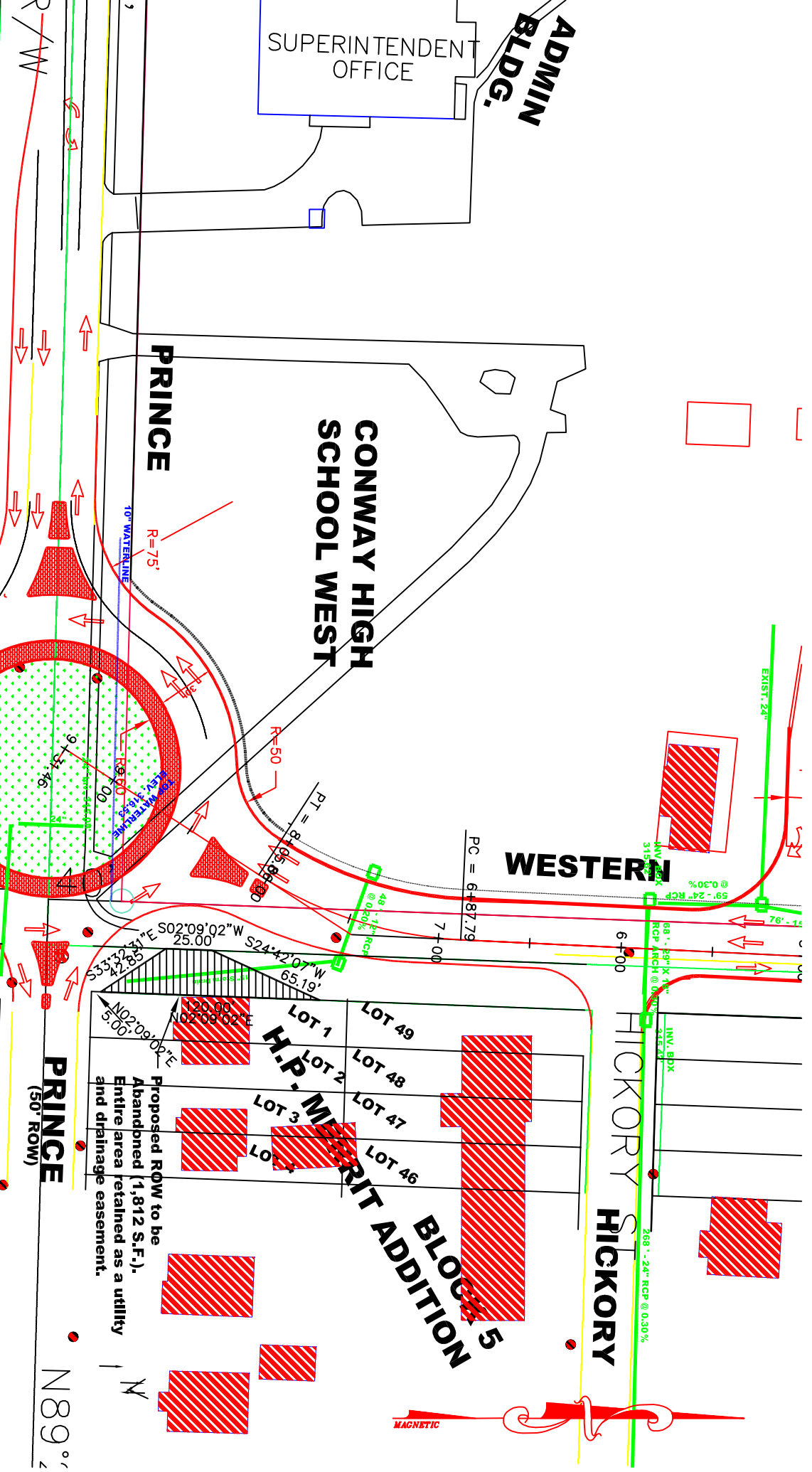
LAURAL PARK

STERN



Abandoned (2,400 S.F.). Entire area retained as a utility and drainage easement.

MAGNETIC





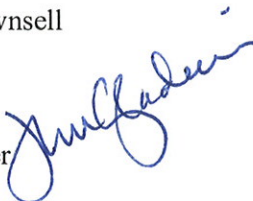
O. R. Colan  
ASSOCIATES

2311 Biscayne Drive, Suite 207  
Little Rock, AR 72227  
501/370-9600

## MEMO

Date: December 1, 2009

To: Mayor Tab Townsell  
Ronnie Hall

From: Jim Gladwin  
Project Manager 

Subject: Conway Airport – Settlement Report

We have concluded negotiations on three tracts for Conway Municipal Airport, and we are recommending settlement and closing at the negotiated prices. The three settlements are:

### Tract 1: Conway Development Corporation

\$717,471.50 for the fee taking of approximately 153.5 acres and an avigation easement of .12 acres, and damages. The settlement includes acquisition of a small (less than .5 acre) tract that should have been identified as an uneconomic remainder. The City has agreed to provide a new survey and legal description for full taking.

### Tract 3: J. W. Brown Jr. and Patsy Ann Brown Revocable Trust

\$600,916.00 for the fee taking of 125.65 acres and avigation easements of 23.94, plus damages. Because the Brown Trust has personal property on the taking, it is also eligible for certain relocation expense reimbursements, which are separate from the acquisition costs.

### Tract 4: Jerry and Margaret Pearson

\$181,370 for the fee taking of 34.35 acres, plus damages.

Contracts are being prepared for all three sales, and will be forwarded for closing upon approval of the purchases by the City.

Please advise if you require any additional information.



1201 Oak Street  
Conway, AR 72032

T 501.450.6105  
F 501.450.6144

[www.conwayplanning.org](http://www.conwayplanning.org)

November 30, 2009

Mayor Tab Townsell  
City of Conway  
1201 Oak Street  
Conway AR 72032

Mayor,

The Old Conway Design Review Board has reviewed the submitted nomination applications for 2010 membership. The Board recommends the following nominees as the new and/or rejoining members of the Old Conway Design Review Board for 2010:

**New Members:**

George Covington, Sr. - Joining as the required Downtown Partnership member  
Term will expire Dec. 31, 2010 (Initial term for staggering purposes)

Sandra Mabry - Joining as the required Planning Commission member  
Term will expire Dec. 31, 2011 (Term coincides with Planning Commission term)

**Returning Members:**

Velton Daves - Term will expire Dec. 31, 2012

Melissa Headrick - Term will expire Dec. 31, 2012

Mary Etta Qualls - Term will expire Dec. 31, 2012. Ms. Qualls will also be joining the Historic District Commission and will serve the OCDRB as the HDC member.

Sincerely,

A handwritten signature in black ink that reads "BRYAN C. PATRICK".

Bryan Patrick  
Director of Planning and Development  
Old Conway Design Review Board Staff

Enclosure: 2010 Old Conway Design Review Board Roster



1201 Oak Street  
Conway, AR 72032

T 501-450-6105  
F 501-450-6144

## 2010 ROSTER

**David Carolina, Jr.**

1213 Lincoln Street  
72032  
501.329.2366 h  
501.940.3929 w  
[rjcarolina@sbcglobal.net](mailto:rjcarolina@sbcglobal.net)  
Term Expires:  
December 31, 2010

**Betty Pickett - Pine Street  
Community Development  
Corporation Member**

1903 College Ave  
72034  
501.329.5862 h  
[bpickett@conwaycorp.net](mailto:bpickett@conwaycorp.net)  
Term Expires:  
December 31, 2010

**George Covington, Sr. -  
Downtown Partnership Member**

1053 Front Street  
72032  
501.450.6217 h  
501.329.3357w  
[gcovington@conwaycorp.net](mailto:gcovington@conwaycorp.net)  
Term Expires:  
December 31, 2010 (Initial Term)

**Barbara Stroope - Secretary**

1220 Davis Street  
72034  
501.908.9070 m  
[b.e.stroope@gmail.com](mailto:b.e.stroope@gmail.com)  
Term Expires:  
December 31, 2011  
**2nd Term**

**Rod Miller**

904 Heather Circle  
72034  
501.336.9360 h  
501.450.1423 w  
[miller@hendrix.edu](mailto:miller@hendrix.edu)  
Term Expires:  
December 31, 2011

**Sandra Mabry - Planning  
Commission Member**

UCA Construction Inspector  
201 Donaghey Ave  
72035  
501.450.5380 w  
[sandym@uca.edu](mailto:sandym@uca.edu)  
Term Expires:  
December 31, 2011

**Velton Daves - Chairman**

Historic District Commission  
Member, Chairman  
955 Western Ave  
72034  
501.499.6382 h  
[veltond@uca.edu](mailto:veltond@uca.edu)  
Term Expires:  
December 31, 2012  
**2nd Term**

**Melissa Headrick**

411 Oliver St  
72034  
501.339.6909 h  
[melissa.headrick@stephens.com](mailto:melissa.headrick@stephens.com)  
Term Expires:  
December 31, 2012  
**2nd Term**

**Mary Etta Qualls - HDC Member**

9 Richland Hills Cove  
72034  
501.730.4404 h  
[mqualls@conwaycorp.net](mailto:mqualls@conwaycorp.net)  
Term Expires:  
December 31, 2012  
**2nd Term**

The Old Conway Design Review Board normally meets the 4th Thursday of each month at City Hall in the Downstairs Conference Room at 7:00 pm.

For information or documentation, go online: [www.conwayplanning.org](http://www.conwayplanning.org) or call the Planning & Development Department at 501.450.6105.



1201 Oak Street  
Conway, AR 72032

T 501.450.6105  
F 501.450.6144

[www.conwayplanning.org](http://www.conwayplanning.org)

November 30, 2009

Mayor Tab Townsell  
City of Conway  
1201 Oak Street  
Conway AR 72032

Mayor,

The Historic District Commission has reviewed the submitted nomination applications for 2010 membership. The Commission recommends the following nominees as the new members of the Historic District Commission for 2010:

Rosie Hemphill - Joining as the required Old Conway Homeowner member  
Term will expire Dec. 31, 2012

Mary Etta Qualls - Joining as an Old Conway Design Review Board member  
Term will expire Dec. 31, 2012 (Term coincides with OCDRB term)

Chad Brown  
Term will expire Dec. 31, 2012

(Trey) Glen Massingill III  
Term will expire Dec. 31, 2010 (initial term for staggering)

Sincerely,

Bryan Patrick  
Director of Planning and Development  
Old Conway Design Review Board Staff

Enclosure: 2010 Historic District Commission Roster





1201 Oak Street  
Conway, AR 72032

T 501-450-6105  
F 501-450-6144

**Steve Hurd, Architect -**

**Chairman**

Ward 4

607 Davis 72034

[arquiteque@conwaycorp.net](mailto:arquiteque@conwaycorp.net)

501.336.9447

Term Expires:

December 31st, 2010

**2nd Term**

**Suzanne Brazil**

Ward 4

4 Birchwood Dr 72034

[brazil@conwaycorp.net](mailto:brazil@conwaycorp.net)

501.327.0224

Term Expires:

December 31st, 2010

**(Trey) Glen Massingill III**

Ward 4

329 Locust St 72034

[trey.massingill@gmail.com](mailto:trey.massingill@gmail.com)

501.613.3832 h

501.342.3173 w

Term Expires:

December 31, 2010 (Initial term)

**Becky Harris -**

**Secretary**

Ward 3

3 Essex Drive 72034

[bekaroo2@aol.com](mailto:bekaroo2@aol.com)

501.505.8456

Term Expires:

December 31st, 2011

**2nd Term**

**Lisa Ray**

Ward 4

835 Watkins St 72032

[l-ray@sbcglobal.net](mailto:l-ray@sbcglobal.net)

501.336.0218

Term Expires:

December 31st, 2011

**2nd Term**

**Scott Zielstra**

Ward 1

2830 MaKenzie Dr 72034

[sziels@acxiom.com](mailto:sziels@acxiom.com)

501.475.5820 h

501.342.0521 w

Term Expires:

December 31st, 2011

**Rosie Hemphill -**

**Old Conway Homeowner**

Ward 4

1724 Robinson Ave 72034

[hemphill\\_1@hotmail.com](mailto:hemphill_1@hotmail.com)

501.336.9892 h

Term Expires:

December 31, 2012

**Mary Etta Qualls**

Ward 4

9 Richland Hills Cove  
72034

501.730.4404 h

[mqualls@conwaycorp.net](mailto:mqualls@conwaycorp.net)

Term Expires:

December 31, 2012

**Chad Brown**

Ward 4

1903 Bruce St 72034

[cjbrown1@ualr.edu](mailto:cjbrown1@ualr.edu)

501.250.4928 h

501.412.8245 w

Term Expires:

December 31, 2012

The Historic District Commission normally meets the 4th Thursday of each month at City Hall in the Downstairs Conference Room at 5:00 pm.

For information or documentation, go online: [www.conwayplanning.org](http://www.conwayplanning.org) or call the Planning & Development Department at 501.450.6105.



City of Conway - Mayor's Office  
1201 Oak Street  
Conway, AR 72032  
[www.cityofconway.org](http://www.cityofconway.org)



# Memo:

**To:** Mayor Tab Townsell  
**CC:** City Council Members  
Chris Spatz, Oak Grove Cemetery Board President

**From:** Felicia Rogers

**Date:** December 4, 2009

**Re:** Oak Grove Cemetery Board Nominations

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The Oak Grove Cemetery Board has selected the following for the vacant positions on there board:

Brenda Collier (Five year term)

Marvin Wendel Dale (Five year term)

Please advise if you have any questions



City of Conway, Arkansas

Resolution No. R-09-\_\_\_\_\_

**A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.**

**WHEREAS**, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 1845 Drury Lane within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

**WHEREAS**, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$232.65 (plus a ten percent collection penalty) to be thereafter certified to the Faulkner County Tax Collector; and

**WHEREAS**, a hearing for the purpose of determine such lien has been set for **December 8th, 2009** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Conway, Arkansas that:

**SECTION 1:** That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

**SECTION 2:** That this Resolution shall be in full force and effect from and after its passage and approval.

**ADOPTED** this 8<sup>th</sup> day of December, 2009.

**Approved:**

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

**Attest:**

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

**Conway Code Enforcement  
Incident Report**

**Date of Violation:** 10-2-09

**Violator Name:** John Cross, Jr.

**Address of Violation:** 1845 Drury Lane

**Violation Type:** Tall Grass


**Warning #:** CE9363

**Description of Violation and Actions Taken:**

On 10-2-09 I received a complaint concerning tall grass at 1845 Drury Lane. I was familiar with this residence as it had been written in the past for the same violation. I also knew that the house was vacant. Upon arrival I noticed that the grass was in violation of the City of Conway Nuisance Abatement Code, section 3.2.4 concerning tall grass. I issued a warning (CE9363) to the listed owner of the residence in Arkansas County Data. The warning was sent to the owner via both certified and regular mail. A recheck of the property on 10-23-09 showed that no progress had been made to correct the violation. The property was scheduled for cleanup at this time and pictures were taken. The property was mowed on 11-3-09 and a bill for the cleanup was sent to the owner via certified and regular mail. Pictures were taken before and after the cleanup was complete and are on file for review.

**Code Enforcement Officer:** Grant Tomlin

**Officer Signature:** \_\_\_\_\_



**Date:** 11-30-09

**Time:** 1420



**City of Conway, Arkansas  
Ordinance No. O-09-\_\_\_\_\_**

**AN ORDINANCE ACCEPTING ADDITIONAL FEDERAL FUNDING AND APPROPRIATING  
ADDITIONAL GRANT REVENUE TO THE CONWAY COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM, AND FOR OTHER PURPOSES:**

**WHEREAS**, the Department of Housing and Urban Development (“HUD”) has awarded additional grant funds to the Community Development Block Grant (“CDBG”) in the amount of \$25,098 for FY 2009 funding;

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

**SECTION 1.** The City of Conway shall accept grant proceeds from HUD in the amount of \$25,098 for CDBG activities.

**SECTION 2.** The City of Conway shall appropriate \$25,098 to the following projects:

\$5,000	25.125 (various lines)	Administration
\$16,598	25.136.899	Habitat for Humanity
\$2,393	25.133.899	Faulkner County Council on Aging
\$1,107	25.166.899	Pine Street Revitalization

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

**PASSED this 8<sup>th</sup> day of December, 2009.**

**Approved:**

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

**Attest:**

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



**City of Conway, Arkansas**  
**Ordinance No. O-09-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 2018 CALDWELL STREET, STRETCHING NORTH TO CROSS STREET, FROM R-1 AND HR:**

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

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

Lot 5-A, Block 44, Robinson's Plan to the city of Conway, Faulkner County Arkansas.

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

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

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

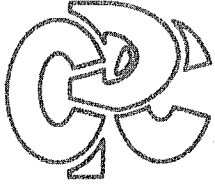
**PASSED** this 8<sup>th</sup> day of December, 2009.

**Approved:**

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

**Attest:**

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



# CONWAY PLANNING COMMISSION

---

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

December 1, 2009

Council Members  
Conway, AR 72032

Dear Council Members:

A request for a rezoning from R-1 to HR for property located at 2018 Caldwell Street, stretching north to Cross Street, with the legal description

Lot 5-A, Block 44, Robinson's Plan to the city of Conway

was reviewed by the Planning Commission at its regular meeting on November 16, 2009. The Planning Commission vote on a motion to approve the rezoning request failed 2 – 6. Only commissioners Craig Cloud and Sandy Mabry voted for approval of the rezoning request. The applicant submitted the attached written request to appeal the Planning Commission's denial to the City Council at the December 8, 2009, council meeting. Public notification of this appeal in the form of a public hearing sign announcing the appeal was verified as posted on the property seven (7) days prior to this City Council meeting as required by ordinance.

Submitted by,

Terry Sossong, Chairman  
Planning Commission

Attachment

## Text of Msg. to Bryan Patrick

---

[Bryan Patrick  
Director of Planning and Development  
1201 Oak Street  
Conway AR 72032  
501-450-6105  
[www.conwayplanning.org](http://www.conwayplanning.org)  
[www.cityofconway.org](http://www.cityofconway.org)]

On Nov 20, 2009, at 1:11 PM, <[diana@conwaycorp.net](mailto:diana@conwaycorp.net)> wrote:

Frank Shaw would like to appeal the decision of the Conway Planning Commission on November 16, 2009 to not rezone his property at 2018 Caldwell Street. Please let me know when we can expect to be placed on the City Council's agenda for this matter.

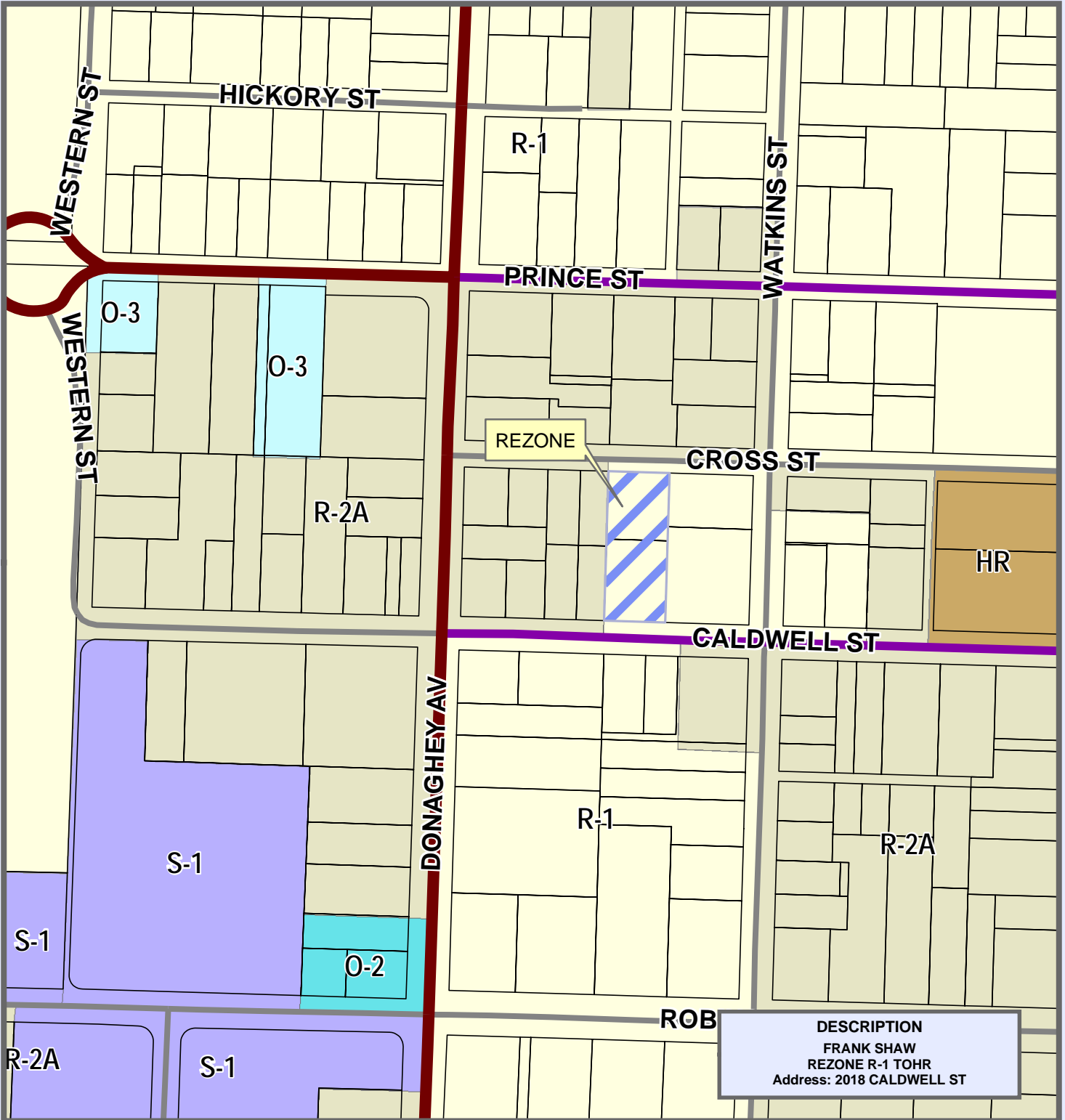
Thank you,

Diana Clements

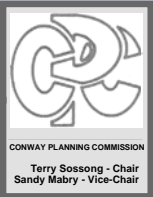
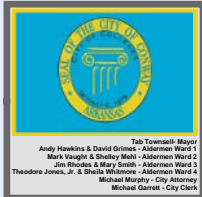


# CITY OF CONWAY

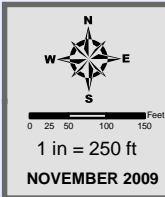
## FRANK SHAW REZONE R-1 TO HR



**DESCRIPTION**  
**FRANK SHAW**  
**REZONE R-1 TOHR**  
**Address: 2018 CALDWELL ST**



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



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

CONTACT INFORMATION  
 LANDMARK GIS WEBSITE  
[gis.cityofconway.org/LANDMARK\\_DEVELOPMENT](http://gis.cityofconway.org/LANDMARK_DEVELOPMENT)  
 E-MAIL: [Jason.Lyon@CityOfConway.org](mailto:Jason.Lyon@CityOfConway.org)

**MEMORANDUM**

TO: MAYOR TAB TOWNSELL

FROM: B. FINLEY VINSON III, P.E.  
TRAFFIC ENGINEER

DATE: December 1, 2009

REFERENCE: Wavetronix SmartSensor Advance Detectors

The Street and Engineering Department is requesting approval to purchase 2 Wavetronix SmartSensor Advance Detector units from Mid American Signal, Inc. for a total cost of \$9,784. The department is proposing the installation of these units at the intersection of Donaghey Ave. and Dave Ward Dr. in order to improve the signal timing at this intersection.

Accurate advance detection is very useful in the optimization of signal timing at higher-speed approaches such as Dave Ward Drive. Video detectors are widely used throughout the city of Conway and are very useful for vehicle detection in the immediate vicinity of the intersection. However, this type of detector is typically not accurate over long distances. The SmartSensor Advance uses Digital Wave Radar technology, which allows the unit to measure both vehicle presence and speed at a distance of up to 500 feet.

This Digital Wave Radar system is a patented technology, which is not duplicated by any competitor. In addition, Mid American Signal is the licensed Wavetronix supplier for our area, and is an approved sole source supplier for the city of Conway. For this reason, no other manufacturer or supplier is capable of providing a comparable bid.

The total materials cost for two SmartSensor Advance units is \$9,784, which includes all necessary hardware. It is possible that some savings may be realized by purchasing the system cable (which is not a patented technology) from a different supplier.



## MID AMERICAN SIGNAL, INC.

2429 S MILL STREET KANSAS CITY, KS 66103  
 PHONE (913) 432-5002 FAX (913) 432-2213  
<http://www.midamsignal.com>

### QUOTATION

PREPARED FOR: Alan Alvey  
 City of Conway, Arkansas  
 PREPARED BY: Bill Droessler

DATE: 12/3/2009

Per Your Request: **Wavetronix SmartSensor Advance Vehicle Detection System**

<u>Radar Vehicle Detection System</u>			
QTY	DESCRIPTION	EACH	TOTAL
2	Wavetronix SmartSensor Advance Detector units w/20' MS cable harnesses & brackets	\$ 3,795.00	\$ 7,590.00
2	Wavetronix Click! 200 Surge Arrestor	\$ 239.00	\$ 478.00
2	Wavetronix Click! 172 Radar Contact Closure Card	\$ 328.00	\$ 656.00
1	Wavetronix Click! 301 Serial to Ethernet Converter	\$ 465.00	\$ 465.00
RADAR VEHICLE DETECTION SYSTEM TOTAL:			\$ 9,189.00
ADD SALES TAX (8.25%):			\$ 758.09
<b>GRAND TOTAL:</b>			<b>\$ 9,947.09</b>

Alan - if you plan to provide cable from other sources, please review the attached spec sheet & make sure that the cable meets the specs shown

On-site installation assistance by MAS technician on turn-on day is included with each system purchase

System cable provided by others, shall meet the manufacturer's minimum reqmts

Freight included to your location

Terms: Net 30 days from date of invoice, or as approved by Mid American Signal Credit Department.

An interest charge, as permitted by law, may be assessed on accounts unpaid after 30 days.

Quotation is valid for 60 days, with delivery 4-6 weeks after receipt of order.

Quotation is based upon quantities shown, any changes can be subject to price adjustment.

The above information is for the use of the person or entity named only. Unauthorized use is prohibited.

The above quotation does not include any installation of the products quoted.

## MEMORANDUM

To : Mayor Tab Townsell

From : Ronnie Hall

Date: October 8, 2009

Subject: Traffic Counts on Freyaldenhoven Lane

As per your request the Street Department placed traffic counters on Freyaldenhoven Lane between Siebenmorgen Road and Theodore Jones School from October 7, 2009 thru October 9, 2009. Also shown below are the traffic counts from 2003. The traffic volume and estimated speeds are as follows:

Location	Date	24 hr. Volume	Peak Hr. Volume	Avg Speed	85% Speed Slower Than	No. Cars faster than 30 MPH
Freyaldenhoven Ln.	10/14/03	1,005	263	23	29.1	103
Freyaldenhoven Ln.	10/8/09	1196	211	25.3	30.5	204

I have attached a print out of the traffic counts and speed for the locations and dates listed above.

If speed humps are considered for this location, we need to check with the school district because of the large number of busses (about 70 busses per day). Because of the significant jolt the riders experience as they cross speed humps, they are not recommended where a large number of trucks or busses travel.

Assuming a 20 MPH speed limit the rating for these locations would be as follows:

	Initial Qualifying Score	Selection Score
Freyaldenhoven Lane	39	43

We are not aware of the appropriate petitions being submitted identifying community wide support for speed humps.

Please advise as to additional data needed or measures to be taken regarding this matter.







**Petition Information**

Title: To prevent accidents and/or congestion on Freyaldenhoven Lane

Purpose: To provide safety for our children as they go to and from school. They must use the street since there is no sidewalk.

Remedy Sought: To provide speed humps to slow traffic.

To prevent parking in the street during school hours.  
No Parking signs to be installed.

RECEIVED  
2009 NOV 30 A 11:43  
CITY OF CONWAY

**Organizer Information**

Full Name William C. Terry and Delores Crawford

Phone No. 329-9221: 327-2972

Signature: William C. Terry Delores Crawford







**MEMORANDUM**

TO: MAYOR TAB TOWNSELL

FROM: RONNIE HALL, P.E.  
CITY ENGINEER

DATE: December 3, 2009

REFERENCE: 2010 ANNUAL MATERIALS AND SERVICES BIDS

I have attached a summary of the bids opened on December 3, 2009 for 2010 annual materials and services utilized by the Street Department. We request award of the bids as follows:

<u>MATERIALS OR SERVICE</u>	<u>CONTRACTOR</u>	<u>PRICE</u>
Asphalt Pre-Mix	Rogers Group	\$84.50/Ton
Asphalt Hot Mix FOB Plant	Rogers Group	\$65.00/Ton
Asphalt Hot Mix (Type 2)In Place	Rogers Group	\$72.00/Ton
Asphalt Hot Mix (Type 3)In Place	Rogers Group	\$67.00/Ton
Crushed Stone FOB El Paso	Webco	\$6.99/Ton
Crushed Stone Delivered	Webco	\$10.86/Ton
Ballast Stone Delivered	Webco	\$12.20/Ton
Stone Backfill delivered	Webco	\$11.40/Ton
Riprap delivered	Webco	\$17.85/Ton
Concrete Class A	Mallard	\$84.35/CY
Concrete Class S	Mallard	\$87.14/CY
Added Cost for 1% Calcium added	Mallard	\$4.00/CY
Reinforced Concrete Pipe:		
12"	Hanson	\$9.05/Ft.
15"	Hanson	\$12.50/Ft.
18"	Hanson	\$14.89/Ft.
24"	Scurlock	\$22.75/Ft.
30"	Scurlock	\$32.90/Ft.
36"	Hanson	\$46.75/Ft.
42"	Hanson	\$58.38/Ft.
48"	Hanson	\$74.01/Ft.
Concrete Blocks:	Conway Block Company	
Standard Weight Concrete Blocks		\$1.49/Ea.
Interlocking Retaining Wall Blocks		\$5.12/Ea.
Concrete Work:		
4" Curb & Gutter	Lasker Brothers	\$3.50
6" Curb & Gutter	Lasker Brothers	\$4.50
Sidewalk	Lasker Brothers	\$1.25/SF
Concrete Pavement Repair		No Bid
Removal of Unsuitable Subgrade		No Bid
Place and Shape Stone Backfill		No Bid
Gasoline & Diesel:		
Reg. Unleaded Gasoline	M.M. Satterfield	\$2.0398/Gal.
Diesel	M.M. Satterfield	\$2.1015/Gal.

**CITY OF CONWAY  
SUMMARY OF ANNUAL BIDS FOR STREET DEPARTMENT TYPE WORK  
FOR YEAR 2010**

<b>ASPHALT</b>	ROGERS GROUP	JAY-PAC	2009 REDSTONE CONSTR LOW BID
PRE-MIX	\$84.50 /TON	\$90.00 /TON	\$81.00 /TON
HOT MIX FOB PLANT	\$65.00 /TON	\$60.00 /TON	\$63.30 /TON
INPLACE HOT MIX SURFACE COURSE (TYPE 2) IN PLA	\$72.00 /TON	\$79.50 /TON	\$60.70 /TON
INPLACE HOT MIX BINDER COURSE (TYPE 2) IN PLACE	\$67.00 /TON	\$78.00 /TON	\$51.75 /TON

<b>CRUSHED STONE BASE COURSE</b>	ROGERS GROUP	WEBCO	Quality Trucking	2009 LOW BID
CRUSHED STONE FOB PLANT	\$8.64 /TON (T.S.&GBR)	\$6.99 /TON(EI Paso)	\$12.25 /TON	\$6.99 /TON
CRUSHED STONE DELIVERED TO STREET DEPT.	\$11.88 /TON	\$10.86 /TON	\$12.25 /TON	\$10.59 /TON
BALLAST STONE DELIVERED TO STREET DEPT.	\$12.42 /TON	\$12.20 /TON	\$13.35 /TON	\$11.64 /TON
STONE BACKFILL DELIVERED TO STREET DEPT.	\$12.42 /TON	\$11.40 /TON	\$12.90 /TON	\$11.13 /TON
RIPRAP DELIVERED TO STREET DEPARTMENT	\$18.95 /TON	\$ 17.85 /TON	\$18.60 /TON	\$17.50 /TON

<b>CONCRETE</b>	MALLARD	2009 LOW BID
CLASS A CONCRETE	\$84.35 /C.Y.	\$84.97 /C.Y.
CLASS S CONCRETE	\$87.14 /C.Y.	\$87.14 /C.Y.
1% ADDED CALCIUM	\$4.00 /C.Y.	\$4.00 /C.Y.

<b>CONCRETE PIPE:</b>	HANSON PIPE	Scurlock Industries	2009 LOW BID
SIZE			
12"	\$9.05 /FOOT	\$10.10	\$9.14 /FOOT
15"	\$12.50 /FOOT	\$13.95	\$12.49 /FOOT
18"	\$14.89 /FOOT	\$15.60	\$15.60 /FOOT
24"	\$23.58 /FOOT	\$22.75	\$22.75 /FOOT
30"	\$33.96 /FOOT	\$32.90	\$32.90 /FOOT
36"	\$46.75 /FOOT	\$50.30	\$50.30 /FOOT
42"	\$58.38 /FOOT	\$63.50	\$63.50 /FOOT
48"	\$74.01 /FOOT	\$77.15	\$77.15 /FOOT

<b>CONCRETE BLOCKS:</b>	Conway Block	2009 LOW BID
STANDARD WEIGHT CONCRETE BLOCKS (8"x8"x16")	\$1.49 /EA.	\$1.46 /EA.
INTERLOCKING RETAINING WALL BLOCKS(6"x16"x12")	\$5.12 /EA.	\$4.50 /EA.

<b>CONCRETE WORK (MATERIALS FURNISHED BY CITY):</b>	LASKER BROTHERS	2009 LOW BID
4" HIGH ROLL CURB & GUTTER	\$3.50 /FOOT	\$3.00 /FOOT
6" HIGH UPRIGHT CURB & GUTTER	\$4.50 /FOOT	\$4.25 /FOOT
FORM POUR AND FINISH SIDEWALK	\$1.25 /S.F.	\$0.65 /S.F.
CONCRETE PAVEMENT REPAIR	NO BID	
REMOVAL OF UNSUITABLE SUBGRADE	NO BID	
PLACE AND SHAPE STONE BACKFILL	NO BID	

<b>GASOLINE &amp; DIESEL</b>	M.M. SATTERFIELD OIL	MAGNESS OIL	2009 LOW BID
REG. UNLEADED GAS	\$2.0398 /GAL.	\$2.2287 /GAL.	\$1.4305 /GAL.
DIESEL FUEL	\$2.1015 /GAL.	\$2.2320 /GAL.	\$1.9570 /GAL.

## Agreement

This Agreement is entered into on this 8th day of December, 2009, by and between the City of Conway Sanitation Department whose mailing address is P.O. Box 915 Conway, AR 72033 and Faulkner County Solid Waste Management District whose mailing address is P.O. Box 1857 Conway, AR 72033.

In consideration of the mutual promises set forth hereunder, the sufficiency of which is hereby acknowledged, the City of Conway Sanitation Department and the Faulkner County Solid Waste Management District agree to the following:

The City of Conway Sanitation Department shall deliver containers of specified number(s) to specified location(s) prior to or at specific time(s) so long as 14 days prior notification has been given.

City of Conway Sanitation Department will collect the container(s) and dispose of contents in accordance to the laws of the State of Arkansas. All charges made to the Faulkner County Waste District by the City of Conway Sanitation Department will include reimbursement for employee labor, applicable tipping fees, equipment use and all costs associated with delivery, collection and disposal of contents of container(s). All charges will remain within the laws of the State of Arkansas and made public upon request.

The Faulkner County Solid Waste District agrees to use the container in the manner in which it is intended, and not permit liquids, green wastes, hazardous wastes, electronic wastes, recyclable wastes or any materials that may be harmful to human health, welfare of the landfill, or the environment enter any container(s). The Faulkner County Solid Waste District also agrees containers will not be altered or defaced while in use, less they incur expenditures derived from such actions not to exceed the current replacement cost.

The City of Conway Sanitation Department reserves the right to refuse any portion or all debris deemed unacceptable for disposal or processing in accordance with ADEQ regulations. In such an event, the Faulkner County Solid Waste District shall be responsible for fees or penalties associated with the occurrence and the City of Conway Sanitation Department held without contempt.

The City of Conway Sanitation Department or the Faulkner County Solid Waste District may terminate this agreement at any time for any reason including but not limited to; emergency situations, hazardous conditions caused by the container or valid complaint. The Faulkner County Solid Waste District will be solely responsible for the contents of the container while it is in its possession and all costs incurred by the Conway Sanitation Department pertaining to the proper clean-up and disposal of legal, illegal or unacceptable materials brought forth for disposal at the City of Conway Landfill.

The Faulkner County Solid Waste District and the City of Conway Sanitation Department agree that "Special Handled Waste" issues will be evaluated and action taken only on a case by case basis.

If any part of this Agreement is held unenforceable for any reason, the remaining portion of this Agreement shall remain in full force and effect, and shall be carried out in a manner consistent with the intentions of the parties hereto.

In the event of any dispute or legal action between the parties concerning the enforcement or interpretation of the Agreement, each party shall be responsible for their own attorney fees.

This Agreement entered into on this 8th day of December, 2009, expiring on the 31<sup>st</sup> day of December, 2010 in the City of Conway, County of Faulkner, and State of Arkansas.

\_\_\_\_\_ \_/\_\_/2009

Tab Townsell, Mayor  
City of Conway

\_\_\_\_\_ \_/\_\_/2009

Preston Scroggin, Chairman  
Faulkner County Solid Waste Management District



City of Conway, Arkansas

Ordinance No. O-09-\_\_\_

**AN ORDINANCE WAIVING BIDS FOR CONTRACTED SERVICES IN CONJUNCTION WITH THE CITY LANDFILL TESTING AND FOR OTHER PURPOSES:**

**WHEREAS**, The City of Conway Sanitary Landfill is subject to the Environmental Protection Agency's (EPA) and the Arkansas Department of Environmental Quality's (ADEQ) groundwater monitoring and solid waste management rules. These regulations require groundwater sampling, statistical analysis of groundwater data, and semiannual gas probe monitoring in accordance with the City's Explosive Gas Monitoring Plan and air and monthly discharge monitoring reports; and

**WHEREAS**, The City of Conway Department of Sanitation has worked with Terracon Consultants, Inc. on previous reporting and monitoring requirements and will benefit from their expertise and in depth knowledge of the Conway landfill,

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

**SECTION 1.** The City of Conway shall waive the requirement for obtaining bids for contracted services in conjunction with the City Landfill's EPA and ADEQ groundwater monitoring, statistical analysis of groundwater data and quarterly gas probe monitoring and shall enter into an agreement with Terracon Consultants, Inc. for said services at a price of \$23,740.

**SECTION 2.** The City of Conway shall also waive the requirements for obtaining bids for other services in conjunction with the City Landfill's EPA and ADEQ air and discharge monitoring requirements, Greenhouse Gas Assessment, NPDES Sampling and Reporting and shall utilize Terracon Consultants, Inc. for said services at a price not to exceed \$12,000.

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

**PASSED** this 8th day of December 2009.

**APPROVED:**

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

**ATTEST:**

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



**City of Conway, Arkansas  
Ordinance No. O-09-\_\_\_\_\_**

**AN ORDINANCE WAIVING COMPETITIVE BIDS AND APPROPRIATING FUNDS FOR CLEARING SERVICES THROUGH TUCKER CREEK BIKE TRAIL BY THROUGH F.P. BIVENS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council approved to accept the low bid from F.P. Bivens Construction to construct an asphalt pathway on the Tucker Creek Bike Trail in August 2009, and;

**WHEREAS**, the Tucker Creek Bike Trail is in need of some additional clearing services, that F.P. Bivens provided a proposal for in the amount of \$18,904 for the Conway Parks Department,

**WHEREAS**, the Conway Parks Department would like to request the City Council to appropriate the additional \$18,904 to fund this project.

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

**SECTION 1.** The City Council of the City of Conway hereby waives the requirement for obtaining competitive bids for the additional clearing services and hereby approves the project through F.P. Bivens Construction Company.

**SECTION 2.** The City of Conway shall approve the appropriation of \$18,904 from Parks and Recreation Impact Fees Special Revenue Funds (20.990) and transfer funds into Capital Project Trail Improvement Construction In Progress Account (39.120.767) for the additional clearing services on the Tucker Creek Bike Trail.

**SECTION 3:** All ordinances in conflict herewith are repealed to the extent to 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 8<sup>th</sup> day of December, 2009.

**APPROVED:**

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

**ATTEST:**

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



# Proposal

## F.P. BIVENS CONSTRUCTION COMPANY

32 New Home Road  
QUITMAN, ARKANSAS 72131  
(501) 589-2622 FAX (501) 589-3049

ATTN: Ronnie Hall

PROPOSAL SUBMITTED TO <b>City Of Conway</b>		PHONE <b>Fax. 501 513 3566</b>	DATE <b>October 14, 2009</b>
STREET <b>100 East Robins</b>		JOB NAME <b>Extra Clearing Tucker Creek Bike Trail</b>	
CITY, STATE and ZIP CODE <b>Conway, Arkansas 72032</b>		JOB LOCATION <b>Conway, Arkansas 72032</b>	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

- To Under Brush Creek and Clean Bank to Water Line Approximately 1000 L. F. From Proposed Bridge to 100 FT. South Of Baker Property New Fence Corner. This Will Be Selective Clearing, NO Large Trees, Brush, Vines and Small Trees Only  
Total Price \$3,000.00
- To Under Brush Pompe Park Area of Brush, Vines And Small Trees On West Side Of Proposed Bike Trail And Dispose Of Material.  
Total Price \$10,204.00
- To Under Brush Creek and Clear Bank To Water Line Approximately 1500 L.F. From New Fence Corner Of Baker Property To Prince Street. This Can Only Be Done After Under Brushing Of Pompe Park Area.  
Total Price \$4,500.00
- To Under Brush And Clean A Few Small Areas Along Baker Property On East Side Of Proposed Bike Trail  
Total Price \$1,200.00

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Payment to be made as follows: \_\_\_\_\_ dollars (\$ \_\_\_\_\_).

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature Andrew Bivens (RB)  
Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_ Signature \_\_\_\_\_



**City of Conway, Arkansas  
Ordinance No. O-09-\_\_\_**

**AN ORDINANCE AMENDING TITLE 4 OF THE CONWAY MUNICIPAL CODE; REPEALING ANY ORDINANCES  
IN CONFLICT; AND FOR OTHER PURPOSES**

**WHEREAS**, the 87th General Assembly of the State of Arkansas, in its Act 390 of 2009, passed legislation concerning matters currently addressed by city ordinances; and

**WHEREAS**, the Mayor and City Council desire to amend Title 4 of the Conway Municipal Code in accordance with the power granted it by ARK. CODE ANN. § 14-54-101 et seq., ARK. CODE ANN § 17-44-102, and to reflect recent legislative changes.

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

**SECTION 1.** Chapter 4.76 Pawnshops shall be deleted in its entirety and replaced with the following:

**CHAPTER 4.76 USED OR SECONDHAND GOODS**

Sections

- 4.76.01 Generally
- 4.76.02 Pawnbrokers and Dealers in Secondhand Goods
- 4.76.03 Precious Metals
- 4.76.04 Scrap Metal Dealers

**4.76.01 Generally**

**4.76.01.01. Penalty.** The failure on the part of any owner or operator of a pawnshop, pawnbroker or dealer in secondhand goods, precious or scrap metals, his or her agent or any other person or entity subject to the provisions of this ordinance to comply with the provisions of this ordinance shall be deemed a violation. Upon conviction, the offender shall be punished by a fine of not more than one hundred dollars (\$100.00) for each separate offense. Each day an owner or operator of a pawnshop, pawnbroker or dealer in secondhand goods, precious or scrap metals, his or her agent or any other person or entity subject to the provisions of this ordinance fails to comply with a provision of this ordinance shall constitute a separate offense and shall be punished accordingly.

**4.76.02. Pawnbrokers and dealers in secondhand goods**

**4.76.02.01. Definitions.**

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

*Dealer in secondhand goods* means any person who:

- (1) Buys, sells or otherwise deals principally in used or secondhand goods; or
- (2) Buys for resale any used or secondhand goods, whether or not as a principal vocation or business, and without regard to whether or not such person maintains a place of business for such purpose.

"Dealer in secondhand goods" does not include a licensed retailer of new goods who shall, in the ordinary course of business, receive used or secondhand goods only as a "trade-in" or as part consideration for purchases of new goods. "Dealer in secondhand goods" does not include a person who sells or exchanges

coins, tokens, metals, or goods of any other nature, if such activity is conducted as part of an approved exhibit at an approved convention held in a facility subject to the regulation of the advertising and promotion commission.

*Goods* means any tangible chattel or personalty capable of physical delivery, except furniture and motor vehicles. "Furniture" does not include radios, television sets, appliances or other items with mechanical, electrical or electronic works.

*Pawnbroker* means a person engaged in the business of lending money upon the security of goods deposited with it or left in pawn, with or without a fixed period of redemption, whether or not a fixed place of business is maintained for such purposes.

#### **4.76.02.02. Records and reports.**

(a) Each and every owner or operator of a pawnshop, pawnbroker and dealer in secondhand goods doing business in the city shall:

- (1) keep a well-bound record book or register which shall contain a copy of every pawn ticket or contract or bill of sale issued by the pawnbroker or dealer in secondhand goods. The chief of police or his duly authorized agents shall be entitled to inspect the book or register at any reasonable time.
- (2) take a color photograph or digital image of any and all jewelry or precious metals that may be pawned or sold. Jewelry shall mean items of personal adornment and shall include, but not be limited to, any bracelet, brooch, charm, cuff link, earring, necklace, ring, tie bar or watch. Precious metals shall include items made from gold, silver or platinum. The photograph or digital image must:
  - (i) be maintained in such a manner that the image can be readily matched, correlated, and cross-referenced with all other records of the transaction to which they relate;
  - (ii) be available to the chief of police, or the chief's designee, upon request; and
  - (iii) be kept or otherwise maintained for sixty (60) days after the date of the transaction, or the date the goods were received, whichever is later.
- (3) Maintain an electronic inventory-tracking system which is capable of delivery and transmission of all statutorily-required information via computer to the entity designated by the Conway Police Department. Information required by such system shall include, but not be limited to, the following:
  - (i) *Amount loaned.* The amount loaned against the article by the pawnbroker or paid for the article by a pawnbroker or dealer in secondhand goods.
  - (ii) *Ticket number.* The pawn ticket number or redemption number issued to the pawnor and assigned to and tagged onto the goods. All items must be identified with consecutively numbered tags generated by the inventory-tracking system.
  - (iii) *Article.* A description of the class of goods within which the pawned or purchased item belongs. Examples are: projector, camera, shoes, revolver, typewriter, watch, ring, television, etc. It shall not be necessary to give a detailed description of such item or goods.
  - (iv) *Description of article.* A concise description of the goods shall be given. In the case of all goods the size, color and descriptive characteristics most pertinent shall be entered. Serial numbers of all appliances or mechanical, electrical, electronic or other manufactured goods shall be entered if such is available on said goods. Model or chassis numbers shall not be entered in lieu of a serial number unless there is no serial number. In the case of watches, the outside case number shall be sufficient if the watch is waterproof, but otherwise both the case number and movement number shall be given, if both are present.
  - (v) *Marks.* Any identifying marks, initials, monograms or personalized features shall be entered to further describe the goods.

- (vi) *Name of party pledging or selling.* The name of the person presenting the goods for pawn or for sale. The name entered shall be substantiated and verified by examination of the government-issued photo ID of the pawnor or seller.
- (vii) *Method of identification.* The number appearing on the government-issued photo ID of the person pawning or selling goods, used for identification under paragraph (vi) of this subsection.
- (viii) *Address.* The address of the person pawning or selling goods.
- (ix) *Description of person.* A description of the person pawning or selling goods indicating sex, race, date of birth, height and weight.

(b) The city of Conway, through the Conway Police Department, shall provide free, commercial grade software, together with periodic updates of such software, to affected pawnshops, pawnbrokers, and dealers in secondhand goods in order to facilitate compliance with this ordinance.

#### **4.76.02.03. Duty to retain goods.**

No bond, security or goods of any kind whatsoever received on deposit, purchased or pledged to or by any pawnbroker or dealer in secondhand goods shall be sold or permitted to be redeemed or removed from the place of business of such pawnbroker or dealer in secondhand goods for a period of fifteen (15) days from the time of receiving same.

#### **4.76.02.04. Notification to police of altered serial numbers.**

In the event any goods are pawned, pledged or sold, or tendered for pawn or sale to any pawnbroker or dealer in secondhand goods, which normally carry or have a serial number or numbers or means of identification which shall have been removed, mutilated, defaced or destroyed, such fact shall be immediately reported by the pawnbroker or dealer in secondhand goods to the chief of police or his duly authorized agent.

#### **4.76.03. Precious metals**

##### **4.76.03.01. Definitions.**

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

*Precious metal dealer* means a person engaged in the business of buying precious metals, whether for cash or trade, and whether or not a fixed place of business is maintained for such purposes.

*Precious metals* means any form of gold, silver or platinum.

##### **4.76.03.02. Exemptions.**

This division does not apply to:

- (1) Financial institutions chartered under state or federal banking laws.
- (2) Security firms duly licensed under federal or state law.
- (3) Transactions between such institutions or firms and their customers.
- (4) Transactions involving loose teeth.
- (5) Purchase of coins except that when coins are purchased, the precious metal dealer must verify the seller's identification by taking down his name, address, government-issued photo ID and retain a complete description of the coins.

##### **4.76.03.03. Records and reports.**

- (a) Every person engaged in the business of buying precious metals, whether for cash or trade, shall:
  - (1) Keep a well-bound record book or register which shall contain a copy of every bill of sale issued by the dealer. The chief of police or his duly authorized agent shall be entitled to inspect the book or register at any reasonable time.
  - (2) Take a color photograph or digital image of the goods received. The photograph or digital image must:
    - (i) Be maintained in such a manner that the image can be readily matched, correlated, and cross-referenced with all other records of the transaction to which they relate;

- (ii) Be available to the chief of police, or the chief's designee, upon request; and
  - (iii) Be kept or otherwise maintained for sixty (60) days after the date of the transaction, or the date the goods were received, whichever is later.
- (3) Maintain an electronic inventory-tracking system which is capable of delivery and transmission of the following information via computer to the entity designated by the Conway Police Department. Information required by such system shall include, but not be limited to, the following:
- (i) *Amount paid.* In this column shall be entered the amount paid for the article or articles by a dealer in precious metals.
  - (ii) *Ticket number.* The tag or ticket number issued and assigned to and tagged onto the goods. All items purchased must be identified with consecutively numbered tags generated by the inventory-tracking system.
  - (iii) *Article.* A description of the class of goods within which the purchased items belong. Examples are coins, rings, silverware, etc.
  - (iv) *Description of article.* A concise description of the goods shall be given. In the case of all goods the size, color and descriptive characteristics most pertinent shall be entered. Serial numbers shall be entered if such is available on said goods. In the case of watches, the outside case number shall be sufficient if the watch is waterproof, but otherwise both the case number and movement number shall be given, if both are present.
  - (v) *Marks.* Any identifying marks, initials, monograms, brand name or personalized features shall be entered to further describe the goods.
  - (vi) *Name of party selling.* The name of the person presenting the goods for sale. The name entered shall be substantiated and verified by examination of the government-issued photo ID of the seller
  - (vii) *Method of identification.* The number appearing on the government-issued photo ID of the person selling the articles.
  - (viii) *Address.* The address of the person selling goods.
  - (ix) *Description of person.* A description of the person selling goods, indicating sex, race, date of birth, height and weight.
- (b) The city of Conway, through the Conway Police Department, shall provide free, commercial grade software, together with periodic updates of such software, to every person engaged in the business of buying precious metals, whether for cash or trade, in order to facilitate compliance with this ordinance.

#### **4.76.03.04. Duty to retain goods.**

No precious metals of any kind whatsoever received by the dealer shall be sold or permitted to be removed from the place of business of the dealer for a period of fifteen (15) days from the time of receiving same. All such goods shall be retained in the original condition in which they were received during such period.

#### **4.76.03.05. Notification to police of altered goods.**

In the event any articles sold to any precious metal dealer have had the serial number or other means of identification removed, mutilated, defaced or destroyed or melted down, such fact shall be immediately reported by the dealer to the chief of police or his duly authorized agent.

#### **4.76.04. Scrap metal dealers**

##### **4.76.04.01. Records.**

- (a) Each and every dealer or purchaser of junk and scrap metals and materials doing business in the City of Conway shall maintain an electronic inventory-tracking system which is capable of delivery and transmission of all statutorily-required information via computer to the entity designated by the Conway Police Department.

(b) The city of Conway, through the Conway Police Department, shall provide free, commercial grade software, together with periodic updates of such software, to affected dealers or purchasers of junk and scrap metals and materials in order to facilitate compliance with this ordinance and state law.

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

**SECTION 3.** That this ordinance shall be in full force and effect on January 1, 2010.

**PASSED** this 8<sup>th</sup> day of December, 2009.

**APPROVED:**

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**Mayor Tab Townsell**

**ATTEST:**

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



**City of Conway, Arkansas**  
**Ordinance No. O-09-\_\_\_\_\_**

**AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF CONWAY, ARKANSAS, FOR THE FISCAL YEAR JANUARY 1, 2010 THROUGH DECEMBER 31, 2010, AND PROVIDING THAT THE AMOUNTS STATED IN THE BUDGET DOCUMENT AS ADOPTED EXPENDITURES SHALL BECOME APPROPRIATED FOR THE VARIOUS FUNDCTIONS AND ACTIVITIES SPECIFIED IN SAID BUDGET DOCUMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

**WHEREAS**, the Mayor of the City of Conway has submitted to the City Council BUDGET FOR THE FISCAL YEAR 2010;

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

**SECTION 1.** A Budget for the fiscal year 2010 for the City of Conway, Arkansas, as set forth in the document entitled "City of Conway FY 2010 Budget"; providing a total appropriation for the following funds:

Fund	2010 Budget
General Fund	\$ 25,352,858
Street Fund	4,011,760
Sanitation Enterprise Fund	6,191,170
Sanitation Replacement Fund	1,555,500
Fleet Maintenance Fund	102,493
Conway Non-uniform	1,231,000
Special Revenue Fund	3,544,000
CDBG Fund	425,000
Grant Fund	54,000
Capital Project Fund 31 FD	560,000
Capital Project Fund 33 HP	10,000
Capital Project Fund 34 Street	2,348,891
Capital Project Fund 38 Park	10,000
Capital Project Fund 39 Trail	2,500
Debt Service	4,500,522
<b>Total</b>	<b>\$ 49,899,694</b>

**SECTION 2.** From the effective date of the budget, to wit: January 1, 2010, the several amounts as stated therein as adopted expenditures shall be and are hereby appropriated for the several purposes, functions and activities within the various departments, offices and agencies specified therein.

**SECTION 3.** The Mayor is directed to cause the proper accounting entries to be made in the books and records of the City so as to reflect the appropriations for the aforesaid fiscal year,

and he is further directed to file a certified copy of the adopted budget for the fiscal year with the City Clerk of the City of Conway, Arkansas.

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

**SECTION 5.** 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 8<sup>th</sup> day of December 2009.

**APPROVED:**

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**Mayor Tab Townsell**

**ATTEST:**

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





**City of Conway, Arkansas  
Ordinance No. O-09- \_\_\_\_\_**

**AN ORDINANCE WAIVING COMPETITIVE BIDS FOR POLICE VEHICLES FOR THE  
CONWAY POLICE DEPARTMENT, DECLARING AN EMERGENCY AND FOR OTHER  
PURPOSES**

**WHEREAS**, the Conway Police Department desires to purchase twelve (12) police cars for which budgetary authority has been provided in the FY 2010 budget, and;

**WHEREAS**, Landers Brothers Chrysler Dodge Jeep can provide such vehicles at prices comparable to state contract price and will coordinate installation of specialized law enforcement equipment which may allow the City of Conway to have the vehicles placed in service quicker than other vendors;

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

**SECTION 1.** The City does hereby waive the requirement for obtaining competitive bids and does hereby approve the purchase of twelve (12) patrol cars from Landers Brothers Chrysler Dodge Jeep;

**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 8<sup>th</sup> day of December, 2009.

**APPROVED:**

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

**ATTEST:**

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



**City of Conway, Arkansas**  
**Ordinance No. O-09- \_\_\_\_\_**

**AN ORDINANCE WAIVING BIDS FOR THE PURCHASE OF A NEW FIRE TRUCK FOR THE CONWAY  
 FIRE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, the Conway Fire Department has an immediate need to purchase a new fire truck, which budgetary authority for such purposes has been approved through the FY 2010 budget, and;

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

**Section 1.** The City of Conway shall waive the requirements for obtaining bids for the purchase of a new fire truck and shall utilize Pro Fire Equipment as a single source vendor;

**Section 2.** This ordinance is necessary for the protection of the public peace, health and safety, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

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

**PASSED** this 8<sup>th</sup> day of December, 2009

**APPROVED:**

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

**ATTEST:**

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