

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:
Nuisance Abatement Ordinance
6:30pm -- City Council Meeting
Courtroom in District Court Building
810 Parkway, Conway, AR 72032
April 28th, 2009

1. **Call to Order**
2. **Roll Call**
3. **Minutes:** *April 14th, 2009*
4. **Recognition of Guests:** *Employee Service Awards*
5. **Public Hearings:**
6. **Report of Standing Committees:**
 - A. **Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce)**
 1. Resolution regarding the reimbursement of certain costs and expenses incurred in connection with the acquisition, construction and equipping of improvements to the wastewater system of the City.
 2. Resolution authorizing the Mayor and CEO of Conway Corporation to execute certain documents in connection with the clean water revolving loan fund program administered by the Arkansas Natural Resources Commission.
 3. Resolution setting a time and place for a public hearing for the purpose of receiving comments and questions on the proposed wastewater rates.
 4. Ordinance amending O-92-15 in regards to fixing rates for services rendered by the sewer system of the City of Conway.
 - B. **Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)**
 1. Resolution setting a public hearing to discuss renaming a portion of Tre Lane.
 2. Consideration to accept bids for traffic signal modification at Salem Road Extension to US 64,
 3. Consideration of nominations (Gene Hendrix & George Carroll) for the Building Code Board of Appeals.
 4. Consideration for a conditional use permit for an adult day care for property located at 1150 Museum Road.
 5. Ordinance to rezone property located at 2230 Louvenia Avenue from R-2A to O-2.

6. Ordinance granting a franchise to Old Chicago Pizza to utilize specific street rights-of-way on the west side of Court Street and the North side of Main Street in Block 5, Robinson's Plan.
7. Ordinance amending Chapter 11.20 of the Conway Municipal relative to the requirements for the housing code.
8. Ordinance amending Chapter 11.32 of the Conway Municipal Code relative to the requirements for the City Inspector.
9. Ordinance amending Chapter 11.60 of the Conway Municipal Code relative to the requirements for the Code of Safety to Life.
10. Ordinance amending Chapter 11.04, 11.08, 11.16, 11.36 and 11.56 of the Conway Municipal Code relative to the requirements for permit fees for the construction and alterations of buildings and building systems.
11. Ordinance adopting a nuisance abatement code as part of the Conway Municipal Code.

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

1. Resolution authorizing the Mayor to issue a request for proposals for a general contractor construction manager for the development and construction of new fairground facilities.
2. Resolution authorizing the formation of the Conway Bicycle Advisory Board.
3. Resolution adopting the Bicycle Master Plan for the City of Conway.
4. Ordinance amending the Master Street Plan; adopting a complete streets policy for the City.

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

1. Consideration to allow the Conway Police Department to apply for funding through the Office of Community Oriented Policing Services (COPS Office).

E. Finance

1. Consideration to remove certain items from inventory for various departments.

7. Old Business

8. New Business

- A. Ordinance accepting grant proceeds and appropriating funds for Hewlett Packard Employee training.

Adjournment

CITY OF CONWAY

***NUISANCE ABATEMENT
CODE***

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ARTICLE ONE – ADMINISTRATION

Section 1 – INTRODUCTION

1.1.1 General. These regulations shall be known as the *Conway Nuisance Abatement Code*. These regulations are intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the City of Conway, Arkansas.

1.1.2 Applicability. The provisions of this Code shall apply to all residential and nonresidential structures and all premises within the City of Conway, Arkansas and constitute minimum requirements and standards for premises, structures, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the *Arkansas State Fire Prevention Code*. Where different standards or requirements are imposed by this Code and other competent authority or by different sections of this Code, the most restrictive standard or requirement shall govern.

1.1.3 Maintenance. Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or required shall be maintained in good working order. No occupant shall cause any required service, facility, equipment or utility to be removed from or shut off from or discontinued for any occupied dwelling, except for temporary interruptions necessitated by repairs or alterations. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises.

Section 2

CODE ENFORCEMENT OFFICERS

1.2.1 General. This Code shall be enforced by all Code Enforcement Officers of the City of Conway. For the purposes of this Code, a Code Enforcement Officer shall be defined as any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. This Code may also be enforced by any and all duly sworn law enforcement officers of the Conway Police Department.

1.2.2 Identification. All Code Enforcement Officers shall carry proper identification and present the same upon request when performing duties under this Code.

1.2.3 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Senior Code Enforcement Officer shall have the authority to grant modifications for individual cases, provided the Senior Code Enforcement Officer shall first make written findings that a special condition or circumstance exists such that the strict letter of this Code is impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does

not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

1.2.4 Enforcement Procedures Whenever, in the judgment of the Code Enforcement Officer charged with enforcement of this code, it is determined upon investigation that a public nuisance is being maintained or exists within the City, such officer shall issue a written notice in accordance with Section 4.3.1, to the person committing or maintaining such nuisance, requiring such person to remedy and abate the nuisance.

1.2.5 No duty to enforce Nothing in this Code shall be construed as requiring the City to enforce the regulations in this Code against:

- 1) alleged violations determined to be frivolous complaints, or
- 2) alleged violations lacking in substantive evidence to constitute a nuisance, or
- 3) alleged violations where the evidentiary value of the alleged violation is not enough to support a conviction in court, or
- 4) violations which may occur and are not recognized by the city due to the lack of availability of the resources.

Section 3 INSPECTIONS

1.3.1 Right of entry. Code Enforcement Officers are authorized to enter structures or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the officers may pursue such search authorizations as are provided by law.

1.3.2 Inspections. Code Enforcement Officers shall make all of the inspections required by this Code. All reports of such inspections shall be in writing by the responsible officer. Code Enforcement Officers are authorized to rely upon a responsible expert opinion as the officer deems necessary to report upon unusual technical issues that arise.

Section 4 VIOLATIONS

1.4.1 Violations declared to be strict liability misdemeanors. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. Any person who is convicted of a violation of this Code shall be guilty of a misdemeanor, and the violation shall be deemed a strict liability offense.

1.4.2 Fines. Except as otherwise provided, a person convicted of violating any provision of this Code shall be punished by a fine not to exceed \$500.00, or double such sum for each repetition thereof. If the violation is continuous in nature, the penalty for allowing the continuance thereof is a fine not to exceed \$250.00 for each day that the violation is unlawfully continued. The judge will determine the actual fine.

1.4.3 Citations. Code Enforcement Officers are hereby authorized to issue citations to any person, firm or corporation in conflict with or in violation of any of the provisions of this Code. Issuances of citations

must comply with the Arkansas Rules of Criminal Procedures. Conway District Court shall have exclusive jurisdiction over citations issued pursuant to this Code.

1.4.4 Appeals. Any person after being found guilty of a violation or after entering a plea of guilty or *nolo contendere* to a violation shall have those appellant rights granted under the Laws of the State of Arkansas, US Constitution and Arkansas Rules of Criminal Procedure. Appeals of convictions of a violation will be with Faulkner County Circuit Court.

Section 5 REVOCATION OF CERTIFICATES, LICENSES AND PERMITS

1.5.1 General. The purpose of this section is to provide a procedure for the revocation of various certificates, licenses and permits issued by the City of Conway to prevent the use of structures described in subsection 1.5.2. The certificates, licenses and permits subject to revocation under this Code are those relating to the particular or general use of property; including, without limitation and for the purpose of illustration only: certificates of occupancy, zoning variances, certification of appropriateness, business licenses, sign permits, building permits, electrical and plumbing inspection approvals, conditional use permits, special use permits, and the like.

1.5.2 Administrative Revocation. Code Enforcement Officers shall have the authority to initiate administrative revocation of any such certificate, license or permit, if he or she has a reasonable belief that the use of the property or structure:

- (A) Poses a danger to the health and welfare of the public;
- (B) Threatens property or safety of any citizen;
- (C) Violates the terms and or scope of the certificate, license, or permit; or
- (D) Lacks compliance with applicable State licensing laws and requirements.

The non-emergency administrative revocation of a certificate, license, or permit shall follow the procedures of notice and determination provided in Section 1.6 below.

1.5.3 Temporary Emergency Orders. The Senior Code Enforcement Officer shall have the authority to issue a temporary emergency order in conjunction with notice of an administrative revocation as described in subsection 1.5.2. The Temporary Emergency Order shall have the effect of prohibiting all activity that may be harmful to the public or any person and suspending any certificate, license, or permit authorizing the same. The Senior Code Enforcement Officer may issue a temporary emergency order when he or she has a reasonable belief that the use of the property or structure:

- (A) Poses an *imminent* danger to the health, safety or welfare of the public; or
- (B) Threatens the life or poses an imminent danger of serious injury to any citizen.

1.5.3.1 Service of Temporary Emergency Orders. Service of Temporary Emergency Orders may be made by any Code Enforcement Officer upon the owner, manager, employee, or occupant of a structure that is subject to the provisions of subsection 1.5.3. If no one is located at the structure, the Temporary Emergency Order shall be affixed to the structure and written notice shall proceed according to subsection 1.6.2. All notices for this subsection shall clearly state "Temporary Emergency Order" and conform to the requirements of subsection 1.6.1.

1.5.4 Special Uses, Conditional Uses, and Other Authorizations Issued by City Council. The City Council for the City of Conway may revoke a special use, conditional use, or any other authorization to use property or conduct business that violates the terms of the use or threatens the property or safety of any citizen, or is detrimental to the health, safety or welfare of the public. Such a revocation may be performed at any regular or special meeting of City Council. The revocation shall be based upon the report of a Code Enforcement Officer, complaint of a citizen, or *sua sponte* action by City Council.

Section 6 ADMINISTRATIVE PROCEDURES

1.6.1 Notice of Violation. A “Notice of Violation” shall be written on standardized or letter form approved by the Senior Code Enforcement Officer that shall include the following information:

- (A) The name of the owner, if known;
- (B) An address or description of the real estate sufficient for identification;
- (C) A description of the violation or violations;
- (D) A statement that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City.
- (E) Include a statement that the City has a right to cause repairs or demolition to be made and that the costs may be assessed against the owner and the property of the owner; and
- (F) The information required by ARK. CODE ANN. 14-54-903, if applicable.

1.6.2 Method of service. Administrative notices (such as a Notice of Violation) shall be issued by any person authorized under ARK. CODE ANN. § 14-54-903 by:

- (A) Posting on the subject property;
- (B) Regular mail; and
- (C) Certified mail, return receipt requested.

1.6.2.1 Notice by Mail. Notice by mail shall be sent to the owner’s address of record with the applicable county treasurer or collector. When sent to the proper address with proper postage, notice by mail shall be deemed properly served without regard as to whether the owner or occupant accepted the mail or the mail was otherwise returned.

1.6.3 Transfer of ownership. After receiving a notice of violation, it shall be unlawful for the owner of any property or structure to sell, transfer, mortgage, and lease or otherwise alienate or dispose of the same until:

- (A) The property or structure has been caused to conform with this code; or
- (B) The owner shall provide the other party a true copy of any notice of violation issued by a Code Enforcement Officer and shall furnish to the Senior Code Enforcement Officer a signed and notarized statement from the other party accepting responsibility for the property or structure.

1.6.4 Exceptions. The Notice of Violation requirements of this section shall not apply to the issuances of citations. Issuance of citations must comply with the procedures described in subsection 4.3.

Section 7 CONDEMNATION

1.7.1 Keeping condemned structures prohibited. That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Conway, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council.

1.7.2 Condemnation. That any such house, building, and/or structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided.

1.7.3 Notices. The Code Enforcement Department shall be responsible for publication, mailing or delivery of all notices required to condemn structures.

1.7.3.1 Prior notice of proposed condemnation. That prior to the consideration of a Resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lien holder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lien holder(s), of the right to be heard at the City Council meeting on the proposed Resolution declaring such house, building and/or structure to be a nuisance.

1.7.3.2 Notice to unknowns/non-residents. Should the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the City Clerk or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s), and lien holder(s). Thereupon, service of publication as now provided for by law against unknown and/or non-resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business.

1.7.4 Resolution Information. That the Resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building, and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or lien holder(s) thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.

1.7.5 Posting. After a house, building and/or structure has been found and declared to be a nuisance and condemned by Resolution as herein provided, a true and certified copy of said Resolution will be mailed to the owner(s) and mortgagee(s) and/or lien holder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lien holder(s) thereof be known or their last known address be

known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lien holder(s) of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said Resolution as hereinabove provided will suffice as notice of the condemnation.

1.7.6 Removal. If the house, building and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Senior Code Enforcement Officer or his duly designated representative.

1.7.7 Saleable material. The Senior Code Enforcement Officer or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance.

1.7.8 Proceeds. All proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials there from and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Clerk-Treasurer. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.

1.7.9 Liens. If the City has any net costs in removal of any house, building or structure, the City shall place a lien on the personal property or real estate property as provided by ARK. CODE ANN. § 14-54-904.

1.7.10 Fine. A fine of not less than Two Hundred Fifty (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for each said separate and distinct offense; provided the notice as herein provided in Section 5 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance.

1.7.11 Judicial declaration. In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a Court of competent

jurisdiction, a fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the Court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine of One Hundred Dollars (\$100.00) per day.

Section 8 EMERGENCY PROCEDURES

1.8.1 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Senior Code Enforcement Officer, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

1.8.2 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

1.8.3 Emergency repairs. For the purposes of this section, the Senior Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City. The City Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Article Two DEFINITIONS

Section 1 PURPOSE

2.1.1 General. Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

Section 2 LIST OF DEFINITIONS

2.2.1 Definitions.

ABANDONED MOTOR VEHICLE. Any motor vehicle, regardless of whether wrecked or inoperable, which is left on public or private property, for a period of more than 72 hours, without approval from the property owner to place the vehicle upon such property.

APPROVED. Consented or agreed to in writing by the Senior Code Enforcement Officer, or his proper designee.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BOAT. Any vessel initially designed for the carrying of passengers or cargo upon the water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, barges, motorboats whether inboard or outboard, canoes, rowboats, rafts and sailboats.

CARPORT. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

CODE ENFORCEMENT OFFICER. Any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. All duly sworn law enforcement officers of the Conway Police Department are authorized to exercise authority as Code Enforcement Officers.

CONDEMN. To adjudge unfit for human occupancy.

DWELLING UNIT. Any room or group of rooms located within a structure forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by a household or family.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, and trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GRAFFITI. Any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any structural component of any building, structure, or other permanent facility regardless of the nature of the material of that structural component, or the nature of the inscription, to the extent that the same was not authorized in advance by the owner, or otherwise deemed to be a public nuisance.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC. Any existing buildings or structures designated by the City of Conway, the State of Arkansas, or the United States government to be historic or located within a Conway historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. Such vehicle is also considered an abandoned vehicle if left on public or private property without authorization from the property owner for a period in excess of 72 hours.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MOTOR VEHICLE. A machine of conveyance which is self-propelled and designed to travel along the ground, and includes but is not limited to automobiles, buses, electric scooters, mopeds ~~bicycles~~, motorcycles, trucks, tractors, go-carts, golf carts, motor homes.

NUISANCE. This term is defined in Article 4 Section 1 of this Code.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PRIVATE PROPERTY. Means any real property within the city which is privately owned and which is not defined as public property in this section.

PUBLIC PROPERTY. Means any real property in the city which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, rights-of-way, easements and other similar property.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REMOVAL. The act of clearing all material and debris whenever it becomes necessary to demolish any building that has been condemned and found to be a nuisance by resolution of the city council.

RESIDENCE. A structure serving as a dwelling or home. For the purposes of this Code, the term residence includes dwelling units and rooming houses.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation. Bed-and-breakfasts, boarding houses, half-way houses, and hotels, as those terms are defined under the Conway Zoning Ordinance, are included within the definition of a Rooming House.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

UNCUT WEEDS AND GRASS. See Section 3.2.4 for definition.

SENIOR CODE ENFORCEMENT OFFICER. The Head of the Code Enforcement Department or, in his or her absence, the person who is directed or appointed to temporarily assume the duties of the Head of the Code Enforcement Department.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TRAILER. Means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether currently inspected and/or registered, including without limitation the following: Boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

WRECKED MOTOR VEHICLE. Any motor vehicle which does not have lawfully affixed thereto an unexpired license plate and the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on a public street, or from which the wheels, engine, transmission or any substantial part thereof has been removed.

ARTICLE THREE GENERAL REQUIREMENTS

Section 1 GENERAL

3.1.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

3.1.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

3.1.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 2 EXTERIOR PROPERTY AREAS

3.2.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

3.2.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

3.2.2.1 Illegal Dumping. That is shall be unlawful for any person, firm, or corporation to drop, dispose of, throw, toss or otherwise deposit leaves, paper, debris, brush, limbs, grass, or other simillar articles in drainage ditches, curbs and along gutters of city streets in the City of Conway,Arkansas.

3.2.3. Sediments and mud. All public roadways shall be kept clean of sediment and soil erosion from soil disturbing activities.

3.2.3.2 Abatement. Any person engaging in soil disturbing activities within the Conway city limits shall be required to implement measures to minimize the tracking of sediments and mud onto adjacent streets and roadways by vehicles leaving the site.

3.2.3.2 Exclusions. The following activities are specifically excluded from the requirements of this ordinance: emergency street, storm drainage or utility repairs. The following properties are specifically excluded from the requirements of this ordinance: approved retention areas and reservoirs.

3.2.3.3 Clean-up. If a soil disturbing activity creates a violation, the violator shall clean up the material daily or as frequently as needed to avoid a hazard or nuisance. If an activity is found in violation of the provisions of this ordinance, the city of Conway's appointed representative shall issue a "cease and desist" order for all activities on the site until the appropriate clean-up measures are implemented and provisions are made to prevent additional pollution. The city's approval of construction, building permit approvals, payments, release of payments or bonds and final approvals shall also be withheld or revoked until a violation is corrected and appropriate sediment control measures are in place.

3.2.3.4 Fine Any violation of this ordinance shall be considered an offense punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and each day of violation may be considered a separate offense.

3.2.4 Grass or Weeds. Grass or weeds shall not exceed eight (8) inches in height in all zoning districts. This restriction will not apply to:

a. property that is zoned A-1, except when abutting developed property. A-1 property shall be maintained with a 15' buffer along the lot line adjacent to the developed property with grass and weeds in such buffer shall not exceed eight (8) inches in height.

b. areas specifically designated or recognized by the city, the state or the United States as wetlands, open spaces, natural or wild flower areas, or other designated preservation areas.

3.2.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

3.2.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

3.2.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

3.2.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.

3.2.8.1 Storage of inoperable or abandoned vehicles. No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle, and/or trailer of any kind, which is wrecked or inoperable, whether attended or not, upon any private property within the city, except as allowed by the following exceptions:

- (1) Any subject item parked or stored within a building or enclosed garage on private property
- (2) Any subject item held in connection with a business enterprise lawfully licensed by the city for servicing and repair of subject items and properly zoned operated in an appropriate business zone pursuant to the zoning ordinances of the city.
- (3) Subject vehicle within a carport that is being actively repaired on at least a weekly basis. Subject vehicles and its parts when not being repaired shall be neatly and completely covered with an opaque cover.
- (4) Inoperable vehicles deemed inoperable only due to not having current vehicle license plate or vehicle registration tag, may be stored in a covered carport.
- (5) Inoperable vehicles may be stored on private property when provided with a fitted and maintained cover designed for such vehicle.

3.2.8.2 Authorized removal of inoperable motor vehicles. Code Enforcement Officers shall have the authority to remove inoperable motor vehicles on private property thirty (30) days after written notice has been affixed to the subject item. Such notice shall state that the subject

item is a nuisance and order whoever has an interest in the subject item to remove the item from the property. If such nuisance is found upon private property, in addition to the foregoing notice, a copy of such shall be placed on the residence or business. The presence of such subject items on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this Code. Any inoperable vehicle sitting on city streets can and will be removed immediately at owners expense.

3.2.8.3 Exception: A motor vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

3.2.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Section 3 SWIMMING POOLS, SPAS AND HOT TUBS

3.3.1 Maintenance. Swimming pools, hot tubs and spas shall be maintained in a clean and sanitary condition, and in good repair. Please see ARK. CODE ANN. § 14-54-901.

Section 4 EXTERIOR STRUCTURE

3.4.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

3.4.2 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches in height on residential structures and shall be a minimum of 4 in height on commercial structures.

Section 5 RUBBISH AND GARBAGE

3.5.1 Accumulation of rubbish or garbage. All exterior property and premises of every structure shall be free from any accumulation of rubbish or garbage.

3.5.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

3.5.3 Appliance/Furniture and similar equipment not in operation shall not be discarded, abandoned or stored on premises outside of any enclosed building such as storage shed or accessory building.

3.5.4 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or an approved leak-proof garbage container.

3.5.4.1 No trash or garbage container shall be stored in a front or side yard abutting a street so as to be closer to the street than the building on the lot except on trash days. Garbage and trash containers must be placed within 5 feet of curb no earlier than 5:00 p.m. the day before and removed before 7:00 p.m. the day garbage is picked up

Section 6 SANITARY DRAINAGE SYSTEM

3.6.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

3.6.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

ARTICLE 4 NUISANCES

Section 1 GENERAL

4.1.1 Intent. It is the intent of this Code to prevent and abate nuisances within the municipal boundaries of the City of Conway. For the purposes of this Code, the word "nuisance" is defined as any act, omission, or property condition that is detrimental to the health, safety and welfare of the public in that it:

- (A) Injures or endangers the comfort, repose, health or safety of others;
- (B) Is offensive to the senses;
- (C) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- (D) In any way renders other persons insecure in life or the use of property; or
- (E) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

4.1.2 Prohibited. It shall be unlawful for any person or entity to cause, permit, maintain or allow the creation or maintenance of a nuisance.

4.1.3 Illustrative enumeration of a nuisance. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (A) Noxious weeds and other rank vegetation;
- (B) Accumulations or storage of rubbish, garbage, materials, metals, lumber, tires, and other materials;
- (C) Any condition which provides harborage for rats, mice, snakes and other vermin;
- (D) Dilapidated structures;
- (E) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (F) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (G) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (H) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (I) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (J) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (K) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
- (L) Graffiti.
- (M) Inoperable or abandoned motor vehicles.
- (N) The use of tarpaulins, canvas, plastic, oil cloth, sheeting and other similar materials as fencing or to shield or enclose any structure (including, without limitation, openings for windows, doors, walls, roofs, garage doors or carports) except when temporarily necessary to perform repairs under a properly issued building permit.
- (O) Permanent or temporary basketball goals (except those approved by the City) on any public street or on any right-of-way adjacent to a public street.

Section 2 UNSIGHTLY APPEARANCES

4.2.1 Uncut weeds, grass and other unsightly and unsanitary articles. All property owners and occupants within the municipal boundaries of the City of Conway are required to cut weeds and grass, remove garbage, rubbish and other unsightly and unsanitary articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. For specific requirements related to the required maintenance of grass and weeds, refer to subsection 3.2.4.

4.2.2 Nuisance Structures. Any building or other structure which is in such a dilapidated condition that it is unsafe or unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or safety of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located shall constitute a nuisance.

- (A) Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe conditions due to lack of abandonment of lack of maintenance, or, unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

- (B) Unfit structure for human occupancy. A structure is unfit for human occupancy whenever the Code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

- (C) Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

Section 3 ADDITIONAL REMEDIES

4.3.1 Authorized abatement. If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate any condition, violation, or prohibition as may be provided for in this Code, after having been given a **Notice of Violation** with seven (7) days' notice in writing to do so by the appropriate city official, the city is hereby authorized to do whatever is necessary to correct the condition, including but not limited to entering upon the property and having such weeds, rank grass or other vegetation cut and removed, or eliminating any unsanitary and unsightly condition, or causing necessary repairs to be made and charging the cost thereof to the owner of such premises, which shall constitute a lien thereon. The above mentioned seven days' notice shall be calculated by counting the first day of the seven day period as the day after written notice is given to the owner, by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. on the seventh day. Condemnations shall follow the procedures established in Section 7 of Article I. The City reserves the right to secure a priority clean-up lien pursuant to ARK. CODE ANN. § 14-54-903.

4.3.2 Authorized removal of basketball goals. Code Enforcement Officers shall have the authority to order the immediate removal of any permanent or temporary basketball goal (unless approved by the City) that is on any public street or on any right-of-way adjacent to a public street. If the apparent owner of the basketball goal is unknown, unavailable, or unwilling to remove the basketball goal, a Code Enforcement Officer may cause the goal to be removed.

4.3.3. Vacating of Unfit or Unsafe Structures and Utility Services. Any dwelling or dwelling unit declared as unfit for human habitation or unsafe by the Conway Code Enforcement Department as so designated and placarded by a Code Enforcement Officer, shall be vacated within seven (7) days after notice of such action has been given by the Building official to both the owner and occupant of the building. On the eighth (8th) day after said notice the Code Enforcement Department shall notify all

utility services that no such services shall be provided to the dwelling or dwelling unit. After utility services are cutoff no further services shall be made available until a rehabilitation permit is obtained or until the Director of Code Enforcement notifies utilities that service may be provided to the dwelling or dwelling unit.

Section 4 PLACARDING

4.4.1 Placarding. Upon failure of the owner or person responsible to comply with the Notice of Violation for a nuisance structure or equipment within the time given, the Code official shall then post on the premises or on defective equipment a placard bearing the word "**NUISANCE**" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

4.4.1.1 Placard removal. The Code Official shall remove unfit for human habitation or unsafe structure placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

Section 5 PROHIBITED OCCUPANCY

4.5.1 Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.



City of Conway, Arkansas
Resolution No. R-09-_____

A RESOLUTION OF INTENT REGARDING THE REIMBURSEMENT OF CERTAIN COSTS AND EXPENSES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO THE WASTEWATER SYSTEM OF THE CITY

WHEREAS, the City of Conway, Arkansas (the "City") owns a wastewater collection and treatment system (the "System") serving the residents of the City, which System is operated and maintained by the Conway Corporation, a nonprofit corporation organized and existing under the laws of the State of Arkansas (the "Corporation"), pursuant to an exclusive franchise arrangement granted to the Corporation by the City; and

WHEREAS, the Corporation has requested that the City assist in obtaining financing for certain improvements to the System, including the acquisition, construction and equipping of the proposed Tupelo Basin Wastewater Treatment Plant, improvements to the Tucker Creek Wastewater Treatment Plant, collection system improvements, including new Central and Donnell Ridge Road Pump Stations, force mains, and a gravity collection line leading to the Donnell Ridge Road Pump Station (collectively, the "Project"); and

WHEREAS, the total costs of the Project, including expenses associated with the financing thereof, are presently estimated to be approximately \$98,500,000; and

WHEREAS, the Corporation and the City do not have adequate funds on hand to pay the estimated costs of the Project and related expenses; and

WHEREAS, the City proposes to obtain the necessary funds to accomplish the Project and to pay related expenses through the issuance of _____ tax-exempt or taxable revenue bonds issued by the City and sold through an underwriter or to a bank or governmental entity (the "Bonds"); and

WHEREAS, the principal amount of the Bonds is not presently expected to exceed \$109,500,000; and

WHEREAS, the purpose of this Resolution is for the City to declare its "official intent" to reimburse itself or the Corporation for certain preliminary costs (incurred by or on behalf of the City and related to the Project) pursuant to Section 1.150-2 of the Regulations of the U.S. Department of Treasury promulgated pursuant to the provisions of the Internal Revenue Code of 1986, as amended;

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

Section 1. That the adoption of this Resolution is intended as the City's "official intent" to reimburse itself or the Corporation from the proceeds of Bonds for preliminary costs of the Project and related expenses advanced by the City or the Corporation.

Section 2. That a copy of this resolution shall be furnished by the Mayor to any entity requesting such a copy in connection with the financing of the Project.

PASSED AND APPROVED this 28th day of April, 2009

APPROVED:

By: _____
Mayor Tab Townsell

ATTEST:

By: _____
Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Resolution No. R-09-_____

A RESOLUTION DESIGNATING AND AUTHORIZING THE MAYOR AND CHIEF EXECUTIVE OFFICER OF CONWAY CORPORATION TO EXECUTE CERTAIN DOCUMENTS IN CONNECTION WITH THE CLEAN WATER REVOLVING LOAN FUND PROGRAM ADMINISTERED BY THE ARKANSAS NATURAL RESOURCES COMMISSION

WHEREAS, the City of Conway, Arkansas (the "City") owns a wastewater collection and treatment system (the "System") serving the residents of the City, which System is operated and maintained by the Conway Corporation, a nonprofit corporation organized and existing under the laws of the State of Arkansas (the "Corporation"), pursuant to an exclusive franchise arrangement granted to the Corporation by the City; and

WHEREAS, the City Council has determined, upon the advise of the Corporation, that it is in the best interest of the City and its inhabitants to apply for loan assistance from the Arkansas Natural Resources Commission (the "ANRC") under its Clean Water Revolving Loan Fund Program (the "Program") in order to make certain improvements to the System;

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

Section 1. That Tab Townsell, Mayor, and Richard Arnold, Chief Executive Officer of Conway Corporation, as the Signatory Agents of the City, or the successors of said Signatory Agents, are hereby authorized and directed to make application for assistance under the Program administered by the ANRC and to execute from time to time on behalf of the City, when approved by the City Council, a bond purchase agreement and instruments in connection therewith and all other documents and certificates required by the ANRC for participation in the Program.

Section 2. That a copy of this Resolution shall be furnished by the Mayor to the ANRC, as the agency overseeing the Program.

PASSED AND APPROVED this 14th day of April, 2009

APPROVED:

By: _____
Mayor Tab Townsell

ATTEST:

By: _____
Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Resolution No. R-09-_____

**A RESOLUTION SETTING A TIME AND PLACE FOR A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING
 COMMENTS AND QUESTIONS ON PROPOSED WASTEWATER RATES**

WHEREAS, pursuant to an exclusive franchise arrangement, Conway Corporation operates the wastewater collection and treatment system for the City of Conway; and

WHEREAS, the Board of Directors of Conway Corporation has adopted a rate proposal for wastewater services which proposal shall be considered for approval by the City Council; and

WHEREAS, pursuant to Arkansas Code Annotated Section 14-235-223(d), prior to the adoption of an ordinance enacting wastewater rate changes, a public hearing is required to be held by the City Council for the purpose of receiving comments concerning such proposed rate changes.

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

1. A public hearing on the proposed rate changes will be held on May 12th, 2009 at 6:30 p.m. at the beginning of the City Council meeting; and
2. In accordance with Arkansas Code Annotated Section 14-235-223(d), Conway Corporation is hereby directed to publish a notice of the public hearing, including the proposed rates, at least ten days prior to date of the public hearing.

ADOPTED AND APPROVED THIS 26th day of April, 2009

Approved:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-09-__

AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE SEWER SYSTEM OF THE CITY OF CONWAY, ARKANSAS; AND PRESCRIBING MATTERS RELATING THERETO.

WHEREAS, the City of Conway, Arkansas (the "City") owns a sewer system (the "System"), which System is operated by Conway Corporation, an Arkansas nonprofit corporation (the "Corporation"), pursuant to an exclusive franchise granted by the City; and

WHEREAS, the City and the Corporation have determined that substantial improvements are required to portions of the System, including, but not limited to, improvements to the Tucker Creek Basin Interceptor Sewer (Improvement A), Little Creek Basin Interceptor Sewer (Improvement B), I-40 to Central Pump Station Interceptor Sewer and new Industrial Pump Station (collectively, the "Improvements"), so that the inhabitants of the City may have adequate and proper sewer facilities, and that the financing of the Improvements will require rates for certain components of System services in excess of the rates presently in effect; and

WHEREAS, the City has previously established rates for System services pursuant to Ordinance No. O-92-15 adopted on April 28, 1992, as amended and supplemented by the provisions of Ordinance No. O-03-88 adopted on July 8, 2003 (collectively, the "Prior Rate Ordinance");

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

Section 1. That all customers of the System shall be classified by the Corporation as residential, commercial or industrial/institutional.

Section 2. That Section 1(b) of the Prior Rate Ordinance is hereby amended to read as follows with respect to sewer service billed on and after June 1, 2009, and the rates contained below are declared by the City and the Corporation to be fair, reasonable and necessary:

“(b) OM&R Charge. (i) *Residential Customers.* For the purpose of providing for the operation, maintenance and replacement of the System (“OM&R”), for sewer service billed on and after June 1, 2009, all residential users of the System shall be charged monthly \$2.07 per 1,000 gallons or portion thereof of metered water consumption, with a \$4.14 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2011, all residential users of the System shall be charged monthly \$2.28 per 1,000 gallons or portion thereof of metered water consumption, with a \$4.56 minimum charge for 2,000 gallons or less.

(ii) *Commercial Customers.* For the purpose of providing for OM&R, for sewer service billed on and after June 1, 2009, all commercial users of the System shall be charged monthly \$2.07 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, \$2.34 per 1,000 gallons for the next 75,000 gallons or portion thereof, and \$2.07 per 1,000 gallons for all use over 100,000 gallons, with a \$4.14 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for

sewer service billed on and after January 1, 2011, all commercial users of the System shall be charged monthly \$2.28 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, \$2.57 per 1,000 gallons for the next 75,000 gallons or portion thereof, and \$2.28 per 1,000 gallons for all use over 100,000 gallons, with a \$4.56 minimum charge for 2,000 gallons or less.

(iii) *Industrial and Institutional Customers.* For the purpose of providing for OM&R, for sewer service billed on and after June 1, 2009, all industrial and institutional users of the System shall be charged monthly \$2.07 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, \$2.34 per 1,000 gallons for the next 75,000 gallons or portion thereof, and \$2.07 per 1,000 gallons for all use over 100,000 gallons, with a \$4.14 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2011, all industrial and institutional users of the System shall be charged monthly \$2.28 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, \$2.57 per 1,000 gallons for the next 75,000 gallons or portion thereof, and \$2.28 per 1,000 gallons for all use over 100,000 gallons, with a \$4.56 minimum charge for 2,000 gallons or less.”

Section 3. That Section 1(f) of the Prior Rate Ordinance is hereby amended to read as follows with respect to sewer service billed on and after June 1, 2009, and the rates contained below are declared by the City and the Corporation to be fair, reasonable and necessary:

“(f) Debt Service Charge. (i) *Residential Customers.* For the purpose of providing for the repayment of principal and interest on debt to be incurred to finance and refinance improvements to the System (“Debt Service”), for sewer service billed on and after June 1, 2009, all residential users of the System shall be charged monthly \$0.90 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$2.70, with a minimum charge of \$4.50 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2011, all residential users of the System shall be charged monthly \$0.99 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$2.97, with a minimum charge of \$4.95 for 2,000 gallons or less.

(ii) *Commercial Customers.* For the purpose of providing for Debt Service, for sewer service billed on and after June 1, 2009, all commercial users of the System shall be charged monthly \$0.90 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$3.38, with a minimum charge of \$5.18 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2011, all commercial users of the System shall be charged monthly \$0.99 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$3.72, with a minimum charge of \$5.70 for 2,000 gallons or less.

(iii) *Industrial and Institutional Customers.* For the purpose of providing for Debt Service, for sewer service billed on and after June 1, 2009, all industrial and institutional users of the System shall be charged monthly \$0.90 per 1,000 gallons or

portion thereof of metered water consumption and a fixed customer charge of \$12.15, with a minimum charge of \$13.95 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2011, all industrial and institutional users of the System shall be charged monthly \$0.99 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$13.37, with a minimum charge of \$15.35 for 2,000 gallons or less.”

Section 4. That Section 1(g) of the Prior Rate Ordinance is hereby repealed in its entirety with respect to sewer service billed on and after June 1, 2009.

Section 5. That Section 1(h) of the Prior Rate Ordinance is hereby amended to read as follows with respect to sewer service billed on and after June 1, 2009:

“(h) Total Minimum User Charge. (i) *Residential Customers.* For sewer service billed on and after June 1, 2009, the total minimum user charge for residential users of the System shall be \$8.64 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.14 + Debt Service for 2,000 gallons (minimum) \$2.70 + \$1.80 (\$0.90 x 2). For sewer service billed on and after January 1, 2011, the total minimum user charge for residential users of the System shall be \$9.51 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.56 + Debt Service for 2,000 gallons (minimum) \$2.97 + \$1.98 (\$0.99 x 2).

(ii) *Commercial Customers.* For sewer service billed on and after June 1, 2009, the total minimum user charge for commercial users of the System shall be \$9.32 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.14 + Debt Service for 2,000 gallons (minimum) \$3.38 + \$1.80 (\$0.90 x 2). For sewer service billed on and after January 1, 2011, the total minimum user charge for commercial users of the System shall be \$10.26 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.56 + Debt Service for 2,000 gallons (minimum) \$3.72 + \$1.98 (\$0.99 x 2).

(iii) *Industrial and Institutional Customers.* For sewer service billed on and after June 1, 2009, the total minimum user charge for industrial and institutional users of the System shall be \$18.09 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.14 + Debt Service for 2,000 gallons (minimum) \$12.15 + \$1.80 (\$0.90 x 2). For sewer service billed on and after January 1, 2011, the total minimum user charge for industrial and institutional users of the System shall be \$19.91 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.56 + Debt Service for 2,000 gallons (minimum) \$13.37 + \$1.98 (\$0.99 x 2).”

Section 6. The provisions of this Ordinance are separable and if a section, phrase or provision hereof shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 7. The schedule of charges as described in sections 2 and 3 shall be increased on February 1, beginning 2013 and each subsequent year by the amount of increase in the Consumer Price Index (CPIU) or three (3) per cent (whichever is less) for the preceding year. A

copy of the revised rates shall be posted on the Conway Corporation web site. Minimum payments in Section 5 will be adjusted on the web site each February 1 to reflect such new rates.

Section 8. All ordinances and resolutions and parts thereof in conflict herewith, particularly Sections 1(b), (f), (g) and (h) of the Ordinance No. O-92-15 and Sections 2, 3 and 5 of Ordinance No. O-03-88, are hereby repealed to the extent of such conflict.

Section 9. This Ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway and it is in the best interests of the City and citizens due to the rate covenants which require the City to maintain a minimum debt coverage for its wastewater revenue bonds. Therefore, an emergency is declared and this Ordinance shall be in full force and effect on and after June 1, 2009.

PASSED: _____, 2009.

APPROVED:

ATTEST:

Mayor

City Clerk

(S E A L)



City of Conway, Arkansas
Resolution No. R-09-_____

**A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS RENAMING PORTIONS OF TREY LANE;
WITHIN THE CITY LIMITS OF THE CITY OF CONWAY**

WHEREAS, the City Council of the City of Conway, Arkansas has been petitioned by Kimmie Cleveland of 521 Trey Lane to rename **portions of Trey Lane**.

WHEREAS, the City shall set a date and time for a hearing before the City Council for consideration of this street name change from Tre Lane to Artis Lane.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY;

1. That the City Council shall conduct a public hearing at its regular meeting to be held at District Court, 810 Parkway Street, Conway, AR 72032, on the 12th day of May, 2009 at 6:30 p.m.
2. That the City Clerk is hereby directed to publish notice of the hearing for the time and in the manner prescribed by law.

PASSED this 28th day of April, 2009.

Approved:

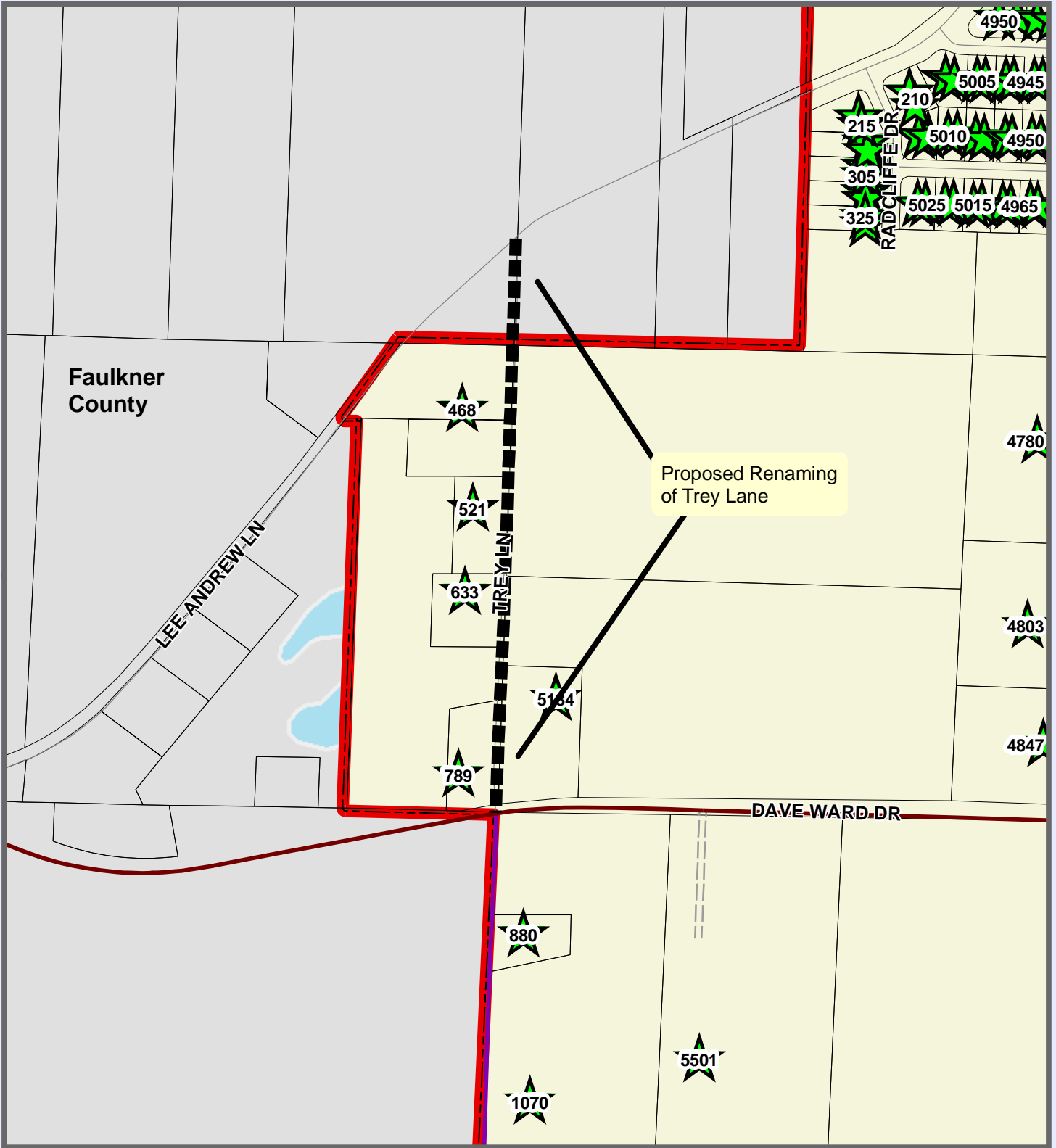
Mayor Tab Townsell

Attest:

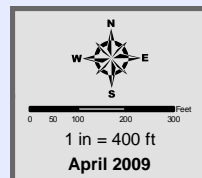
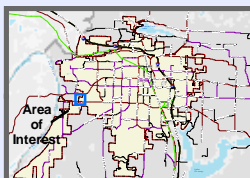
Michael O. Garrett
City Clerk/Treasurer

CITY OF CONWAY

TREY LANE RENAMING



INTERSTATE	PROPOSED RENAME
MAJOR ARTERIAL	RESIDENCES
MINOR ARTERIAL	CEMETERY
COLLECTOR	STREAMS
RESIDENTIAL	LAKES & PONDS
PRIVATE ROAD	CONWAY CITY LIMITS
INTERSTATE RAMP	LAND PARCELS
RAILROADS	



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CONTACT INFORMATION
 LANDMARK IMS WEBSITE:
 gis.cityofconway.org (UNDER DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityofConway.org



CITY OF CONWAY
STREET AND ENGINEERING DEPT.

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

6B-2
Ronnie D. Hall, P.E.
City Engineer

April 22, 2009

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

Re: Salem Road Extension to U.S. 64
Traffic Signal Modification

Dear Mayor Townsell;

Bids were received at 10:00 AM, Wednesday, April 22, 2009 at Conway City Hall for the above referenced project. This project involves the addition of the necessary traffic signal facilities to accommodate the Salem Road connection to U.S. 64 at Old Morrilton Highway/I-40 Exit 124 Connector Road. The four bids received are listed below and detailed on the enclosed bid tabulation.

All Service Electric, Inc.	\$39,123.00
Desoto County Electric	\$40,731.00
LEG Enterprises, Inc.	\$40,458.00
Construction Management	\$41,350.00

I recommend award of this bid to the low bidder All Service Electric, Inc. of Hot Springs, Arkansas.

It is my understanding that funding for this work will be from the "Pay as we go" Sales Tax.

Please advise if you have questions or need additional information,

Sincerely,

Ronnie Hall, P.E.

CITY OF CONWAY, ARKANSAS
 TRAFFIC SIGNAL MODIFICATIONS
 SALEM ROAD AT U.S. HIGHWAY 64

TABULATION OF BIDS RECEIVED AT 10:00 AM WEDNESDAY APRIL 22, 2009

DESCRIPTION	ESTIMATED QUANTITY	UNITS	ALL SERVICE ELECTRIC		DESOTO CO. ELECTRIC		LEG Enterprises		CONSTR. MGMT & MAINT	
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1 SITE PREPARATION	1	L.S.	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$650.00	\$650.00
2 MAINTENANCE OF TRAFFIC	1	L.S.	\$1,200.00	\$1,200.00	\$3,500.00	\$3,500.00	\$1,500.00	\$1,500.00	\$700.00	\$700.00
3 PAVEMENT MARKING AND SIGN	1	L.S.	\$4,000.00	\$4,000.00	\$3,952.00	\$3,952.00	\$4,750.00	\$4,750.00	\$4,000.00	\$4,000.00
4 TRAFFIC SIGNAL MODIFICATION	1	L.S.	\$32,423.00	\$32,423.00	\$32,279.00	\$32,279.00	\$31,708.00	\$31,708.00	\$36,000.00	\$36,000.00
TOTAL				\$39,123.00		\$40,731.00		\$40,458.00		\$41,350.00

CITY OF CONWAY, ARKANSAS

Department of Planning & Development
1201 Oak Street Conway, Arkansas 72032
J. Lynn Hicks, CBO - Building Official / Assistant Director of
Permits, Inspections & Code Enforcement
Phone 501-450-6107 Fax 501-513-3504

**MEMO**

TO: Mayor Tab Townsell
FROM: Lynn Hicks – Building Official / Assistant Director of Permits, Inspections and Codes Enforcement
DATE: 3-13-09
SUBJECT: Recommendations for Appointment to the City of Conway Building Code Board of Appeals

I would like to recommend Mr. Gene Hendrix for appointment to the Building Code Board of Appeals to serve in the position of Industry Citizen at Large. Mr. Hendrix is a retired Architect with 36 years of experience.

I would like to recommend Mr. George Carroll for appointment to the Building Code Board of Appeals to serve in the position of Electrical Engineer. Mr. Carroll is a Licensed Master Electrician and a Licensed Electrical Engineer.

Both recommended parties come with excellent background and experience to serve on the Building Code Appeals Board and both do reside in the City of Conway.

Attached find an application for each recommended appointee.

I respectfully request your review and recommendation to City Council for Mr. Hendrix and Mr. Carroll's appointment at the next City Council meeting.

Please let me know if you have any questions or need additional information.

Thank you

Cc: Mr. Bryan Patrick – Director of Planning and Development



City of Conway
www.cityofconway.org
Board/Commission Nomination Form:

Date: 3.11.09

Board applying for: (One board per form)

BUILDING CODE BOARD OF APPEALS

(If you are applying for more than one board, you will only need to fill out the second page once.)

Person Nominated: GEORGE CARROLL JR.

Address: 2370 ~~LA~~ LANDOVER TRL City, State, Zip CONWAY AR

Phone/Home: ~~514~~ 327-2252 Work: 514-0605

Person making nomination: LYNN HICKS

Address: 1201 OAK ST.

Phone/Home: ~~450-6107~~ 901-4091393 Work: 450-6107

Please send to: Michael O. Garrett
City Clerk/Treasurer
1201 Oak Street
Conway, AR 72032
(501) 450-6100
(501) 450-6145 (f)

CITY OF CONWAY, ARKANSAS

Department of Planning & Development

1201 Oak Street Conway, Arkansas 72032

J. Lynn Hicks, CBO - Building Official / Assistant Director of

Permits, Inspections & Code Enforcement

Phone 501-450-6107 Fax 501-513-3504



APPLICATION FOR APPOINTMENT TO THE CITY OF CONWAY BUILDING CODE BOARD OF APPEALS

Full Name: George H. Carroll Jr.
Address: 2370 LANDOVER TRL
Phone Number: 501 327 2252 Cell Number: 501 574 0605 Fax Number: 501 358 4681
Email Address: GEORGE@GEORGE CARROLL ENGINEERING.COM

Education, Certifications, Licenses and Experience applicable to meeting the qualifications necessary to serve on the Board of Appeals: *(Please list qualifications below or attach a resume listing education and experience)*

BSEE, M.DIV., MASTER ELECTRICIAN M-3356,
ARK. Board of Reg. For RE. + LS. Certificate No. 5445

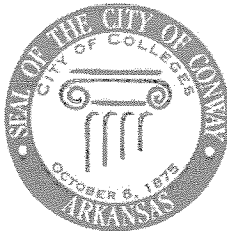
The Board of Appeals consists of a cross-section of the building community with members from specific trades along with two citizens at large.

Please mark the positions for which you are interested and qualified to fill on the Board:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Architect or Engineer | <input type="checkbox"/> Residential Contractor | <input type="checkbox"/> Commercial Contractor |
| <input type="checkbox"/> Fire Protection Contractor | <input checked="" type="checkbox"/> Electrical Contractor | <input type="checkbox"/> Mechanical Contractor |
| <input type="checkbox"/> Industry Citizen at Large | <input type="checkbox"/> Public Citizen at Large | |

Thank you for your interest in serving on the City of Conway Building Code Board of Appeals

If you have any questions, please call Lynn Hicks @ 501-450-6107.



City of Conway
www.cityofconway.org
Board/Commission Nomination Form:

Date: 3-12-09

Board applying for: (One board per form)

BUILDING CODE BOARD OF APPEALS

(If you are applying for more than one board, you will only need to fill out the second page once.)

Person Nominated: MR. EUGENE HENDRIX
Address: 1900 S. DONAGHEY City, State, Zip CONWAY AR.
Phone/Home: 730 1722 Work: 336 9687

Person making nomination: LYNN HICKS
Address: 1201 OAK ST.
Phone/Home: 450 6107 Work: 450 6107

Please send to: Michael O. Garrett
City Clerk/Treasurer
1201 Oak Street
Conway, AR 72032
(501) 450-6100
(501) 450-6145 (f)

CITY OF CONWAY, ARKANSAS

Department of Planning & Development
1201 Oak Street Conway, Arkansas 72032

J. Lynn Hicks, CBO - Building Official / Assistant Director of
Permits, Inspections & Code Enforcement
Phone 501-450-6107 Fax 501-513-3504



APPLICATION FOR APPOINTMENT TO THE CITY OF CONWAY BUILDING CODE BOARD OF APPEALS

Full Name: H. EUGENE HENDRIX
Address: 1900 S. DONAGHEY AVE.
Phone Number: 501-536-9687 Cell Number: 501-730-1722 Fax Number: N/A
Email Address: N/A

Education, Certifications, Licenses and Experience applicable to meeting the qualifications necessary to serve on the Board of Appeals: *(Please list qualifications below or attach a resume listing education and experience)*

LSU / BSIE - UAM / LICENSED ARCHITECT (EMERITUS STATUS) FIELD ARCHITECT 36 YEARS

The Board of Appeals consists of a cross-section of the building community with members from specific trades along with two citizens at large.

Please mark the positions for which you are interested and qualified to fill on the Board:

Architect or Engineer Residential Contractor Commercial Contractor
 Fire Protection Contractor Electrical Contactor Mechanical Contractor
 Industry Citizen at Large Public Citizen at Large

Thank you for your interest in serving on the City of Conway Building Code Board of Appeals

If you have any questions, please call Lynn Hicks @ 501-450-6107.



CONWAY PLANNING COMMISSION

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

April 21, 2009

Council Members
Conway, AR 72032

Dear Council Members:

A request for a conditional use permit for an adult day care for property located at 1150 Museum Road with the legal description:

South 270 feet of Lot 1, Ros Addition Replat Lots 1
and 2

was reviewed by the Planning Commission at its regular meeting on April 20, 2009. The Planning Commission voted 7 – 0 that the request be sent to the City Council with a recommendation of approval subject to the three (3) conditions stated below.

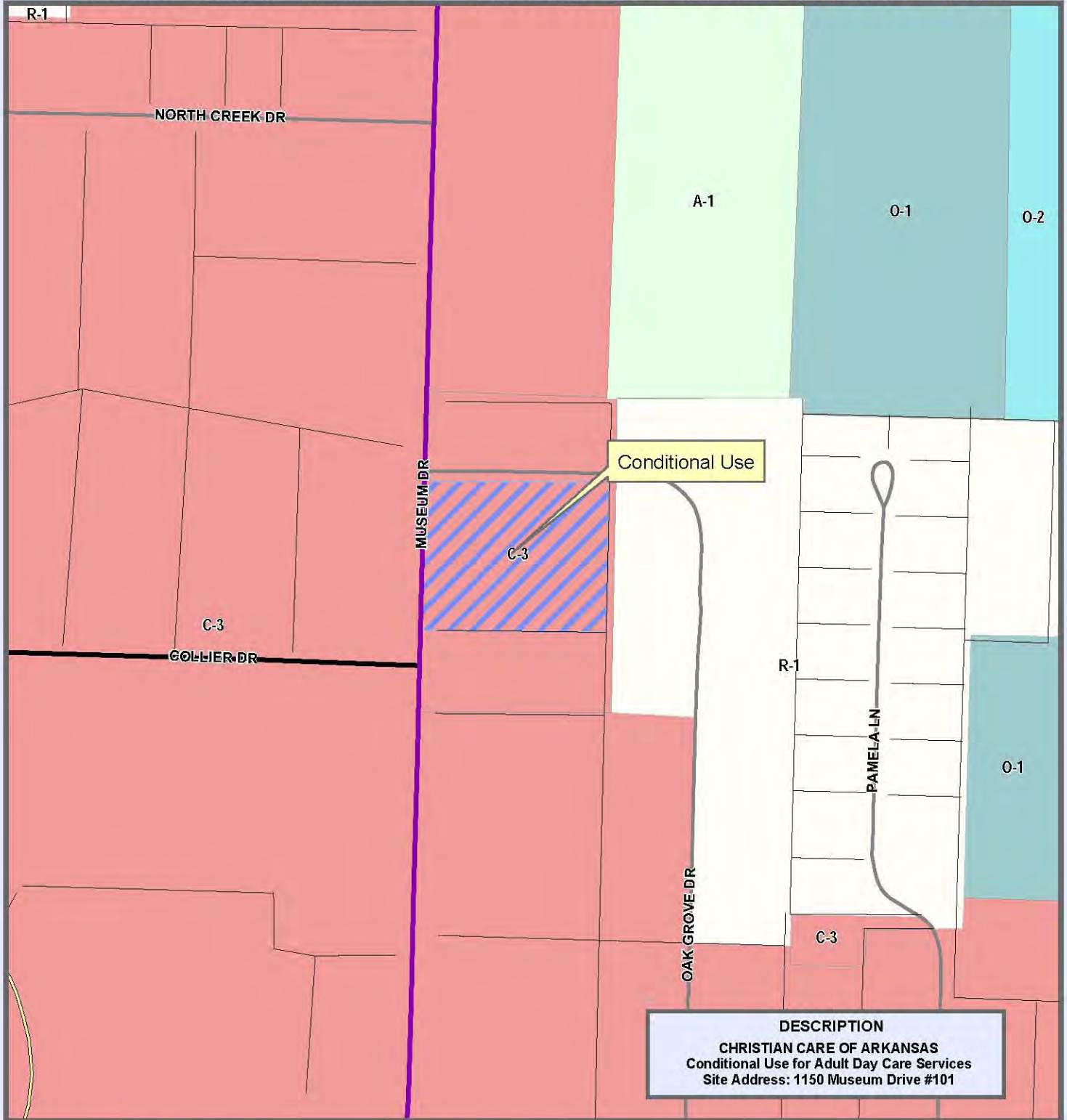
1. The conditional use is applicable to 1150 Museum Road without limitation to a single suite to allow for possible future expansion of the business.
2. Hours of operation are Monday through Friday from 7:00 a.m. to 6:00 p.m.
3. This conditional use permit is limited to Christian Care of Arkansas only.

Submitted by,

Terry Sossong, Chairman
Planning Commission

CITY OF CONWAY

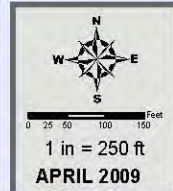
CHRISTIAN CARE OF ARKANSAS CONDITIONAL USE



DESCRIPTION
CHRISTIAN CARE OF ARKANSAS
Conditional Use for Adult Day Care Services
Site Address: 1150 Museum Drive #101



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
RAILROADS		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	Special
			S-1
			A-1
			PUD
			I-1
			RU-1
			I-3



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CONTACT INFORMATION
 LANDMARK WEBSITE
 98 CONWAY, AR (UNDER DEVELOPMENT)
 E-MAIL: JASON LYON@CITYOFCONWAY.ORG



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 2230 LOUVENIA AVENUE FROM R-2A TO O-2:

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

Lots 14 and 15, Block B, Smith's Subdivision of Donaghey Addition.

to those of **O-2**, 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.

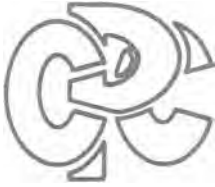
PASSED this 28th day of April, 2009.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

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

April 21, 2009

Council Members
Conway, AR 72032

Dear Council Members:

A request for a rezoning from R-2A to O-2 for property located at 2230 Louvenia Avenue with the legal description:

Lots 14 and 15, Block B, Smith's Subdivision of
Donaghey Addition

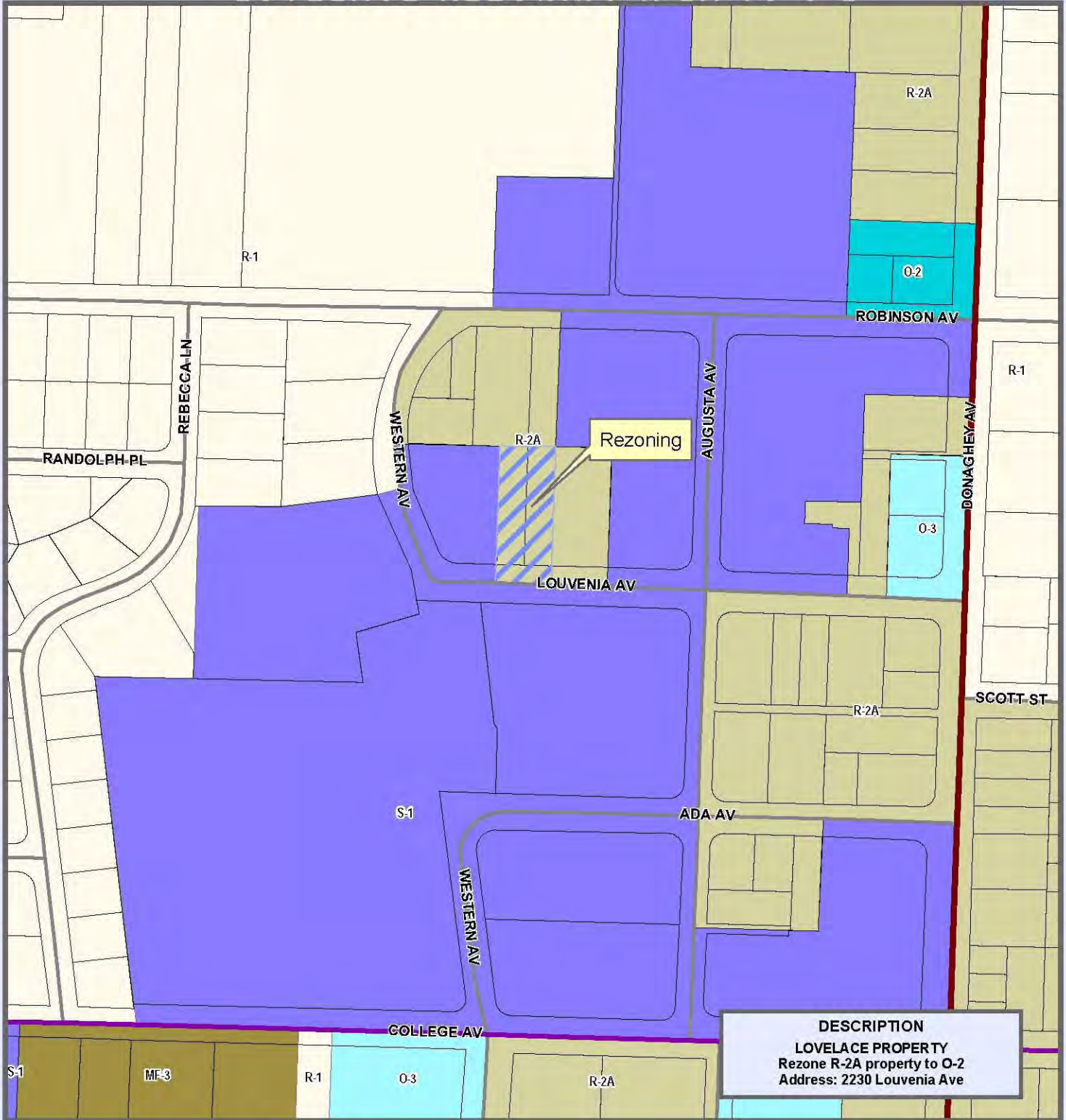
was reviewed by the Planning Commission at its regular meeting on April 20, 2009. The Planning Commission voted 7 – 0 that the request be sent to the City Council with a recommendation of approval.

Submitted by,

Terry Sossong, Chairman
Planning Commission

CITY OF CONWAY

LOVELACE REZONING R-2A TO O-2



DESCRIPTION
LOVELACE PROPERTY
 Rezone R-2A property to O-2
 Address: 2230 Louvenia Ave



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



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CONTACT INFORMATION
 LANDMARK WEBSITE
 28 CONWAY, AR 72032 (UNDER DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityOfConway.org



City of Conway, Arkansas
Ordinance No. O-09-_____

AN ORDINANCE GRANTING A FRANCHISE TO OLD CHICAGO PIZZA TO UTILIZE SPECIFIC STREET RIGHTS-OF-WAY ON THE WEST SIDE OF COURT STREET AND THE NORTH SIDE OF MAIN STREET IN BLOCK 5, ROBINSON'S PLAN TO THE CITY OF CONWAY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

Whereas, Old Chicago Pizza desires to be able to accommodate guests by providing an adequate outdoor waiting area, and

Whereas, the current front entryway to Old Chicago Pizza abuts street right-of-way on both its east and south sides, and

Whereas, the City of Conway wishes to encourage the protection and enhancement of the City's appearance, identity, and economic vitality and the preservation and enhancement of the general quality of life of residents and visitors:

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

Section 1: That a franchise is hereby granted from the City of Conway, Arkansas, to the owner of Lot 13, Block 5, of the Robinson's Plan currently occupied by Old Chicago Pizza and/or the owner's successors and assigns for ten (10) years, for the placement of outdoor benches on public rights-of-way on the west side of Court Street adjacent to Lot 13, Block 5, of the Robinson's Plan to the City of Conway, Arkansas.

Section 2: That the franchise shall be granted starting from a point at the southeast corner of the existing structure thence east three feet (3') to a point approximately eight feet (8') from the Court Street curb, thence north forty feet (40'), thence west three feet (3') to the wall of the existing structure, thence south forty feet (40') along said wall to the point at beginning. Benches may contain no signage or advertising.

Section 3: That the furniture permitted by this franchise shall be constructed, erected, maintained, repaired and operated in a strict compliance with all City codes, ordinances, and regulations for the life of the franchise and shall be approved as to its design by the City Council and designee(s) and the City Engineer.

Section 4: That the City of Conway assumes no maintenance responsibility for the permitted furniture. The City shall not be responsible for damage to the furniture by the City or by utility (public or franchised private) crews while performing normal maintenance work in the public rights-of-way or easements. The City assumes no liability for personal injury or property damage as a result of the

placement of the permitted furniture, and the applicant shall indemnify and hold the City harmless from actions, claims, costs, damages, and expenses to which the City may be subjected arising out of the placement of the permitted furniture in the public rights-of-way.

Section 5: That upon notice from the appropriate City departments (as established by the Mayor), the franchisee shall remove the permitted items from the public rights-of-way or easements at its own expense for any public improvement project or if the situation becomes a public nuisance.

Section 6: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 7: 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 28TH DAY OF APRIL, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

City Clerk Michael O. Garrett

April 20, 2009

RE: Benches for Old Chicago

Please find attached a picture of some outside benches we, Old Chicago, would like to invest in for the outside of our location. When there are patrons waiting to be seated and the weather is nice they can comfortably enjoy the outside.

We have also been in contact with Peter Mehl about the city bike racks and are excited about providing these for our patrons and employees as well.

We would like to enter into an agreement with the city in this endeavor.

Thank you for your consideration in this matter.

Old Chicago

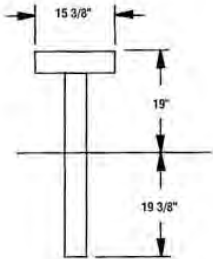
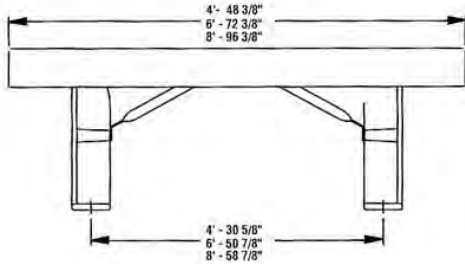
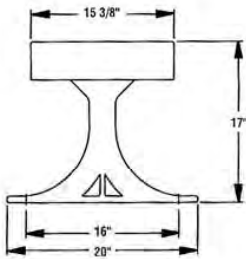
Proposed Platistol Benches at Old Chicago Pizza



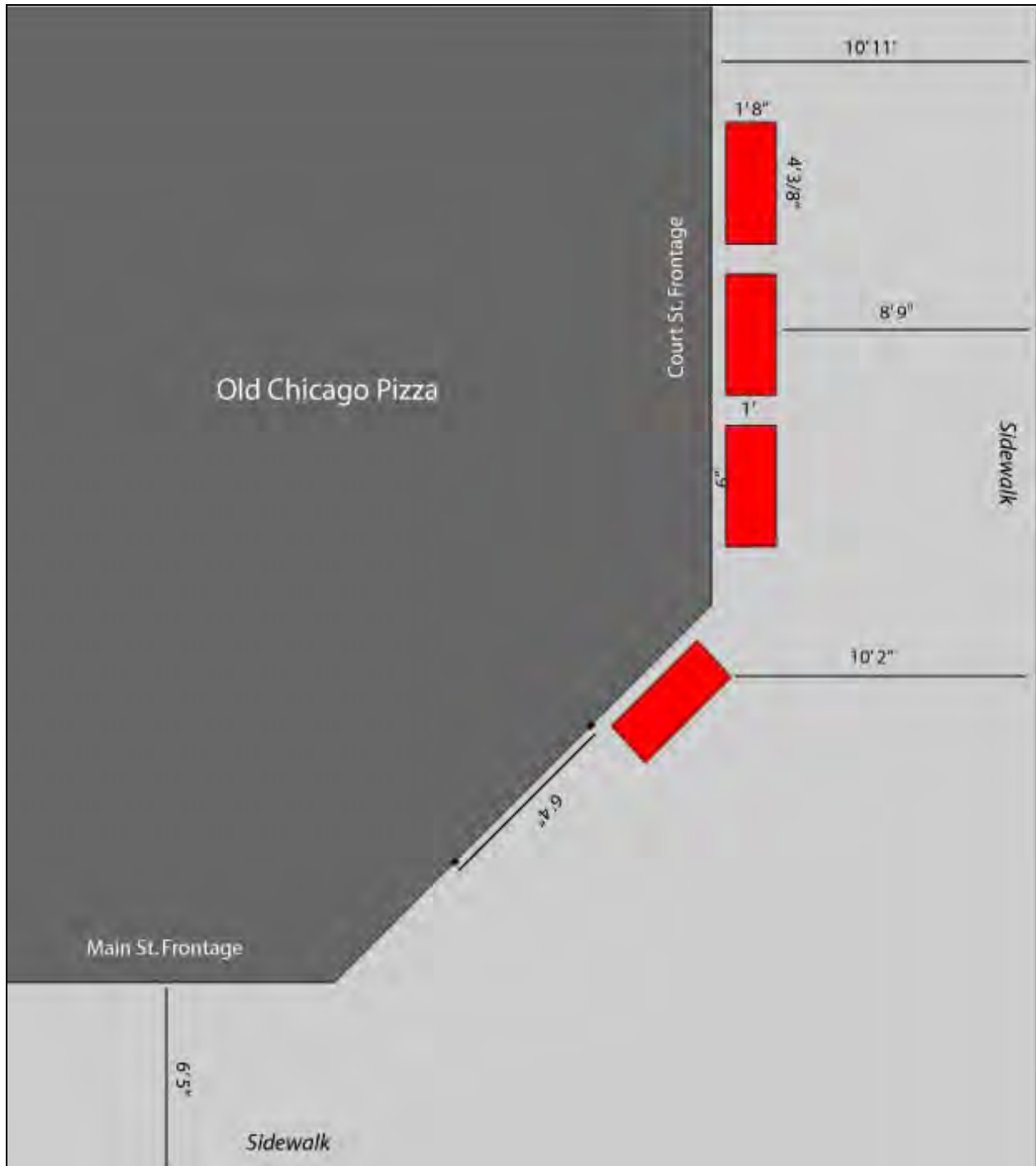
T5083



T5064



Scenario for Bench Placement at Old Chicago Pizza
(Bench footprint is in red)



CITY OF CONWAY, ARKANSAS

Department of Planning & Development
1201 Oak Street Conway, Arkansas 72032

J. Lynn Hicks, CBO - Building Official / Assistant Director of
Permits, Inspections & Code Enforcement
Phone 501-450-6107 Fax 501-513-3504



MEMO

TO: Mayor Townsell and City Council Members
FROM: Lynn Hicks – Building Official
DATE: 3-17-09
**SUBJECT: Proposed Changes to City of Conway Municipal Code
Related to Title 11 - Buildings and Construction.**

Attached find four (4) proposed ordinances for changes to the City of Conway Municipal Code, Title 11 – Buildings and Construction. A brief description of the reason for the recommended change to each Chapter is included.

- 1) An ordinance amending Chapter 11.20 of the Conway Municipal Code relative to the requirements for the Housing Code.**

Reason for Change: Housekeeping Issue. The current Municipal Code Chapter 11.20 has adopted the 1969 Edition of the Southern Standard Housing Code.

- 2) An ordinance amending Chapter 11.32 of the Conway Municipal Code relative to the requirements for the City Inspector.**

Reason for Change: Housekeeping Issue. The Municipal Code has adopted the 2007 Arkansas Fire Prevention Code, Volumes I and II as the applicable building code for the City. Such codes designate the Building Official (as opposed to the City Inspector) as the authorized party charged with the enforcement of the building codes.

- 3) An ordinance amending Chapter 11.60 of the Conway Municipal Code relative to the requirements for the Code for Safety to Life.**

Reason for Change: This Chapter has adopted the 1997 edition of the National Fire Protection Association 101 Code for Safety to Life from

Fire in Buildings and Structures. This constitutes a second Building Code applicable to building construction, which is not necessary.

- 4) An ordinance amending Chapter 11.04, 11.08, 11.16, 11.36 and 11.56 of the Conway Municipal Code relative to the requirements for permit fees for the construction and alterations to buildings and building systems.**

Reason for Change: The changes to the fee schedules are intended to clarify the applicable fees and add a new fee for applying for an appeal application to the Building Code Appeals Board.

If you have any questions or need further information, please advise.

Cc: Mr. Bryan Patrick – Director of City of Conway Department of Planning and Development



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

**AN ORDINANCE AMENDING THE HOUSING CODE OF THE CITY OF CONWAY: AMENDING
Chapter 11.20 OF THE CONWAY MUNICIPAL CODE: DECLARING AN EMERGENCY AND FOR
OTHER PRUPOSES.**

WHEREAS, The City of Conway would like to eliminate the currently adopted housing code for the maintenance of buildings and building systems; and

WHEREAS, the currently adopted Housing Code is outdated and unnecessary;

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

SECTION 1. Chapter 11.20 of the Conway Municipal Code which currently has adopted the 1969 Edition of the Southern Standard Housing Code be hereby deleted in its entirety.

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

PASSED this 28th day of April, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

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



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

AN ORDINANCE AMENDING THE REQUIREMENTS FOR CITY INSPECTOR OF THE CITY OF CONWAY: AMENDING CHAPTER 11.32 OF THE CONWAY MUNICIPAL CODE: DECLARING AN EMERGENCY AND FOR OTHER PRUPOSES.

WHEREAS, The City of Conway has adopted the State of Arkansas Codes for Building Construction for the protection of the public in the built environment; and

WHEREAS, said State of Arkansas Building Codes clearly establish the enforcing agency and the duties of the persons charged with the enforcement of building codes;

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

SECTION 1. Chapter 11.32 of the Conway Municipal Code which establishes the office of the City Inspector of the City of Conway, Arkansas be hereby amended to delete Chapter 11.32 in its entirety and replace with the following:

Chapter 11.32 City Building Department

**Sections: 11.32.01
11.32.02**

11.32.01 Creation of the Department. There is hereby created the City of Conway Building Department, also known as the City of Conway Division of Permits, Inspections and Code Enforcement, and the person in charge shall be known as the Building Official.

11.32.02 Deputies. The Building Official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plans examiners and other employees. Such employees shall have powers as delegated by the building official.

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

PASSED this 28th day of April, 2008.

APPROVED:

Mayor Tab Townsell

ATTEST:

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



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

AN ORDINANCE AMENDING THE REQUIREMENTS FOR A CODE FOR SAFETY TO LIFE OF THE CITY OF CONWAY: AMENDING Chapter 11.60 OF THE CONWAY MUNICIPAL CODE: DECLARING AN EMERGENCY AND FOR OTHER PRUPOSES.

WHEREAS, The City of Conway has adopted the State of Arkansas Codes for Building Construction for the protection of the public in the built environment; and

WHEREAS, said State of Arkansas Building Codes adopted by the City of Conway fully enumerate the requirements for building and fire life safety ; and

WHEREAS, the currently adopted Code for Safety to Life is outdated and unnecessary;

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

SECTION 1. Chapter 11.60 of the Conway Municipal Code be hereby amended to delete Chapter 11.60 in its entirety.

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

PASSED this 28th day of April, 2008.

APPROVED:

Mayor Tab Townsell

ATTEST:

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



City of Conway, Arkansas
Ordinance No. O-09-_____

AN ORDINANCE AMENDING THE PERMIT FEES FOR THE CONSTRUCTION AND ALTERATIONS OF BUILDINGS AND BUILDING SYSTEMS IN THE CITY OF CONWAY: AMENDING SECTIONS 11.04.26E., 11.08.05B., 11.16.06A., 11.36.03 AND ADDING SECTION 11.56.05 OF THE CONWAY MUNICIPAL CODE: DECLARING AN EMERGENCY AND FOR OTHER PRUPOSES.

WHEREAS, The City of Conway would like to update the permit fees for the construction and alterations to buildings and building systems;

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

SECTION 1. Section 11.04.26E. of the Conway Municipal Code be hereby amended to delete Section 11.04.26E. in its entirety and replace with the following:

“11.04.26E. Electrical Permit fees.

11.04.26E.01 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

11.04.26E.02 Schedule of permit fees. A fee for each electrical permit shall be paid in accordance with the following schedule:

Schedule of Electrical Permit Fees		
1.	Electrical Systems for New Construction, Additions and Accessory Buildings	\$0.06 per square foot of area under roof, with a minimum of \$36.00, whichever is greater.
2.	Remodel, Renovation, Alterations, and Repairs	Minimum \$30.00 Electrical Fee plus fees for fixtures as noted below:
	a. Outlets 1 to 5	\$5.50 for 5 outlets or less
	b. Outlets greater than 5	\$5.50 for the first 5 outlets plus \$0.30 for each additional outlet
	c. Light Fixtures & Switches - 1 to 5	\$5.50 for 5 outlets or less
	d. Light Fixtures & Switches greater than 5	\$5.50 for the first 5 outlets plus \$0.30 for each additional outlet
	e. Electric Stove, Ranges, Dryers or Hot Water Heaters	\$6.75 each
	f. Vent Hoods	\$2.00 each
	g. Dishwashers	\$2.00 each
	h. Disposals	\$2.00 each
	i. Electric Heaters	

		1. 1 to 15 KW	\$3.75 each
		2. 16 to 25 KW	\$6.75 each
	j.	Air Conditioners	
		1. 20 to 30 amp	\$3.00 each
		2. 40 to 60 amp	\$4.00 each
	l.	Pool Pumps	\$6.25 each
	m	Special Circuits	\$6.75 each
3.		Electrical Signs	Minimum \$30.00 Electrical Fee plus fees for type signs as noted below:
	a.	Outside Electric Signs	\$6.25 each
	b.	Electric Window Sign	\$3.75 each
	c.	Neon Borders, windows and outside	\$3.75 each
4.		Electrical Service Only, Service Change Outs or Electrical Service Upgrades	Minimum Electrical Fee of \$30.00
5.		Temporary Service Pole	Minimum Electrical Fee of \$20.00 unless the Temporary Service Pole is ready for inspection at the time of the footing inspection, in which case there is no charge.
6.		TPP (temporary power to structure prior to final inspection, expires in 30 days)	Minimum Electrical Fee of \$20.00
7.		Re-Inspections and Additional Inspections (*See note below)	\$25.00 per inspection
8.		Alternative Energy Systems - Solar Panels, Fuel Cells, Wind Generators, Etc.	Minimum \$30.00 Electrical Fee plus \$25.00 for each system
9.		Work commencing before permit issuance	Permit fee shall be doubled
10.		Building Code Appeals Board Application Fee	\$250.00
* Note - Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.			

SECTION 2. Section 11.08.05B. of the Conway Municipal Code be hereby amended to delete Section 11.08.05B. in its entirety and replace with the following:

“11.08.05B. Plumbing Permit fees.

11.08.05.B.01 Schedule of plumbing permit fees. A fee for each plumbing permit shall be paid in accordance with the following schedule:

Schedule of Plumbing Permit Fees		
1.	Plumbing Systems for a new construction, Additions and Accessory Buildings.	\$0.06 per square foot of area under roof, with a minimum of \$36.00, whichever is greater.
2.	Remodel, Renovation, Alterations,	Minimum \$30.00 Plumbing Fee plus

	Replacement and Repairs	fees for fixtures as noted below:
	a. Plumbing Fixtures	\$3.50 each
	b. Water Heater	\$10.00 each
3.	Re-Inspections and Additional Inspections (*See note below)	\$25.00 per inspection
4.	Work commencing before permit issuance	Permit fee shall be doubled
* Note - Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.		

SECTION 3. Section 11.16.06A.1. of the Conway Municipal Code be hereby amended to delete Section 11.08.06A.1. in its entirety and replace with the following:

“11.16.06A.1. Building Permit fees.

11.16.06.A.1.01 Schedule of building permit fees. A fee for each building permit shall be paid in accordance with the following schedule:

Schedule of Building Permit Fees for One and Two Family Dwellings		
1.	New Building	\$0.10 per square foot of area under roof with a minimum of \$250.00.
2.	Addition	\$35.00
3.	Remodeling	\$1.00 per \$1,000 of Construction Cost with a minimum of \$30.00.
4.	Accessory	\$20.00
5.	Re-Inspections and Additional Inspections (*See note below)	\$25.00 per inspection
6.	Work commencing before permit issuance	Permit fee shall be doubled
7.	Building Code Appeals Board Application Fee	\$250.00
*Note – Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.		

Schedule of Building Permit Fees for Other than One and Two Family Dwellings		
1.	New Building	\$0.10 per square foot of area under roof with a minimum of \$250.00.
2.	Addition	\$45.00
3.	Remodeling	\$1.00 per \$1,000 of Construction Cost with a minimum of \$30.00.
4.	Accessory	\$50.00
5.	Temporary Structures	\$0.10 per square foot of area under roof with a minimum of \$250.00.
6.	Re-Inspections and Additional	\$25.00 per inspection

	Inspections (*See note below)	
7.	Work commencing before permit issuance	Permit fee shall be doubled
8.	Building Code Appeals Board Application Fee	\$250.00
*Note - Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.		

SECTION 4. Section 11.36.03 of the Conway Municipal Code be hereby amended to delete Section 11.36.03 in its entirety and replace with the following:

“11.36.03 Fuel gas work permit fees.

11.36.03.01 Schedule of fuel gas work permit fees. A fee for each fuel gas permit shall be paid in accordance with the following schedule:

Schedule of Fuel Gas Permit Fees		
1.	Gas Service Line per meter	\$20.00
2.	Gas Yard Line	\$20.00 unless the gas yard line is ready for inspection at the time of the gas service line inspection, in which case there is no charge.
3.	Re-Inspection or Additional Inspections	\$25.00 per inspection
4.	Work commencing before permit issuance	Permit fee shall be doubled
*Note – Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.		

SECTION 5. Section 11.56 of the Conway Municipal Code be hereby amended to add Section 11.56.05 as follows:

“11.56.05 Mechanical Permit fees.

11.56.05.01 Schedule of mechanical permit fees. A fee for each mechanical permit shall be paid in accordance with the following schedule:

Schedule of Mechanical Permit Fees		
1.	Heating and Cooling Systems for a new construction, Additions and Accessory Buildings	\$0.06 per square foot of area under roof, with a minimum of \$36.00, whichever is greater.
2.	Remodel, Renovations, Alterations, Replacement and Repairs	Minimum \$30.00 Mechanical Fee
3.	Commercial Kitchen Ventilation Hood, Ducts and Exhaust Equipment	\$30.00
4.	Re-Inspections and Additional Inspections (*See note below)	\$25.00 per inspection
5.	Work commencing before permit	Permit fee shall be doubled

	issuance	
6.	Building Code Appeals Board Application Fee	\$250.00
*Note – Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.		

SECTION 6. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 28th day of April, 2008.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



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

AN ORDINANCE ADOPTING A NUISANCE ABATEMENT CODE AS PART OF THE CONWAY MUNICIPAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Conway presently regulates the maintenance of property through several ordinances and code sections;

WHEREAS, large portions of these ordinances and code sections are not written in a manner consistent with the Arkansas Fire Prevention Code of 2007; and

WHEREAS, the new Nuisance Abatement Code is designed to be consistent with both the Arkansas Fire Prevention Code and the Conway Zoning Ordinance; and

WHEREAS, during the 2007, the State of Arkansas adopted new legislation granting cities greater authority to mitigate nuisances and the new Nuisance Code references and incorporates this authority; and

WHEREAS, reasonable and enforceable regulations of nuisance abatement code benefit public health, safety and welfare and enhances the value of the properties so regulated.

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

SECTION 1: That the Nuisance Abatement Code, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted in its entirety.

SECTION 2: That the Nuisance Abatement code be codified within Title 5, Health and Sanitation, by the addition of Chapter 5.09, Nuisance Abatement.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. Specifically,

Chapter 5.04.11, Subsection A (as created by Ord. No. O-96-78)

Chapter 5.08, Sections 01, 02, 03, 04, 05 (as created by Ord. Nos. 04-95, O-01-63, O-04-54, O-00-161, O-75-19, O-79-40)

Chapter 9.44 (as created by Ord. No. O-02-53)

Chapter 11.24 (as created by Ord. No. A-420)

of the Conway Municipal Code are hereby repealed.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: It is hereby found and determined that the adoption of this Ordinance is immediately necessary to insure the proper and orderly growth of the City of Conway, Arkansas and is necessary for the immediate preservation of public, health, safety and welfare; **THEREFORE**, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

PASSED this 28th day of April, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Resolution No. R-09-_____**

**A RESOLUTION AUTHORIZING THE MAYOR TO ISSUE A REQUEST FOR PROPOSALS FOR
A GENERAL CONTRACTOR CONSTRUCTION MANAGER FOR THE DEVELOPMENT AND
CONSTRUCTION OF NEW FAIRGROUND FACILITIES**

Whereas, the City is pursuing the construction of a new fairgrounds, and

Whereas, the City Council deems the development and construction process of said facility will be aided by the use of a General Contractor Construction Manager as recently authorized for municipal purposes by the Arkansas General Assembly under the Request for Qualifications/Request for proposals process,

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

Section 1. The Mayor is hereby authorized to issue a Request for Qualifications/Proposals for the selection of a General Contractor Construction Manager for the new fairground facilities.

Passed this 28th day of April, 2009

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Resolution No. R-09-_____

A RESOLUTION AUTHORIZING THE FORMATION OF THE CONWAY BICYCLE ADVISORY BOARD

Whereas, the City of Conway, Arkansas is desirous to create a Bicycle Friendly Community through the League of American Bicyclists, and

Whereas, the City has established a Bicycle Task Force to help meet the requirements to become a Bicycle Friendly Community, and

Whereas, the Bicycle Task Force has accomplished many of the requirements of the League of American Bicyclists, and

Whereas, the formation of a Bicycle Advisory Board is a requirement for Conway to become a Bicycle Friendly Community.

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

Section One:

That the City Council of the City of Conway hereby creates a Bicycle Advisory Board, consisting of seven members, who will be citizens of the City of Conway, and will be appointed by the Mayor of the City of Conway and confirmed by the City Council,

Section Two:

The members will serve staggered three year terms. In the initial year, the members will draw for one, two and three year terms (with three members drawing three year terms). Each subsequent year, two members will be appointed for full three year terms.

Section Three:

The Conway Bicycle Advisory Board will include at least two members who represents a recognized bicycle advocacy organization, and will be nominated through a slate of nominees presented by said organization, and

PASSED this 28th day of **April, 2009**.

APPROVED:

ATTEST:

Mayor Tab Townsell

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Resolution No. R-09-_____

A RESOLUTION ADOPTING A BICYCLE MASTER PLAN FOR THE CITY OF CONWAY FOR THE PURPOSES OF BECOMING A MORE BICYCLE FRIENDLY COMMUNITY

Whereas, the City of Conway recognizes the many benefits of increasing the accessibility of the city to bicycling and increasing the number bicyclists by encouraging and educating its citizens on the availability of bicycling resources and on the safe and proper use of and proper interaction with bicycles using city streets and trails, and

Whereas, the city's efforts to achieve these goals have been compiled by the Bike Task Force into a Bicycle Master Plan, and

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

The Conway Bicycle Master Plan is hereby adopted as the City of Conway's official plan to increase the bicycling friendliness of the city by installing and improving bicycle facilities; raising awareness of the opportunities and benefits of bicycling; encouraging the choice of bicycling as an alternative means of transportation, as a lifelong fitness program, and as part of a sustainable lifestyle; developing and making use of educational resources to increase the knowledge of the rights, responsibilities, and safest practices for both bicyclists and vehicles; providing for the enforcement of traffic laws governing both bicyclists and vehicle users; and evaluating the city's progress towards becoming a more bicycle friendly community .

PASSED this 28th day of April, 2009

APPROVED:

ATTEST:

Mayor Tab Townsell

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-09-_____

AN ORDINANCE AMENDING THE MASTER STREET PLAN; ADOPTING A COMPLETE STREETS POLICY FOR THE CITY OF CONWAY, ARKANSAS: AND FOR OTHER PURPOSES

AN ORDINANCE relating to Conway's Complete Streets policy, stating guiding principles and practices so that transportation improvements are planned, designed and constructed to encourage walking, bicycling and transit use while promoting safe operations for all users.

WHEREAS, increasing walking and bicycling offers the potential for cleaner air, greater health of the population, reduced traffic congestion, a more livable community, less reliance on fossil fuels and their foreign supply sources and more efficient use of road space and resources; and

WHEREAS, the City Council of the City of Conway, with the Mayor concurring, adopted Ordinance No. _____ that defines the City's Master Street Plan; and

WHEREAS, City policy as stated in the Master Street Plan is to encourage walking, bicycling and transit use as safe, convenient and widely available modes of transportation for all people; and

WHEREAS, Conway's Complete Streets guiding principle is to design, operate and maintain the City's streets to promote safe and convenient access and travel for all users: pedestrians, bicyclists, transit riders, and people of all abilities, as well as freight and motor vehicle drivers; and

WHEREAS, the City of Conway shall implement a Complete Streets policy by designing, operating and maintaining the transportation network to improve travel conditions for bicyclists, pedestrians, public transit and motor vehicles in a manner consistent with, and supportive of, the surrounding community; and

WHEREAS, transportation improvements will include an array of facilities and amenities that are recognized as contributing to Complete Streets, including: street and sidewalk lighting; pedestrian and bicycle safety improvements; access improvements for freight; access improvements, including compliance with the Americans with Disabilities Act; public transit facilities accommodation including, but not limited, to pedestrian access improvement to transit stops and stations; street trees and landscaping; drainage; and street amenities; and

WHEREAS, the City of Conway will implement policies and procedures with the construction, reconstruction or other changes of transportation facilities on arterial streets to support the creation of Complete Streets including capital improvements, re-channelization projects and major maintenance, recognizing that all streets are different and in each case user needs must be balanced;

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

Section 1. The City shall will plan for, design and construct all new City transportation improvement projects to provide appropriate accommodation for pedestrians, bicyclists, transit riders, motor vehicle operators, and persons of all abilities, while promoting safe operation for all users, as provided for below.

Section 2. The City will incorporate Complete Streets principles into the Master Street Plan, Pedestrian and Bicycle Master Plans; and other plans, manuals, rules, regulations and programs as appropriate.

(a) Bicycle and pedestrian ways shall be established in new construction and reconstruction projects in all urbanized areas unless one or more of four conditions are met:

(1) Bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right of way or within the same transportation corridor.

(2) The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. "Excessively disproportionate" is defined as exceeding twenty percent of the total cost of the transportation project.

(3) Where the street has severe topographic or natural resource constraints.

(4) Where scarcity of population or other factors indicate an absence of need, to include future needs.

(b) In rural areas, paved shoulders should be included in all new construction and reconstruction projects on roadways used by more than 1,000 vehicles per day. Paved shoulders have safety and operational advantages for all road users in addition to providing a place for bicyclists and pedestrians to operate.

(c) Sidewalks, shared use paths, street crossings (including over- and undercrossings), pedestrian signals, signs, street furniture, transit stops and facilities, and all connecting pathways shall be designed, constructed, operated and maintained so that all pedestrians, including people with disabilities, can travel safely and independently.

Section 3. Except in unusual or extraordinary circumstances, Complete Streets principles will not apply:

(a) to ordinary maintenance activities designed to keep assets in serviceable condition (e.g., mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal, or interim measures on detour or haul routes); or

(b) where other available means or factors indicate an absence of need, including future need.

Section 4. Complete Streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time. It is the Mayor's and Council's intent that all sources of transportation funding be drawn upon to implement Complete Streets. The City believes that maximum financial flexibility is important to implement Complete Streets principles.

Section 5. All ordinances in conflict herewith are repealed to the extent of the conflict.

Section 6. 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 28th day of April, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

MEMORANDUM

TO: Mayor Tab Townsell

FROM: Chief A. J. Gary

DATE: March 16, 2009

SUBJECT: Available Grants

It has been brought to our attention that there is available funding through The Office of Community Oriented Policing Services (COPS Office) for the Secure Our Schools program. The maximum federal share is \$500,000 with a 50% local match requirement.

The Conway Public School system has requested that these funds be used to purchase additional cameras for all schools. In addition, they have offered to provide the funds required for the 50% local match.

I respectfully request permission for our department to apply for this grant.

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: April 23, 2009

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.

2009 Disposals	Item Description	Purchase	Accum.	Book	
	AE= Accountable Equipment	Price	Depr	Value	
Permits	TKI Pentium 3 Workstation Computer	2,609.87	2,609.87	0.00	Auction or scrap
	HP computer (SN2UB50905DP)	1,050.03	1,050.03	0.00	Auction or scrap
	HP computer (SN2UB50905DQ)	1,050.02	1,050.02	0.00	Auction or scrap
	Dell Optiplex Pent. 4 Computer (1YV2611)	1,213.34	1,213.34	0.00	Auction or scrap
	Dell GX 240 Pent. Computer	1,211.70	1,211.70	0.00	Auction or scrap
Planning	HP 1220C Printer	512.72	512.72	0.00	Scrap
	Swintec Typewriter	779.00	779.00	0.00	Auction
Physical Plant	John Deere Mower (B014218)	2,350.00	2,350.00	0.00	Auction
District Court	L-Return Desk (1984) (both desks are broken)	840.00	840.00	0.00	Scrap
	L-Return Desk (1984) Taken to landfill	840.00	840.00	0.00	Scrap
Police	Remington 30-06 B6750201	300.00	300.00	0.00	Destroyed
	Beneli 12-ga M335114	1,300.00	1,300.00	0.00	Destroyed
	Sentinel 22 cal. 2055488	100.00	100.00	0.00	Destroyed
	Sony Cybershot Camera (1032521)	299.97	299.97	0.00	Scrap
	2006 Ford Crown Vic (58805) totaled in accident	34,828.70	7,739.68	27,089.02	Scrap
	Xerox Copier (SNSWT133488)	7,188.62	7,188.62	0.00	Auction
Fire	1999 Xerox Copier	848.98	848.98	0.00	Auction
at Central Fire	Sony Camera (MF)-FD71 (Surveillance)	737.57	737.57	0.00	Auction
Sanitation	1995 Trackhoe Excavator	50,161.70	33,441.20	16,720.50	Traded in
	(SN07LM00537) trade \$16,000.00				
	1988 New Holland Cicle Mower	2,378.00	2,378.00	0.00	Traded in
	(SN30521)				
	2006 Freightliner (10297) - already disposed	166,370.00	23,107.00	143,263.00	parted out
	totaled - train hit				

	2007 Crawler Dozer (00195)	134,638.00	7,479.90	127,158.10	Traded in
	returned (\$90,000.00) loss				
	2000 Dodge 1500 Pickup (29580)	20,066.00	20,066.00	0.00	Auction
	1998 Crane Carrier (43732)	149,774.00	94,024.98	55,749.02	Traded in
	Dodge Ram Wagon (44874)	18,949.00	18,949.00	0.00	Auction
	1997 Truck (Bed Only)	0.00	0.00	0.00	Auction
(Min. Bid \$12,000.00)	2004 Terex Dump Truck (A850110G)	280,193.00	56,573.44	223,619.56	Auction
Parks	1983 Chevy Pickup (42941) - at Street Dept.	7,086.15	7,086.15	0.00	Auction
	Handheld Radio - Stolen	2,259.80	2,259.80	0.00	Stolen
	Ford Tractor (BD48190)	10,699.00	10,699.00	0.00	Traded in
	Ford Tractor (BC48447)	12,825.21	12,825.21	0.00	Traded in
	Flail Mower (YJK0503)	2,131.00	2,131.00	0.00	Traded in
	Flail Mower (M7G0838)	3,804.00	2,282.28	1,521.72	Traded in
	Flail Mower (K420104)	1,777.65	1,777.65	0.00	Traded in
	Diesel Tractor (C562526)	6,487.00	6,487.00	0.00	Traded in
	Flail Mower (K404188)	1,090.11	1,090.11	0.00	Traded in
	Flail Mower (2,131.00	2,131.00	0.00	Traded in
	Flail Mower (YTK00539)	2,268.25	2,268.25	0.00	Traded in
Animal Welf.	Brother Printer/copier	410.02	410.02	0.00	Discarded
Street	1991 Water Truck (18890)	22,893.00	22,893.00	0.00	Auction
	stolen, wrecked and scrapped - at Street Dept.				
	1996 Ford Taurus (31271)	15,323.66	15,323.66	0.00	Auction
	1967 Asphalt International Truck (89263)	3,163.91	3,163.91	0.00	Auction
	1991 GMC 1/2-ton Pickup (25656)	10,483.24	10,483.24	0.00	Auction
	1991 GMC 1/2-ton Pickup (25294)	11,434.00	11,434.00	0.00	Auction
	1991Chevy C6500 Truck (18890)	22,893.00	22,893.00	0.00	Auction

	1996 Chevy 4-DR 1-Ton Truck (17328)	21,698.45	21,698.45	0.00	Auction
	1999 Dodge 4x4 1/2-Ton Truck (09302)	17,890.00	17,890.00	0.00	Auction
	1992 Chevy 1-Ton Dual Wheel Truck (54236)	5,000.00	3,166.73	1,833.27	Auction
	1992 Chevy 1/2-Ton Truck (74817)	10,053.86	10,053.86	0.00	Auction
	1990 Ford Tymco Sweeper (body only)	0.00	0.00	0.00	Auction
		1,074,392.53	477,438.34	596,954.19	



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

**AN ORDINANCE ACCEPTING GRANT PROCEEDS AND APPROPRIATING FUNDS FOR HEWLETT-
PACKARD EMPLOYEE TRAINING, AND FOR OTHER PURPOSES:**

WHEREAS, the Arkansas Economic Development Commission (“AEDC”) has awarded grant funds for a state sponsored training program for Hewlett-Packard (“HP”) for which the City of Conway has been selected to serve as the pass through entity in the amount of \$224,000;

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 AEDC in the amount of \$224,000 for pre-employment, on-the-job and train-the-trainer training and advertising for HP.

SECTION 2. The City of Conway shall appropriate \$224,000 as Economic Development - Training Expenditures (01.106.880) for disbursements to reimburse HP for training related costs.

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

PASSED this 28th day of April, 2009.

Approved:

Mayor Tab Townsell

Attest:

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