

City Council Members

Mayor Tab Townsell
City Attorney Michael Murphy
City Clerk/Treasurer Michael O. Garrett



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

City of Conway - City Council Meeting
6:30pm - Tuesday, October 26th, 2010
The Hon. Russell L. "Jack" Roberts District Court Building – 810 Parkway St., Conway, AR 72032
5:30pm - City Council Committee Meeting:
No Committee Meeting

Call to Order

Roll Call

Minutes: **October 6th, 2010 & October 12th, 2010**

Announcements / Proclamations / Recognition: **Employee Service Awards**

1. Public Hearings:

A. Public hearing: Discussion of Hospital Revenue Improvement Bonds

1. Resolution approving and authorizing the Issuance hospital revenue improvement bonds for Conway Regional Hospital.

2. Report of Standing Committees:

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

1. Resolution authorizing the execution, sale, and delivery of wastewater revenue improvement bonds, Series 2010 for Conway Corporation.
2. Ordinance regulating the use of public and private sewers and drains, private wastewater disposal and the installation and connection of buildings in the City of Conway.

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

1. Resolutions requesting the Faulkner County Tax Collector to place certified liens on properties within the City of Conway as a result of incurred expenses by the City.
2. Discussion/Update of Resolution ordering the demolition of a structure located at 1910 Hillman and declaring the intent of the City to bring the property up to code.

C. Public Safety Committee (Police, CEOC, Information Technology, Fire, District Court, City Attorney & Animal Welfare)

1. Resolution approving various purchases through the Pay as you Sales Tax Bond for the Conway Fire Department.
2. Ordinance waiving bids for the purchase of a new fire engine for the Conway Fire Department.

3. Ordinance accepting restitution for overtime performed by the Conway Police Personnel & accepting restitution from the Prosecuting Attorney's Office.
4. Ordinance appropriating and accepting grant, reimbursement and insurance funds from various agencies for the Conway Police Department.

D. Old Business

E. New Business

Adjournment



City of Conway, Arkansas
Resolution No. R-10-_____

A RESOLUTION APPROVING AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$20,000,000 CITY OF CONWAY, ARKANSAS HEALTH FACILITIES BOARD (CONWAY REGIONAL MEDICAL CENTER) HOSPITAL REVENUE IMPROVEMENT BONDS, SERIES 2010

WHEREAS, upon the request of Conway Regional Medical Center, Inc., the City Council of the City of Conway, Arkansas, has determined that it would be in the best interest of the City to approve and recommend to the City of Conway, Arkansas Health Facilities Board (Conway Regional Medical Center) the issuance of its Hospital Revenue Improvement Bonds, Series 2010 for the purpose of acquiring, constructing and equipping certain improvements to the Medical Center.

NOW, THEREFORE, be it resolved by the City Council of the City of Conway, Arkansas:

Section 1: The City Council of the City of Conway, Arkansas, hereby approves and recommends to the City of Conway, Arkansas Health Facilities Board (Conway Regional Medical Center) the issuance by it of its Hospital Revenue Improvement Bonds, Series 2010 in one or more series of tax exempt or taxable bonds in an aggregate principal amount not to exceed \$20,000,000 at a true interest cost not to exceed 6.00%, for the purpose of financing the acquisition, construction, and equipping of critical improvements to the Medical Center.

ADOPTED: October 26th, 2010

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

**RESOLUTION OF THE BOARD OF DIRECTORS OF
CONWAY REGIONAL MEDICAL CENTER, INC.
D/B/A CONWAY REGIONAL HEALTH SYSTEM**

WHEREAS, the Board of Directors (the "Board") of Conway Regional Medical Center, Inc., d/b/a Conway Regional Health System, an Arkansas nonprofit corporation ("CRHS"), has determined that it is beneficial and in the best interest of CRHS to finance the acquisition, construction and equipping of a surgical/obstetrical facility (the "Series 2010 Project") to be located on the Conway Regional Medical Center campus (the "Medical Center") located in Conway, Arkansas (the "City"), through the City of Conway, Arkansas Health Facilities Board (the "Issuer"); and

WHEREAS, the Issuer has previously issued its Hospital Revenue Refunding Bonds, Series 2009 (the "Series 2009 Bonds") under the terms of a trust indenture dated as of December 1, 2009 (the "Original Indenture") between the Issuer and Bank of the Ozarks, as trustee, the proceeds of which were loaned to CRHS under the terms of a loan agreement dated as of December 1, 2009 (the "Original Loan Agreement") between the Issuer and CRHS for the purpose of refunding certain prior bonds which were issued by the Issuer for the benefit of CRHS; and

WHEREAS, the Series 2009 Bonds are secured by a first priority pledge of the "Pledged Revenues" of CRHS (as defined in the Original Indenture) and by a leasehold mortgage lien and security interest in the real and personal property comprising the Medical Center; and

WHEREAS, the Series 2010 Bonds (as described below) will be issued as Additional Bonds under the Original Indenture, secured on a parity basis with the Series 2009 Bonds; and

WHEREAS, the Board has requested that the Issuer take the necessary steps to fund the Series 2010 Project by issuing its Hospital Revenue Improvement Bonds, Series 2010 in the aggregate principal amount not to exceed \$20 Million and No/100 Dollars (\$20,000,000) in one or more series of tax exempt and/or taxable bonds (collectively, the "Series 2010 Bonds") pursuant to a First Supplemental Trust Indenture (the "Supplemental Trust Indenture") and loaning the proceeds of the Bonds to CRHS for a term not to exceed thirty (30) years at a true interest cost not to exceed 6.0% (the "Series 2010 Loan") pursuant to the terms of a First Supplemental Loan Agreement ("Supplemental Loan Agreement") to be entered by and between the Issuer and CRHS; and

WHEREAS, in order to accomplish the proposed financing, it is necessary to execute and deliver certain documents, instruments, certificates and agreements including but not limited to (i) the Supplemental Loan Agreement defining the terms and conditions of the Series 2010 Loan; (ii) one or more promissory notes to be made by CRHS and issued to the Issuer in an original aggregate principal amount equal to the principal amount of the Series 2010 Bonds (the "Series 2010 Note"); (iii) a tax regulatory

agreement defining certain obligations of CRHS with respect to the tax exempt nature of the interest on the Series 2010 Bonds (the "Tax Regulatory Agreement"); (iv) one or more agreements regarding arbitrage matters (the "Non-Arbitrage Certificate"); (v) a continuing disclosure agreement in order for the Underwriters (defined below) to comply with Rule 15c2-12 of the Securities Exchange Act of 1933 (the "Continuing Disclosure Agreement"); (vi) a Preliminary Official Statement (the "Preliminary Official Statement") and an Official Statement (the "Official Statement") to assist the Underwriters (as designated herein) with marketing of the Series 2010 Bonds; (vii) a Bond Purchase Agreement between the Issuer, CRHS and the Underwriters respecting the terms of the Underwriters' initial purchase of the Series 2010 Bonds; (viii) Uniform Commercial Code financing statements covering certain personal property of CRHS, and (ix) other certificates, documents and instruments which may be necessary or convenient to accomplish the issuance of the Series 2010 Bonds (collectively the documents referred to in items (i) through (ix) are herein called the "Transaction Documents");

NOW, THEREFORE, BE IT RESOLVED by the Board that the Board hereby requests the Issuer to issue the Series 2010 Bonds and loan the proceeds thereof to CRHS pursuant to the Supplemental Loan Agreement in a principal amount not to exceed \$20 Million and No/100 Dollars (\$20,000,000) for the purpose of financing the Series 2010 Project; provided that the term of the Series 2010 Loan shall not exceed thirty (30) years and the true interest cost on the Series 2010 Loan shall not exceed 6.0% (the "Terms of the Series 2010 Loan").

BE IT FURTHER RESOLVED by the Board that the Chairman, the Vice Chairman and/or the President and CEO, together with the Secretary when the same shall be required, and such other CRHS officials as designated in the following paragraph, are hereby authorized, for and in the name and on behalf of CRHS, to proceed with borrowing the proceeds of the Series 2010 Bonds and to negotiate the terms and conditions of all Transaction Documents and related certificates, instruments, agreements and other documents with the Issuer, Underwriters and Bond Counsel (as designated herein), and to execute such preliminary documents as they determine are necessary in order to proceed to finalize the proposed issuance of Series 2010 Bonds, the Series 2010 Loan and the Transaction Documents in the best interest of the Board.

BE IT FURTHER RESOLVED by the Board that the Terms of the Series 2010 Loan are in the best interest of CRHS and are hereby approved, the forms of the Preliminary Official Statement, Supplemental Trust Indenture and Supplemental Loan Agreement are hereby approved in substantially the form available at this meeting, and the Board designates, authorizes and directs any of the following persons, as appropriate, to execute and deliver, and to witness or attest, the Transaction Documents and such other requisite documents in such form with such additions or changes thereto as any such person may require or approve, such approval to be conclusively evidenced by such person's execution thereof as so added to or changed:

Bob Gant, Chairman
Jack Engelkes, Vice Chairman
Robert McCormack, Finance Committee Chairperson
Jim Lambert, President and CEO
Caren Lewis, Secretary
Steve Rose, Treasurer

BE IT FURTHER RESOLVED by the Board that the Board's designees set forth above are hereby authorized and directed, for and in the name and on behalf of CRHS, to take any and all actions and execute, acknowledge and deliver any and all agreements, instruments or other documents, and revisions and corrections thereof and amendments thereto, as may in their discretion be deemed necessary to carry out and comply with the terms, provisions and intent of this Resolution, the Transaction Documents and any other agreements, instruments or documents necessary or desirable in connection with and the consummation of the transactions contemplated hereby and thereby, and the execution of any such document shall be conclusive evidence of such officer's authority to do so.

BE IT FURTHER RESOLVED by the Board that the actions of any of the proper officers and employees of CRHS previously taken in respect of the Series 2010 Bonds and the Series 2010 Loan are hereby ratified, confirmed and approved.

BE IT FURTHER RESOLVED by the Board that the proposed transaction shall continue to be negotiated and structured with Stephens Inc. and Crews & Associates, Inc., who are hereby retained as Underwriters.

BE IT FURTHER RESOLVED by the Board that Jack Nelson Jones Jiles & Gregory P.A., Conway and Little Rock, Arkansas, is hereby appointed as bond counsel in connection with the issuance of the Series 2010 Bonds, and Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed as Underwriters' Counsel in connection with the issuance of the Series 2010 Bonds and the loan of the proceeds thereof to CRHS.

BE IT FURTHER RESOVLED by the Board that:

(a) This Resolution is intended to be the declaration of the official intent of CRHS in accordance with Treasury Regulation § 1.150-2, wherein CRHS intends to be reimbursed from the proceeds of the Series 2010 Bonds for all or a portion of the cost of the Series 2010 Project, which expenditures have been paid by CRHS from CRHS's general or other funds not earlier than sixty (60) calendar days before adoption of this Resolution;

(b) The reimbursement will be made by a written allocation before the later of eighteen (18) months after the expenditure was paid or eighteen (18) months after the items of Series 2010 Project to which such payment relates were placed in service;

(c) The entire amount to be reimbursed is a capital expenditure, being a cost of a type properly chargeable to a capital account under general federal income tax principles; and

(d) CRHS will not use any reimbursement payment for general operating expenses and not in a manner which could be construed as an artifice or device under Treasury Regulation § 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

BE IT FURTHER RESOLVED by the Board that all resolutions of the Board in conflict herewith are repealed to the extent of such conflict.

IN WITNESS WHEREOF, the undersigned do hereby set our hands on this 27th day of September, 2010, and hereby declare that the foregoing resolution was duly adopted at a meeting of the Board in accordance with the Articles of Incorporation and Bylaws of CRHS.

CONWAY REGIONAL HEALTH SYSTEM


Chairman

ATTEST:


Secretary



City of Conway, Arkansas
Resolution No. R-10-_____

A RESOLUTION OF THE CITY COUNCIL OF CONWAY, ARKANSAS AUTHORIZING THE EXECUTION, SALE AND DELIVERY OF WASTEWATER REVENUE IMPROVEMENT BONDS, SERIES 2010, AS AUTHORIZED BY ORDINANCE NO. O-10-109; APPROVING THE TERMS OF THE SALE THEREOF; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, by Ordinance No. O-10-109 of the Ordinances of the City of Conway, Arkansas (the "City"), passed and approved October 12, 2010 (the "Authorizing Ordinance"), there was authorized the issuance of the City's Wastewater Revenue Improvement Bonds, Series 2010, in total principal amount not to exceed \$14,955,000 (the "Series 2010 Bonds"), to be dated and otherwise as described in detail in the Authorizing Ordinance; and

WHEREAS, pursuant to and subject to the limitations set forth in the Authorizing Ordinance, the Mayor was authorized and directed to execute a Bond Purchase Agreement on behalf of the City for the sale of the Series 2010 Bonds to Stephens Inc. and Crews & Associates, Inc. (the "Underwriters");

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

Section 1. There is now confirmed the issuance and delivery of the Series 2010 Bonds to the Underwriters in the aggregate principal amount of \$14,955,000, designated "City of Conway, Arkansas, Wastewater Revenue Improvement Bonds, Series 2010," as more particularly described in the Authorizing Ordinance, at the price of 98.885% of the principal amount of the Series 2010 Bonds, less a net reoffering discount of \$204,082.35, and plus accrued interest to and through the day preceding the closing date, and which Series 2010 Bonds shall mature and shall bear interest as follows:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Price</u>
October 1, 2011	\$ 355,000	2.000%	100.863%
October 1, 2012	315,000	2.000%	101.380%
October 1, 2013	320,000	2.000%	101.539%
October 1, 2014	325,000	2.000%	100.930%
October 1, 2015	335,000	2.000%	100.000%
October 1, 2016	340,000	2.250%	100.000%
October 1, 2017	350,000	2.500%	100.000%
October 1, 2018	355,000	2.750%	100.000%
October 1, 2019	365,000	3.000%	100.000%
October 1, 2020	380,000	3.200%	100.000%
October 1, 2021	390,000	3.450%	100.000%
October 1, 2022	405,000	3.500%	99.516%
October 1, 2023	420,000	3.500%	98.720%
October 1, 2024	430,000	3.625%	98.654%
October 1, 2025	450,000	3.750%	98.872%
October 1, 2026	465,000	3.800%	98.821%

October 1, 2027	480,000	3.875%	98.473%
October 1, 2028	500,000	4.000%	99.364%
October 1, 2029	520,000	4.000%	98.368%
October 1, 2030	540,000	4.000%	96.664%
October 1, 2031	565,000	4.250%	98.633%
October 1, 2032	590,000	4.250%	97.217%
October 1, 2035	1,925,000	4.500%	98.522%
October 1, 2040	3,835,000	4.625%	97.232%

Section 2. That the provisions of this Resolution are hereby declared to be separable and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the Resolution.

ADOPTED: October 26th, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer
[S E A L]

CERTIFICATE

The undersigned, City Clerk of the City of Conway, Arkansas, does hereby certify that the foregoing is a true and correct copy of Resolution No. _____ of the City Council of the City of Conway, Arkansas, duly adopted by said Council on October ____, 2010, as the same now appears of record in this office.

IN WITNESS WHEREOF I have hereunto set my hand and seal of the City on this ____ day of October, 2010.

City Clerk of the City of Conway, Arkansas

[S E A L]



City of Conway, Arkansas
Ordinance No. O-10-_____

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING IN THE CITY OF CONWAY, ARKANSAS: PROVIDING PENALTIES FOR VIOLATIONS THEREOF: DECLARING AN EMERGENCY: AND FOR OTHER PURPOSES.

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

ARTICLE I

Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

SECTION 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° c, expressed in milligrams per liter.

SECTION 2. "Building" shall mean residential and commercial structures which enclose a source of wastewater.

SECTION 3. "Floatable Oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly treated and the wastewater does not interfere otherwise with the collection system.

SECTION 4. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

SECTION 5. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business, including sanitary wastewater therefrom.

SECTION 6. "Natural Outlet" shall mean any outlet into a watercourse, including storm sewers, pond, ditch, lake, or other body of surface or ground water.

SECTION 7. "Person" shall mean any individual, firm, company, association, society, corporation or group.

SECTION 8. "pH" shall mean the logarithm of the reciprocal of hydrogen ions in grams per liter of solution.

SECTION 9. "Properly Shredded Garbage: shall mean the wastes from the preparation, cooking, and disposing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

SECTION 10. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SECTION 11. "Sanitary Sewer" shall mean a sewer which carries wastewater and to which storm, surface, and groundwaters are not intentionally admitted.

SECTION 11.1 "Environmental Specialist" shall mean a health officer appointed by the Arkansas Department of Health. The terms Health Officer and Environmental Specialist shall have the same meaning in this Ordinance.

SECTION 12. "Sewage" is the spent water of a community. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

SECTION 13. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SECTION 14. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

SECTION 15. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. The term is sometimes used as

synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

SECTION 16. "Sewer" shall mean a pipe or conduit that carries wastewater.

SECTION 17. "Shall" is mandatory; "May" is permissive.

SECTION 18. "Slug" shall mean any discharge of water, wastewater, or industrial waste whose concentration of any given constituent or quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

SECTION 19. "Storm-Drain" (Sometimes termed "Storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

SECTION 20. "Manager of Water Systems" shall mean the manager of Conway Corporation of the City of Conway or his authorized agent, deputy or representative.

SECTION 21. "Water Systems Department" shall mean the agency which operates and maintains the sanitary sewer system for the City of Conway.

SECTION 22. "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater". .

SECTION 23. "Settleable Solids" shall mean suspended solids which will subside in quiescent water, wastewater, or other liquids in a reasonable period of time, such time being commonly accepted as two hours.

SECTION 24. "Unpolluted Water" is quality of water equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by the discharge to the sanitary sewers and wastewater treatment facilities provided.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

SECTION 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within corporate limits of the City of Conway, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit covering such discharges into a natural outlet shall be considered as meeting all requirements of this section.

SECTION 2. Hereafter no wastewater and/or toilet facilities shall be constructed or placed in, upon or about any real property situated within the City of Conway, Arkansas, or in any area under the jurisdiction of said City, unless such facilities shall be properly connected with a publicly owned or operated wastewater disposal system or a privately owned or operated wastewater disposal system which is connected with a public system. Any person, firm or corporation desiring to construct, place or install any wastewater and/or toilet facilities within any structure to be constructed upon any lands within the City of Conway shall, prior to commencing work thereon, submit proper application therefore to the City Inspector in the form and manner now or hereafter provided by ordinances of said City, and shall pay the fees therefore. If the proposed facilities meet the specifications and requirements of the Plumbing Code then in existence in said City, and any portion of the lands upon which such facilities are to be constructed and installed is within 300 feet of any public sewer system or any private sewer line which is connected with a public sewer system, said Inspector shall issue a permit therefore and the owner may then proceed to install the said facilities.

SECTION 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

SECTION 4. The owner of all houses, buildings, or properties situated within the City and used for human occupancy, employment, recreation, or other purposes, the property line of which is now or may in the future be within 300 feet of a public sanitary sewer of the City, is hereby required at his sole expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provision of this ordinance, within thirty (30) days after date of official notice to do so.

ARTICLE III

PRIVATE WASTEWATER DISPOSAL

SECTION 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

SECTION 2. Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Environmental Specialist. The application for such permit shall be made on a form furnished by the Arkansas Department of Health, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City. The minimum lot area for a single-family residence shall be in accordance with current Arkansas Department of Health regulations.

SECTION 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Environmental Specialist. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Environmental Specialist when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Environmental Specialist.

SECTION 4. In the event no portion of the lands owned by the person, firm or corporation installing or desiring to install private sewer facilities thereon shall be situated within 300 feet of a public sewer system or a privately owned sewer system which is connected with and discharges into a public sewer system, then the owner of such lands may install a private wastewater disposal system in strict compliance with the specifications of the Arkansas Department of Health. If, the property being more than 300 feet from any such sewer line, the owner thereof does not desire to connect with any such sewer system, such owner shall nevertheless file his application for sewer permit and a building permit in accordance with the ordinances of the City, but upon receiving such application said Inspector shall refuse to issue a building permit or a plumbing permit therefore and it is expressly provided, however, that said private wastewater

disposal system shall be constructed in strict compliance with the specifications of the Arkansas Department of Health. The construction and installation of the septic tank and field lines of the same shall be inspected and approved by the Environmental Specialist at the times and in the manner set forth by the Rules and Regulations of the Arkansas Department of Health and approved by the Manager of Water Systems. Immediately upon completion of the construction and installation of such private system, in the approved manner, the Environmental Specialist shall notify the City Inspector of his approval thereof in writing.

ARTICLE IV

BUILDING SEWERS AND CONNECTIONS

SECTION 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager of Water Systems.

SECTION 2. No unauthorized person, firm, corporation or institution shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance, or construct, reconstruct, lay, relay, enlarge, extend or repair or attempt so to do, any sewer line, main, or drain which is tied into or connected with the sanitary sewer system of the City of Conway, Arkansas, whether such connection be made immediately upon completion of such work or at some future time, without having first submitted complete plans and specifications therefore to the Manager of Water Systems, and having obtained its approval thereof. Final approval of plans and specifications shall be withheld until a correct and complete copy thereof shall have been furnished to the Manager of Water Systems for the permanent files. Provided, however, that at the discretion of the Manager of Water Systems, plans and specifications may be dispensed with when the sewer line to be constructed is for the purpose of serving a single family residential structure.

In no instance shall departure or deviation from the approved plans and specifications be permitted until such time as written request therefore, setting forth in detail such departure or deviation, shall have been submitted to and approved by the Manager of Water Systems.

SECTION 3. Each residence or business building shall front on a City sewer main and shall have a separate and independent building sewer running to said City sewer main. If, in the discretion of the Manager of Water Systems, based on City Subdivision and Zoning Regulations, there is a possible building site between the building to be served and the City sewer main, then a sewer main shall be constructed past the possible building site to the building to be served. Before a new residence or business building shall be tied onto an existing building sewer, written permission to do so must be obtained from the Manager of Water Systems.

SECTION 4. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Owner and approval of the Manager of Water Systems, to meet all requirements of this ordinance.

SECTION 5. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth by the Manager of Water Systems shall apply. The Water Systems Department of said City is hereby expressly empowered to inspect any and all work done and all materials used in constructing, laying, extending or repairing such building sewers and may, at its discretion, have an inspector at the site of construction at any and all times. The construction, reconstruction or repair of any such sewer may be halted by the Manager of Water Systems when in his discretion, or in the discretion of his duly authorized representative, the work is being done in such manner or under such conditions that the resulting sewer will be substandard or detrimental to the sewer system of the City. Prior to contacting the Water Systems Department for an inspection of a new building sewer or the repair of an existing building sewer, the sewer pipe shall have been laid and backfilled up to the center line of the pipe. The Manager of Water Systems, or his duly authorized representative, is hereby further empowered to order the removal of any connection made to the public sewer system when such connection has been made in violation of any provision of this ordinance, or other ordinances of said City, or of any rule or regulation promulgated hereunder, or when, in his discretion, such construction or connection is detrimental to the municipal sewer system. In the event such order for the removal of a building sewer is not complied with forthwith, the Water Systems

Department is hereby empowered to use its own forces to disconnect such building sewer and to collect from the property owner a reasonable fee therefore.

SECTION 6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the City sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

SECTION 7. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, unmetered water source, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, nor shall any person make or cause to be made, any opening into a sewer main or drain whereby surface water is permitted to enter the sanitary sewer system of the City, either directly or indirectly.

SECTION 8. The connection of the building sewer into the public sewer shall be made by the Water Systems Department, and all costs thereof shall be paid by the property owner. The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 9. All connections into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations and the procedures set forth in appropriate specifications (latest revision thereof). All such connections shall be made gastight and watertight and shall be verified by proper testing. All materials and methods of construction shall conform to Conway Corporation standard specifications.

SECTION 10. All excavations for building sewer installation shall be adequately guarded with barricades and warning lights so as to protect the public from hazard, all in accordance with applicable standards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

SECTION 11. All repairs or replacement of building sewers, regardless of length, shall be subject to the same inspection and material requirements as new installations. Where the repair or replacement of

the building sewer requires a new point of connection to the City sewer main, the abandoned building sewer shall be sealed to prevent entrance of surface water or debris into the City sewer main by the Water Systems Department and all costs thereof shall be paid by the property owner. A double cleanout shall be installed in building sewer lines, where holes are needed for rodding the line. The repaired building sewer shall be inspected and approved by the Manager of Water Systems.

ARTICLE V

STANDARD OF CONSTRUCTION

SECTION 1. In order that proper quality may be achieved and maintained in materials and workmanship in all sewers, mains and drains, both public and private, the Manager of Water Systems is hereby authorized and empowered to prepare plans and specifications for the construction of any and all sewers, mains and drains, both public and private, within the City of Conway, Arkansas, and no deviation from such plans and specification shall be permitted except at the discretion of the Manager of Water Systems. All materials and methods of construction shall conform to the Conway Corporation standard specifications.

SECTION 2. In the event of the destruction, removal or alteration of any building to the extent that any part of the sewer service line serving the building is rendered inactive or in disrepair it shall be the duty of the property owner to advise the Manager of Water Systems so they may make an inspection of the line and if necessary plug up the line so as to prevent the entrance of surface or ground water into the sanitary sewer. All costs thereof shall be paid by the property owner.

SECTION 3. It is specifically ordained that the terms of this ordinance shall apply to any changes in building wastewater lines, mains or drains in existence at the time of passage and approval of this ordinance.

SECTION 9. In addition to the specific provisions of this ordinance the Manager of Water Systems is hereby authorized to promulgate such other reasonable rules and regulations as are necessary to secure the proper construction of wastewater lines which are to be tied onto and become a part of the

Wastewater System. Rules and regulations so made shall have the effect of law and become effective upon the filing of a correct copy for permanent record with the City Clerk.

ARTICLE VI

USE OF THE PUBLIC SEWERS

SECTION 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

SECTION 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on written approval of the City, to a storm sewer, or natural outlet.

SECTION 3. No person shall discharge or cause to be discharged any of the items as described in the City of Conway Pretreatment Ordinance to any public sewers.

SECTION 4. If any waters or wastes are discharged, which waters contain the substances or possess the characteristics enumerated herein, and in the City of Conway Pretreatment Ordinance, and which in the judgment of the Manager of Water Systems, may have a deleterious effect upon the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or property or constitute a public nuisance, the Manager of Water Systems may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by

existing taxes or sewer charges under the provisions herein.

If the Manager of Water Systems permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager of Water Systems, and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 5. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation as determined by the Manager of Water Systems by the owner at his expense.

SECTION 6. When required by the Manager of Water Systems, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be lockable, accessible and safely located, and shall be constructed in accordance with plans approved by the Manager of Water Systems. The manhole shall be accessible to the Water Systems Department at all times.

SECTION 7. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by industry accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb, and property.

ARTICLE VII

PROTECTION FROM DAMAGE

SECTION 1. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or causing damage to or destruction of property.

SECTION 2. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.

SECTION 3. No unauthorized person shall remove the earth cover from a public sewer so that less than three (3) feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Manager of Water Systems.

ARTICLE VIII

POWERS AND AUTHORITY OF INSPECTORS

SECTION 1. The Manager of Water Systems and other duly authorized agents, employees and representatives of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Manager of Water Systems or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

SECTION 2. While performing the necessary work on private properties referred to in Article VIII, Section 1, above, the Manager of Water Systems or duly authorized agents, employees and representatives of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required herein.

SECTION 3. The Manager of Water Systems and other duly authorized agents, employees and representatives of the City bearing proper credentials and identifications shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work, if any, on said easement, shall

be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE IX

PENALTIES

SECTION 1. Any person found to be violating any provision of this ordinance except Article VII shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 2. Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any amount not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expenses, loss, or damage occasioned the City by reason of such violation.

SECTION 4. Any person or entity found violating this ordinance as correlated to the Pretreatment Ordinance shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding the amount as specified in the Pretreatment Ordinance for each violation. . Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 5 A user, who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation file, as required to be maintained, pursuant to this Ordinance, Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

REGULATION OF SEWER USE

ARTICLE X

VALIDITY

SECTION I. Ordinances 0-89-14 and 0-02-177 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed upon the effective date of this ordinance.

SECTION 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect without such invalid part or parts.

ARTICLE XI

ORDINANCE IN FORCE

SECTION I. This ordinance being necessary for the protection of the public health and welfare, shall be in full force and effect on December 1, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway - Mayor's Office
1201 Oak Street
Conway, AR 72032
www.cityofconway.org



Memo:

To: Mayor Tab Townsell
CC: City Council Members
Barbara McElroy, Code Enforcement

From: Felicia Rogers
Date: October 21, 2010
Re: Certified Liens – Code Enforcement

The following resolutions are included for a request to the Faulkner County Tax collector to place a certified lien against real property as a result of incurred expenses by the City.

The properties & amount (plus a ten percent collection penalty) are as follows:

- | | |
|------------------------------|----------|
| 1. 2 Cedar Oaks | \$191.48 |
| 2. 1819 & 1821 Robins Street | \$291.78 |

Please advise if you have any questions.



City of Conway, Arkansas
Resolution No. R-10-_____

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

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 2 Cedar Oaks within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$191.48 (plus a ten percent collection penalty, to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **October 26th, 2010** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

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

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

ADOPTED this 26th day of October, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

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



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: October 11, 2010

Re: 2 Cedar Oaks Drive

- September 1st, 2010 – Warning Violation written by Grant Tomlin regarding grass.
- Property Owners are listed as Anthony Stanley.
- Certified and regular letters were sent to 2 Cedar Oaks Drive Conway, Arkansas (address on file) May 5th, 2010 for first offense.
- First offense certified and regular letters were sent back unclaimed.
- Certified and regular letter were not mailed as this was the 3rd offense.
- Property cleanup was sent over to Physical Plant for clean up on September 9th, 2010.
- Final Cleanup finished on September 13th, 2010.
- Invoice for clean up and copy of final bill was sent to property owner at September 13th, 2010 Conway, AR 72032; included amount due, date and time of the City Council meeting.
- Invoice attach

If you have any questions please advise.

INVOICE

City of Conway Code Enforcement

DATE: SEPTEMBER 13, 2010

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-450-6144
barbara.mcelroy@cityofconway.org

TO Michael & Catherine Murphy
2 Cedar Oaks Drive
Conway, AR 72032

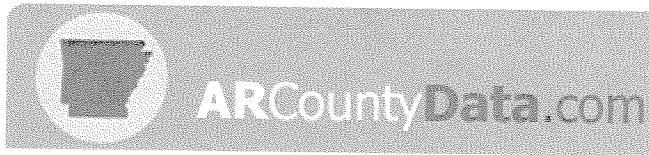
Description: Mowing/Clean up/Admin Fees
associated with the nuisance abatement at
2 Cedar Oaks Drive

CODE ENFORCEMENT OFFICER	JOB	PAYMENT TERMS	DUE DATE
Grant Tomlin	2 Cedar Oaks Drive	Due upon receipt	October 13, 2010

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	Mowing	9.73	19.46
2	Mowing	12.83	25.66
2	Mowing	13.35	26.70
2	Maintenance Fee	15.00	30.00
1	Certified Letter	6.75	6.75
1	Regular Letter	.44	.44
1	Administrative Fee (Barbara McElroy)	24.15	24.15
2	Administrative fee (Grant Tomlin)	19.21	36.60
1	Administrative Fee (Glenn Berry)	21.72	21.72
SUBTOTAL			\$191.48
SALES TAX			
TOTAL			\$191.48

Make all checks payable to City of Conway Code Enforcement @ 1201 Oak Street Conway Arkansas 72032

Payments are due 30 days from date of this letter



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PARCEL DETAILS

Public Search Sponsored By:
Faulkner County Assessor's Office

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[Search Results](#)

- New Users**
- [About our Service](#)
 - [Account Signup](#)
 - [Test Drive](#)

Basic Information

Parcel Number: 710-08747-000
County Name: Faulkner County
Ownership Information: MURPHY, MICHAEL & CATHERINE
 2 CEDAR OAKS
 CONWAY CITY, AR
[Map This Address](#)
Billing Information: MURPHY, MICHAEL & CATHERINE
 2 CEDAR OAKS DR
 CONWAY AR 72032-8851
Total Acres: 1.18
Timber Acres: 0.00
Sec-Twp-Rng: 35-06N-14W
Lot/Block: /
Subdivision:
Legal Description: PT NE SW
School District: 1C CONWAY CITY
Homestead Parcel?: Yes
Tax Status: Taxable
Over 65?: No

Land Information

Land Divisions:	Land Type	Quantity	Front Width	Rear Width	Depth 1	Depth 2	Quarter
	RESHS	1.18 acres	0	0	0	0	

Valuation Information

	Appraised	Assessed
Land:	23,600	4,720
Improvements:	110,200	22,040
Total Value:	133,800	26,760
Taxable Value:		25,980
Millage:		0.0476
Estimated Taxes [?]:		\$1,236.65
Homestead Credit:		(\$350.00)
Estimated Taxes w Credit:		\$886.65
Assessment Year:		2010

Sales History

Date	Price	Grantor	Grantee	Book	Page	Deed Type
10/12/2004	115,000	THOMAS	MURPHY	2004	21213	WD(Warranty Deed)
12/1/1995	0		ESMT FOR UNDERGROUND FACILITIE	613	530	
1/30/1987	71,000	HUTCHINS	THOMAS	376	-501	

Improvement Information

Residential Improvements

Residential Improvement #1



City of Conway, Arkansas
Resolution No. R-10-_____

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

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on **1819/1821 Robins Street** within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount **\$291.78** (plus a ten percent collection penalty, to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **October 26th, 2010** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

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

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

ADOPTED this 26th day of October, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

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



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: October 11, 2010

Re: 1819/1821 Robins Street

- August 3rd, 2010 – Warning Violation written by Grant Tomlin regarding grass and trash.
- Property Owners are listed as Doris Nichols & Armen Mouradian
- Mailed Certified and regular letter to 106 West 51st Street N. Little Rock on August 8th, 2010.
- As of 8/5/2010 notice was left by the USPS website.
- Certified & regular letter was mailed to new address @ 609 Beaconfield Road Sherwood, Arkansas 72120
- Letters came back undeliverable.
- Property was rechecked on August 27, 2010 by Grant Tomlin no progress had been made on the property.
- Property cleanup was sent over to Physical Plant for clean up on August 27, 2010
- Final Cleanup finished on September 9th, 2010
- Invoice for clean up and copy of final bill was sent to property owner at both addresses listed above September 13th, 2010; included amount due, date and time of the City Council meeting.
- Invoice attach

If you have any questions please advise.

INVOICE

City of Conway Code Enforcement

DATE: SEPTEMBER 13, 2010

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-450-6144
barbara.mcelroy@cityofconway.org

TO Doris J. Nichols & Armen Mouradian
106 West 51st Street
North Little Rock, AR 72118

Description: Mowing/Clean up/Admin Fees
associated with the nuisance abatement at
1819/1821 Roibns

CODE ENFORCEMENT OFFICER	JOB	PAYMENT TERMS	DUE DATE
Grant Tomlin	1819/1821 Robins	Due upon receipt	October 13, 2010

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Mowing	9.73	9.73
4	Mowing	12.83	51.32
4	Mowing	13.35	53.40
4	Maintenance Fee	15.00	60.00
1	Landfill Fee	13.29	13.29
3	Certified Letter	6.75	20.25
3	Regular Letter	.44	1.32
1	Administrative Fee (Barbara McElroy)	24.15	24.15
2	Administrative fee (Grant Tomlin)	19.21	36.60
1	Administrative Fee (Glenn Berry)	21.72	21.72
SUBTOTAL			\$291.78
SALES TAX			
TOTAL			\$291.78

Make all checks payable to City of Conway Code Enforcement @ 1201 Oak Street Conway Arkansas 72032

Payments are due 30 days from date of this letter



City of Conway, Arkansas
Resolution No. R-10-_____

**A RESOLUTION ORDERING THE DEMOLITION OF STRUTURE LOCATED ON 1910 HILLMAN
AND DECLARING THE INTENT OF THE CITY TO BRING THE PROPERTY UP TO CITY CODE IF
THE OWNER DOES NOT**

WHEREAS, there is a structure located at 1910 Hillman which because of its, unsightly, unsafe and unsanitary condition, has become detrimental to the public health, safety and welfare of the citizens of Conway, Arkansas; and

WHEREAS, Conway's Municipal Code and Arkansas Code Annotated § 14-56-203 authorizes this City Council to, by Resolution, order the clean up of said property by the owner within thirty (30) days after proper service.

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

SECTION 1: That the structure at 1910 Hillman Drive in Conway, Arkansas, because of its, unsightly, unsafe and unsanitary condition has become detrimental to the public health, safety and welfare of the citizens of Conway, Arkansas, and it is hereby ordered that the property be brought up city code by the owner therefore.

SECTION 2: That a notice of the time and place of this meeting was mailed to the owner of said property by certified mail, return receipt requested, advising the owner that the City Council would take action on this matter.

SECTION 3: That a copy of this Resolution be forwarded to the owner of said property by certified mail, return receipt requested, directing that said owner has thirty (30) days in which to bring the property up to city code, then the Mayor of the City of Conway, Arkansas is directed to proceed at once to clean up the property and prepare an itemized statement of cost of bringing the property up to code said structure with a request for payment.

SECTION 4: If payment is not made within ten (10) days after receipt of said itemized statement, the Mayor is directed to sell, at public or private sale, any debris or material obtained from the clean up of property and pay to the owner any balance after the City has been reimbursed. If the proceeds from said sale are not sufficient to cover the cost, then the City shall proceed to file a lien on the property in order to recover the money so owed.

PASSED this 26th day of October, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett,
City Clerk/Treasurer

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



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: October 18th, 2010

Re: 1910 Hillman

- March 11th, 2010 – Warning Violation written by Grant Tomlin regarding Appliance/Furniture and dilapidated structure (fire damaged house).
- Property Owners are listed as Mark & Ramona McNutt
- Mailed Certified and regular letter to 1910 Hillman Drive Conway Arkansas on March 15th, 2010.
- As of March 20th, 2010, R. McNutt had signed for the certified letter.
- Property was rechecked for appliance/furniture on March 29th, 2010 by Grant Tomlin and the appliance/furniture was taken care of
- Property was rechecked for dilapidated structure on April 11th, 2010 but no progress had been made.
- April 22nd, 2010, Certified & regular letter was sent with date & time of council meeting for Resolution of intent to clean up and repair structure.
- May 11th, 2010 Council Meeting. Mr. Crabtree (McNutt's Lawyer) represented the McNutt's by letting council know the status with insurance company.
- Council held the Resolution in Committee for 60 days asking for a 30 day follow up.
- As of June 25th, 2010 The McNutt's have settled the fire loss claim with the insurance company but still have not resolved the remaining insurance proceeds with Mortgage Company and that the McNutt's have not and cannot take any steps to clean up and/or repair the property.
- As of October 14th, 2010 Per Mr. Crabtree (McNutt's Lawyer) The McNutt's have completed the claim package and are working on a loan modification.

If you have any questions please advise.

WARNING

CE0328

To Correct Violation

Conway Code Enforcement Notice of Violation
1201 Oak Street
Conway, AR 72032
501-450-6191

Name Mark McNutt
Address 1910 Hillman
City Conway ST Ar Zip 72034

Violation of Conway Nuisance Abatement Code Section:

- 3.2.4 Grass
- 3.5.1 Rubbish/Trash
- 3.5.3 Appliance/Furniture
- 3.2.8.1 Vehicles/Trailers
- 3.5.4.1 Trash Can
- 3.2.3 Sediment on Roadway Fire damaged
- 1.7.1 Dilapidated Structure house
- 0-94-54 Sign

Other parcel # 710-08521-020

Dated this 11th day of March 2010

[Signature]
Signature of Code Enforcement Officer

CORRECTIONS MUST BE MADE WITHIN SEVEN DAYS OF VIOLATION OR CITY OF CONWAY WILL TAKE NECESSARY ACTION TO CORRECT SAID VIOLATION(S).

I promise to take the necessary actions to remedy the violation noted above into compliance with the City of Conway Code Enforcement Code. I understand that failure to comply by the date stated above will result in a citation to appear in the Municipal Court of the City of Conway.

Signature _____ Date _____

DANNY R. CRABTREE
ATTORNEY
danny.crabtree@sbcglobal.net

DANNY R. CRABTREE
ATTORNEY AT LAW
114 SOUTH PULASKI STREET
LITTLE ROCK, AR 72201
(501) 372-0080
Fax (501) 372-2999

KAREN BLAIR
LEGAL ASSISTANT
blair.karen@sbcglobal.net

VIA FACSIMILE AND U.S. MAIL

June 25, 2010

City of Conway, Arkansas
Planning & Development
Attn: Barbara McElroy
1201 Oak Street
Conway, AR 72032

Fax No.: 501-450-6144

Re: Mark McNutt; 1910 Hillman, Conway, AR 72034

Dear Barbara:


I represent Mark and Ramona McNutt. I attended a Conway City Council meeting last month. The council asked me to provide them with a status update in the next 30 days.

We have settled the McNutt's fire loss claim with the insurance company. However, we have not resolved the remaining insurance proceeds with the mortgage company. We are awaiting their response and have been doing so for more than a month. Unfortunately, this means that the McNutts have not and cannot take any steps to clean up and/or repair the subject property

I am copying Brenda Hooker with CitiMortgage on this letter.

Should you or the council have any questions, please contact me.

Sincerely,


Danny R. Crabtree
Attorney at Law

DRC/kb
c: file
Brenda Hooker with CitiMortgage via email

Barbara McElroy

From: Danny Crabtree [danny.crabtree@sbcglobal.net]
Sent: Thursday, October 14, 2010 3:42 PM
To: Barbara McElroy
Cc: Lynn Hicks; 'Tim Dudley'
Subject: RE: Mark and Ramona McNutt 635881161

Barbara:

I will pass this along to the McNutts. I will not be appearing on their behalf Thank you.

Danny R. Crabtree
Attorney at Law
114 South Pulaski Street
Little Rock, AR 72201
501-372-0080
501-372-2999 fax

From: Barbara McElroy [mailto:Barbara.McElroy@cityofconway.org]
Sent: Thursday, October 14, 2010 3:30 PM
To: danny.crabtree@sbcglobal.net
Cc: Lynn Hicks
Subject: RE: Mark and Ramona McNutt 635881161

Danny,

I am putting this back on the agenda for the October 26th council meeting with a update. You or the McNutts need to be present at this council meeting to give the council a update and to answer/if any questions might arise.

Barbara

From: Danny Crabtree [mailto:danny.crabtree@sbcglobal.net]
Sent: Thursday, October 14, 2010 2:05 PM
To: Barbara McElroy
Cc: todudley@swbell.net
Subject: FW: Mark and Ramona McNutt 635881161

Barbara:

Per our discussion today, please see forward and attached. I thought you might want have the correspondence from the mortgage company for your file.

The McNutts have completed the claim package and are working on a loan modification. Unfortunately, it is been a slow process. Thank you.

Danny R. Crabtree
Attorney at Law
114 South Pulaski Street
Little Rock, AR 72201
501-372-0080
501-372-2999 fax

From: Fink, Donna M [mailto:donna.m.fink@citi.com]
Sent: Tuesday, September 21, 2010 7:05 AM
To: 'danny.crabtree@sbcglobal.net'
Cc: 'todudley@swbell.net'
Subject: RE: Mark and Ramona McNutt 635881161

Danny,

If the borrowers are intending to repair this property then our procedures for releasing the insurance claim funds is attached. Any recoverable depreciation would be released by the insurance carrier and normally this is not done until the repairs are at least 95%-100% complete. You would want to confirm this with the insurance carrier

Please provide a response as soon as possible so that we can proceed forward.

Thank You

Donna Fink
CitiMortgage, Inc
301-696-4871
301-696-5051 fax

Privileged and Confidential: This e-mail and any attachments thereto, is intended only for the use by the addressee(s) named herein and may contain legally privileged or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me at 301-696-4871 and permanently delete the original and any copy of any e-mail and any printout thereof.

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.445 / Virus Database: 271.1.1/3137 - Release Date: 09/20/10 17:04:00

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.448 / Virus Database: 271 1 1/3196 - Release Date: 10/14/10 06:34:00



City of Conway, Arkansas
Resolution No. R-10-_____

**A RESOLUTION APPROVING CERTAIN PURCHASES THROUGH THE PAY AS YOU GO SALES TAX BOND FOR
 CONWAY FIRE DEPARTMENT, AND FOR OTHER PURPOSES:**

WHEREAS, Conway Fire Department has available funding in the Sales and Use Capital Improvement Bond Series 2006 B; and 31.501.931 Capital Project Vehicle Account

WHEREAS, Conway Fire Department needs various equipment and improvements for the department; and

WHEREAS, Conway Fire Department would need to purchase two District Chief vehicles, a new fire engine, replace carpeting at Station 1 (1401 Caldwell) and renovate Station 7 (1810 Hwy 64).

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

SECTION 1. The City of Conway shall approve the following purchases through Pay as You Sales Tax; two fully equipped 2010 Chevrolet Silverado quad cab trucks being purchased from state contract from Landers Chevrolet at an estimated total cost not to exceed \$80,000.

SECTION 2. The City of Conway shall approve the purchase of a fully equipped 2011 Pierce Pumper at a total cost to the city of \$555,000. Vendor will be Pro Fire Equipment.

SECTION 3. The City of Conway shall approve the purchase of replacement carpet at Station 1 after the competitive bid process at a total cost not to exceed \$25,000.

SECTION 4. The City of Conway shall approve the renovation of Station 7 at a total cost to the city not to exceed \$100,000. Competitive bids will be taken if necessary.

Adopted this 26th day of October 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas

Ordinance No. O-10 ____

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

WHEREAS, the Conway Fire Department has an immediate need to purchase a new fire engine; and

WHEREAS, funding for this engine will be provided through the Sales and Use Capital Improvement Bond Series 2006 B; and

WHEREAS, budgetary authority for the additional purchase has not previously been provided;

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

Section 1. The City of Conway shall waive the requirements for obtaining competitive bids for the purchase of a new fire engine in the amount of \$550,000 (31.501.931) and shall utilize Pro Fire Equipment as a single source vendor;

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

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

PASSED this 26th day of October, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-10- _____

AN ORDINANCE ACCEPTING RESTITUION FOR OVERTIME PERFORMED BY THE CONWAY POLICE DEPARTMENT PERSONNEL & ACCEPTING RESTITUTION FUNDS FROM THE PROSECUTING ATTORNEY’S OFFICE AND FOR OTHER PURPOSES

WHEREAS, the City of Conway has received restitution from various sources totaling \$62,853.37 for overtime duties performed by the Conway Police Department personnel for the third quarter of 2010; and

WHEREAS, the Conway Police Department has also received restitution funds in the amount of \$155 from the Prosecuting Attorney’s office for reimbursement of buy money and;

WHEREAS, the Conway Police Department needs these funds to support additional expenditure requests for FY 2010 and;

WHEREAS, budgetary authority for the additional required overtime has not previously been provided;

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

Section 1. The City of Conway shall accept restitution in the amount of \$62,853.37 from various sources and shall appropriate from revenue account 01.944 the same amount to the following expenditure accounts within the Conway Police Department budget:

01.113.111 Salaries	\$3,727.08
01.113.121 Overtime	\$43,750.84
01.113.162 FICA	\$5,300.63
01.113.164 LOPFI	\$10,074.82

Section 2. The City of Conway shall also accept these funds (\$115) from the Prosecuting Attorney’s Office and shall appropriate from revenue account 08.911 to the Conway Police Department’s buy money expenditure account 01.113.297.

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

PASSED this 26th day of October, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-10-_____

AN ORDINANCE APPROPRIATING & ACCEPTING GRANT, REIMBURSEMENT AND INSURANCE FUNDS FROM VARIOUS ENTITIES FOR THE CITY OF CONWAY POLICE DEPARTMENT; AND FOR OTHER PURPOSES

WHEREAS, the City of Conway has received two reimbursement checks from the Department of Finance totaling \$5,436.57 for reimbursement of funds spent by the Conway Police Department towards the EUDL (Enforcement Underage Drinking) grant and;

WHEREAS, the Conway Police Department has received reimbursement funds totaling \$1,684 from the Emergency Telephone Services for training received and;

WHEREAS, the Conway Police Department received a check in the amount of \$1477.18 in insurance proceeds to repair a vehicle that was damaged in an accident, and;

WHEREAS, the Conway Police Department needs these funds to replenish their expenditure accounts;

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

SECTION 1. The City of Conway shall accept the total amount of grant proceeds in the amount of \$5,436.57 and appropriate from the Grant Proceeds Revenue Account (01.924) to the following Police Department's expenditure accounts:

113.121 Overtime	\$547.18
113.251 Meals & Lodging	\$771.39
113.253 Airfare	\$408
113.291 Conference fees	\$265
113.354 Accountable Equipment	\$1,030
113.922 Capital Law Enforcement Equipment	\$2,415

SECTION 2. The City of Conway shall accept these funds in the amount of \$1,684 and shall appropriate from revenue account 01.911 to the Conway Police Department's training expenditure account (01.113.335).

SECTION 3. The City of Conway shall accept the insurance proceeds in the amount of \$1477.18 and appropriate from the insurance proceeds revenue account (01.512) to the Police Department's vehicle maintenance expenditure account (01.113.234).

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

PASSED this 26th day of October, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer