



City of Conway Council Agenda

Mayor Bart Castleberry
City Clerk Michael O. Garrett
City Attorney Chuck Clawson

<u>Council Meeting Date:</u>	September 12th, 2017
<u>5:30pm - Committee Meeting:</u>	No Committee Meeting
<u>6:30pm:</u>	Council Meeting
<u>Call to Order:</u>	Mayor Bart Castleberry
<u>Roll Call:</u>	Michael O. Garrett, City Clerk/Treasurer
<u>Minutes Approval:</u>	August 22nd, 2017 September 5th, 2017

City Council Members

Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Wesley Pruitt
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Mark Ledbetter
Ward 3 Position 2 – Mary Smith
Ward 4 Position 1 – Theodore Jones Jr.
Ward 4 Position 2 – Shelia Isby

1. Report of Standing Committees:

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

1. Ordinance setting a date for a special election for the purpose of street improvements for the City of Conway.
2. Resolutions requesting the Faulkner County Tax Collector to place certified liens on certain properties as a result of incurred expenses by the City.
3. Ordinance accepting and appropriating for the Spencer Street Brownfield Cleanup project administered in the Planning & Development Department.
4. Ordinance accepting and appropriating donation funds for the Historic District Commission.
5. Ordinance granting a franchise to Streetside Creperie and Studio M Salon to utilize specific street right of way on the South side of Oak Street in Block 20, of the Robinson's Plan.
6. Consideration to approve the Brandon Cove pathway project (reconstruction and sidewalks) for the Street & Engineering Department.
7. Ordinance appropriating funds for the right of way acquisition for the College & Salem roundabout for the Street & Engineering Department.
8. Ordinance appropriating insurance funds received for the Street & Engineering Department.
9. Ordinance to rezone property located at 1715, 1717, and 1727 S Donaghey Ave from A-1 to R-2A.
10. Consideration to approve a conditional use permit to allow religious activities and a shelter for the homeless for property located at 1715, 1717, and 1727 S Donaghey Avenue.

B. Public Safety Committee (Police, Fire, District Court, Animal Welfare Unit, Communication Emergency Operations Center, Information Technology, & City Attorney)

1. Ordinance appropriating funds for the purchase of fire safety promotional products for the Conway Fire Department.
2. Consideration to approve disposal of assets (vehicles) for the Conway Police Department.
3. Consideration to approve disposal of assets (misc. items for CID) at the Conway Police Department.
4. Consideration to approve the official notification of JAG Grants for the Conway Police Department.

C. New Business

1. Ordinance to amend the private club ordinance, specifically the permitting process for private clubs in the City of Conway.
2. Consideration to approve the permit process for private clubs and the ordinance for the City of Conway.

Adjournment

ORDINANCE NO. O-17-_____

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF A GENERAL LOCAL SALES AND USE TAX AT THE RATE OF THREE-EIGHTHS OF ONE PERCENT (0.375%) WITHIN THE CITY FOR THE PURPOSE OF MAKING IMPROVEMENTS TO STREETS WITHIN THE CITY, WHICH TAX SHALL CEASE AS OF MARCH 31, 2023; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Conway, Arkansas (the “City”) has determined that additional revenues are necessary in order to pay the costs of critical improvements to streets within the City ; and

WHEREAS, Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the “Municipal General Sales and Use Tax Act”) authorizes the levy of general citywide sales and use taxes of up to one percent (1.000%) in increments of one-eighth of one percent (0.125%); and

WHEREAS, if approved by the electors of the City, the City has determined to levy a three-eighths of one percent (0.375%) general citywide sales and use tax (the “Sales and Use Tax”) under the authority of the Municipal Sales and Use Tax Act, such Sales and Use Tax to cease and shall no longer be levied as of March 31, 2023; and

WHEREAS, receipts of the Sales and Use Tax will be utilized solely for the purpose of improving, constructing, repairing and widening of certain streets within the City, which may include related planning and design, roundabouts, sidewalks and multi-use pathways, traffic signals and controls, curbing, guttering and drainage improvements, right-of-way acquisition and utility relocation, and providing for matching state and federal funds for such purposes; and

WHEREAS, the purpose of this Ordinance is to call a special election on the levy by the City of the Sales and Use Tax;

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

Section 1. That under the authority of the Municipal General Sales and Use Tax Act and subject to approval by the electors of the City of the question set forth in Section 3 below, there is hereby levied (i) a sales tax at the rate of three-eighths of one percent (0.375%) on the gross receipts from the sale at retail within the City of all items and services which are subject to taxation under the Arkansas Gross Receipts Act of 1941, as amended (Arkansas Code of 1987 Annotated §26-52-101 *et seq.*), and (ii) an excise (or use) tax at the rate of three-eighths of one percent (0.375%) on the storage, use, distribution or other consumption within the City of tangible personal property or taxable services subject to taxation under the Arkansas Compensating Tax Act of 1949, as amended (Arkansas Code of 1987 Annotated §26-53-101 *et seq.*), on the sale price of the property or, in the case of leases or rentals, on the lease or rental price (collectively, the “Sales and Use Tax”). The Sales and Use Tax shall be levied, and the net collections received after deduction of the administrative charges of the State of Arkansas and

required rebates shall be utilized for the payment of expenses associated with improving, constructing, repairing and widening of certain streets within the City. The Sales and Use Tax shall be levied and collected only on the gross receipts, gross proceeds or sales price in the maximum amount allowed from time to time under Arkansas law, subject to rebates and limitation as required for certain “single transactions” as from time to time required by Arkansas statutes. The levy and collection of the Sales and Use Tax shall commence on and as of such date as provided by Arkansas law and shall cease as of March 31, 2023.

Section 2. That there be, and there is hereby called, a special election to be held on Tuesday, November 14, 2017, at which election there shall be submitted to the electors of the City the question of the levy of the Sales and Use Tax.

Section 3. That the question shall be placed on the ballot for the special election in substantially the following form:

SPECIAL ELECTION ON CITY SALES AND USE TAX LEVY

There is submitted to the qualified electors of the City of Conway, Arkansas, the question of the levy of a general citywide sales and use tax at the rate of three-eighths of one percent (0.375%) (the “Sales and Use Tax”) pursuant to Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the “Municipal General Sales and Use Tax Act”). If approved by the electors of the City, receipts of the Sales and Use Tax will be utilized solely for the purpose of improving, constructing, repairing and widening of certain streets within the City. If approved, the levy and collection of the Sales and Use Tax shall commence on and as of such date as provided by Arkansas law and shall cease as of March 31, 2023.

Vote on the question by placing an “X” in one of the squares following the question, either for or against:

FOR adoption of a three-eighths of one percent (0.375%) local sales and use tax within the City of Conway, Arkansas for the purpose of improving, constructing, repairing and widening of certain streets within the City, which may include related planning and design, roundabouts, sidewalks and multi-use pathways, traffic signals and controls, curbing, guttering and drainage improvements, right-of-way acquisition and utility relocation, and providing for matching state and federal funds for such purposes, such tax to cease as of March 31, 2023.....

AGAINST adoption of a three-eighths of one percent (0.375%) local sales and use tax within the City of Conway, Arkansas for the purpose of improving, constructing, repairing and widening of certain streets within the City, which may include related planning and design, roundabouts, sidewalks and multi-use pathways, traffic signals and controls, curbing, guttering and drainage improvements, right-of-way acquisition and utility relocation, and providing for matching state and federal funds for such purposes, such tax to cease as of March 31, 2023.....

Section 4. That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for Arkansas municipal elections unless otherwise provided in the Municipal General Sales and Use Tax Act, and only qualified voters of the City shall have the right to vote at the election.

Section 5. That a copy of this Ordinance shall be given to the Faulkner County Clerk and the Faulkner County Board of Election Commissioners at least sixty (60) days prior to the date of the special election so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Director of the Department of Finance and Administration and the Treasurer of the State of Arkansas as soon as practical.

Section 6. That the results of the special election shall be proclaimed by the Mayor, and his proclamation shall be published one time in *The Log Cabin Democrat*. The proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the Circuit Court of Faulkner County within thirty (30) days after the date of publication of the proclamation.

Section 7. That the Mayor and the City Clerk, for and on behalf of the City, be, and they hereby are authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the levy of the Sales and Use Tax is approved by the electors, to cause the Sales and Use Tax to be collected in accordance with the Municipal General Sales and Use Tax Act, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 8. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. That it is hereby ascertained and declared that there is a critical need to obtain an additional source of revenue to pay for critical improvements to streets within the City in order to promote and protect the health, safety and welfare of the inhabitants of the City. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health and safety shall be in force and effect immediately from and after its passage.

PASSED AND APPROVED this 12th day of September, 2017.

Approved:

By: _____
Mayor Bart Castleberry

Attest:

By: _____
Michael O. Garrett
City Clerk/Treasurer
(S E A L)

CERTIFICATE

The undersigned, City Clerk of the City of Conway, Arkansas, hereby certifies that the foregoing is a true and perfect copy of an Ordinance adopted at a regular meeting of the City Council of the City of Conway, Arkansas, held at 6:30 p.m. on _____, 2017.

DATED: _____, 2017

City Clerk



MEMO

TO: Mayor Bart Castleberry
CC: City Council Members
FROM: Missy Lovelady
DATE: August 28, 2017
SUBJECT: 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. 209 Club Lane | \$372.83 |
| 2. 1816 Washington | \$798.00 |
| 3. 602 Fifth St. | \$5376.12 |

Please advise if you have any questions.

Thank you for your consideration.



**City of Conway, Arkansas
Resolution No. R-17-_____**

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 209 Club Lane within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

Whereas, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount **\$372.83** (\$311.67 + Penalty 31.16 + filing fee \$30.00) 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 **September 12th, 2017** 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 12th day of September, 2017.

Approved:

Mayor Bart Castleberry

Attest:

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

City of Conway
Code Enforcement
1201 Oak Street
Conway, Arkansas 72032



Missy Lovelady
Phone: 501-450-6191
Fax: 501-504-6908

MEMO:

To: Mayor Bart Castleberry
CC: City Council Members

From: Missy Lovelady
Date: August 28, 2017

Re: 209 Club Lane

- July 3, 2017– Warning Violation was written regarding rubbish/trash & appliance/furniture by Austin Sullivan.
- Property Owner is listed as Joseph Atkins.
- Property was rechecked on 7/11/17 with no progress made.
- Certified letters for this property had been sent 2/13/17 & 3/24/17 for this season.
- Property was rechecked on 7/21/17 with no action taken.
- Final Cleanup completed on 7/26/17.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any concerns or questions please advise.

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Missy Lovelady
Conway Permits & Code Enforcement
Phone 501-450-6191
Fax 501-504-6908

August 3, 2017

Parcel # 710-02083-000

Joseph Atkins
209 Club Lane
Conway AR 72034

RE: Nuisance Abatement at 209 Club Lane, Conway AR
Cost of Clean-Up, Amount Due: \$311.67

To whom it may concern:

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **September 12, 2017 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Missy Lovelady**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

Missy Lovelady

INVOICE

City of Conway Code Enforcement

DATE: SEPTEMBER 7, 2017

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-504-6908
missy.schrag@cityofconway.org

TO Joseph Atkins
209 Club Lane
Conway AR 72034

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
209 Club Lane, Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Austin Sullivan	710-02083-000		September 12, 2017

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
3	1 Employee -Mowing/Cleanup	18.82	56.46
3	1 Employee -Mowing/Cleanup	18.40	55.20
6	2 PT Employee -Mowing/Cleanup	10.94	65.64
	Sanitation ticket# 602672; 602657; 602653	74.26	74.26
1	Administrative Fee (Code Enforcement)	20.49	20.49
1	Administrative Fee (Code Officer)	17.46	17.46
1	Administrative Fee (Physical Plant)	10.94	10.94
2	Certified Letter	5.13	10.26
2	Regular letter	.48	.96
TOTAL			\$311.67
TOTAL WITH PENALTY & FILING FEES			\$372.83

- Total amount due after September 12, 2017 includes collection of penalty & filing fees

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

**Conway Code Enforcement
Incident Report**

Date of Violation: 7/3/2017

Violator Name: Joseph Atkins

Address of Violation: 209 Club Lane

Violation Type: Rubbish/Trash and Appliance/Furniture

Warning #: CE9633

Description of Violation and Actions Taken: On 07/3/17 Code Enforcement Officer Austin Sullivan wrote a warning violation for rubbish/trash and appliance/furniture. Property was rechecked on 07/11/17 with no progress made. Certified letters had been sent on 2/13/17 and 3/24/17 for this season. Property was rechecked on 07/21/17 with no action taken. Final cleanup was completed on 07/26/17.

Code Enforcement Officer: Austin Sullivan

Officer Signature: _____

Date:

Time:



City of Conway, Arkansas
Resolution No. R-17-___

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 **1816 Washington Ave** 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 **\$798.00** (\$698.18 + Penalty 69.82 + filing fee \$30.00) 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 **September 12, 2017** 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 12th day of September, 2017.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Code Enforcement
1201 Oak Street
Conway, Arkansas 72032



Missy Lovelady
Phone: 501-450-6191
Fax: 501-504-6908

MEMO:

To: Mayor Bart Castleberry
CC: City Council Members

From: Missy Lovelady
Date: August 31, 2017

Re: 1816 Washington Ave.

- On May 26, 2017 a Notice was given for overgrowth over the entire property.
- June 7, 2017– Warning Violation was written regarding inoperable vehicle & dilapidated structure by Kim Beard.
- Property Owner is listed as Roscoe Smith.
- Property was rechecked on 6/15/17 with little progress made.
- Property was rechecked on 6/30/17 with no progress made.
- Certified and regular letters were mailed 6/30/17 to address on file and a notice was left by post office.
- Property was rechecked on 7/10/17 with no action taken.
- Final Cleanup completed on 7/20/17.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any concerns or questions please advise.

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Missy Lovelady
Conway Permits & Code Enforcement
Phone 501-450-6191
Fax 501-504-6908

June 26, 2017

Parcel # 710-04057-000

Roscoe H & Eunice D Smith
14 Hawthorne Dr.
Conway AR 72034

RE: Nuisance Abatement at 1816 Washington Ave, Conway AR
Cost of Clean-Up, Amount Due: \$698.18

To whom it may concern:

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **September 12, 2017 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Missy Lovelady**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

Missy Lovelady

INVOICE

City of Conway
Code Enforcement

DATE: SEPTEMBER 7, 2017

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-504-6908
missy.schrag@cityofconway.org

TO Roscoe H & Eunice D Smith
14 Hawthorne Dr
Conway AR 72034

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
1816 Washington, Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Kim Beard	710-04057-000		September 12, 2017

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
8	1 Employee -Mowing/Cleanup	18.82	150.56
8	1 Employee -Mowing/Cleanup	18.40	147.20
19	3 PT Employee -Mowing/Cleanup	10.94	207.86
	Lowe's Purchase for Repair (Physical Plant#106-5699)	52.19	52.19
1	Maintenance fee (mower)	15.00	15.00
	Sanitation tickets #601977; 602024	65.26	65.26
1	Administrative Fee (Code Enforcement)	20.49	20.49
1	Administrative Fee (Code Officer)	17.46	17.46
1	Administrative Fee (Physical Plant)	10.94	10.94
2	Certified Letter	5.13	10.26
2	Regular letter	.48	.96

TOTAL \$698.18

- Total amount due after September 12, 2017 includes collection penalty & filing fees

TOTAL
WITH PENALTY &
FILING FEES \$798.00

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

**Conway Code Enforcement
Incident Report**

Date of Violation: 06/07/17

Violator Name: Roscoe Smith

Address of Violation: 1816 Washington Ave

Violation Type: Grass, weeds, overall overgrowth, inoperable vehicle & dilapidated structure

Warning #: CE9595

Description of Violation and Actions Taken: On 06/07/17 Code Enforcement Officer Kim Beard wrote a warning violation for grass, weeds, overall overgrowth, inoperable vehicle and dilapidated structure. Property was rechecked on 06/15/17 with little progress made. Property was rechecked on 06/30/17 with no progress made. Certified & regular letters were mailed 06/30/17. Property was rechecked on 07/10/17 with no action taken. Final cleanup was completed on 07/20/17.

Code Enforcement Officer: Kim Beard

Officer Signature: _____

Date:

Time:

BEFORE PICS FOR 1816 WASHINGTON AVE



BEFORE PICS FOR 1816 WASHINGTON AVE



AFTER PICS FOR 1816 WASHINGTON AVE



AFTER PICS FOR 1816 WASHINGTON AVE



AFTER PICS FOR 1816 WASHINGTON AVE





City of Conway, Arkansas
Resolution No. R-17-_____

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 **602 Fifth 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 **\$5376.12** (\$4860.11 + Penalty 486.01 + filing fee \$30.00) 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 **September 12th, 2017** 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 12th day of September, 2017.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Code Enforcement
1201 Oak Street
Conway, Arkansas 72032



Missy Lovelady
Phone: 501-450-6191
Fax: 501-504-6908

MEMO:

To: Mayor Bart Castleberry
CC: City Council Members

From: Missy Lovelady
Date: August 31, 2017

Re: 602 Fifth St.

- January 25, 2017– Warning Violation was written regarding dilapidated structure by Kim Beard.
- Property Owner is listed as May & Tommy Morgan.
- Property was rechecked on 2/22/17 with no progress made.
- Approval was obtained to proceed with demo and quotes were requested.
- Missy Lovelady spoke to Select Portfolio Agency regarding the banks interest in the property and advised of conditions and the dilapidated structure violation with intent to demo on 5/3/17.
- Certified and regular letters were mailed 5/3/17 to address and bank on file and a notice was left by post office.
- Property was rechecked on 5/15/17 with no progress.
- Property was rechecked on 6/13/17 with no action taken.
- Final Cleanup completed on 7/10/17.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any concerns or questions please advise.

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Missy Lovelady
Conway Permits & Code Enforcement
Phone 501-450-6191
Fax 501-504-6908

June 26, 2017

Parcel # 710-03597-000

Tommy & May Morgan
602 5th St.
Conway AR 72032

RE: Nuisance Abatement at 602 5th St., Conway AR
Cost of Clean-Up, Amount due: \$4860.11

To whom it may concern:

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **September 12, 2017 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Missy Lovelady**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

Missy Lovelady

INVOICE

City of Conway Code Enforcement

DATE: SEPTEMBER 7, 2017

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-504-6908
missy.schrag@cityofconway.org

TO Tommy & May Morgan
602 5th St.
Conway AR 72032

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
602 5th St. Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Kim Beard	710-03597-000		September 12, 2017

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
	Paladino Construction	4800.00	4800.00
1	Administrative Fee (Code Enforcement)	20.49	20.49
1	Administrative Fee (Code Officer)	17.46	17.46
1	Administrative Fee (Physical Plant)	10.94	10.94
2	Certified Letter	5.13	10.26
2	Regular letter	.48	.96
TOTAL			\$4860.11
TOTAL WITH PENALTY & FILING FEES			\$5376.12

- Total amount due after September 12, 2017 includes collection penalty & filing fees

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

**Conway Code Enforcement
Incident Report**

Date of Violation: 01/25/17

Violator Name: May & Tommy Morgan

Address of Violation: 602 Fifth St

Violation Type: Dilapidated structure

Warning #: CE9363

Description of Violation and Actions Taken: On 01/25/17 Code Enforcement Officer Kim Beard wrote a warning violation for dilapidated structure. Property was rechecked on 02/22/17 with no progress made. Approval was obtained to proceed with demo and quotes were requested. On 05/03/17 Select Portfolio Agency was contacted regarding the banks interest in the property and advised of conditions with intent to demo. Certified & regular letters were mailed 05/03/17. Property was rechecked on 05/15/17 with no progress. Property was rechecked on 06/13/17 with no action taken. Final cleanup was completed on 07/10/17.

Code Enforcement Officer: Kim Beard

Officer Signature: _____

Date:

Time:



**City of Conway, Arkansas
Ordinance No. O-17- _____**

AN ORDINANCE APPROPRIATING GRANT FUNDS FOR THE SPENCER STREET BROWNFIELD CLEANUP PROJECT, AND FOR OTHER PURPOSES;

Whereas, grant funds in the amount of \$80,436.25 were received from the U.S. Environmental Protection Agency in support of the Spencer Street Brownfield Cleanup Project and for other expenses;

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

SECTION 1: The City of Conway, Arkansas, shall accept and appropriate grant funds in the amount of \$80,404.87 from Federal Miscellaneous Grant Account (399-000-4200) to the Planning & Development Grant CIP-Land Improvements Account (399-105-5902) and \$31.38 from the Federal Miscellaneous Grant Account (399-000-4200) to the Planning & Development Miscellaneous Grant Account (399-105-5799). The City of Conway Project Management number is 399-105C.

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

PASSED this 12th day of September, 2017.

Approved:

Mayor Bart Castleberry

Attest:

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



**City of Conway, Arkansas
Ordinance No. O-17-_____**

AN ORDINANCE ACCEPTING AND APPROPRIATING DONATION FUNDS FOR THE CONWAY HISTORIC DISTRICT COMMISSION’S SUB-GRANT TO THE FAULKNER COUNTY MUSEUM DRAINAGE STUDY PROJECT, AND FOR OTHER PURPOSES;

Whereas, Arkansas Historic Preservation Program (AHPP) has awarded grant funds in the amount of \$3,500 to support the City of Conway’s Historic District Commission;

Whereas, awarded grant funds were used as a sub-grant to the Faulkner County Museum to provide funding for a drainage study project, and for other expenses.

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

Section 1: The City of Conway, Arkansas, shall accept donation funds in the amount of \$3,500 and appropriate said funds from the State Grant Revenue account (399-000-4751) to the Planning Grant Expense account (399-105-5799). The City of Conway Project Management number is 399-105C.

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

PASSED this 12th day of September, 2017.

Approved:

Mayor Bart Castleberry

Attest:

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



City of Conway, Arkansas
Ordinance No. O-17-__

AN ORDINANCE GRANTING A FRANCHISE TO STREETSIDE CREPERIE AND STUDIO M SALON TO UTILIZE SPECIFIC STREET RIGHTS OF WAY ON THE SOUTH SIDE OF OAK STREET IN BLOCK 20, ROBINSON'S PLAN TO THE CITY OF CONWAY; AND FOR OTHER PURPOSES:

Whereas, Streetside Creperie and Studio M Salon desire to be able to accommodate guests by providing an adequate outdoor waiting / dining area, and

Whereas, the current front/north facing entryway to Streetside Creperie and Studio M Salon abuts street right-of-way being the South portion of the Right of Way on Oak Street, 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 THAT:

Section 1: That a franchise is hereby granted from the City of Conway, Arkansas, to the owner of Pt 1, Block 20, of the Robinson's Plan and its current occupants only, who are Streetside Creperie and Studio M Salon, for the placement of a half wall with plantings partition along with chairs and tables on public rights-of-way on the south side of Oak Street adjacent to Pt 1, Block 20, of the Robinson's Plan to the City of Conway, Arkansas. Said franchise shall expire upon transfer of ownership or lease, at which time any new owner or leaseholder shall apply for a franchise with the City of Conway.

Section 2: That the franchise shall be granted starting from a point on the face of the existing structure, being approximately 12" west of the Northeast corner of the building, thence north five feet four inches (5' 4") to a point approximately five feet (5') from the Oak Street curb, thence west approximately sixteen feet (16') where the proposed half wall will end, thence west approximately nine feet (9') to a point where the half wall will begin again, thence west approximately ten feet (10') to the point of ending, with an optional extension towards the northwest corner of the existing building structure for stability if needed. The proposed half wall structures may contain no signage or advertising, and should be constructed as not to conflict with accessible ingress/egress to building entry's and perimeters of building structure.

Section 3: That the all items 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. In addition, owner is responsible for sidewalk maintenance directly in front of the building for the life of the franchise, including any repair to sidewalk upon the structures removal.

Section 4: That the City of Conway assumes no maintenance responsibility for the permitted furniture or structures. The City shall not be responsible for damage to or loss of anything placed in the space covered under this franchise, including by City, utility crews or contractors while performing 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 or structures, and the applicant shall indemnify and hold the City and its employees, agents and officials harmless from actions, claims, costs, damages, and expenses to which the City may be subjected to arising out of the placement of the permitted furniture or structures or any activity occurring in the public rights-of-way which may occur as a result of granting this franchise.

Section 5: That upon notice from City, 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 as determined by the City.

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

PASSED this 12th day of September, 2017.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

STREETSIDE BEAUTIFICATION 1321 W. OAK STREET

Overview:

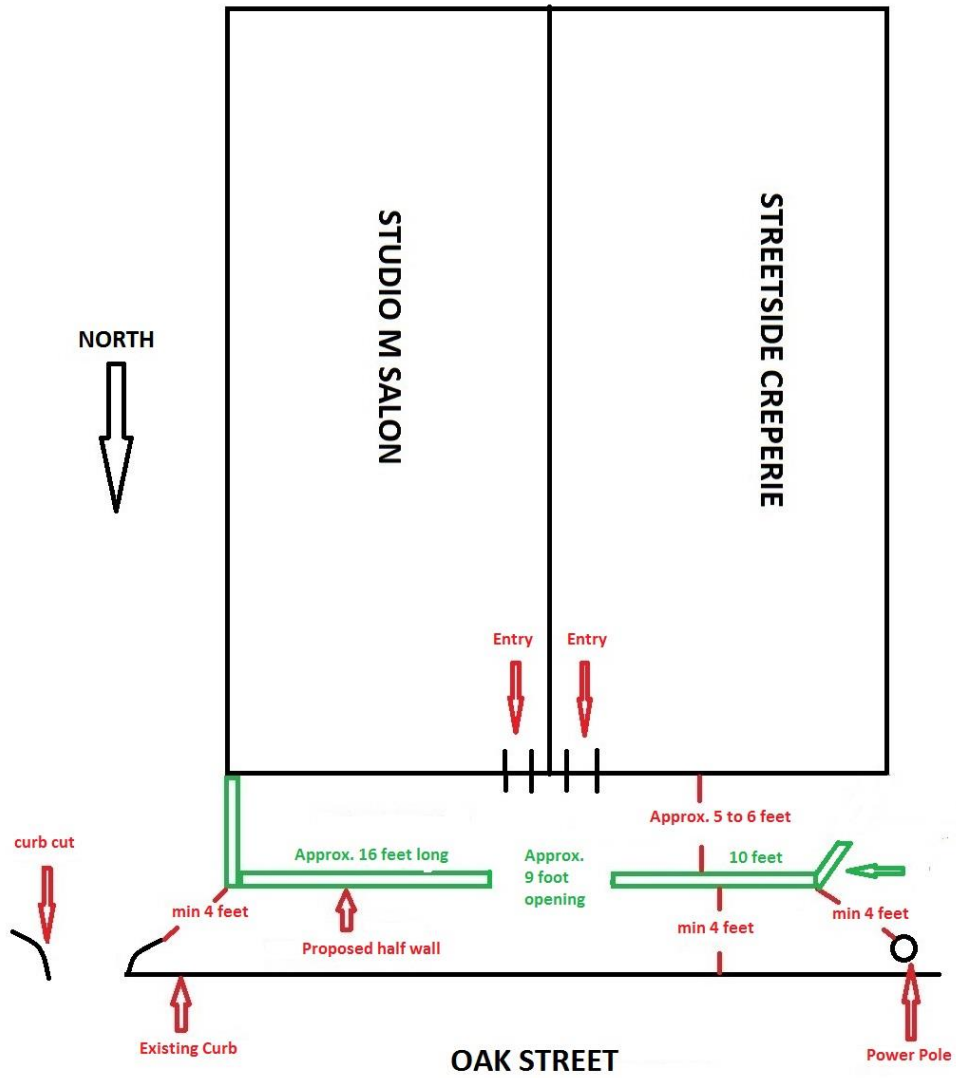
Streetside Creperie, a local restaurant located at 1321 W. Oak Street just east of the Toad Store at Oak and Locust, is requesting permission from the City to construct a temporary half divider wall within the Right of Way to be located midway between the building façade and the curb edge, to run parallel with the existing building. The purpose of the divider wall is to create separation from pedestrian traffic, provide a better outside dining experience, and enhance the overall experience for both customers and motorists passing by.

Goals:

- 1) Enhance customer experience
- 2) Provide visual beautification for all to enjoy
- 3) Enhance foot traffic in Downtown

Specifications:

- Wood slats on a horizontal grid design, forming a planter box for greenery.
- Method of fastening options to be determined by City:
 - (Preferred): L Brackets inside the planter box bolted to the sidewalk
 - Sidewalk repair by Streetside Creperie if removed
 - (Less Preferred): Non-bolting method entails creating legs for stability which would not impede foot traffic or create tripping hazard.



08.25.2017

Memo

To
Bart Castleberry

From
B. Finley Vinson, P.E.

CC
Felicia Rogers

Re
Brandon Cove Pathway

Comments:

The southwest portion of the pedestrian pathway leading from Brandon Cove to Riviera Drive needs to be reconstructed. My department is in agreement with the bicycle and pedestrian advisory board that this project is important to our community. The estimated cost of construction for this project is approximately \$15,000 if completed by city crews.

In addition, there is a section of sidewalk approximately 65' long missing on the north side of Irby Drive adjacent to 3380 Nicklaus Drive. The estimated cost of construction to complete this section of sidewalk is approximately \$4,000.

I request council approval to complete these projects using funds from the in-lieu sidewalk fund, which currently has about \$73,000 in it.

City of Conway Street & Engineering Department

(501) 450-6165
100 E Robins St, Conway, AR 72032

[www.cityofconway.org/pages/street-department/
finley.vinson@cityofconway.org](http://www.cityofconway.org/pages/street-department/finley.vinson@cityofconway.org)





**City of Conway, Arkansas
Ordinance No. O-17- _____**

AN ORDINANCE APPROPRIATING FUNDS FOR THE RIGHT-OF-WAY ACQUISITION FOR THE COLLEGE AND SALEM ROUNDABOUT FOR THE CITY OF CONWAY STREET & ENGINEERING DEPARTMENT; AND FOR OTHER PURPOSES

Whereas, the City of Conway Street & Engineering Department needs funds to cover the costs of condemnation of right-of-way property for the College and Salem Roundabout Project; and

Whereas, budgetary authority has not been approved for FY2017.

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

Section 1. The City of Conway shall appropriate an amount of \$154,239 from Street & Engineering Fund Balance Appropriation account (002-201-4900) into the Land Acquisition Account (002-201-5901).

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

PASSED this 12th day of September, 2017

Approved:

Mayor Bart Castleberry

Attest:

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



**City of Conway, Arkansas
Ordinance No. O-17- _____**

AN ORDINANCE APPROPRIATING INSURANCE FUNDS FROM SOUTHERN FARM BUREAU FOR THE CITY OF CONWAY STREET & ENGINEERING DEPARTMENT; AND FOR OTHER PURPOSES

Whereas, the City of Conway has received insurance funds from Southern Farm Bureau in the amount of \$3,054.98 to cover the cost to repair a damaged pedestrian pole; and

Whereas, the Street & Engineering Dept. needs these 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 appropriate an amount of \$3,054.98 from the Street & Engineering Insurance Proceeds Account (002-201-4360) to the Traffic Signal Maintenance Account (002-201-5466).

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

PASSED this 12th day of September, 2017

Approved:

Mayor Bart Castleberry

Attest:

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



City of Conway, Arkansas
Ordinance No. O-17- _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 1715, 1717, & 1727 S DONAGHEY AVE FROM A-1 TO R-2A:

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 **A-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Being a part of the SE 1/4 of the SE 1/4 of Section 23, T-5-N, R-14-W, Faulkner County, Arkansas described as beginning at the NE corner of said SE 1/4 SE 1/4 and run thence; N88°28'20"W 943.05 feet to the NE corner of Lot 149 Spring Valley Subdivision, Phase 1; thence S01°31'40"W 131.13 feet to the SE corner of said Lot 149 Spring Valley Subdivision, Phase 1 and the point of beginning; thence continue S01°31'40"W along a line of previous deed described as being "south" 419.50 feet to a found rebar being the SW corner of church property; thence N88°28'20"W 50.0 feet; thence N88°33'35"W 470.0 feet; thence N01°31'40"E 419.42 feet to the south line of said Spring Valley Subdivision, Phase 1; thence along said south line to a point S88°33'35"E 520.0 feet to the point of beginning containing 5.0 acres more or less.

and

A part of the SE 1/4, SE 1/4, of Section 23, T5N, R14W, Faulkner County, Arkansas, more particularly described as beginning at the NE corner of said SE 1/4, SE 1/4, thence west 945.47 feet; thence south 340.36 feet to the true point of beginning; thence east 230.00 feet; thence south 195.64 feet to the north right of way of a gravel drive; thence along said right of way to a point S83°34'43"W 103.57 feet; thence to a point N87°50'31"W 127.12 feet; thence leaving said right of way north 202.43 feet to the point of beginning containing 1.08 acres more or less.

to those of **R-2A**, 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 12th day of September, 2017.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



1201 OAK STREET • CONWAY, AR 72032
(501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
CC: City Council Members

From: Anne Tucker, 2017 Planning Commission Chairman
Date: August 22, 2017

Re: Request to rezone from A-1 to R-2A property located at 1715, 1717, and 1727 S Donaghey Ave

Soul Food Cafe Mission has requested to rezone from A-1 to R-2A property located at 1715, 1717, and 1727 S Donaghey Ave with the legal description:

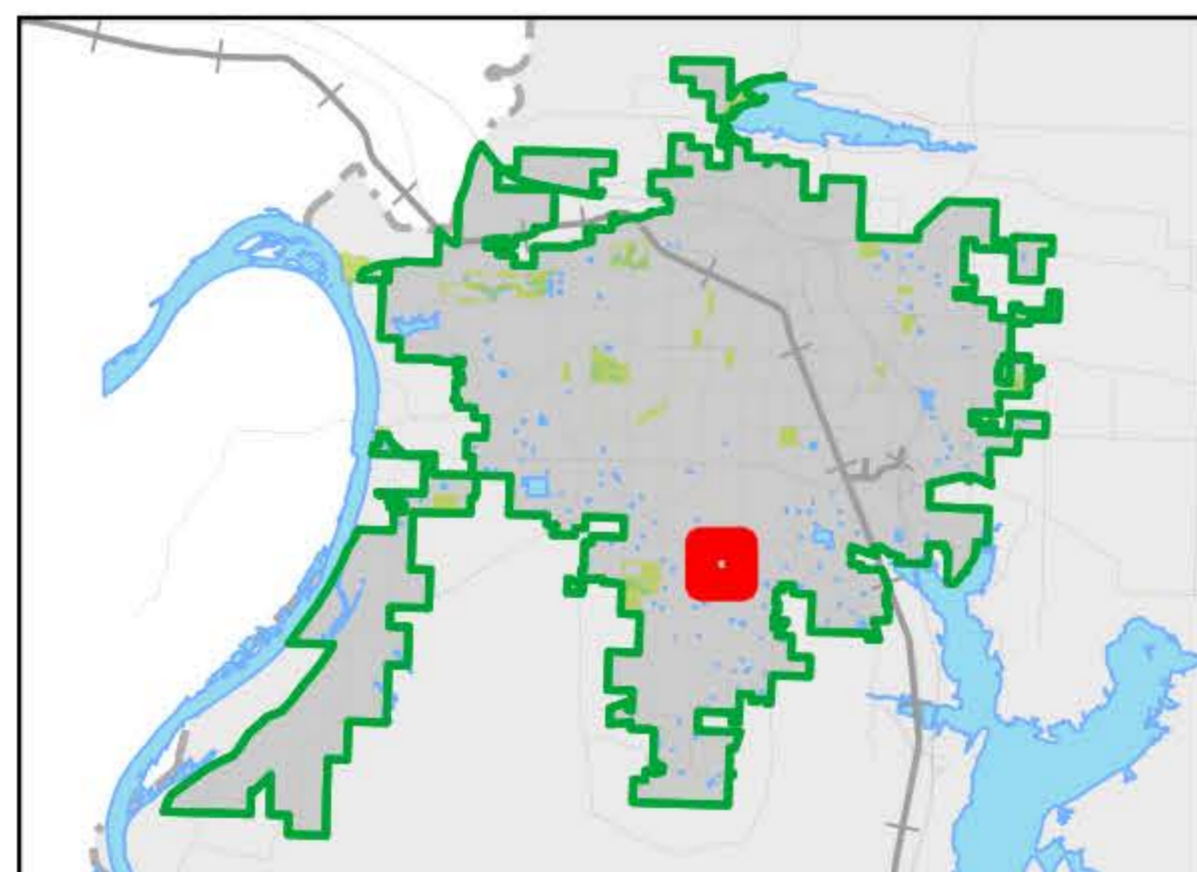
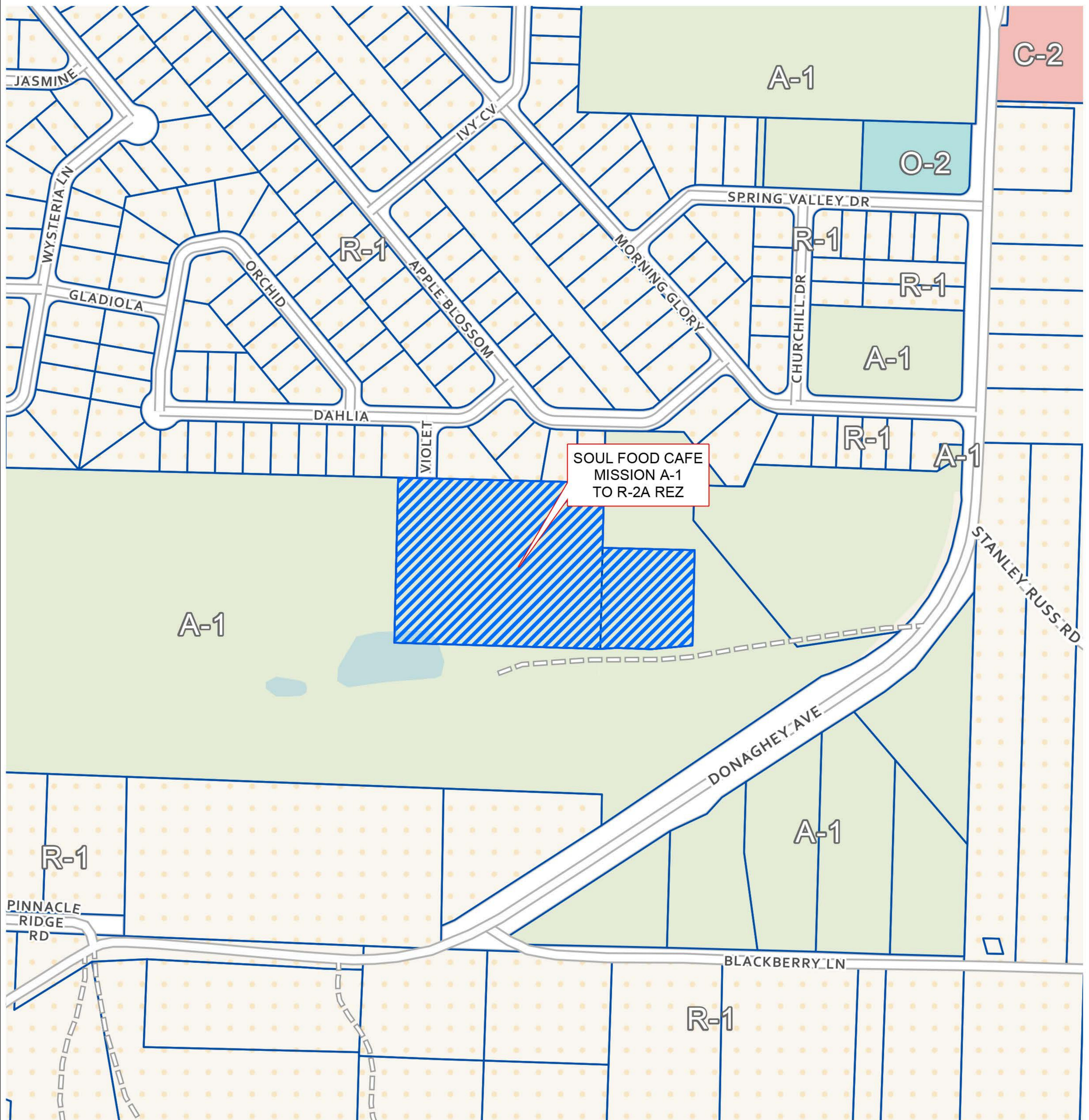
Being a part of the SE 1/4 of the SE 1/4 of Section 23, T-5-N, R-14-W, Faulkner County, Arkansas described as beginning at the NE corner of said SE 1/4 SE 1/4 and run thence; N88°28'20"W 943.05 feet to the NE corner of Lot 149 Spring Valley Subdivision, Phase 1; thence S01°31'40"W 131.13 feet to the SE corner of said Lot 149 Spring Valley Subdivision, Phase 1 and the point of beginning; thence continue S01°31'40"W along a line of previous deed described as being "south" 419.50 feet to a found rebar being the SW corner of church property; thence N88°28'20"W 50.0 feet; thence N88°33'35"W 470.0 feet; thence N01°31'40"E 419.42 feet to the south line of said Spring Valley Subdivision, Phase 1; thence along said south line to a point S88°33'35"E 520.0 feet to the point of beginning containing 5.0 acres more or less.

and

A part of the SE 1/4, SE 1/4, of Section 23, T5N, R14W, Faulkner County, Arkansas, more particularly described as beginning at the NE corner of said SE 1/4, SE 1/4, thence west 945.47 feet; thence south 340.36 feet to the true point of beginning; thence east 230.00 feet; thence south 195.64 feet to the north right of way of a gravel drive; thence along said right of way to a point S83°34'43"W 103.57 feet; thence to a point N87°50'31"W 127.12 feet; thence leaving said right of way north 202.43 feet to the point of beginning containing 1.08 acres more or less.


The Planning Commission reviewed this request at its regular meeting on August 21, 2017. The Planning Commission voted 3-5, that this request be forwarded to the City Council with a recommendation for approval, with Commissioners Marilyn Armstrong, Bryan Quinn, Brandon Ruhl, Wendy Shirar, and Jerry Rye voting in opposition. The Conway Planning Commission By-laws [Section E.4.c] require a majority vote (6 votes) of the full commission to take final action on any item. As a majority vote was not obtained, this item is being forwarded to the Conway City Council with no recommendation.

Please advise if you have any questions.



DESCRIPTION	
PLANNING COMMISSION REVIEW	--
4.99 ac.	--

Residential		Industrial	
R-1	MF-1	I-1	
R-2A	MF-2	RU-1	
R-2	MF-3	I-3	
HR	RMH		
SR			
Commercial		Special	
C-1	O-1	SP	
C-2	O-2	S-1	
C-3	O-3	A-1	
C-4		PUD	
		TJ	




**City of Conway
Planning & Development**

THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER.


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www.cityofconway.org/pages/gis



N

280



Feet

AUG 2017



1201 OAK STREET • CONWAY, AR 72032
 (501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
CC: City Council Members

From: Anne Tucker, 2017 Planning Commission Chairman
Date: August 14, 2017

Re: Request for conditional use permit to allow Religious Activities and a Shelter for the Homeless for property located at 1715, 1717, and 1727 S Donaghey Ave

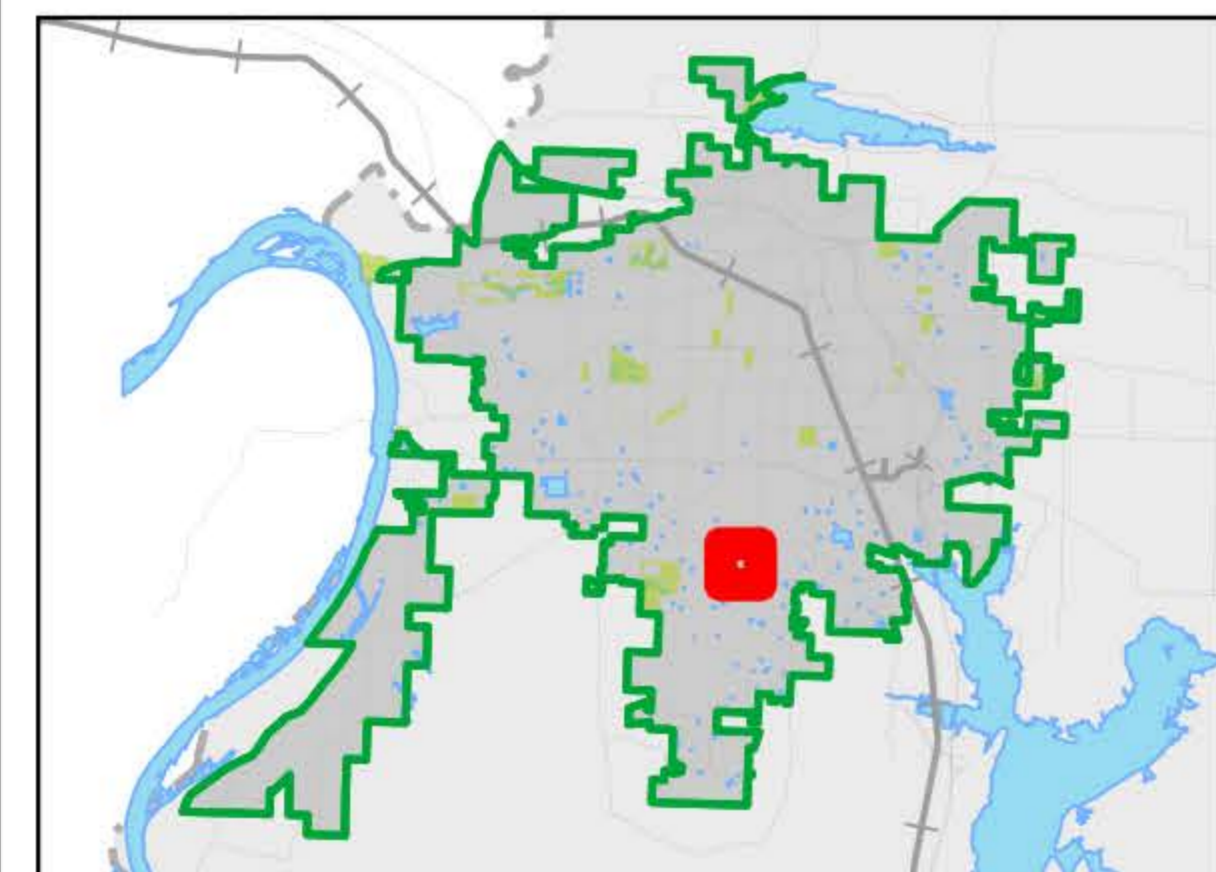
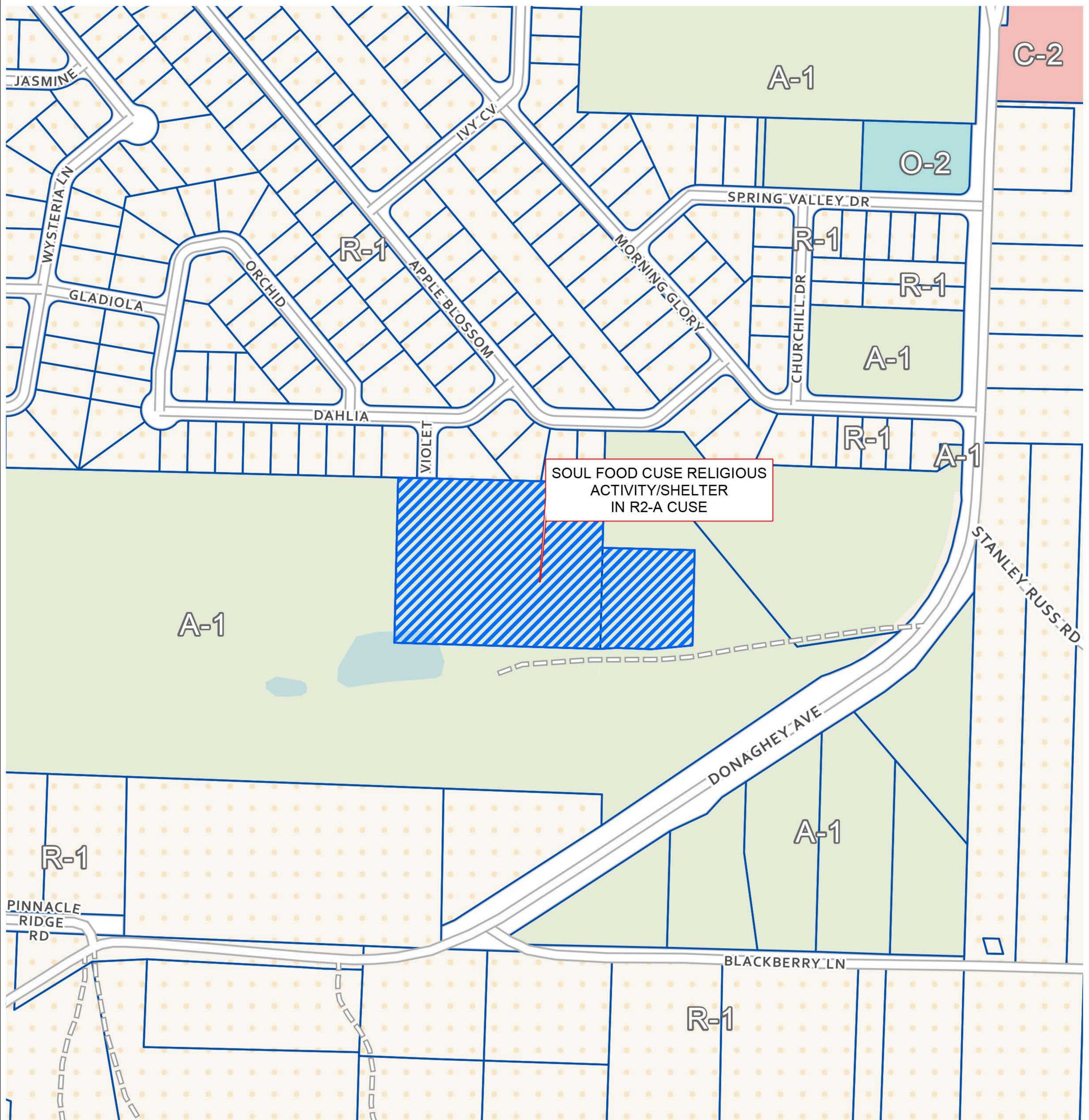
Soul Food Cafe Mission has requested a conditional use permit to allow Religious Activities and a Shelter for the Homeless for property located at 1715, 1717, and 1727 S Donaghey Ave with the legal description:

Being a part of the SE 1/4 of the SE 1/4 of Section 23, T-5-N, R-14-W, Faulkner County, Arkansas described as beginning at the NE corner of said SE 1/4 SE 1/4 and run thence; N88°28'20"W 943.05 feet to the NE corner of Lot 149 Spring Valley Subdivision, Phase 1; thence S01°31'40"W 131.13 feet to the SE corner of said Lot 149 Spring Valley Subdivision, Phase 1 and the point of beginning; thence continue S01°31'40"W along a line of previous deed described as being "south" 419.50 feet to a found rebar being the SW corner of church property; thence N88°28'20"W 50.0 feet; thence N88°33'35"W 470.0 feet; thence N01°31'40"E 419.42 feet to the south line of said Spring Valley Subdivision, Phase 1; thence along said south line to a point S88°33'35"E 520.0 feet to the point of beginning containing 5.0 acres more or less.

and

A part of the SE 1/4, SE 1/4, of Section 23, T5N, R14W, Faulkner County, Arkansas, more particularly described as beginning at the NE corner of said SE 1/4, SE 1/4, thence west 945.47 feet; thence south 340.36 feet to the true point of beginning; thence east 230.00 feet; thence south 195.64 feet to the north right of way of a gravel drive; thence along said right of way to a point S83°34'43"W 103.57 feet; thence to a point N87°50'31"W 127.12 feet; thence leaving said right of way north 202.43 feet to the point of beginning containing 1.08 acres more or less.

Please advise if you have any questions.



DESCRIPTION	
PLANNING COMMISSION REVIEW	--
4.99 ac.	--

Residential		Industrial	
R-1	MF-1	I-1	
R-2A	MF-2	RU-1	
R-2	MF-3	I-3	
HR	RMH		
SR			
Commercial		Special	
C-1	O-1	SP	
C-2	O-2	S-1	
C-3	O-3	A-1	
C-4		PUD	
		TJ	

City of Conway
Planning & Development

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280

Feet
AUG 2017



**City of Conway, Arkansas
Ordinance No. O-17- _____**

AN ORDINANCE APPROPRIATING FUNDS FOR THE PURCHASE OF FIRE SAFETY PROMOTIONAL PRODUCTS AT THE CONWAY FIRE DEPARTMENT; AND FOR OTHER PURPOSES

Whereas, the Conway Fire Department requests \$5,000 for the use of purchasing fire safety promotional products including coloring books, and;

Whereas, funds in the amount of \$5,000 were received from Centennial Bank to be used for such purpose.

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

Section 1. The City of Conway shall appropriate \$5,000 from the General Fund Revenue Donation Account to the CFD Miscellaneous Supplies Operating Account (001.136.5699).

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

PASSED this 12th day of September, 2017

Approved

Mayor Bart Castleberry

Attest:

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

MEMORANDUM

TO: City Council Members/Mayor Bart Castleberry
FROM: Chief Jody Spradlin
DATE: September 5, 2017
SUBJECT: Request for disposal of assets

The Police Department has the following vehicles that are not being used:

- 2006 Infinity FX35 VIN JNRAS08W76X206536
- 2001 Mitsubishi Diamante VIN 6MMAP67PX1T009431
- 2003 Cadillac Seville VIN 1G6KS54Y13U232848
- 2005 Cadillac CTS VIN 1G6DP567X50175946

I would like to request approval to remove these items from our inventory listing and to dispose of them. These vehicles will be sold through auction, “as is”, on www.publicsurplus.com.

Thank you for your consideration.

MEMORANDUM

TO: City Council Members/Mayor Bart Castleberry
FROM: Chief Jody Spradlin
DATE: September 5, 2017
SUBJECT: Request for disposal of assets

The attached listing details items to be removed from the fixed assets. All items on this list are obsolete or broken and are no longer in use within the department. I would like to request approval to remove these items from our inventory and to dispose of them.

These items will be destroyed and thrown away.

Thank you for your consideration.

Quantity	Description	Serial Number	City Property #	Division
1	Microwave Polecam in a black box	LR89590		CID
1	Empty black plastic video transmitter box			CID
1	Empty black plastic body mic box			CID
1	Empty black plastic body mic box			CID
1	Plastic box w/various cords and magnets			CID
1	Realistic brand microphone model #33-984c			CID
1	Surveillance kit recorder	250003		CID
1	Burke monitor		00862	CID
1	Sony Handyman camcorder	250003		CID
1	JVC video monitor	069007643		CID
2	CB radio anetenna's			CID
1	Elmo 7200-A		114-50, 00232	CID
1	Plastic box w 2 Nokia cell phone transmitters	07405022801, 094010945123		CID
1	Plastic box w 2 Nokia cell phone transmitters	094010945713, 07404360390		CID
1	Box w/various cables			CID
1	Silver case w/various cables			CID
1	Silver case w/various cables & magnets			CID
1	5" B&W Jenson TV	20020612001		CID
1	5" B&W Jenson TV	20020612050		CID
4	Antenna's			CID
1	HP Printer	MY39FF13D2		CID
1	HP Printer	MY660B50GK		CID
1	Plastic box			CID
1	Homeland Security camera, monitor, & speaker	668310073		CID
4	Sony Walkman's (no serial #'s)			CID
1	Box w/various cables			CID
1	Pin hole camera		01819	CID
1	Camera		01196	CID
1	Camera		00231	CID
1	Portable hard drive	A0467426		CID
1	Sony Cybershot camera	4470954		CID
1	APC battery back up	BR1300LCD		CID
1	Sanyo TV	V6510816322798		CID
2	Sets of magnets			CID
1	Steamer			CID
1	Toshiba laptop	Z9329534U		CID
1	Portable hard drive	A0467423		CID
1	Portable hard drive	A0488632		CID
1	Portable hard drive	A0436003		CID
1	Box w/various cables & remotes			CID
1	Voltage converter	126312		CID
1	Olympus camera	J92247149		CID
1	Voltage converter		00220	CID
1	Box magnets, cords, & plug ins			CID
1	Black case cell phone/receiver body mic	AY-4685-1		CID
1	Black case cell phone/receiver body mic	AY-4691-1		CID
1	Black case w/scanner & recorder	RR850013		CID
1	Silver case (empty)			CID
1	Grey case w/Video Walkman Video 8	31860		CID
1	Wildlife Tracker antenna	1006		CID
1	Dual Link drive kit	LL5-DLX-185		CID
1	Black case microwave video receiver	AW-1233		CID
1	Black case microwave video receiver	AW-1234		CID
1	Black antenna	AV-1265		CID
1	Black antenna	AV-1268		CID
1	Black antenna	AV-4826		CID
1	Black antenna	AV-1269		CID

MEMORANDUM

TO: City Council Members/Mayor Bart Castleberry

FROM: Chief Jody Spradlin

DATE: September 5th, 2017

SUBJECT: 2016/2017 Justice Assistance Grant

Please accept this as official notification that the City of Conway and Faulkner County will be jointly applying for the 2016 and 2017 Justice Assistance Grant (JAG grant). The total amount of these awards, if granted, is \$23,237 for 2016 and \$23,529 for 2017. These funds would be split equally between both agencies. There is no requirement for matching funds.

The City of Conway plans to use their portion of the grant proceeds for the purchase of patrol rifles in efforts to enhance the safety of officers and citizens.

MEMORANDUM

TO: City Council Members
Mayor Bart Castleberry

FROM: Chief Jody Spradlin
Candy Jones

DATE: September 5th, 2017

SUBJECT: Additional 2017 Justice Assistance Grant

Please accept this as official notification that the City of Conway will be applying for a 2017 Justice Assistance Grant (JAG grant) for 911 equipment upgrades (10 work stations) in the amount of \$512,348.

These funds will be split as follows: Conway Police Department – 5 work stations, Faulkner County Sheriff's Office – 3 stations, and the University of Central Arkansas – 2 stations.

There is no match required for this grant.

Let me know if you have any questions.



City of Conway, Arkansas

Ordinance No. O-17-__

AN ORDINANCE TO AMEND THE PRIVATE CLUB ORDINANCE OF THE CITY OF CONWAY, SPECIFICALLY THE PERMITTING PROCESS FOR PRIVATE CLUBS CONTAINED IN CHAPTER 4.12.04 OF THE CONWAY CITY CODE AND FOR OTHER PURPOSES AS REQUIRED BY ARKANSAS CODE ANNOTATED §3-9-222 AS AMENDED

Whereas, the City Council of the City of Conway, Arkansas has established requirements for local private clubs permits in Chapter 4.12.04 of the Conway City Code per Ordinance No. O-10-18, and

Whereas, the legislature for the State of Arkansas now requires under A.C.A §3-9-222 local city council approval of all applications for a private club permit prior to them being submitted to the Alcoholic Beverage Control Division, and

Whereas, the City Council for the City of Conway desires to establish a procedure for this approval process to be in compliance with State law.

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

Section 1. That Ordinance O-10-18 shall be amended as follows and the same language added to Chapter 4.12.04 of the Conway City Code:

4.12.04 - Application for permits.

- A. An application for a private club permit required by this section shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state private club permit application. A copy of the private club permit application will be available in the Office of the City Clerk and on the City's website.
- B. Only one location per application.
- C. The application shall be submitted to the City of Conway with a one time, non-refundable application fee in the amount of \$250.00. This fee is completely separate from any licensing fees which may later be due to the City of Conway to operate a business in the City of Conway.
- D. No city permit will be issued until approved by the City Council.
- E. It shall be unlawful for any person to make any false statement or representation in any application required by this section or to give any false answer to any question contained therein.
- F. It shall be unlawful to operate a private club and/or sell alcoholic beverages in Conway before being permitted by the appropriate State agency.

- F. Permits required by this section shall run for one calendar year. Annual permit renewal fees of \$50.00 shall be due and payable on December 1st of each year for the succeeding year beginning January 1st.
- G. The city will not issue or renew any permits pursuant to this section until all outstanding advertising and promotion taxes and/or supplemental beverage taxes, if applicable, are paid.
- H. All permits issued by the city pursuant to this section shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the state for state permits.
- I. When any state permit is revoked by the state or required to be returned to the state for any reason, the city permit shall be returned to the city. The city will restore the permit upon proof that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding advertising and promotion taxes and/or supplemental beverages taxes, if applicable, are paid.
- J. All fees taxes and penalties received by the city pursuant to this chapter shall be used for general purposes within the City of Conway pursuant to A.C.A. § 3-9-223(f).
- K. Permits shall not be transferable or assignable unless and until approval is granted by the Alcoholic Beverage Control Division and notice is provided to the City of Conway and all other requirements of this ordinance are met.
- L. A city permit, if granted, shall be specific to the proposed location and to the applicant listed in the application.

Section 2. Provisions of this ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid each invalidity shall not affect the remainder of the sections, phrases or provisions.

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

Section 4. This ordinance is necessary for the protection of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND ADOPTED THIS 12th day of September, 2017.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**APPLICATION FOR PRIVATE CLUB PERMIT
MUST BE NON-PROFIT CORPORATION**
On file at Arkansas Secretary of State's Office

INSTRUCTIONS

1. Answer all questions correctly and in full. **PLEASE PRINT IN INK OR TYPE.**

NOTE: FORMS MUST BE NOTARIZED.

**APPLICATION MUST BE ACCOMPANIED BY CRIMINAL BACKGROUND
INVESTIGATION RESULTS OF THE APPLICANT (FORMS AND INSTRUCTIONS ENCLOSED).**

2. Application fee is \$250.00 and must be submitted with this application.
3. Limit of one location per application.
4. Applicant must be a citizen of the United States or a permanent resident alien (must provide a copy of green card), and a resident of Arkansas.
5. Please attach a copy of your application to the Alcohol Beverage Control Board.
6. The following additional materials must be submitted with your application:
 - a. A current list of names and addresses of all board members, and a signed "authority to release information form" from each board member.
 - b. The address where the business will be located. If the non-profit corporation does not own the property, a copy of the lease, option to lease, option to purchase, or buy-sell agreement in **favor of the non-profit corporation** must be attached.

MAIL OR DELIVER DIRECTLY TO:

**Conway City Clerk
City Hall
1201 Oak Street
Conway, AR 72032**

CITY OF CONWAY
APPLICATION FOR PRIVATE CLUB PERMIT

We hereby make an application for a permit to serve alcoholic beverages on our premises to the club's adult members, members of their families over the age of 21, and duly qualified guests.

Non-Profit Corporation FEIN # _____

APPLICANT ON BEHALF OF
CLUB

First Middle Last

HOME ADDRESS

Street City Zip County

BUSINESS NAME

BUSINESS ADDRESS

Street City Zip County

Does the club own the premises? YES NO

If leased, give name and address of owner: _____

Is your establishment primarily engaged in the business of serving food for consumption on the premises?

Does anyone now hold an alcoholic beverage permit at this location? _____ If so, give name, address and permit no(s).

Give names and addresses of all officers/directors of the non-profit organization:

<u>NAME</u>	<u>TITLE</u>	<u>ADDRESS</u>

Has any member of the club's board of directors or other governing body, or any club officer, been under the sentence, whether suspended or otherwise, of any court for the conviction of a felony within two (2) years preceding the date of this application? YES NO If yes, please explain -

Signed this _____ day of _____, _____.

Signature of Applicant/Managing Agent

Official Title

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My Commission Expires: _____:

(a) Are any of the above to be connected with the operation of the outlet? _____

(b) If so, who and in what capacity? _____

13. Give your home address (city or town) and dates at each for the past five (5) years:

14. Covering the past five (5) years, give in detail the following:

<u>Your Business or Occupation</u>	<u>Name & Address of Employer</u>	<u>Dates of Employment</u>

I hereby state on oath that I will not violate any law of this State or any regulation of the Alcoholic Beverage Control Division, nor will any agent or employee be allowed to violate any law or regulation. It is hereby consented that the licensed premises and its books and records shall be open at all times to all law enforcement officials without warrant or other legal process.

Applicant's Signature

STATE OF ARKANSAS

COUNTY OF _____

_____, being first duly sworn on oath deposes and says that he/she has read each of the questions to which he/she has made answer, and that his/her said answers in each instance are true and correct.

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My Commission Expires: _____:

AUTHORITY TO RELEASE INFORMATION

Application filled by Applicant -A, Stockholder/Partner - S : _____

TO WHOM IT MAY CONCERN:

I understand that the City of Conway will conduct an investigation before a final decision this alcoholic beverage permit. This investigation may include inquiries as to my character, reputation, and the location and feasibility of a permit being issued at the applied for location.

To facilitate this investigation, I do hereby give my consent and authority for any public utility or police agency to furnish information from their records to the City of Conway.

Signature – Full Name

Date

Home Address

City State Zip

Mailing Address

City State Zip

Contact Phone Business Phone

Email Address

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My Commission Expires: _____:

IMPORTANT INFORMATION AND INSTRUCTIONS

REGARDING A CRIMINAL BACKGROUND CHECK

1. Alcoholic Beverage Control laws and regulations prohibit the issuance of a permit to a person who has been convicted of a felony. This law also applies to partners, stockholders (persons who own more than 5% of the stock in a corporation) or members of an LLC who own more than 5% interest.
2. Attached is a criminal background application which must be completed and submitted to the Arkansas State Police. They will return the Arkansas background check results to you; ***the original document must accompany the City of Conway application.*** If this report indicates you (partner, stockholder or member of LLC, if applicable) are not a convicted felon, your application will be eligible for consideration by the city. Amount of \$25.00 (check or money order) is due at time of submission to Arkansas State Police.

A SELF ADDRESSED, STAMPED ENVELOPE MUST BE ENCLOSED WITH SUBMISSION OF THE ABOVE.

4. If you wish to complete this process in person, go to the Arkansas State Police Headquarters. You will be required to show a state issued photo ID or driver's license. Payment must be by check or money order made payable to Arkansas State Police.

Background investigation questions; call Arkansas State Police at
501 618 8500.

MAIL TO: **Arkansas State Police**
 ATTN: Identification Bureau
 #1 State Police Plaza
 Little Rock, Arkansas 72209



**City of Conway, Arkansas
Ordinance No. O-17-__**

AN ORDINANCE APPROVING THE PRIVATE CLUB PERMIT FOR _____ AND ALLOWING FOR THE APPLICATION OF THE REQUIRED PERMITS FROM THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION PER ARKANSAS CODE ANNOTATED §3-9-222 AS AMENDED

Whereas, _____ has applied for a private club permit as required under Chapter 4.12.04 of the Conway City Code per Ordinance No. O-17-__ and A.C.A §3-9-222, and

Whereas, the application is limited and specific to _____, and

Whereas, _____ has provided all the information required in permit application process and met all the standards set forth by the Conway City Council, and

Whereas, the City Council for the City of Conway hereby approves the application for permit for the proposed location to operate a private club within the City limits of Conway, and

Whereas, this approval does not authorize the operation of a private club within the City of Conway but does function as an authorization to apply for a private club permit through the Arkansas Alcoholic Beverage Control Division per A.C.A §3-9-222.

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

Section 1. That the application for private club permit is hereby approved for and specific to (applicant) located at (proposed address).

Section 2. That no private club operations will begin unless and until a permit to operate a private club is issued by the Arkansas Alcoholic Beverage Division.

Section 3. That the approval and permit are subject to suspension or revocation by the City in the event (applicant) violates Conway City Code or State law.

Passed this 12th day of September, 2017.

Approved:

Mayor Bart Castleberry

Attest:

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