

⑤ City of Conway

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ORDINANCE 0-03-161

AN ORDINANCE SETTING THE PROGRAM OF WORK TO BE PURSUED BY USE OF THE PROCEEDS FROM THE THREE-QUARTER CENT SALES TAX INCREASE TO BE VOTED ON THE BY CITIZENS OF THE CITY OF CONWAY, ARKANSAS ON NOVEMBER 18, 2003 PROVIDING THE ELECTORS IN THE CITY OF CONWAY APPROVE SUCH LEVY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Conway has duly set forth on November 18, 2003 a special election to be held for the purpose of approving a new three-quarter cent sales tax in the city to be used for the purposes of street and drainage projects in the city; and

WHEREAS, it is desirable that the program of work to be pursued upon the passage and levying of such tax be approved by the city council in ordinance form prior to the start of early voting in the special election; and

WHEREAS, passage of such an ordinance would add even greater legal weight to the moral obligations of public trust in city government for the purposes of fulfilling the promises of the special election;

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

Section 1. Should the electors of the City of Conway, Arkansas approve on November 18, 2003 at a special election called for such a purpose, the levy in the City of Conway of an additional three-quarter cent (3/4) sales tax for a period of five years from the commencement of the levy, the following sums are hereby estimated to be raised by such levy: An additional five million six hundred thousand (\$5.6 million) dollars annually and, over a five-year period, it is expected to generate a steady level of revenue, neither increasing or declining, for a five year total estimated to be twenty-eight (\$28) million dollars.

Section 2. The sales tax revenue will be collected and disbursed in a separate account by the city and not be co-mingled with General Fund or Street Fund monies.

Section 3. The monies and the interest, if any, that accrues on such monies collected under this levy shall be dispersed on a "pay-as-you-go" basis and shall not be used to finance any project or serve as payment for any kind of interest for projects within or without this particular proposal.

Section 4. The monies collected under this levy shall only be expended on the transportation and drainage projects listed herein and the various elements involved in the design and/or construction of these projects that are necessitated thereby.

of Conway by election shall approve a plan for the ultimate dispensation of such excess revenues.

Section 12. This ordinance is necessary for the protection of the public peace, health, and safety of the citizens of Conway and, therefore, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 31st day of October 2003.

APPROVED:



Mayor Tab Townsell

ATTEST:



City Clerk Michael O. Garrett

Section 5. The twenty-eight (\$28) million dollars estimated to be collected under this levy for the five year period shall be divided into the following uses: twenty-one and one half (\$21.5) million dollars shall be earmarked for street construction projects and six and one half (\$6.5) million dollars shall be earmarked for drainage projects. If actual revenue collections are realized below estimates, the percentage distribution of the revenue shall remain the same at the decreased revenue collection level as was set at estimated levels.

Section 6. The transportation projects are hereby listed in order of precedence and shall be contracted for and constructed in accordance to such order on a "pay-as-you-go" basis allowing that circumstances beyond the control of the city may necessitate the alteration of the order such that the intricacies and delays of one or more projects do not delay the timely completion of the remaining projects. The transportation projects in order of precedence are:

South Donaghey Avenue	Five lane north to Dave Ward Drive.
Donaghey Avenue	Four lane from Dave Ward Drive to College Avenue to include critical design measures that allow for pedestrian safety and aesthetic integrity adjacent to the University of Central Arkansas campus.
Museum Road	Three lane from Siebenmorgen to Curtis Walker Park.
College Avenue	Four lane from Donaghey west through Salem Road.
Donaghey Avenue	Four lane from Meadowlake Drive to Hwy. 64.
Donaghey Avenue	Four lane from College Avenue to Prince Street.
Prince Street	Four lane from Donaghey through Country Club Road, routing eastbound two lanes south onto Western then east on Caldwell.
Museum Road	Three lane from Siebenmorgen to Bob Courtway Dr.
Salem Road	Extend South Salem with two lanes and open shoulders to Mill Pond Road.
Donaghey Avenue	Four lane from Prince St. to Meadowlake Drive.
Museum Road	Two lane with open shoulders from Curtis Walker Park to Hwy. 65 utilizing Lower Ridge Road and a traffic light at intersection of Highway 65 preferably in the vicinity of the Conway Town Center shopping center.

All the above streets shall have cross sections which shall include left turn lanes only at appropriate intersections and elsewhere as determined and approved by the city council.

Section 7. Six million five hundred thousand (\$6.5 million) dollars is dedicated to drainage improvements in Conway specifically for two categories: Three (\$3.0) million dollars for cleaning and clearing the city's earthen drainage ditches and reshaping the channels, and 2.) major rehabilitation and improvement of drainage systems that have been identified as causes of flood prone areas.

Section 8. The three (\$3.0) million dollars shall be specifically allocated for the following unprioritized list of projects:

Stone Dam Creek: Dave Ward Drive to Lake Conway and Sallie Cone Tributary.
 Railroad Ditch: Bruce Street to Stone Dam Creek.
 Tucker Creek: Railroad to Donnell Ridge Road.

Chalice Creek: Tyler Street to Tucker Creek, Shady Valley Tributary, St. John's Tributary, and Buffalo Tributary.

Centennial Branch: Golden Meadows & Victoria Park to Chalice Creek.

Gold Creek: Hwy. 64 to southern city limits.

Little Creek: Siebenmorgen to Gold Creek and Hendrix Branch/I-40 to Little Creek.

These drainage channels shall be the priority, but, in the event these projects can be completed for less money than estimated, the City Council may use the excess revenue in this section toward the improvement of other drainage channels in the city at its discretion.

Section 9. The three million, five hundred thousand (\$3.5 million) dollars for major drainage system improvements shall be used as a top priority for monies to match any Corp of Engineer flooding mitigation grants determined by the Corp. as having a "federal interest" and therefore eligible for federal grant monies. As such grants are sixty-five percent (65%) federal / thirty-five percent (35%) local grants, the three million five hundred thousand (\$3.5 million) dollars represents thirty-five (35%) percent of a list compiled by the city of necessary drainage improvement projects totaling nine million, seven hundred twenty-five thousand (\$9,725,000) dollars. The City Council is desirous of the matching any federal monies first as a top priority. To the extent that the Corp does not find a "federal interest" in all the city identified projects and the city must provide one hundred (100%) percent of the cost of any project, the council desires to fund the downtown projects as the highest priority to the degree residual levy revenue allows after supplying match monies to Corp. of Engineer "federal interest" projects. The following is the unprioritized list of city identified drainage improvement projects to whose expense the revenues designated in this category will be limit except such as the Corp of Engineer study may adapt, amend or revise:

Oak Street and Court Street area.

Parkway and Oak Street area.

Raintree Addition.

Royal Oaks/Krooked Kreek.

Siebenmorgen Road and Bob Courtway Drive.

Wasson Road and Mill Pond Road.

Ingram Street and First Street.

Victoria Park.

Clifton Street and Fleming Street.

Meadowbrook Drive and Tyler Street.

Davis Street and Railroad area.

Outfall Ditch from Summerfield north of Shady Valley.

YBMA Fairgrounds outfall ditch.

Hardy Street outfall ditch.

Section 10. Such projects shall be completed as dictated by this ordinance and shall be designed and built in the most cost effective yet satisfactory manner as possible regardless of the availability of additional underestimated revenues which might be generated by this levy.

Section 11. Any revenues collected in excess of the estimates of this levy and also in excess of the efficient and satisfactory completion of this program of work shall be collected and maintained in a separate account until such time the electors of the City