

ORDINANCE NO. O-06-50

AN ORDINANCE AUTHORIZING THE USE OF FRANCHISE FEE PROCEEDS TO BE UTILIZED TO DEVELOP INFRASTRUCTURE FOR ECONOMIC AND INDUSTRIAL DEVELOPMENT THAT PROVIDES PUBLIC BENEFIT, ADVANTAGE AND USE; AND FOR OTHER PURPOSES

WHEREAS, Ordinance No. O-05-163 authorized payment of a franchise fee by Conway Corporation to the City of Conway an amount equal to 2.5% of the gross retail electric sales to all customers excluding the City and Conway Corporation and as further limited and defined in Section 7 (b) of said ordinance; and

WHEREAS, it is advantageous and provides public benefits for municipalities of the State of Arkansas to attract and develop desirable industries to the City; and,

WHEREAS, the City of Conway desires to enhance the prospects for such economic development by providing ready access and public services to sites and locations which would more easily enable new or existing industries to invest or further invest in economic development in the city, and

WHEREAS, the City of Conway would like afford the improvements in public street and road access, public utility extension, and other public facilities and services in order to develop sites and locations suitable for industrial and economic development including demands for public facilities and services which are anticipated to arise due to the anticipated development of certain real property located in the City of Conway; and,

WHEREAS, the City of Conway anticipates that such economic development shall generate many benefits which will accrue to it and its citizens, including but not limited to enhances sales and property tax revenues, and the creation of job opportunities; and,

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

Section 1. Forty (40%) percent of the processed of the franchise fee collected pursuant to Ordinance No. O-05-163 retroactive to that date of its inception shall be segregated and specifically earmarked for the payment of all or a portion of capital projects that will enhance or augment desirable economic development, including the acquisition of real property and rights of way for construction of by purchase, lease or where specifically authorized by state law, the exercise of eminent domain, road and highway improvements, water service, wastewater treatment and any expansion of utility infrastructure, including electric, cable, gas or telephone.

Section 2. The type of desirable economic development contemplated pursuant to this ordinance includes, but is not limited to:

- A. Manufacturers classified in sectors 31-33 in the North American Industry Classification System, as in effect January 1, 2003;

- B. Business primarily engaged in the design and development of prepackaged software, digital content production and preservation, computer processing and data preparation services, or information retrieval services.
- C. Distribution centers or intermodal facilities;
- D. Office sector businesses;
- E. National or regional corporate headquarters, North American Industry Classification System Code 551114, as in effect January 1, 2005;
- F. Firms primarily engaged in commercial, physical, and biological research as classified in the North American Industry Classification System Code 541710, as in effect January 1, 2005;
- G. Scientific and technical services businesses.

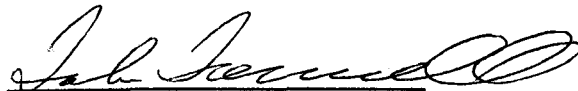
Provided further, that the business proposes to pay wages in excess of one hundred ten percent (110%) of the county or state average wage, whichever is less.

Section 3: That it is specifically contemplated and is the intent of the City that the proceeds described above shall only be utilized for capital and infrastructure projects that will result in public use of such facilities and other public advantages and benefits and said proceeds are not intended to be used in a manner inconsistent with any state law or Article 12, Section 5 of the Arkansas Constitution.

Section 4: That any ordinance in conflict herewith is hereby repealed to extent of the conflict.

PASSED this 25th of April, 2006.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer