

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



Aldermen

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 – Jack Bell

Ward 3 Position 2 – Mary Smith

Ward 4 Position 1 – Theodore Jones, Jr.

Ward 4 Position 2 – Shelia Whitmore

CITY OF CONWAY

5:30pm Committee Meeting – No Committee Meeting

6:30pm -- Council Meeting

Courtroom in District Court Building

810 Parkway, Conway, AR 72034

November 6th, 2007

1. **Call to Order**
2. **Roll Call**
3. **Minutes:** *October 9th, 2007*
4. **Recognition of Guests:**
5. **Public Hearings:**

A. Public hearing to discuss removing the word “access” from a utility & drainage easement between Lots 19 & 20 in the Shady Valley subdivision.

1. Ordinance to remove the word “access” from a utility & drainage easement between Lots 19 & 20 in the Shady Valley subdivision.

6. Report of Standing Committees:

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

1. Resolution setting a public hearing to discuss abandoning the east/west leg of Bill Dean Drive in the I-40 South Commercial Park.
2. Resolution setting a public hearing to discuss abandoning a utility easement located in the I-40 South Commercial Park, between lots 2 & 3.
3. Resolution setting a public hearing to discuss closing a portion of Fleming Street between Susan Lane and West Street.
4. Ordinance appropriating funds for a GIS Coordinator for the Conway Planning Department.
5. Ordinance to rezone property located at 105 and 107 Lower Ridge Road directly north of the intersection of Lower Ridge Road and the eastern terminus of Azalea Loop from A-1 to C-2.

6. Ordinance to rezone property at the southwest corner of Reedy Road and Ryan Road addressed as 449 Reedy Road from R-1 to O-2.

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

1. Ordinance accepting and appropriating grant proceeds awarded to the Sanitation Department.
2. Ordinance requesting approval for the purchase of two new vehicles and the appropriation of funds to allow such purchase for the Parks Department.

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

1. Ordinance appropriating funds for the City Attorney's office for plumbing repairs for the Guy Murphy Building.
2. Consideration of a request from the Wescon Volunteer Fire Department asking for the CFD to take over its jurisdiction.
3. Ordinance appropriating revenue funds to the Conway Fire Department.
4. Ordinance authorizing a temporary position (telecommunicator) for the CEOC.
5. Ordinance accepting assets obtained through court order for the CPD.
6. Ordinance appointing a commissioner to the Civil Service Board due to a resignation.

7. Old Business

8. New Business

- A. Ordinance appropriating funds to landscape the Prince Street & Bob Courtway roundabouts.
- B. Ordinance appropriating funds to purchase note cards and t-shirts for resell for public art. *(Ordinance will be provided prior to meeting)*
- C. Ordinance appropriating funds for the employee appreciation bonus.
- D. Ordinance authorizing the issuance and sale of bonds for parks and trail improvements for the City.
(Final Version will be provided at meeting)

Adjournment

ORDINANCE NO. O-07-_____

AN ORDINANCE TO REMOVE THE WORD "ACCESS" FROM THE 30' UTILITY EASEMENT LOCATED BETWEEN LOTS 19 & 20 IN THE SHADY VALLEY SUBDIVISION; AND FOR OTHER PURPOSES

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 6th day of November, 2007 asking the City Council to remove the word "access" from the 30' utility easement located between Lots 19 & 20 in the Shady Valley subdivision.; within the City limits of Conway, AR., Faulkner County.

WHEREAS, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the easement or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a easement herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the easement to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the removal of the word "access" of the said easement.

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

Section 1. The City of Conway, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the easement designated as follows:

The word "access" shall be removed from the 30' foot utility easement between lots 19 & 20 - Shady Valley Subdivision.

Section 2. Conway Corp request that the descriptive expression for this easement be change to "30' Utility and Drainage easement.

Section 3. A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

PASSED this 6th day of November, 2007.

Approved:

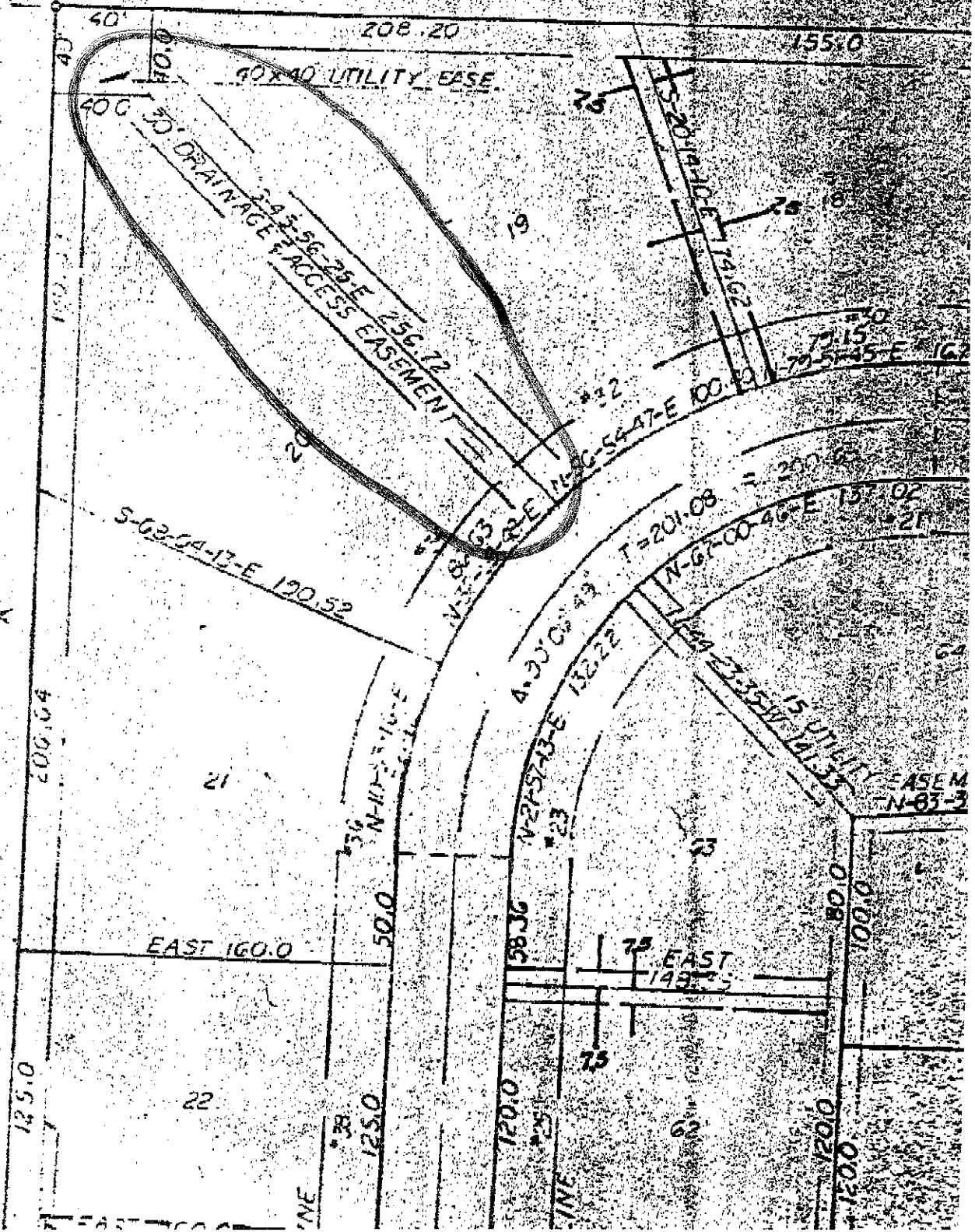
Mayor Tab Townsell

Attest:

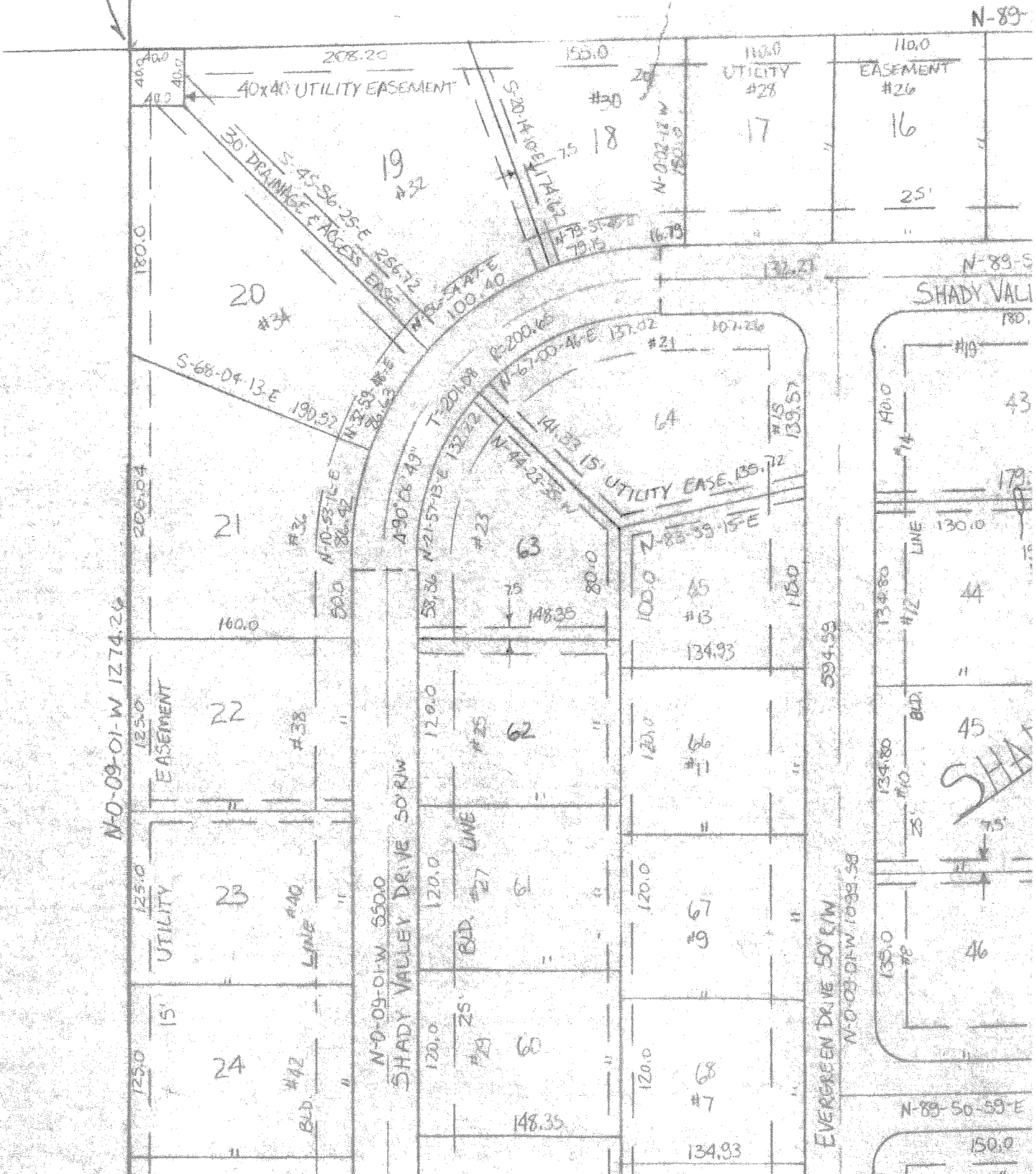
Michael O. Garrett
City Clerk/Treasurer

11. N. COR. SW 1/4, S.W. 1/4
SECT. 3, T-5-N, R-14-W

CARY DEW PRO



N.W. COR. SW. 1/4, S.W. 1/4
SECT. 3, T-5-N, R-14-W



RESOLUTION NO. R-07-_____

A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE ABANDONMENT OF THE EAST/WEST LEG OF BILL DEAN DRIVE IN THE I-40 SOUTH COMMERCIAL PARK;

WHEREAS, a petition has been filed with the City Council of the City of Conway, Arkansas by Nabholz Properties, Inc. to abandon the east/west leg of Bill Dean Drive in the I-40 South Commercial Park within the corporate limits of the City of Conway, Arkansas; and

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council shall hear said petition at its regular meeting to be held at District Court Building, 810 Parkway Street, Conway, Arkansas, on the 27th day of November 2007 at 6:30 p.m.
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

PASSED this 6th day of November, 2007

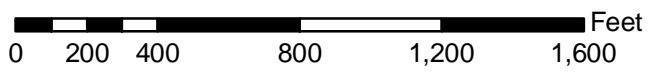
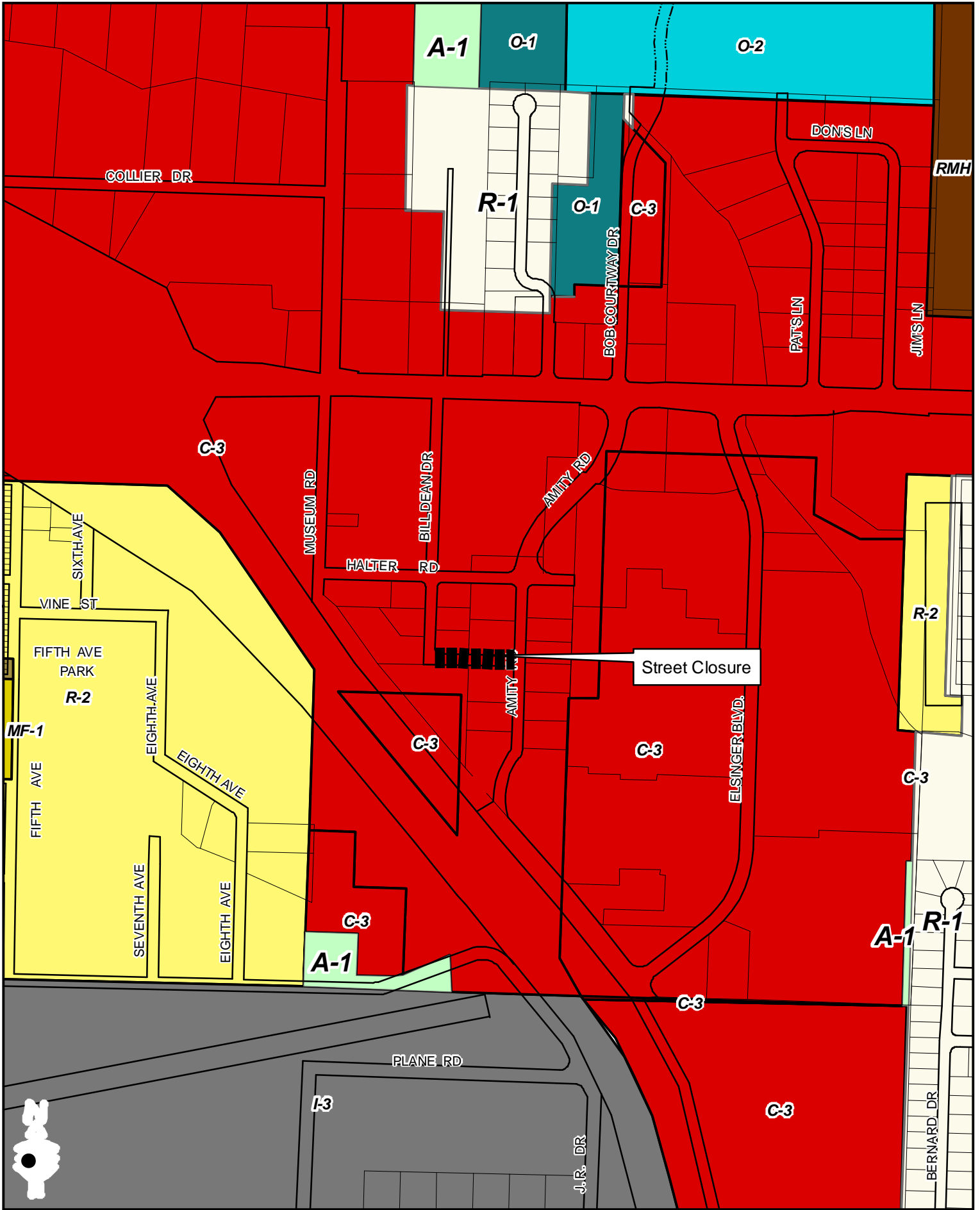
APPROVED:

ATTEST:

Mayor Tab Townsell

Michael O. Garrett
City Clerk/Treasurer

***This date will be changed at a later date due to the Christmas Holiday.
 If you have any questions, please contact Felicia Rogers @ 450-6110**



**Bill Dean Drive
Street Closure**

RESOLUTION NO. R-07-____**A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS ABANDONING A PUBLIC UTILITY EASEMENT IN THE I-40 SOUTH COMMERCIAL PARK BETWEEN LOTS 2 & 3**

WHEREAS, a petition has been filed with the City Council of the City of Conway, Arkansas by Nabholz Properties Inc. to abandon a Public Utility Easement in the I-40 South Commercial Park, located specifically between lots 2 & 3 within the corporate limits of the City of Conway, Arkansas; and

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

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

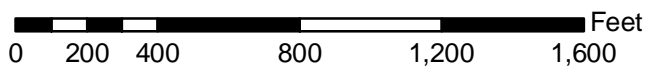
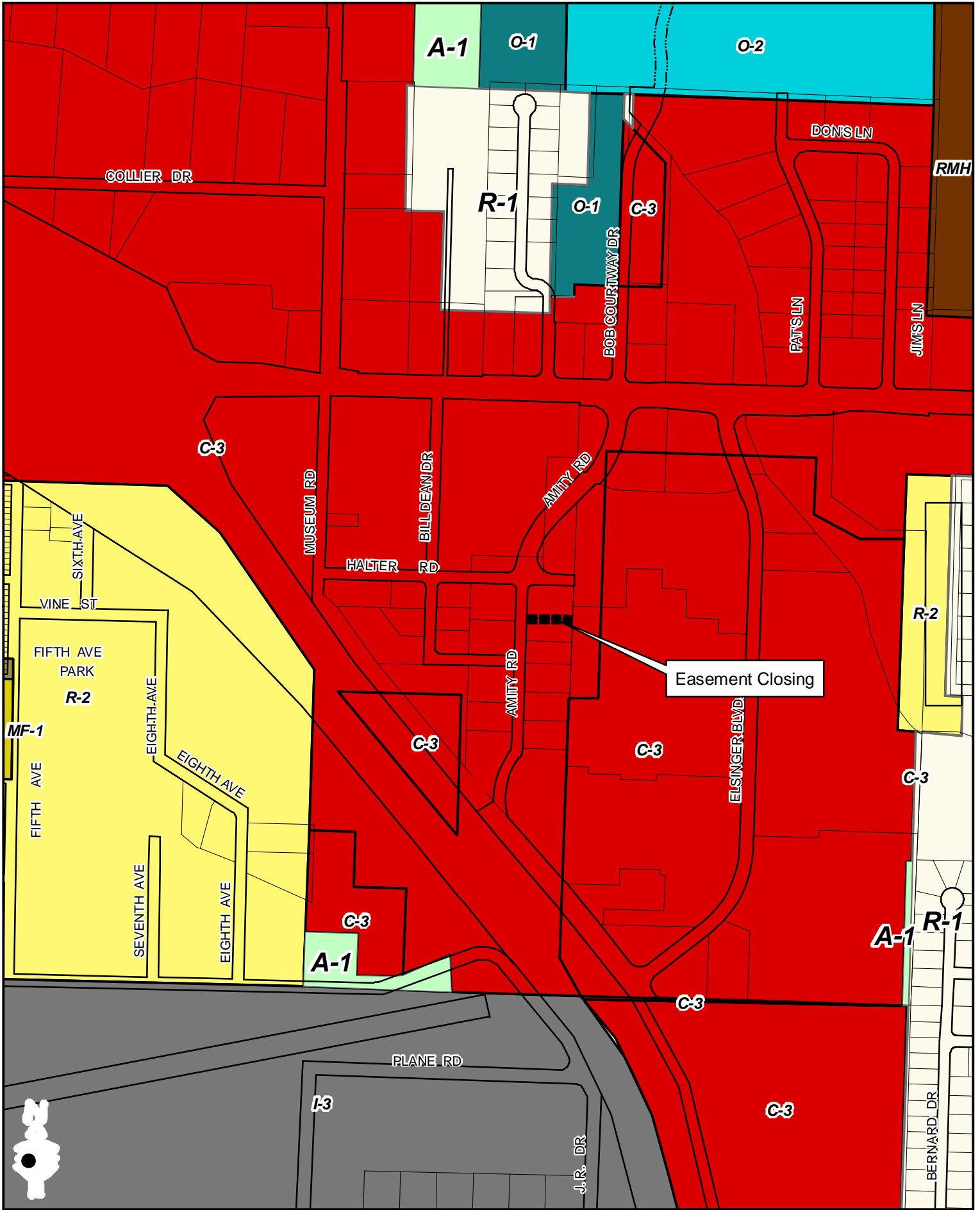
1. That the City Council shall hear said petition at its regular meeting to be held at District Court Building, 810 Parkway Street, Conway, Arkansas, on the 6th day of November, 2007 at 6:30pm
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

PASSED this 6th day of November, 2007.

APPROVED:

Mayor Tab Townsell**Attest:**

Michael O. Garrett
City Clerk/Treasurer



**Lots 2 and 3
I-40 South Commercial Park
Easement Closing**

RESOLUTION NO. R-07- _____

**A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS
ABANDONING A PORTION OF FLEMING STREET BETWEEN SUSAN
LANE AND WEST STREET**

WHEREAS, a petition has been filed with the City Council of the City of Conway, Arkansas by Bobby Graddy to abandon a portion of Fleming Street (Platted as Leigh Street) between Susan Lane and West Street within the corporate limits of the City of Conway, Arkansas; and

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

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

1. That the City Council shall hear said petition at its regular meeting to be held at District Court Building, 810 Parkway Street, Conway, Arkansas, on the 27th day of November 2007 at 6:30 p.m.
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

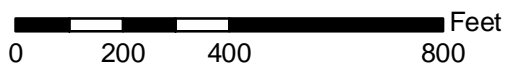
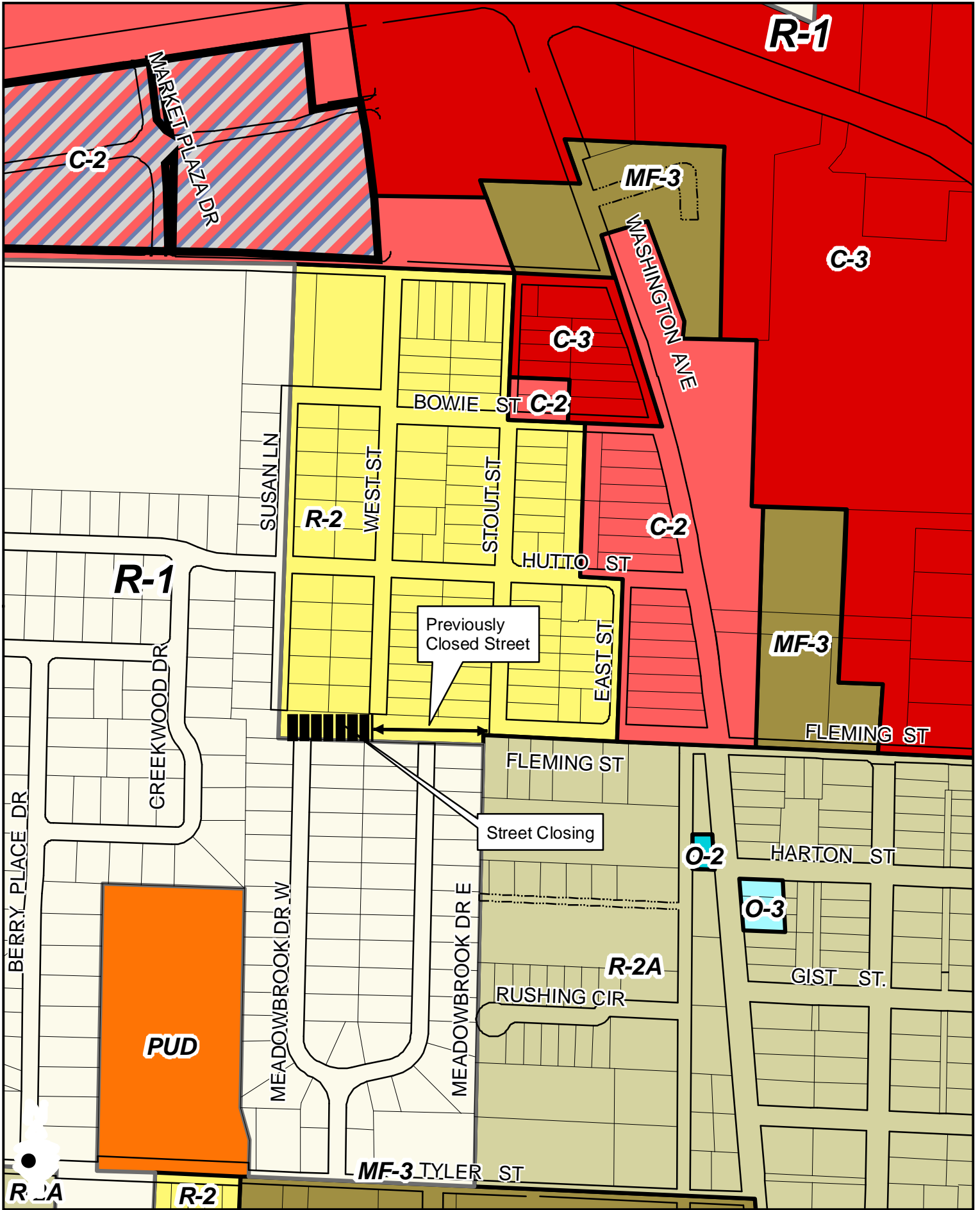
PASSED this 6th day of November, 2007.

APPROVED:

ATTEST:

Mayor Tab Townsell

Michael O. Garrett
City Clerk/Treasurer



**Fleming Street Closing
(Platted as Leigh Street)**

ORDINANCE NO. O-07-__

**AN ORDINANCE APPROPRIATING FUNDS FOR GIS COORDINATOR STAFF
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

WHEREAS, the City of Conway Planning Department has determined that there is a need for a GIS Coordinator;

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

SECTION 1. The authorized staffing level in the City of Conway Planning Department is increased by one (1) GIS Coordinator position.

SECTION 2. The City of Conway shall appropriate \$20,241 from the General Fund-Fund Balance Appropriation Account. \$10,741 will be allocated into Planning Personnel Service Accounts and \$9,500 will be allocated into Planning Capital Accounts for current year expenditures and initial set up cost for the GIS Coordinator.

SECTION 3. All ordinances 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 this 6th day of November 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

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

ORDINANCE NO. O-07-_____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 105 AND 107 LOWER RIDGE ROAD DIRECTLY NORTH OF THE INTERSECTION OF LOWER RIDGE ROAD AND THE EASTERN TERMINUS OF AZALEA LOOP FROM A-1 TO C-2;

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

SECTION 1: That 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:

2.05 acres, located on Lower Ridge Road, described as Lot 7, Sun Valley Estates; East 91.9 feet of Lot 6; and East 250 feet of Lot A on north side of Lower Ridge Road.

to those of C-2, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

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

PASSED this 6th day of November, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



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

September 24, 2007

Council Members
Conway, AR 72032

Dear Council Members:

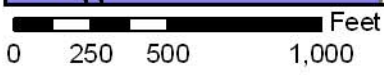
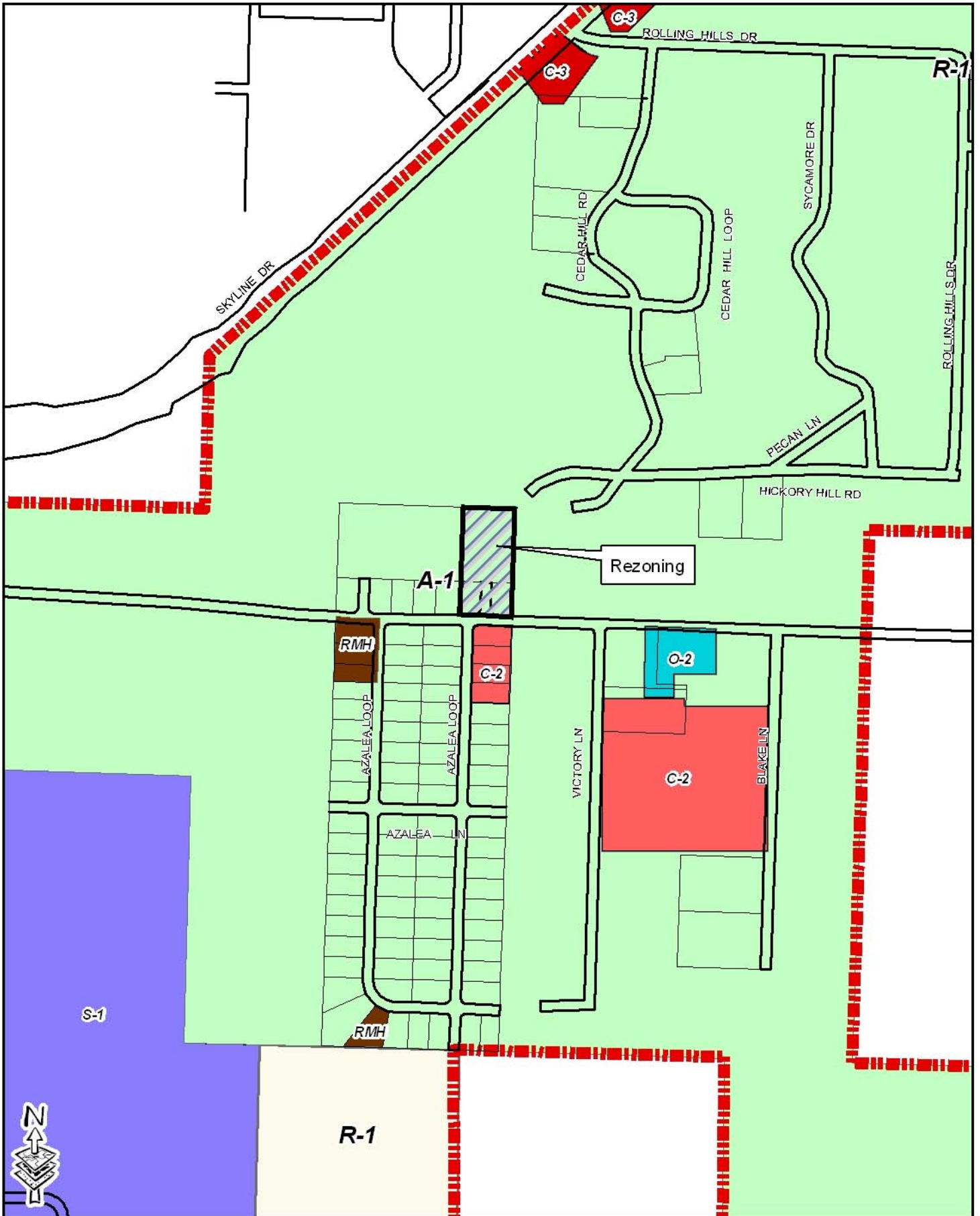
A request for rezoning from A-1 to C-2 for property located at 105 and 107 Lower Ridge Road directly north of the intersection of Lower Ridge Road and the eastern terminus of Azalea Loop with the legal description:

2.05 acres, located on Lower Ridge Road, described as
Lot 7, Sun Valley Estates; East 91.9 feet of Lot 6; and East
250 feet of Lot A on north side of Lower Ridge Road.

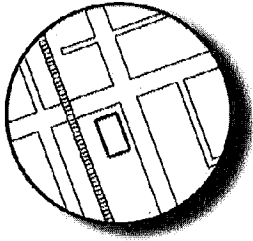
was reviewed by the Planning Commission at its regular meeting on August 20, 2007. The Planning Commission voted 9 – 0 – 1 that the request be sent to the City Council with a recommendation of denial. Planning Commissioner Bill Graff abstained from voting on this request. The applicant has notified the City of his intent to appeal the Planning Commission's denial of this rezoning request and asked that the appeal be placed on the October 9, 2007, City Council meeting agenda.

Submitted by,

Adam Thomas, Chairman
Planning Commission



Watson, Dwight, & Kathy Rezoning



PLANNING DEPARTMENT

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

yes

August 21, 2007

Mr. & Mrs. Dwight R. Watson
2275 Victory Lane
Conway, AR 72032

Dear Mr. & Mrs. Watson:

Your request for rezoning from A-1 to C-2 for property located at 105 and 107 Lower Ridge Road directly north of the intersection of Lower Ridge Road and the eastern terminus of Azalea Loop with the legal description:

2.05 acres, located on Lower Ridge Road, described as Lot 7, Sun Valley Estates; East 91.9 feet of Lot 6; and East 250 feet of Lot A on north side of Lower Ridge Road.

was reviewed by the Planning Commission at its regular meeting on August 20, 2007. The Planning Commission voted 9 – 0 – 1 that the request be sent to the City Council with a recommendation of denial. You have thirty (30) days from the date of this denial, or until September 20, 2007, to notify the Mayor's office if you want to appeal the denial by the Planning Commission to the City Council.

Sincerely,

Lileha Rhea
Administrative Assistant

We wish to appeal this re-zoning request to the City Council that was denied by the Planning Commission.

501-764-0911

*Kathy R. Watson
Sept-14-2007*

ORDINANCE NO. O – 07 – _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF REEDY ROAD AND RYAN ROAD ADDRESSED AS 449 REEDY ROAD FROM R-1 TO O-2;

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

SECTION 1: That the Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the R-1 symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

A part of the N½ of the SE¼ of Section 9, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning at the NE corner of said N½, SE¼; thence S00°28'26"W along the East line of said N½, SE¼, 440.0 feet to the point of beginning; thence continuing S00°28'26"W along said East Line 90.0 feet; thence S89°56'10" W, 230.0 feet; thence N 00°28'26"E, 90.0 feet; thence N89°56'10"E, 230.0 feet to the point of beginning.

to those of O-2, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

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

PASSED THIS 6th DAY OF November, 2007

Approved:

TAB TOWNSELL, MAYOR

Attest:

MICHAEL O. GARRETT, CITY CLERK



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

October 31, 2007

Council Members
Conway, AR 72032

Dear Council Members:

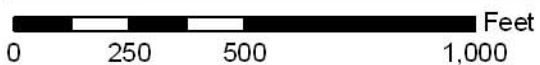
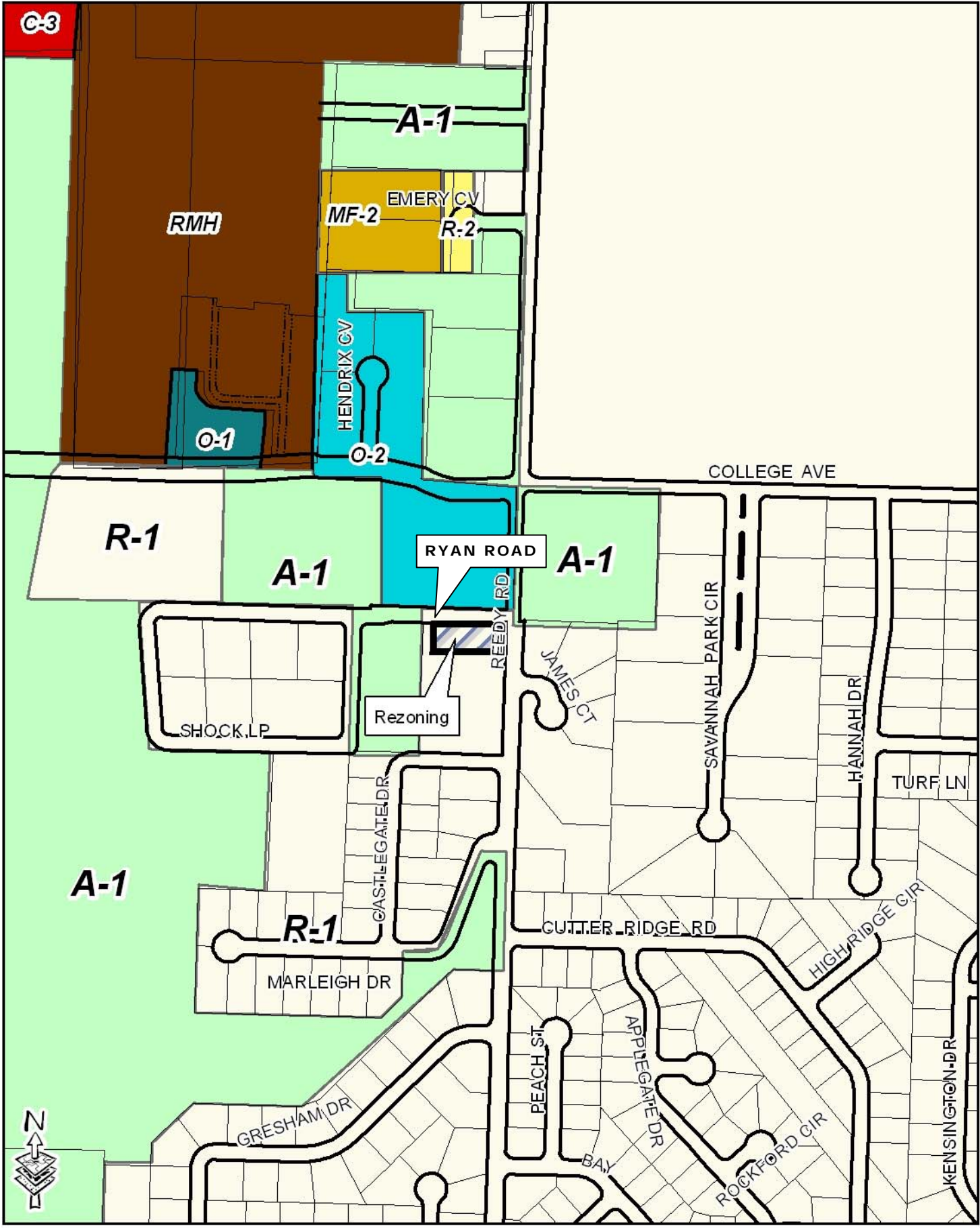
A request for rezoning from R-1 to O-2 for property located at the southwest corner of the Reedy Road at Ryan Road intersection addressed as 449 Reedy Road with the legal description:

A part of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 9, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning at the NE corner of said N $\frac{1}{2}$, SE $\frac{1}{4}$; thence S00°28'26"W along the East line of said N $\frac{1}{2}$, SE $\frac{1}{4}$, 440.0 feet to the point of beginning; thence continuing S00°28'26"W along said East Line 90.0 feet; thence S89°56'10" W, 230.0 feet; thence N 00°28'26"E, 90.0 feet; thence N89°56'10"E, 230.0 feet to the point of beginning.

was reviewed by the Planning Commission at its regular meeting on September 17, 2007. The Planning Commission voted 6 – 0 that the request be sent to the City Council with a recommendation of denial. The applicant has notified the City of their intent to appeal the Planning Commission's denial of this rezoning request and asked that their appeal be placed on the City Council's November 6, 2007, agenda.

Submitted by,

Adam Thomas, Chairman
Planning Commission



J. Wendell Henry (1958)
Robert W. Henry
Clifford J. Henry

HENRY & HENRY
Attorneys at Law
627 Locust Avenue
Conway, AR 72033
www.HenryandHenrylawfirm.com

Phone (501) 329-5623
Fax (501) 329-7816
email: RWHSR@conwaycorp.net
email: Chenry@conwaycorp.net

October 15, 2007

The Honorable Tab Townsell
Mayor of the City of Conway
1201 Oak Street
Conway, Arkansas 72032

COPY

RE: Darter Rezoning Request from R-1 to O-2
449 Reedy Road

Dear Mayor Townsell:

Joe and Margaret Darter's above-referenced rezoning request was reviewed by the Planning Commission on September 17, 2007 and the Planning Commission denied such request.

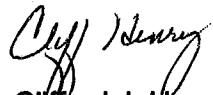
I am writing to provide notice that Mr. & Mrs. Darter would like to appeal the Planning Commission's decision to the City Council.

Please advise when Mr. & Mrs. Darter should appear before the City Council. Also, please let me know if you have any questions, comments or problems regarding this letter or anything else involved in this matter.

Sincerely,

HENRY & HENRY

By:


Clifford J. Henry

cc: City Planning Department
Joe Darter

ORDINANCE NO. O-07-_____

**AN ORDINANCE ACCEPTING AND APPROPRIATING GRANT PROCEEDS
AWARDED TO THE SANITATION DEPARTMENT AND FOR OTHER
PURPOSES:**

WHEREAS, the Conway Sanitation Department has been awarded a grant in the amount of \$30,000 by the Arkansas Department of Environmental Quality for Recycling;

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

SECTION 1. The City of Conway shall accept grant proceeds in the amount of \$30,000 (09.922) from ADEQ and appropriate \$25,000 for a Recycling Truck (09.159.931) and \$5,000 for two Recycling Trailers (09.159.912).

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

PASSED this 6th day of November, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO.0-07-_____

AN ORDINANCE REQUESTING APPROVAL FOR THE PURCHASE OF TWO NEW VEHICLES AND THE APPROPRIATION OF FUNDS TO ALLOW SUCH PURCHASE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

WHEREAS, the Conway Parks Department is in need of two (2) new vehicles;

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

SECTION 1. The City of Conway shall allow the purchase of two (2) new vehicles to be purchased from local dealerships through the current city bid process.

SECTION 2. The City of Conway shall appropriate \$37,000 from the Conway Parks Department Part-Time Salary account to the Conway Parks Department Vehicle Capital Account.

SECTION 3. All ordinances 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 and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 6th day of November, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

Memo

To: Mayor Townsell
Cc: Conway City Council
From: Brian Knopp
Date: November 1, 2007
Re: Vehicle Purchases / Allocation of Funds

The Conway Parks Department would like to request the Conway City Council to allow the purchase of two (2) new vehicles from local dealerships. Vehicles ordered off the state contract are currently taking a minimum of twenty (20) weeks to be delivered. Due to the growth of the department's personnel, we are in desperate need of vehicles to carry out the daily operations required within the city's park system.

The city's current bid process will be used to obtain the lowest available price for these trucks.

We would also like to request \$37,000 be allocated from excess 2007 part-time salaries to be used to purchase these vehicles.

The vehicles that we are requesting to purchase are:

Standard 2-wheel drive, full size, ½ ton, 8- cylinder pickups w/ hitch.

ORDINANCE NO. O-07-_____

AN ORDINANCE APPROPRIATING FUNDS FOR THE OFFICE OF THE CITY ATTORNEY TO PAY FOR NECESSARY PLUMBING REPAIRS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

WHEREAS, the City Council of the City of Conway has approved that the Guy Murphy Building be remodeled for the Office of the City Attorney; and

WHEREAS, necessary plumbing work had to be performed to meet city code in order for the remodeling to continue; and

WHEREAS, the Office of the City Attorney needs to appropriate funds in the amount of \$695.00 to cover costs associated with these repairs.

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

SECTION 1. The City of Conway shall appropriate \$695 from the General Fund Balance Appropriation account (01.990) into the City Attorney Building account (01.111.904).

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

SECTION 3. This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 6th day of November, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

Memo

To: Mayor Townsell
From: Chief Castleberry
CC: Conway City Council
Date: 10/11/2007
Re: Wescon Volunteer Fire Department

The Wescon Volunteer Fire Department will be closing its doors permanently due to lack of consistent qualified firefighters, and has requested that the Conway Fire Department take over its jurisdiction.

The breakdown of possible assets for the City of Conway is as follows:

$$\text{\$40 per house / home} \quad \times \quad 175 \text{ households} \quad = \quad \text{\$ 7,000}$$

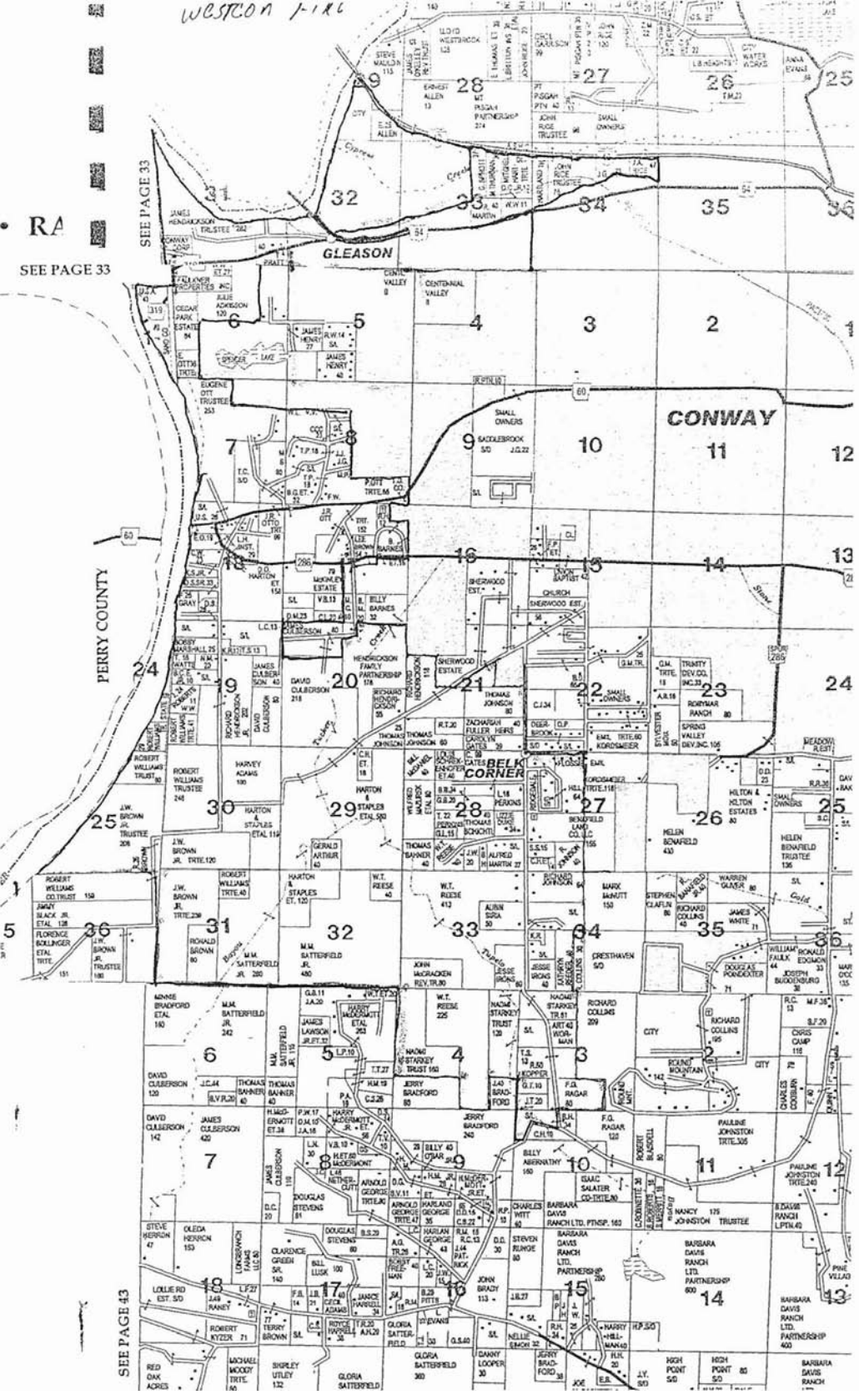
The 175 homes are an estimate. There could possibly be up to 200 households.

The Conway Fire Department would respond to Fire / Rescue / EMS calls north of Belk Corner and West of the Arkansas River. Pine Village Volunteer Fire Department will respond South of Belk Corner and West to the Arkansas River.

This quite possibly could have a negative impact on ISO ratings as well as staffing.

WESTON 1-186

RA
SEE PAGE 33



SEE PAGE 43

ORDINANCE NO. O-07-____

AN ORDINANCE APPROPRIATING REVENUE FUNDS TO THE CONWAY FIRE DEPARTMENT, AND FOR OTHER PURPOSES:

WHEREAS, the Conway Fire Department requests a revenue appropriation of \$4,950.00 to repair the door at Station 7 that was damaged in an accident;

WHEREAS, funds in the amount of \$4,950.00 were receive by the Municipal League Vehicle Fund to be used for said 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 \$4,950.00 from the General Fund Insurance Proceeds account (01.512) to the Building Maintenance Operating Account (01.115.231).

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

PASSED this 6th day of November 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-07-____**AN ORDINANCE AUTHORIZING TEMPORARY INCREASE OF A PERSONNEL POSITION, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES:**

WHEREAS, the City of Conway Emergency Operations Center is currently short staffed by one (1) Telecommunicator due to an employee being on military leave.

WHEREAS, the City of Conway Emergency Operations Center desires to comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 by retaining the position of a Telecommunicator that is currently on military leave.

WHEREAS, the City of Conway Emergency Operations Center desires to increase its number of authorized positions by one (1) Telecommunicator while the employee is on military leave.

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

SECTION 1. The City of Conway shall authorize for the position of one (1) Telecommunicator to the Conway Emergency Operations Center temporarily until such time the employee is back from military leave.

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

SECTION 3. This ordinance is necessary for the protection of the public peace, health, and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 6th day of November, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-07-___

AN ORDINANCE ACCEPTING ASSETS OBTAINED THROUGH COURT ORDER; AND FOR OTHER PURPOSES

WHEREAS, the United States District Court has granted a court order awarding specific seized assets to the Conway Police Department as enumerated on the attached list.

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

Section 1. The Conway Police Department shall accept the assets outlined on the attached listing through court order by the United States District Court for the use of the Conway Police Departments having a stated value of \$1,025.00.

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

PASSED this 6th day of November, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-07-_____**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE O-06-51 TO REPLACE FRITZIE VAMMEN ON THE BOARD OF CIVIL SERVICE COMMISSIONERS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City of Conway desires to amend Section 1 of Ordinance O-06-51 to replace Fritzie Vammen who resigned for position as commissioner effective immediately.

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

Section 1. Section 1 of Ordinance O-06-51 is hereby amended to read as follows, That pursuant to Ark. Code Ann. §14-51-102 and §14-51-201, The City of Conway names the following, _____ to replace Fritzie Vammen as a board of civil service commissioners for the police and fire departments, who term of service for this selection shall expire on April 2nd, 2012.

Section 2. All other parts and enumerated paragraphs in Section 1 remains intact, unamended, and are in full force and effect.

Section 3. That all ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 4. That this ordinance shall go into effect from and after its passage and publication.

PASSED this 6th day of November, 2007.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO.0-07-_____

AN ORDINANCE APPROPRIATING FUNDS TO LANDSCAPE THE PRINCE STREET AND BOB COURTWAY STREET ROUNDABOUTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Conway has an immediate need to complete landscaping of the Prince Street and the Bob Courtway Street roundabouts and Prince Street adjacent yard to install sod and sprinkler meter and lines; and

WHEREAS, the funding for this purchase has not previously been appropriated by Council action;

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

SECTION 1. The City of Conway shall appropriate \$5,500 as a General Fund Balance appropriation transfer to the Physical Plant (01.109.232) Grounds Maintenance

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

SECTION 3. This ordinance is necessary for the protection of the public peace, health and safety, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 6th day of November, 2007

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

ORDINANCE NO. O-07- _____

AN ORDINANCE APPROPRIATING FUNDS FOR EMPLOYEE APPRECIATION BONUS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

WHEREAS, The City Council of the City of Conway would like to recognize the efforts of full time and part time city employees through the award of an employee appreciation bonus, for which funding must be provided;

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

Section 1: The City of Conway shall appropriate \$137,819 from Fund Balance Appropriation Accounts to the salary cost for each department in order to provide an expression of appreciation to all full time employees in the net amount of \$250 and all part time employees in the net amount of \$125. Each Fund will bear the cost of bonuses for employees, as follows: General Fund - \$103,119; Street Fund - \$10,200, Sanitation Enterprise Fund - \$22,585; Fleet Maintenance - \$583; Drug Task Force Fund - \$1,041; and CDBG Fund - \$291. All part time elected officials are excluded. Eligible employees will be determined as of the first payroll in December 2007.

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

Section 3. This ordinance is necessary for the protection of the public peace, health and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 23rd day of October, 2007.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$14,100,000 OF THE CITY'S RESTAURANT GROSS RECEIPTS TAX CAPITAL IMPROVEMENT BONDS, SERIES 2007, FOR THE PURPOSE OF FINANCING CERTAIN PARK AND TRAIL IMPROVEMENTS WITHIN THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE PURSUANT TO WHICH THE BONDS WILL BE ISSUED AND SECURED; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT PURSUANT TO WHICH THE BONDS WILL BE OFFERED; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Conway, Arkansas (the "City") has determined that there is a critical need for a source of revenue to finance certain park and trail improvements within the City, including the acquisition of land and interests in land and the construction and equipping of structures and related facilities thereon and on existing land and interests in land owned by the City (the "Project"); and

WHEREAS, the City is authorized and empowered under the provisions of the Constitution and laws of the State of Arkansas, including particularly Arkansas Code Annotated (1997 Repl. & 2005 Supp.) Sections 26-75-601 *et seq.* (as from time to time amended, the "Advertising and Promotion Commission Act") and Arkansas Code Annotated (1998 Repl. & 2005 Supp.) Sections 14-164-301 *et seq.* (as from time to time amended, the "Local Government Bond Act"), to issue and sell its capital improvement bonds to finance the costs of various capital improvements such as those comprising the Project, which capital improvement bonds may be secured by and payable from the receipts of the taxes on the sale of prepared food and beverages within the City authorized by the Advertising and Promotion Commission Act; and

WHEREAS, as authorized by the Advertising and Promotion Commission Act, the City has previously levied (i) a one percent (1%) tax ("A&P Tax No. 1") pursuant to Ordinance No. O-05-97 adopted on August 16, 2005, and (ii) a one percent (1%) tax ("A&P Tax No. 2") pursuant to Ordinance No. O-05-98 adopted on August 16, 2005, upon the portion of gross receipts received by restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants and similar businesses within the City from the sale of prepared food and beverages for on-premises or off-premises consumption; and

WHEREAS, pursuant to the provisions of Ordinance No. O-07-54 of the City, adopted and approved on May 8, 2007 (the “Election Ordinance”), and as authorized by the Advertising and Promotion Commission Act and the Local Government Bond Act, there was submitted to the qualified electors of the City the questions of (i) the issuance of not to exceed \$12,535,000 in principal amount of capital improvement bonds for the purpose of financing the parks component of the Project, and (ii) the issuance of not to exceed \$1,565,000 in principal amount of capital improvement bonds for the purpose of financing the trails component of the Project, said bonds to be secured by a pledge of and lien upon 75% of the receipts of A&P Tax No. 1 and 100% of the receipts of A&P Tax No. 2 (collectively, the “Tax Receipts”); and

WHEREAS, at a special election held June 12, 2007, a majority of the qualified electors of the City voting on the aforementioned questions approved the issuance of the capital improvement bonds and the corresponding pledge of the Tax Receipts to the payment thereof; and

WHEREAS, as authorized under the provisions of the Local Government Bond Act and the Advertising and Promotion Commission Act, and as approved by the qualified electors of the City, the City has now determined to issue and sell its Restaurant Gross Receipts Tax Capital Improvement Bonds, Series 2007, in the principal amount of not to exceed \$14,100,000 (the “Bonds”), for the purpose of financing the Project; and

WHEREAS, the City has made arrangements for the sale of the Bonds to Stephens Inc. and Crews & Associates, Inc. (the “Underwriters”), pursuant to the terms of a Bond Purchase Agreement between the City and the Underwriters (the “Bond Purchase Agreement”) in substantially the form presented to and before this meeting;

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

Section 1. Under the authority of the Constitution and laws of the State of Arkansas, including particularly the Advertising and Promotion Commission Act and the Local Government Bond Act, there is hereby authorized the issuance of bonds of the City to be designated as “Restaurant Gross Receipts Tax Capital Improvement Bonds, Series 2007” (the “Bonds”). The Bonds shall be issued in the original aggregate principal amount of not to exceed Fourteen Million One Hundred Thousand Dollars (\$14,100,000), shall mature not later than _____ 1, 20__, and shall bear interest at the rates to be specified in the Bond Purchase Agreement. The average yield on the Bonds as a whole shall not exceed ___% and no Bond shall bear an interest rate in excess of ___%. The proceeds of the Bonds will be utilized (i) to finance the acquisition, construction and equipping of the Project, (ii) to establish a debt service reserve or to purchase a surety bond or insurance policy for reserve purposes, (iii) to pay the premium for bond insurance, if deemed economically beneficial, and (iv) to pay printing, underwriting, legal and other expenses incidental to the issuance of the Bonds. The Bonds shall be issued in the forms and denominations, shall be dated, shall be numbered, shall mature, shall be subject to redemption prior to maturity, and shall contain such other terms, covenants and conditions, all as set forth in that certain Trust Indenture to be executed in substantially the form submitted to this meeting.

The Mayor is hereby authorized and directed to execute and deliver the Bonds in substantially the form thereof contained in the Trust Indenture submitted to this meeting, and the City Clerk is hereby authorized and directed to execute and deliver the Bonds and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Bonds to be accepted and authenticated by the Trustee (hereinafter defined). The Mayor is hereby authorized to confer with the Trustee, the Underwriters and Kutak Rock LLP, Little Rock, Arkansas (“Bond Counsel”), in order to complete the Bonds in substantially the form thereof contained in the Trust Indenture submitted to this meeting, with such changes as shall be approved by such persons executing the Bonds, their execution to constitute conclusive evidence of such approval.

Section 2. In order to pay the principal of and interest on the Bonds as they mature or are called for redemption prior to maturity, there is hereby pledged all of the Tax Receipts as approved by the voters. As provided in the Indenture, the receipts of A&P Tax No. 2 will be applied first to satisfy the obligations of the City with respect to the Bonds, and the 75% pledged portion of the receipts of A&P Tax No. 1 will be utilized only to the extent needed to satisfy such obligations after application of the receipts of A&P Tax No. 2. The levy and collection of A&P Tax No. 1 and A&P Tax No. 2 shall not be discontinued or reduced while any of the Bonds are outstanding unless sufficient funds are on deposit with the Trustee under the Indenture to redeem the Bonds in full. The City covenants and agrees that all of the Tax Receipts will be accounted for separately as special funds on the books of the City, and all Tax Receipts will be deposited and will be used solely as provided in the Indenture.

Section 3. To prescribe the terms and conditions upon which the Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge a Trust Indenture (the “Trust Indenture”), by and between the City and _____, _____, _____ (the “Trustee”), and the City Clerk is hereby authorized and directed to execute and acknowledge the Trust Indenture and to affix the seal of the City thereto, and the Mayor and the City Clerk are hereby authorized and directed to cause the Trust Indenture to be accepted, executed and acknowledged by the Trustee. The Trust Indenture is hereby approved in substantially the form submitted to this meeting, including, without limitation, the provisions thereof pertaining to the pledge of the Tax Receipts and the terms of the Bonds. The Mayor is hereby authorized to confer with the Trustee, the Underwriters and Bond Counsel in order to complete the Trust Indenture in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Trust Indenture, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Trust Indenture in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 4. There is hereby authorized and approved a Preliminary Official Statement of the City, including the cover page and appendices attached thereto, relating to the Bonds. The Preliminary Official Statement is hereby “deemed final” by the City within the meaning of U.S. Securities and Exchange Commission Rule 15c2-12. The distribution of the Preliminary Official Statement is hereby approved. The Preliminary Official Statement, as amended to conform to the terms of the Bond Purchase Agreement, including Exhibit A thereto, and with such other

changes and amendments as are mutually agreed to by the City and the Underwriters, is herein referred to as the “Official Statement,” and the Mayor is hereby authorized to execute the Official Statement for and on behalf of the City. The Official Statement is hereby approved in substantially the form of the Preliminary Official Statement submitted to this meeting, and the Mayor is hereby authorized to confer with the Trustee, the Underwriters and Bond Counsel in order to complete the Official Statement in substantially the form of the Preliminary Official Statement submitted to this meeting, with such changes as shall be approved by such persons, the Mayor’s execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Preliminary Official Statement is on file with the City Clerk and is available for inspection by any interested person.)

Section 5. There is hereby authorized and directed the acceptance of the offer of the Underwriters, pursuant to a Bond Purchase Agreement to be dated as of the date of its execution (the “Bond Purchase Agreement”), to purchase the Bonds at a price of ____% of the principal amount thereof (plus any net reoffering premium or less any net reoffering discount), plus accrued interest thereon from the dated date of the Bonds to the date of delivery thereof. In order to prescribe the terms and conditions upon which the Bonds are to be sold to the Underwriters, the Mayor is hereby authorized and directed to execute the Bond Purchase Agreement on behalf of the City, and the Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting. The Mayor is hereby authorized to confer with the Underwriters and Bond Counsel in order to complete the Bond Purchase Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Bond Purchase Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Bond Purchase Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 6. In order to provide for continuing disclosure of certain financial and operating information with respect to the Tax Receipts and the City in compliance with the provisions of Rule 15c2-12 of the U. S. Securities and Exchange Commission, the Mayor is hereby authorized and directed to execute a Continuing Disclosure Agreement to be dated as of the date of its execution (the “Continuing Disclosure Agreement”), by and between the City and the Trustee, and the Mayor is hereby authorized and directed to cause the Continuing Disclosure Agreement to be executed by the Trustee. The Continuing Disclosure Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Trustee, the Underwriters and Bond Counsel in order to complete the Continuing Disclosure Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Continuing Disclosure Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Continuing Disclosure Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 7. In order to secure lower interest rates on the Bonds, the Underwriters have proposed that the City consider the purchase of a policy of bond insurance with a portion of the proceeds of the Bonds, which policy will guarantee the payment of the principal of and interest on the Bonds when due. If deemed economically advantageous by the Mayor, upon the advice of the Underwriters, the Mayor is hereby authorized to execute an insurance commitment and to do any and all other things necessary to accomplish the delivery of a bond insurance policy with respect to the Bonds.

In order to assure that the maximum amount of proceeds of the Bonds will be available to pay costs of the Project, the Underwriters have proposed that the City consider the purchase of a surety bond or debt service reserve insurance policy with a portion of the proceeds of the Bonds, which surety bond or debt service reserve insurance policy will satisfy the funding requirements of the debt service reserve fund mandated in the Trust Indenture. If deemed economically advantageous by the Mayor, upon the advice of the Underwriters, the Mayor is hereby authorized to execute a commitment with respect to a surety bond or debt service reserve insurance policy and to do any and all other things necessary to accomplish the delivery of a surety bond or debt service reserve insurance policy with respect to the Bonds.

Section 8. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the issuance, sale, execution and delivery of the Bonds and to effect the execution and delivery of the Trust Indenture, the Bond Purchase Agreement, the Official Statement, the Continuing Disclosure Agreement and a Tax Regulatory Agreement relating to the tax exemption of interest on the Bonds, and to perform all of the obligations of the City under and pursuant thereto. The Mayor and the City Clerk are further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 9. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be illegal or invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance.

Section 10. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. The City Council hereby finds and determines that the City is in dire need of additional capital funds in order to finance the acquisition, construction and equipping of essential capital improvements to its parks and trail facilities, and that an appropriate way to provide such funds is by the issuance of bonds payable from the Tax Receipts as authorized by the Advertising and Promotion Commission and the Local Government Bond Act; and that this ordinance should be given immediate effect so that such essential capital improvements may be accomplished as soon as possible. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservation of the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

ADOPTED AND APPROVED THIS ____ DAY OF _____, 2007.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)