

City Council Members

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



Ward 1 Position 1 – Andy Hawkins  
Ward 1 Position 2 – David Grimes  
Ward 2 Position 1 – Mark Vaught  
Ward 2 Position 2 – Shelley Mehl  
Ward 3 Position 1 – Jim Rhodes  
Ward 3 Position 2 – Mary Smith  
Ward 4 Position 1 – Theodore Jones, Jr.  
Ward 4 Position 2 – Shelia Whitmore

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**City of Conway - City Council Meeting**  
**Tuesday, September 14<sup>th</sup>, 2010@ 6:30pm**  
**Russell L. "Jack" Roberts District Court Building – 810 Parkway St., Conway, AR 72032**  
**5:30pm - City Council Committee Meeting:**  
**2011 CDBG Allocations**

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Call to Order

Roll Call

Minutes: **August 24<sup>th</sup>, 2010**

Announcements / Proclamations / Recognition:

**1. Report of Standing Committees:**

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

1. Consideration of the 2011 Community Development Block Grant allocations.
2. Resolution ordering the demolition of a structure located at 5135 Lost Canyon Drive and declaring the intent of the City to bring property to up to city code.
3. Resolution requesting the Faulkner County Tax Collector to place certified liens on certain properties as a result of incurred expenses by the City.
4. Consideration of equipment bids for the Conway Street Department.
5. Ordinance appropriating additional funds for heavy equipment purchase for the Street Department.
6. Consideration to enter into an agreement with Kutchins & Groh for an independent fee analysis for the engineering cost to relocated the Conway Airport.
7. Consideration of awarding street construction projects for the Conway Street Department.  
***(Information will be provided)***

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

1. Ordinance appropriating funds for the Sanitation Department for the construction and overview for the services zones 18 & 19 bottom liner system.

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

1. Ordinance accepting asset obtained through court order to the Conway Police Department.

2. Ordinance authorizing the owner of golf carts to operate on city streets.
3. Ordinance amending Title 4 (Pawnshops) of the Conway Municipal Code for the City of Conway.

**D. Old Business**

**E. New Business**

1. Resolution in support of certain amendments to the Constitution of the State of Arkansas in the upcoming November 2010 general election. ***(Resolution will be provided prior to meeting)***
2. Consideration of approval for a consent order for the City of Conway vs. Todd Bruns.
3. Consideration to move the next regularly scheduled City Council Meeting.

**Adjournment**

# Memo

To: Mayor and City Council Members  
From: Lauralee Wilcox McCool, CDBG Director  
Date: 9/7/2010  
Re: 2011 Budget

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As you can see from the attached spreadsheet, CDBG received a number of requests for next year's funding. The requests were more varied than last year ranging from startup money for a seafood store and restaurant, to infrastructure improvements to several new construction and rehab projects.

Attached is my recommendation for 2011 allocations. To determine allocations, we looked at serving the most people, the stability and longevity of programs and how to grow the City's CDBG program. In the next few years, I would like to see the department generating income so that we can affect the city to a greater degree.

The federal CDBG budget has already been cut slightly for 2011. Because of this, I budgeted on a conservative \$400,000 figure rather than the \$459,000 that was received in 2010.

The public services portion of the grant is recommended to be given to transportation as Conway does not have public transportation.

**2011 CDBG RECOMMENDATIONS**

<b>2011 Projects Requests</b>		<b>Available Funding</b>	<b>2011 PROGRAM YEAR</b>	<b>Recommend</b>	<b>2010 Funding</b>	<b>2009 Funding</b>	<b>2008 Funding</b>
		<b>\$260,000</b>					
<b>Agency Name</b>	<b>Amount Requested</b>	<b>Project Description</b>					
Pine Street Revitalization Project	\$100,000	Pine Street Revitalization Project					
CAPCA	\$100,000	Housing Rehab					
City of Conway Housing Rehab	\$70,000	Housing Rehab					
Habitat for Humanity	\$57,090	Construction of home					
Bethlehem House	\$50,000	Building					
Downtown Drainage Project	\$50,000	Scrap metal yard acquisition					
Boys and Girls Club Building	\$50,000	New Construction					
Conway Interfaith Clinic	\$133,286	Building renovation					
Pine Street CDC		Sidewalks on Pine and Ingram Streets					
Eve Lane	\$800,000	widening, curbing, storm drainage					
Anjelo Monjure	\$50,000	Site acquisition and startup costs for seafood restaurant					
City of Hope Outreach	\$50,000	Temporary shelter for 20 homeless people					
<b>Total</b>	<b>\$1,510,376</b>			<b>\$260,000</b>	\$308,963	\$266,598	\$300,000
		<b>Available Funding</b>					
<b>Public Services Requests</b>		<b>\$60,000</b>					
<b>ONLY 15% of total budget</b>							
Bethlehem House	\$15,000	Third shift staffing of homeless shelter					
Boys & Girls Club	\$9,000	Transportation for kids & supplies upgrade					
Senior Citizens	\$55,000	Transportation services the elderly					
FCCDD	\$25,000	Trans Services to jobs & job training for Disabled					
Women's Shelter	\$6,500	Collaborative Transportation Program					
Pine Street Free Clinic	\$3,000	Laboratory and radiology services					
Independent Living Services	\$10,252	Energy Efficiency upgrade to group homes					
Independent Living Services	\$3,969	Transportation of clients					
City of Hope Outreach	\$40,000	Acquisition of van for transportation					
<b>TOTAL</b>	<b>\$167,721</b>			<b>\$60,000</b>	\$68,990	\$62,363	\$54,456
<b>Administration 20%</b>	<b>\$80,000</b>			<b>\$80,000</b>			
<b>GRAND TOTAL OF GRANT</b>				<b>\$400,000</b>			





**City of Conway, Arkansas**  
**Resolution No. R-10-\_\_\_\_\_**

**A RESOLUTION ORDERING THE DEMOLITION OF STRUTURE LOCATED ON 5135 LOST CANYON DRIVE AND DECLARING THE INTENT OF THE CITY TO BRING THE PROPERTY UP TO CITY CODE IF THE OWNER DOES NOT**

**WHEREAS**, there is a structure located at 5135 Lost Canyon Drive which because of its, unsightly, unsafe and unsanitary condition, has become detrimental to the public health, safety and welfare of the citizens of Conway, Arkansas; and

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

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

**SECTION 1:** That the structure at 5135 Lost Canyon Drive in Conway, Arkansas, because of its, unsightly, unsafe and unsanitary condition has become detrimental to the public health, safety and welfare of the citizens of Conway, Arkansas, and it is hereby ordered that the property be brought up city code by the owner therefore.

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

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

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

**PASSED** this 14<sup>th</sup> day of September 2010

**APPROVED:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**ATTEST:**

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

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



**J. Lynn Hicks**  
CBO- Chief Building Official  
Assistant Director of Permits,  
Inspections & Code Enforcement  
Phone: 501-450-6107  
Fax: 501-450-6144

## MEMO:

To: Mayor Tab Townsell  
CC: City Council Members

From: Lynn Hicks  
Date: September 8<sup>th</sup>, 2010

Re: 5135 Lost Canyon

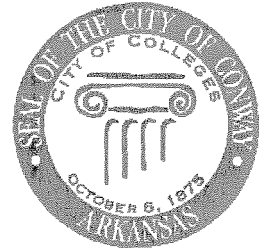
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- June 30<sup>th</sup>, 2010 – Received complaint letters from surrounding neighbors.
- Property Owners are listed as Mrs. Terry Keeling & Mrs. Merle Keeling.
- Mailed Certified and regular letter to 3214 Happy Valley Drive, Little Rock Arkansas on July 1<sup>st</sup>, 2010.
- J. Keeling signed for certified letter July 9<sup>th</sup>, 2010.
- Property was rechecked on August 10<sup>th</sup>, 2010, no progress had been made on the property.
- Mailed Certified and regular letter to property owners at above mentioned address August 16<sup>th</sup>, 2010 included the date and time of the City Council Meeting.
- Notice of certified letter was left August 17<sup>th</sup>, 2010 per USPS Website.

If you have any questions please advise.

## CITY OF CONWAY, ARKANSAS

Division of Building Permits, Inspections and Codes Enforcement  
1201 Oak Street Conway, Arkansas 72032  
J. Lynn Hicks, CBO - Building Official / Assistant Director of  
Permits, Inspections & Code Enforcement  
Phone 501-450-6107 Fax 501-513-3504



July 1, 2010

Mrs. Terry Keeling  
Mrs. Merle Keeling  
3214 Happy Valley Drive  
Little Rock, Arkansas 72212-3006

Signature  
Confirmation # 91 3408 2133 3931 5846 7255

Re: Notice of Unsafe Structure and Nuisance at  
5135 Lost Canyon Drive, Conway, Arkansas

Dear Mrs. Keeling:

Based on inspection of the above referenced building located at 5135 Lost Canyon, Conway, Arkansas, you are hereby notified that certain elements of the above referenced building constitute an unsafe structure in accordance with Section 115.1 of the 2007 Arkansas Fire Prevention Code, Volume II, amended and adopted by reference in Section 11.16.01 of the City of Conway Municipal Code, and a nuisance structure as defined by Section 4.2.2 of the City of Conway Nuisance Abatement Code adopted by Ordinance No. O-09-55.

Elements of the structure which are recognizable as being unsafe and/or a nuisance are as follows:

1. The exterior walls and architectural elements of the building are unprotected from the weather due to the unfinished condition of the structure. Such condition is detrimental to the structural integrity of the wall assembly, architectural elements and their fastening connections.
2. Several areas of the building were noted which have been subject to weather exposure and water intrusion, creating mold and deterioration.
3. The front porch and the side porch are not adequately supported or secured to withstand the minimum design loads applicable to the structure.
4. The unfinished structure in its current condition creates harborage for mice, rats and other vermin.
5. The unfinished structure in its current condition creates an attractive nuisance and a fire hazard due to the vacant and deserted condition of the building.
6. The unfinished structure in its current condition injures or endangers the comfort, repose, health or safety of others.
7. The unfinished structure in its current condition is offensive to the senses.

8. The unfinished structure in its current condition renders other persons insecure in life or the use of property.
9. The unfinished structure in its current condition essentially interferes with the comfortable enjoyment of life and property and tends to depreciate the value of the property of others.

Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in the city code.

As the property owner of the building you are hereby notified of this concern and ordered to initiate steps to make the proper corrections to abate the nuisances and unsafe conditions no later than August 1, 2010.

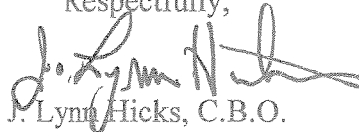
Failure to initiate corrections by date noted in the preceding paragraph will result in the presentation of the matter to the City of Conway City Council for condemnation of the structure.

Be advised that repairs to the building will require the evaluation of the structure by a licensed structural engineer with detail plans being provided by the engineer to indicate the work necessary to correct the unsafe conditions and secure the structural integrity of the building.

Also, be advised that repairs to the building will require the evaluation of the structure by an environmental engineer qualified in mold remediation. A plan from such an environmental engineer shall be submitted indicating the appropriate procedures for the removal of any mold or bacterial growth in the building.

A building permit will be required prior to the initiation of any repair work.

Respectfully,



J. Lynn Hicks, C.B.O.

City of Conway Building Official

cc: Mr. Bryan Patrick – Director of Planning and Development  
Mr. Kurt Meredith – Deputy City Attorney



## Track & Confirm

### Search Results

Label/Receipt Number **9134 0821 3339 3158 4672 55**  
Class **Priority Mail®**  
Service(s) **Signature Confirmation™**  
Status **Delivered**

### Track & Confirm

Enter Label/Receipt Number

Your item was delivered at 10:05 AM on July 9, 2010 in LITTLE ROCK, AR 72212. The item was signed for by J KEELING.

[Go >](#)

### Detailed Results

- Delivered, July 09, 2010, 10:05 am, LITTLE ROCK, AR 72212
- Notice Left, July 03, 2010, 9:54 am, LITTLE ROCK, AR 72212
- Electronic Shipping Info Received, July 02, 2010

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email   [Go >](#)

#### Proof of Delivery

Verify who signed for your item by email, fax, or mail   [Go >](#)



June 7, 2010

City of Conway, Arkansas  
Division of Building Permits, Inspection and Code Enforcement  
1201 Oak Street  
Conway, Arkansas 72032  
Attn: J. Lynn Hicks, CBO – Building Official/Assistant Director  
Of Permits, Inspections and Code Enforcement

Re: Complaints About 5135 Lost Canyon Drive, Conway, Arkansas

Dear Mr. Hicks:

We are writing to express our concern regarding the above-referenced property. We are all members of the Centennial Valley Neighborhood Association and live, or own property, in, or near, "The Reserve at Centennial" where the above-referenced property is located.

This property is an eyesore. The owners of this property began construction approximately three years ago but never completed it. No work appears to have been done on this structure in over two years. Construction debris has sat unused on the property during that time. No formal landscaping has been attempted and weeds and bare ground have been allowed to preponderate. No exterior wall coverings have been installed, allowing exposed "Tyvek" wrapping to come loose, flap raggedly in the elements and leave exposed plywood to discolor. The structure is conspicuous for its dilapidation and disharmony with the neighboring properties.

This property smells. We understand that skunks have colonized the structure, living in the duct work of the HVAC system. On many days, the smell of skunk odor emanates from the property annoying neighbors and pedestrians.

This property is an attractive nuisance to children. In its unfinished state it appears abandoned and insecure. During recent storms, the unsightly plywood used to "board up" the garage was blown away leaving the property even more insecure and liable to trespass by anyone, including children.

In short, the building is a nuisance which we believe violates Conway City ordinances as well as our own restrictive covenants. We have communicated our concerns to the owners on numerous occasions and have initiated enforcement action under our covenants but have not been able to effectively remedy the problem. Therefore, we respectfully request that the City of Conway initiate action under the Fire Prevention Code and the Nuisance Abatement Code to bring this property into compliance.

If you have any questions or comments or if there is anything that we can do to assist in solving this problem, please contact our attorney, Daniel Goodwin, at 376-3800.

Sincerely,

  
1910 Centennial Club Drive



June 7, 2010

City of Conway, Arkansas  
Division of Building Permits, Inspection and Code Enforcement  
1201 Oak Street  
Conway, Arkansas 72032  
Attn: J. Lynn Hicks, CBO – Building Official/Assistant Director  
Of Permits, Inspections and Code Enforcement

Re: Complaints About 5135 Lost Canyon Drive, Conway, Arkansas

Dear Mr. Hicks:

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If you have any questions or comments or if there is anything that we can do to assist in solving this problem, please contact our attorney, Daniel Goodwin, at 376-3800.

Sincerely,

Brad + Nikki Bunk  
Bob Elliott  
Michelle & Nick Hoyt  
M.S.M.  
Kyle & Janine Ratner











City of Conway - Mayor's Office  
1201 Oak Street  
Conway, AR 72032  
[www.cityofconway.org](http://www.cityofconway.org)



## Memo:

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

**From:** Felicia Rogers  
**Date:** September 7, 2010  
**Re:** Certified Liens – Code Enforcement

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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. 2115 Dillard       | \$158.91 |
| 2. 2 Cedar Oaks Drive | \$297.62 |

Please advise if you have any questions.



**City of Conway, Arkansas**  
**Resolution No. R-10-\_\_\_\_\_**

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

**WHEREAS**, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 2115 Dillard 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 \$158.91 (plus a ten percent collection penalty, to be thereafter certified to the Faulkner County Tax Collector; and

**WHEREAS**, a hearing for the purpose of determine such lien has been set for **September 14<sup>th</sup>, 2010** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

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

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

**ADOPTED** this 14<sup>th</sup> day of September, 2010.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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

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



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

# MEMO:

To: Mayor Tab Townsell  
CC: City Council Members

From: Barbara McElroy  
Date: August 25<sup>th</sup>, 2010

Re: 2115 Dillard

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- June 24<sup>th</sup>, 2010 – Warning Violation written by Grant Tomlin regarding grass.
- Property Owner is listed as Harry Lee Benson
- Mailed Certified and regular letter to 2115 Dillard Street on July 6<sup>th</sup>, 2010.
- Letters were sent back with confirmation that owners had moved and left no forwarding address per the USPS website.
- Property was rechecked on July 16<sup>th</sup>, 2010 by Grant Tomlin no progress had been made on the property.
- Mr. Benson had called and said he would have it taken care of.
- Property was rechecked on July 23<sup>rd</sup>, 2010.
- Mr. Benson was left several messages with no return calls.
- Property cleanup was sent over to Physical Plant for clean up on July 27<sup>th</sup>, 2010
- Final Cleanup finished on July 29<sup>th</sup>, 2010
- Invoice for clean up and copy of final bill was sent to property owner at 2115 Dillard Street Conway AR (last known address); included amount due, date and time of the City Council meeting.
- Invoice attach

If you have any questions please advise.



# INVOICE

City of Conway  
Code Enforcement

DATE: AUGUST 3, 2010

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

TO Harry Lee Benson  
2115 Dillard  
Conway, AR 72034

Description: Mowing/Clean up/Admin Fees  
associated with the nuisance abatement at  
2115 Dillard

CODE ENFORCEMENT OFFICER	JOB	PAYMENT TERMS	DUE DATE
Grant Tomlin	2115 Dillard	Due upon receipt	September 3rd, 2010

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Mowing	13.35	13.35
1	Mowing	17.47	17.47
1	Mowing	16.24	16.24
1	Maintenance Fee (mower)	15.00	15.00
2	Certified Letter	6.75	13.50
1	Regular Letter	.44	.88
1	Administrative Fee (Barbara McElroy)	24.15	24.15
2	Administrative fee (Grant Tomlin)	19.21	36.60
1	Administrative Fee (Glenn Berry)	21.72	21.72
SUBTOTAL			\$158.91
SALES TAX			
TOTAL			\$158.91

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

**Payments are due 30 days from date of this letter**

**Conway Code Enforcement  
Incident Report**

**Date of Violation:** 6-24-10

**Violator Name:** Harry Lee Benson

**Address of Violation:** 2115 Dillard

**Violation Type:** Tall grass

**Warning #:** CE1108

**Description of Violation and Actions Taken:**

On 6-14-10 while driving on Farve, I noticed a back yard at a house on Dillard Street that was in violation of the Conway Nuisance Abatement Code, section 3.2.4, for tall grass. I went to the residence and found that the address was 2115 Dillard Street. I issued a warning (CE1108) for the residence concerning the tall grass. A recheck was done on 7-2-10, with no progress noted. I then had a letter sent to the owner through both regular and certified mail concerning the violation. A second recheck was done on 7-16-10, again with no progress noted. Shortly after the second recheck, the owner (Benson) called the Code Enforcement office and said that he would have it mowed by 7-23-10. The property was checked a third time on 7-27-10. I noticed that the owner had mowed one (1) strip of grass in the back yard and nothing else. I also talked with a neighbor who stated that the resident never mows his grass. I scheduled for the grass to be mowed at this time. The grass was mowed on 8-3-10, with pictures taken before and after the mowing/cleanup was complete. Pictures are on file for review.

**Code Enforcement Officer:** Grant Tomlin # 407

**Officer Signature:** \_\_\_\_\_



**Date:** 8-25-10

**Time:** 1327



**City of Conway, Arkansas**  
**Resolution No. R-10-\_\_\_\_\_**

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

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

**WHEREAS**, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$297.62 (plus a ten percent collection penalty, to be thereafter certified to the Faulkner County Tax Collector; and

**WHEREAS**, a hearing for the purpose of determine such lien has been set for **September 14<sup>th</sup>, 2010** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

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

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

**ADOPTED** this 14<sup>th</sup> day of September, 2010.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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



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



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

## MEMO:

To: Mayor Tab Townsell  
CC: City Council Members

From: Barbara McElroy  
Date: August 25, 2010

Re: 2 Cedar Oaks Drive

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- July 27<sup>th</sup>, 2010 – Warning Violation written by Grant Tomlin regarding grass.
- Property Owners are listed as Michael & Catherine Murphy.
- Certified and regular letters were sent to 2 Cedar Oaks Drive (address on file) on May 5<sup>th</sup>, 2010 for first offense.
- First offense certified and regular letters were sent back unclaimed.
- Certified and regular letter were not mailed as this was the 2<sup>nd</sup> offense.
- Property cleanup was sent over to Physical Plant for clean up on July 27<sup>th</sup>, 2010.
- Final Cleanup finished on July 29<sup>th</sup>, 2010.
- Invoice for clean up and copy of final bill was sent to property owner at 2 Cedar Oaks Drive Conway, AR 72032; included amount due, date and time of the City Council meeting.
- Invoice attach

If you have any questions please advise.

# INVOICE

## City of Conway Code Enforcement

DATE: JULY 29, 2010

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

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

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

CODE ENFORCEMENT OFFICER	JOB	PAYMENT TERMS	DUE DATE
Grant Tomlin	2 Cedar Oaks Drive	Due upon receipt	August 29th, 2010

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
3	Mowing	13.35	40.05
3	Mowing	9.73	29.19
3	Mowing	16.24	48.72
3	Maintenance Fee (Tractor/bushhog)	15.00	45.00
3	Maintenance Fee (Mower)	15.00	45.00
1	Certified Letter	6.75	6.75
1	Regular Letter	.44	.44
1	Administrative Fee (Barbara McElroy)	24.15	24.15
2	Administrative fee (Grant Tomlin)	19.21	36.60
1	Administrative Fee (Glenn Berry)	21.72	21.72
SUBTOTAL			\$297.62
SALES TAX			
TOTAL			\$297.62

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

**Payments are due 30 days from date of this letter**

**Conway Code Enforcement  
Incident Report**

**Date of Violation:** 7-27-10

**Violator Name:** Michael Murphy

**Address of Violation:** 2 Cedar Oaks

**Violation Type:** Tall grass

**Warning #:** CE1311

**Description of Violation and Actions Taken:**

On 7-27-10, I was contacted by an anonymous concerned citizen about the tall grass located at 2 Cedar Oaks. When I arrived at 2 Cedar Oaks, I noticed that it was in violation of the Conway Nuisance Abatement Code, section 3.2.4, for tall grass. I also knew that Officer Cowgill had already written this property in 2010 and had the city work crew mow it after the owner failed to comply. I issued a written warning (CE1311) for our records and contacted the Code Enforcement Assistant, Barbara McElroy, to have her schedule the yard for a cleanup/mowing. The property was mowed and cleaned on 7-29-10 with pictures taken before and after the mowing was done. Pictures are on file for review.

**Code Enforcement Officer:** Grant Tomlin # 407

**Officer Signature:** \_\_\_\_\_



**Date:** 8-25-10

**Time:** 1313

**MEMORANDUM**

TO: MAYOR TAB TOWNSELL

FROM: RONNIE HALL, P.E.

DATE: September 9, 2010

REFERENCE: STREET DEPARTMENT 2010 EQUIPMENT BIDS

Bids were received at 10:00 am Tuesday August 31, 2020 for a Street Sweeper, Dump Truck (Medium Duty), Pavement Grinder and crane for Service Truck. The results of the bids are as follows:

**Street Sweeper (Mechanical)**

Hernard Utility Products -Schwarze M6000 Mounted on 2008 Freight Liner Demo Unit w/ 5,681 miles & 214 Hrs	\$139,500
Scruggs Equipment Co. - Elgin Pelican (new)	\$146,353
Downing Sales & Service - 2010 Wayne Gladiator On 2004 Isuzu Chassis Demo Unit w/ 15,000 to 20,000 miles & 230 Hrs.	\$164,900
Allianz Sweeper Co. - Allianz MT350 on 2009 Freightliner with 1826 miles & 88.2 Hrs.	\$174,000
Downing Sales & Service - 2010 Wayne Gladiator On 2007 American Lafrance Condor Demo Unit w/ 3,000 miles & 30 Hrs.	\$174,900
Hernard Utility Products -Schwarze M6000 Mounted on 2008 Freight Liner Demo Unit w/ 1,272 miles & 66 Hrs	\$174,940
Downing Sales & Service - 2010 Wayne Gladiator On 2008 Isuzu FVR Chassis (New)	\$183,500

**Medium Duty Dump Truck**

Diamond International - 4,300 International w/ Davis Bed	\$67,740
Diamond International - 4,300 International w/ Hilbilt Bed	\$69,965
Truck Center of Arkansas - M2-106 Freightliner w/ Davis Bed	\$69,978
Truck Center of Arkansas - M2-106 Freightliner w/ Hilbilt Bed	\$72,203
MHC Kenworth - 338 Hino w/ Davis Bed	\$72,601
MHC Kenworth - 338 Hino w/ Hilbilt Bed	\$74,826

**Asphalt Grinder**

Scott Equipment Co. - Coneqtec AP1000EL \$21,743.86

**Zanetis Power Attachments - Zanetis CP40**

(does not meet spec - open drum reqd) \$15,700.00

**Hugg & Hall - Bobcat 40" Planer**

(does not meet spec - open drum reqd) \$19,333.45

**Boom Crane (For Truck Mounting)**

Dealers Truck Equipment Co. -  
Auto Crane 6406H w/ Pendant Control \$16,130.42

Dealers Truck Equipment Co. -  
Auto Crane 6406H w/ FM Control \$17,569.66

Davis Truck & Trailer - Liftmoore 4064XP \$17,345.13

Walters International Trucks - Maintainer 6000 \$18,477.00

We recommend award of these bids to the as follows:

Sweeper to Hernard Utility Products for a Schwarze M6000  
Mounted on 2008 Freight Liner  
Demo Unit w/ 5,681 miles & 214 Hrs \$139,500.00

Dump Truck to Diamond International for a  
4,300 International w/ Davis Bed \$67,740.00

Asphalt Grinder to Scott Equipment Co. for a  
Coneqtec AP1000EL \$15,700.00

Boom Crane to Dealers Truck Equipment Co. for a  
Auto Crane 6406H w/ Pendant Control \$21,743.86

TOTAL ALL EQUIPMENT \$244,683.86

The balance in our Heavy Equipment Account is \$222,493.26.  
\$13,486.58 of Heavy Equipment funds was used for equipment  
maintenance because of an accounting capitalization  
requirement. We request that \$22,190.60 be transferred from  
Equipment Maintenance (02.201.235 leaving \$60,000+ in this  
account) to Heavy Equipment (02.201.934) to cover the cost  
of these budgeted items.



**City of Conway, Arkansas  
Ordinance No. O-10-\_\_\_\_\_**

**AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR HEAVY EQUIPMENT PURCHASE FOR STREET DEPARTMENT; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES**

**WHEREAS**, Bids were received for Street Department Heavy Equipment budgeted for 2010 totaled \$244,683.86;

**WHEREAS**, a balance of only \$222,493 remains in this account;

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

**SECTION 1.** The city of Conway shall appropriate \$22,191 from (02.201.235) - Street Fund Equipment Maintenance Account to the (02.201.934) - Street Fund Heavy Equipment Account to provided adequate funds to cover the proposed equipment purchases.

**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 14<sup>th</sup> day of September, 2010.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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



City of Conway – Street Department  
100 East Robins Street  
Conway, AR 72032  
[www.cityofconway.org](http://www.cityofconway.org)



# Memo:

**To:** Mayor Tab Townsell  
**CC:** City Council

**From:** Ronnie Hall, City Engineer  
**Date:** September 9, 2010  
**Re:** Airport Engineering Independent Fee Analysis

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The FAA requires an independent computation of engineering fees for engineering work that exceed \$100,000.

The proposed Garver Engineering contract (engineering, full time inspection and construction surveying) for the initial construction phase of the relocated airport is \$267,000. The Garver engineering contract will be submitted to the City Council for consideration after completion of the Independent Fee Analysis.

Thus, we need an independent 3<sup>rd</sup> party review of the proposed engineering fee.

The proposal attached is from Kutchins & Groh for an amount of \$4,500. This is the same firm we approved for the FAA required "Value Engineering". So they have some familiarity with the project already.

I am requesting approval of this agreement with Kutchins & Groh for the Independent Fee Analysis.

The cost of this work is included in the FAA for 95% of the cost with the state grant covering the remaining 5%.

If you have any questions, please advise.

Ronnie Hall



August 18, 2010

Mr. Ronnie Hall  
City Engineer  
City of Conway Arkansas  
1201 Oak Street  
Conway, AR 72034

RE: Airport Development Program Review and Value Enhancement Study

Dear Ronnie:

Thank you very much for the opportunity to present this letter proposal to assist the Conway Municipal Airport with the preparation of an Independent Fee Analysis for the Garver Engineer's Phase 2 Services. We are honored to be considered for this assignment and pledge to you our full attention and dedication to its successful completion.

Based on your email of August 9, 2010, which transmitted the scope of services for this design effort, we proposed to complete the IFA for the Lump Sum amount of \$4,500. We propose to invoice the City at the completion of the assignment with normal thirty-day payment periods. If this meets with your approval, please indicate your acceptance of this proposal by signing and returning one copy of this letter.

Thank you for this opportunity to assist the Airport on this important project. If you have any questions or need any additional information, please let us know

Very Truly Yours  
KUTCHINS & GROH, L.L.C.

Bradley C. Kutchins  
Managing Principal

Accepted by:  
CITY OF CONWAY

Ronnie Hall  
City Engineer







**City of Conway, Arkansas**  
**Ordinance No. O-10-\_\_\_\_\_**

**AN ORDINANCE APPROPRIATING FUNDS FOR THE CITY OF CONWAY SANITATION DEPARTMENT TO  
 CONSTRUCT & THE OVERVIEW FOR CQA/CQC SERVICES ZONES 18 & 19 BOTTOM LINER SYSTEM  
 CONSTRUCTION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Conway Sanitation Department request a revenue appropriation of \$647,672 for the previously approved construction of the bottom liner by Graco Construction Company;

**WHEREAS**, the City of Conway Sanitation Department request a revenue appropriation of \$54,840 for previously approved professional services from Terracon for overview and monitoring construction activities related to the liner mentioned above.

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

**Section 1.** The City of Conway shall appropriate \$702,512 from Sanitation Enterprise Fund Balance Appropriation account (50.990); \$647,672 into (50.118.774) for construction and \$54,840.00 into (50.118.266) for professional services.

**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 14<sup>th</sup> day of September, 2010.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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



City of Conway, Arkansas  
Ordinance No. O-10- \_\_\_\_\_

**AN ORDINANCE ACCEPTING ASSETS OBTAINED THROUGH COURT ORDER TO THE CITY OF CONWAY  
POLICE DEPARTMENT; AND FOR OTHER PURPOSES**

**WHEREAS**, the Circuit Court of Faulkner County has granted a court order awarding a Canon Rebel EOS camera to the Conway Police Department and;

**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 above mentioned asset through court order by the Faulkner County Circuit Court for the use of the Conway Police Departments having a stated value of \$599.

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

**PASSED** this 14<sup>th</sup> day of September, 2010.

**APPROVED:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**ATTEST:**

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



**City of Conway, Arkansas**  
**Ordinance No. O-10- \_\_\_\_\_**

**AN ORDINANCE TO AUTHORIZE AN OWNER OF A GOLF CART TO OPERATE THE GOLF CART UPON CITY STREETS;  
 REPEALING ANY ORDINANCES IN CONFLICT; PROVIDING PENALTIES FOR VIOLATION THEREOF; AND FOR OTHER  
 PURPOSES.**

**WHEREAS**, Arkansas Code Annotated §14-54-1410 provides that it shall be within the municipal affairs and authority of any municipality in the State of Arkansas to allow any owner of a golf cart to operate, under certain circumstances, a golf cart upon the city streets of the municipality.

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

**SECTION 1.** That any owner of a golf cart may operate a golf cart upon city streets of the City of Conway for the purpose of going from the owner's place of residence to the golf course and to return from the golf course to the owner's residence; provided, however, operation shall not be authorized on city streets which are also designated as federal or state highways or as a county road.

**SECTION 2.** That for golf carts which operate on the city streets pursuant to the specific circumstances and provisions of this ordinance, there shall be no motor vehicle registration or license necessary to operate the golf cart on the public street. Golf carts may only be operated on city streets pursuant to this ordinance during daylight hours unless equipped with properly functioning lights.

**SECTION 3.** That in addition to any restrictions under state law, drivers and occupants of a golf cart authorized under this ordinance are subject to the following restrictions:

- A. It shall be unlawful for any person to drive or operate a golf cart in such a careless manner as to evidence a failure to keep a proper lookout for other traffic, vehicular or otherwise, or in such a manner as to evidence a failure to maintain proper control, including but not limited to the following prohibited acts:
- (1) Improper or unsafe lane changes on city streets;
  - (2) Driving onto or across private property to avoid intersections, stop signs, traffic control devices, or traffic lights;
  - (3) Driving in such a manner, or at such a speed, so as to cause a skidding, spinning, or sliding of tires or a sliding of the golf cart;
  - (4) Driving too close to, or colliding with, parked or stopped vehicles, fixtures, persons, or objects adjacent to the city streets;
  - (5) Driving a golf cart which has any part thereof, or any object, extended in such fashion as to endanger persons or property;
  - (6) To operate any golf cart in such a manner which would cause a failure to maintain control;
  - (7) To operate or drive a golf cart wherein or whereon passengers are located in such a manner as to be dangerous to the welfare of such passengers; or
  - (8) To operate a golf cart in any manner, when the driver is inattentive, and such inattention is not reasonable and prudent in maintaining vehicular control.

**SECTION 4.** Penalties. Any person violating any of the several provisions of this Ordinance shall, upon

conviction, be punished by a fine of Twenty-five Dollars (\$25.00). The penalty for subsequent offenses shall be:

1. Fifty Dollars (\$50.00) for a second offense that occurs within twelve (12) months of the prior offense.
2. One Hundred Dollars (\$100.00) for the third offense that occurs within twelve (12) months of any prior offenses.
3. Two Hundred Dollars (\$200.00) for the fourth and all subsequent offenses that occur within twelve (12) months of any prior offenses.

**SECTION 5.** That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

**PASSED** this 14<sup>th</sup> day of September, 2010.

**Approved:**

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**Mayor Tab Townsell**

**Attest:**

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



City of Conway, Arkansas

Ordinance No. O-10-\_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 4 (PAWNSHOPS) OF THE CONWAY MUNICIPAL CODE; REPEALING ANY ORDINANCES IN CONFLICT; AND FOR OTHER PURPOSES**

**WHEREAS**, the 87th General Assembly of the State of Arkansas, in its Act 390 of 2009, passed legislation concerning matters currently addressed by city ordinances; and

**WHEREAS**, the Mayor and City Council desire to amend Title 4 of the Conway Municipal Code in accordance with the power granted it by ARK. CODE ANN. § 14-54-101 et seq., ARK. CODE ANN § 17-44-102, and to reflect recent legislative changes.

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

**SECTION 1.** Chapter 4.76 Pawnshops shall be deleted in its entirety and replaced with the following:

**CHAPTER 4.76 USED OR SECONDHAND GOODS**

**Sections**

4.76.01 Generally

4.76.02 Pawnbrokers and Dealers in Secondhand Goods

4.76.03 Precious Metals

4.76.04 Scrap Metal Dealers

**4.76.01 Generally**

**4.76.01.01. Penalty.** The failure on the part of any owner or operator of a pawnshop, pawnbroker or dealer in secondhand goods, precious or scrap metals, his or her agent or any other person or entity subject to the provisions of this ordinance to comply with the provisions of this ordinance shall be deemed a violation. Upon conviction, the offender shall be punished by a fine of not more than one hundred dollars (\$100.00) for each separate offense. Each day an owner or operator of a pawnshop, pawnbroker or dealer in secondhand goods, precious or scrap metals, his or her agent or any other person or entity subject to the provisions of this ordinance fails to comply with a provision of this ordinance shall constitute a separate offense and shall be punished accordingly.

**4.76.02. Pawnbrokers and dealers in secondhand goods**

**4.76.02.01. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dealer in secondhand goods* means any person who:

- (1) Buys, sells or otherwise deals principally in used or secondhand goods; or
- (2) Buys for resale any used or secondhand goods, whether or not as a principal vocation or business, and without regard to whether or not such person maintains a place of business for such purpose.

"Dealer in secondhand goods" does not include:

- (1) a licensed retailer of new goods who shall, in the ordinary course of business, receive used or secondhand goods only as a "trade-in" or as part consideration for purchases of new goods;
- (2) a person who sells or exchanges coins, tokens, metals, or goods of any other nature, if such activity is conducted as part of an approved exhibit at an approved convention held in a facility subject to the regulation of the advertising and promotion commission;
- (3) a person who sells goods from a residence, as part of an estate sale, yard sale, garage sale, tag sale, or internet auction; or
- (4) a person who markets goods from an established business that operates:
  - a. on consignment;
  - b. as part of an auction; or
  - c. from a flea market or booth at same.

*Flea market* shall mean and include any group of five (5) or more unrelated persons selling tangible used or secondhand personal property or collectors' items to the public.

*Goods* mean any tangible chattel or personalty capable of physical delivery, except furniture and motor vehicles. "Furniture" does not include radios, television sets, appliances or other items with mechanical, electrical or electronic works.

*Pawnbroker* means a person engaged in the business of lending money upon the security of goods deposited with it or left in pawn, with or without a fixed period of redemption, whether or not a fixed place of business is maintained for such purposes.

#### **4.76.02.02. Records and reports.**

- (a) Each and every owner or operator of a pawnshop, pawnbroker and dealer in secondhand goods doing business in the city shall:
  - (1) keep a well-bound record book or register which shall contain a copy of every pawn ticket or contract or bill of sale issued by the pawnbroker or dealer in secondhand goods. The chief of police or his duly authorized agents shall be entitled to inspect the book or register at any reasonable time.
  - (2) take a color photograph or digital image of any and all jewelry or precious metals that may be pawned or sold. Jewelry shall mean items of personal adornment and shall include, but not be limited to, any bracelet, brooch, charm, cuff link, earring, necklace, ring, tie bar or watch. Precious metals shall include items made from gold, silver or platinum. The photograph or digital image must:
    - (i) be maintained in such a manner that the image can be readily matched, correlated, and cross-referenced with all other records of the transaction to which they relate;
    - (ii) be available to the chief of police, or the chief's designee, upon request; and
    - (iii) be kept or otherwise maintained for sixty (60) days after the date of the transaction, or the date the goods were received, whichever is later.
  - (3) maintain an electronic inventory-tracking system which is capable of delivery and transmission of all statutorily-required information via computer to the entity designated by the Conway Police Department. Information required by such system shall include, but not be limited to, the following:
    - (i) *Amount loaned.* The amount loaned against the article by the pawnbroker or paid for the article by a pawnbroker or dealer in secondhand goods.
    - (ii) *Ticket number.* The pawn ticket number or redemption number issued to the pawnor and assigned to and tagged onto the goods. All items must be identified with consecutively numbered tags generated by the inventory-tracking system.
    - (iii) *Article.* A description of the class of goods within which the pawned or purchased item belongs. Examples are: projector, camera, shoes, revolver, typewriter, watch, ring, television, etc. It shall not be necessary to give a detailed description of such item or goods.

- (iv) *Description of article.* A concise description of the goods shall be given. In the case of all goods the size, color and descriptive characteristics most pertinent shall be entered. Serial numbers of all appliances or mechanical, electrical, electronic or other manufactured goods shall be entered if such is available on said goods. Model or chassis numbers shall not be entered in lieu of a serial number unless there is no serial number. In the case of watches, the outside case number shall be sufficient if the watch is waterproof, but otherwise both the case number and movement number shall be given, if both are present.
- (v) *Marks.* Any identifying marks, initials, monograms or personalized features shall be entered to further describe the goods.
- (vi) *Name of party pledging or selling.* The name of the person presenting the goods for pawn or for sale. The name entered shall be substantiated and verified by examination of the government-issued photo ID of the pawnor or seller.
- (vii) *Method of identification.* The number appearing on the government-issued photo ID of the person pawning or selling goods, used for identification under paragraph (vi) of this subsection.
- (viii) *Address.* The address of the person pawning or selling goods.
- (ix) *Description of person.* A description of the person pawning or selling goods indicating sex, race, date of birth, height and weight.

- (b) The city of Conway, through the Conway Police Department, shall provide free, commercial grade software, together with periodic updates of such software, to affected pawnshops, pawnbrokers, and dealers in secondhand goods in order to facilitate compliance with this ordinance.

#### **4.76.02.03. Duty to retain goods.**

No bond, security or goods of any kind whatsoever received on deposit, purchased or pledged to or by any dealer in secondhand goods shall be sold or permitted to be redeemed or removed from the place of business of such dealer in secondhand goods for a period of seven (7) days from the time of receiving same; pawnbrokers shall be governed by state law with regard to any such specific duties or requirements.

#### **4.76.02.04. Notification to police of altered serial numbers.**

In the event any goods are pawned, pledged or sold, or tendered for pawn or sale to any pawnbroker or dealer in secondhand goods, which normally carry or have a serial number or numbers or means of identification which shall have been removed, mutilated, defaced or destroyed, such fact shall be immediately reported by the pawnbroker or dealer in secondhand goods to the chief of police or his duly authorized agent.

### **4.76.03. Precious metals**

#### **4.76.03.01. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Precious metal dealer* means a person engaged in the business of buying precious metals, whether for cash or trade, and whether or not a fixed place of business is maintained for such purposes.

*Precious metals* means any form of gold, silver or platinum.

#### **4.76.03.02. Exemptions.**

This division does not apply to:

- (1) Financial institutions chartered under state or federal banking laws.
- (2) Security firms duly licensed under federal or state law.
- (3) Transactions between such institutions or firms and their customers.
- (4) Transactions involving loose teeth.



- (5) Purchase of coins except that when coins are purchased, the precious metal dealer must verify the seller's identification by taking down his name, address, government-issued photo ID and retain a complete description of the coins.

#### **4.76.03.03. Records and reports.**

- (a) Every person engaged in the business of buying precious metals, whether for cash or trade, shall:
  - (1) Keep a well-bound record book or register which shall contain a copy of every bill of sale issued by the dealer. The chief of police or his duly authorized agent shall be entitled to inspect the book or register at any reasonable time.
  - (2) Take a color photograph or digital image of the goods received. The photograph or digital image must:
    - (i) Be maintained in such a manner that the image can be readily matched, correlated, and cross-referenced with all other records of the transaction to which they relate;
    - (ii) Be available to the chief of police, or the chief's designee, upon request; and
    - (iii) Be kept or otherwise maintained for sixty (60) days after the date of the transaction, or the date the goods were received, whichever is later.
  - (3) Maintain an electronic inventory-tracking system which is capable of delivery and transmission of the following information via computer to the entity designated by the Conway Police Department. Information required by such system shall include, but not be limited to, the following:
    - (i) *Amount paid.* In this column shall be entered the amount paid for the article or articles by a dealer in precious metals.
    - (ii) *Ticket number.* The tag or ticket number issued and assigned to and tagged onto the goods. All items purchased must be identified with consecutively numbered tags generated by the inventory-tracking system.
    - (iii) *Article.* A description of the class of goods within which the purchased items belong. Examples are coins, rings, silverware, etc.
    - (iv) *Description of article.* A concise description of the goods shall be given. In the case of all goods the size, color and descriptive characteristics most pertinent shall be entered. Serial numbers shall be entered if such is available on said goods. In the case of watches, the outside case number shall be sufficient if the watch is waterproof, but otherwise both the case number and movement number shall be given, if both are present.
    - (v) *Marks.* Any identifying marks, initials, monograms, brand name or personalized features shall be entered to further describe the goods.
    - (vi) *Name of party selling.* The name of the person presenting the goods for sale. The name entered shall be substantiated and verified by examination of the government-issued photo ID of the seller
    - (vii) *Method of identification.* The number appearing on the government-issued photo ID of the person selling the articles.
    - (viii) *Address.* The address of the person selling goods.
    - (ix) *Description of person.* A description of the person selling goods, indicating sex, race, date of birth, height and weight.
- (b) The city of Conway, through the Conway Police Department, shall provide free, commercial grade software, together with periodic updates of such software, to every person engaged in the business of buying precious metals, whether for cash or trade, in order to facilitate compliance with this ordinance.

#### **4.76.03.04. Duty to retain goods.**

No precious metals of any kind whatsoever received by the dealer shall be sold or permitted to be removed from the place of business of the dealer for a period of seven (7) days from the time of receiving same. All such goods shall be retained in the original condition in which they were received during such period.

#### **4.76.03.05. Notification to police of altered goods.**

In the event any articles sold to any precious metal dealer have had the serial number or other means of identification removed, mutilated, defaced or destroyed or melted down, such fact shall be immediately reported by the dealer to the chief of police or his duly authorized agent.

**4.76.04. Scrap metal dealers**

**4.76.04.01. Records.**

- (a) Each and every dealer or purchaser of junk and scrap metals and materials doing business in the City of Conway shall maintain an electronic inventory-tracking system which is capable of delivery and transmission of all statutorily-required information via computer to the entity designated by the Conway Police Department.
- (b) The city of Conway, through the Conway Police Department, shall provide free, commercial grade software, together with periodic updates of such software, to affected dealers or purchasers of junk and scrap metals and materials in order to facilitate compliance with this ordinance and state law.

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

**SECTION 3.** That this ordinance shall be in full force and effect on \_\_\_\_\_.

**PASSED** this 14<sup>th</sup> day of September, 2010.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

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