

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 Council Meeting Tuesday, January 26<sup>th</sup>, 2010 @ 6:30pm**  
**District Court Building – 810 Parkway St., Conway, AR 72032**  
**5:30pm Committee Meeting:**  
**Nonsmoking Parks / Dog Parks**

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Call to Order

Roll Call

Minutes: **January 12<sup>th</sup>, 2010**

Announcements / Proclamations / Recognition: **Employee Service Awards**

**Special Recognition: Marilyn Moix**

**1. Public Hearings:**

**A. Public Hearings:**

1. Public hearing to discuss the closing of a 10' utility easement located near the north boundary of Lot 11 of I-40 Replat at 565 Amity Road.
2. Ordinance closing the 10" utility easement located near the north boundary of Lot 11 of I-10 Replat at 565 Amity Road.

**2010 State of the City: Mayor Tab Townsell**

**2. Report of Standing Committees:**

**A. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce)**

1. Ordinance authorizing the issuance and sale of water revenue refunding bonds for Conway Corporation.

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

1. Consideration of the nomination of Arletha Manley to the Board of Housing Authority.
2. Resolutions requesting the Faulkner County Tax Collector to place a certified lien on certain properties as a result of incurred expenses by the City.
3. Ordinance repealing and replacing by reference ORD No. O-02-124 which established the Conway Historic District Commission and ORD No. O-04-43 which created the Robinson Historic District with 2010 Historic District Commission standards.

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

1. Ordinance appropriating donation funds received from Soaring Wings Ranch for the Conway Park Department.

**D. Personnel**

1. Ordinance adopting an Employee Handbook and Personnel Policy for the City.

**Old Business**

**New Business**

1. Consideration of an application to operate a taxi cab within the City of Conway.

**Adjournment**



City of Conway, Arkansas

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

## **AN ORDINANCE PROHIBITING SMOKING AND THE USE OF TOBACCO PRODUCTS IN PARKS AND RECREATIONAL AREAS IN THE CITY OF CONWAY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, based on findings by the U.S. Surgeon General and/or the Centers for Disease Control and Prevention, the Conway City Council has determined that:

- A. Smoking and the use of tobacco products are hazardous to health.
- B. Second hand smoke is a significant public health hazard.
- C. Second hand smoke is especially hazardous to particular groups, including those with chronic health problems, the elderly and children.
- D. Smoking endangers children and others in city owned or operated parks and recreational facilities by exposing them to second hand smoke.
- E. Discarding cigarettes, cigars, and tobacco products onto the ground in and around City owned or operated parks and recreational facilities is unsightly, unclean and hazardous to children and others.

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

**THAT:**

### **Section 1: Definitions**

- (a) **Tobacco product.** For purposes of this Ordinance “tobacco product” means a cigarette, cigar, snuff, chewing tobacco, dip, or other preparations of pulverized tobacco, smoking tobacco, or tobacco of any kind suitable for chewing or smoking or any article made of tobacco or tobacco substitute.
- (b) **Smoking.** For purposes of this Ordinance “smoking” means inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, plant, or other combustible substance in any manner or in any form.
- (c) **Recreational facility.** For purposes of this Ordinance “recreational facility” means a building, office or structure, enclosed or open, which is accessible by the public, owned leased or operated by the City of Conway; and are used for athletics, recreation, relaxation, entertainment, cultural development, and other recreational activities, including, without limitation, park pavilions, amphitheatres, covered stage areas, tennis courts, walking/bike trails, athletic fields, baseball fields, softball fields, dugouts, and various other similar park or recreation facilities.
- (d) **City park.** For purposes of this Ordinance, “city park” means any real property owned, leased or operated by the City of Conway, which by reason of location, natural features, scenic beauty, or historical

interest, possesses distinctive physical, aesthetic, intellectual, creative or social values and are used for athletics, recreation, relaxation, entertainment, cultural development, and other recreational activities.

**Section 2: Prohibition of Smoking or Use of Tobacco Products in All City Parks and Recreational Facilities, and within 50 Feet of City Parks and Recreational Facilities.**

- (a) Smoking and use of tobacco products shall be prohibited in any and all present and future city Parks and recreational facilities.
- (b) Smoking and use of tobacco products shall be prohibited at all times within fifty (50) feet of any City park or recreational facility.
- (c) Disposal shall be prohibited at all times of any cigarette, cigar or tobacco product, or any part of a Cigarette, cigar, or tobacco product in any city park or recreational facility or within fifty (50) feet Of the boundaries of any city park or recreational facility.

**Section 3: Violations; penalties.**

- (a) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and Subject to the following penalties:
  - (1) A fine of twenty five dollars (\$25) plus court costs for the first offense.
  - (2) A fine of fifty dollars (\$50) plus court costs for the second offense.
  - (3) A fine of one hundred dollars (\$100) plus court costs for the third and subsequent offense.
- (b) Any person who smokes or uses tobacco products in an area where smoking or use of tobacco Products is prohibited and who refuses to cease smoking or the use of such products when asked May be required to leave the premises, and shall be subject to prosecution for criminal trespass if He does not leave when asked.

**Section 4:** That any ordinance which conflicts with this ordinance is hereby repealed to the extent Of the conflict.

**Section 5:** That this ordinance is necessary for the protection of the peace, health and safety of the Citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

Passed this 26<sup>th</sup> day of January, 2010.

**Approved:**

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

**Attest:**

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



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

**AN ORDINANCE CLOSING A UTILITY EASEMENT LOCATED NEAR THE NORTHERN BOUNDARY OF LOT 11 OF I-40 SOUTH REPLAT AT 565 AMITY ROAD, AND FOR OTHER PURPOSES;**

**WHEREAS**, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 12<sup>th</sup> day of January, 2010, asking the City Council to vacate and abandon all of a 10' utility easement described as the North 10 feet of Lot 11 of 1-40 South Replat, to the City of Conway, Faulkner County Arkansas.

**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 10 foot utility 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 abandonment of the 10 foot utility 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 North 10 feet of Lot 11 of 1-40 South Replat, to the City of Conway, Faulkner County Arkansas designated as follows:

Being a 10' utility easement described at the North 10 feet of Lot 11 of I-40 South Replat as shown on Plat of Records in Plat Book J, Page 33, Records of Faulkner County, Arkansas. Also lying adjacent to the south side of Bill Dean Drive, which was closed by Ordinance #O-07-146, dated November 27, 2007 in Document #2007-25217.

**Section 2.** 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.

**Section 3.** This ordinance shall take effect and be in force from and after its passage.

**PASSED** this 26<sup>th</sup> day of January, 2010.

**Approved:**

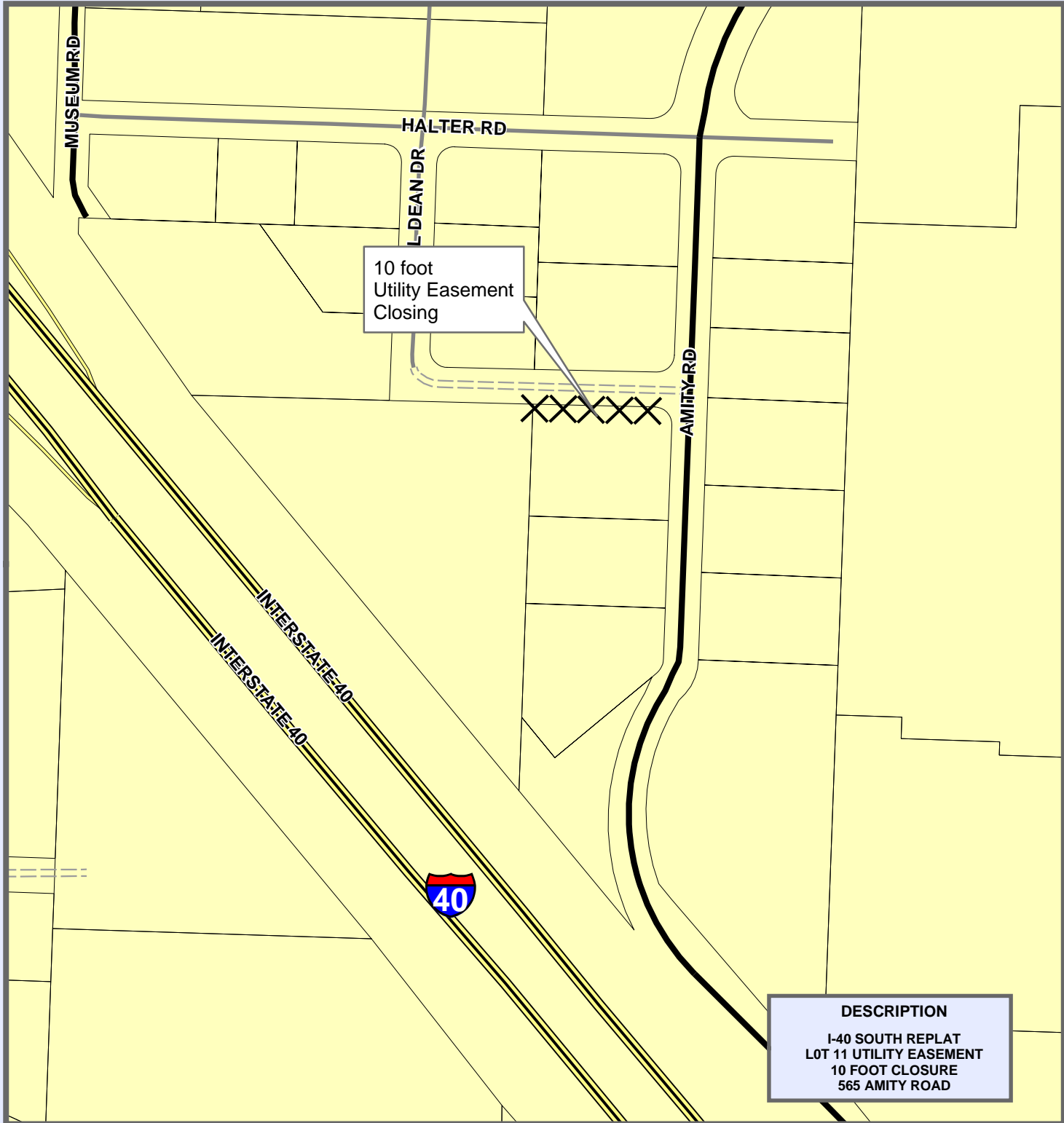
\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**


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

# CITY OF CONWAY

## I-40 SOUTH REPLAT: LOT 11 EASEMENT CLOSING



**DESCRIPTION**  
**I-40 SOUTH REPLAT**  
**LOT 11 UTILITY EASEMENT**  
**10 FOOT CLOSURE**  
**565 AMITY ROAD**



**City of Conway**  
 Andy Hawkins & David Grimes - Aldermen Ward 1  
 Mark Vaughn & Shelley Mahl - Aldermen Ward 2  
 Jim Rhodes & Mary Smith - Aldermen Ward 3  
 Theodore Jones, Jr. & Sheila Whitmore - Aldermen Ward 4  
 Michael Murphy - City Attorney  
 Michael Garrett - City Clerk




**Seal of the City of Conway, Arkansas**  
 Bryan Patrick - Director  
 Ken Phibbert - Assistant Director  
 Christy Sutherland - Sr. Planner  
 Donald Anthony - Planner  
 Wes Craiglow - Planner  
 Jason Lyon - GIS Coordinator



**CONWAY PLANNING COMMISSION**  
 Terry Sosong - Chair  
 Sandy Mabry - Vice-Chair

<ul style="list-style-type: none"> <li>INTERSTATE</li> <li>MAJOR ARTERIAL</li> <li>MINOR ARTERIAL</li> <li>COLLECTOR</li> <li>RESIDENTIAL</li> <li>PRIVATE ROAD</li> <li>INTERSTATE RAMP</li> <li>RAILROADS</li> </ul>	<ul style="list-style-type: none"> <li>LOT LINE</li> <li>STREAMS</li> <li>LAKES &amp; PONDS</li> <li>CITY LIMITS</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>R-1</li> <li>R-2A</li> <li>R-2</li> <li>HR</li> <li>SR</li> </ul>	<p><b>Industrial</b></p> <ul style="list-style-type: none"> <li>MF-1</li> <li>MF-2</li> <li>MF-3</li> <li>RMH</li> </ul>	<p><b>Commercial</b></p> <ul style="list-style-type: none"> <li>C-1</li> <li>C-2</li> <li>C-3</li> <li>C-4</li> </ul>	<p><b>Office</b></p> <ul style="list-style-type: none"> <li>O-1</li> <li>O-2</li> <li>O-3</li> </ul>	<p><b>Industrial</b></p> <ul style="list-style-type: none"> <li>I-1</li> <li>I-2</li> <li>I-3</li> </ul> <p><b>Special</b></p> <ul style="list-style-type: none"> <li>S-1</li> <li>A-1</li> <li>PUD</li> </ul>
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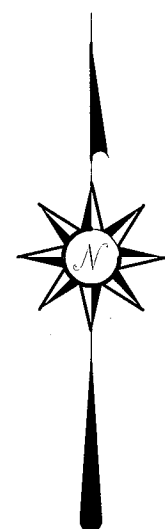
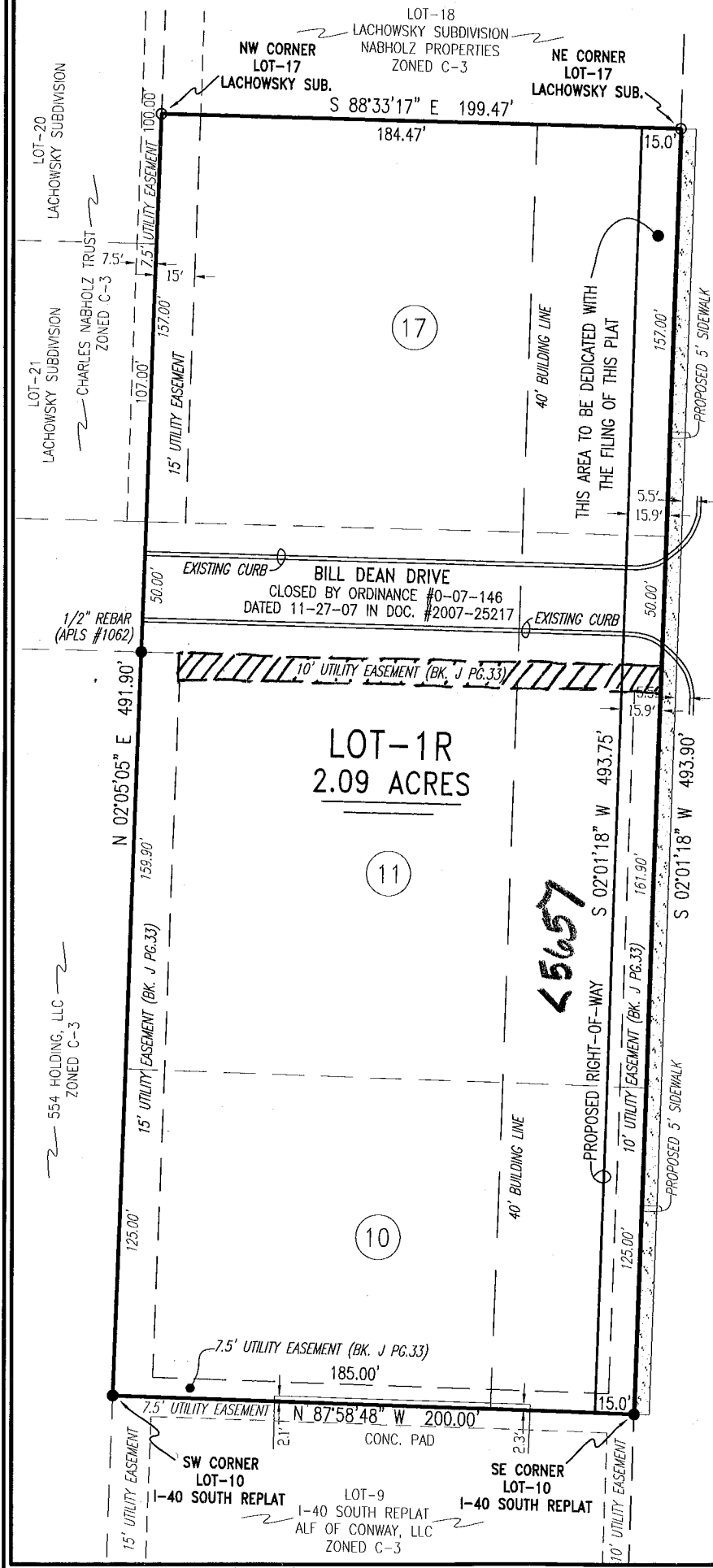


0 15 30 60 90 Feet  
**1 in = 200 ft**  
**MAY 2009**

THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

**CONTACT INFORMATION**  
 LANDMARK GIS WEBSITE  
 gis.cityofconway.org (UNDER DEVELOPMENT)  
 E-MAIL: Jason.Lyon@CityOfConway.org

# 10' UTILITY EASEMENT CLOSURE



AMITY ROAD 80' R/W  
(CHANGED BY ORDINANCE #0-04-64)  
(PLATTED LACHOWSKY DRIVE)

Legal Description of Utility easement to be closed:

Being a 10' utility easement described as the North 10 feet of Lot 11 of I-40 South Replat as shown on Plat of Records in Plat Book J, Page 33, Records of Faulkner County, Arkansas. Also lying adjacent to the south side of Bill Dean Drive, which was closed by Ordinance #0-07-146, dated November 27, 2007 in Document #2007-25217.

**TIM TYLER SURVEYING  
AND MAPPING, INC.**

#240 SKYLINE DRIVE, SUITE 3000  
CONWAY, ARKANSAS 72032

PH. (501) 329-1400 FAX (501) 327-3972  
WWW.TYLERSURVEYING.COM

**Petition of written consent for the  
Vacating of Easement  
For the intent of Public Use**

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**Legal Description of Utility Easement, (or portion thereof), to be vacated:**

Being a 10 foot utility easement described as the north 10 feet of Lot 11 of I-40 South Replat as shown on Plat of Records in Plat Book J, page 33, Records of Faulkner County, Arkansas. Also lying adjacent to the south side of Bill Dean Drive, which was closed by Ordinance #0-07-146, dated November 27, 2007 in Document #2007-25217.

**Abutting property owners:**

**554 Holding, LLC  
1301 Maumelle Blvd.  
North Little Rock, AR 72113**

  
\_\_\_\_\_  
Ivo Jones

1-5-2010

**Nabholz Properties, Inc.  
P. O. Box 127  
Conway, AR 72033**

  
\_\_\_\_\_  
Greg Nabholz  
Charles Nabholz  
G. Scott Murphy





**Lynda Palmer**  
Manager-Engineering (ROW)  
Right-of-Way & Joint Use Poles

AT&T Arkansas  
1111 West Capitol Avenue  
Room 941  
Little Rock, AR 72201

T: 501.373.5255  
F: 501.373.0229  
lynda.palmer@att.com

January 13, 2010

Tim Tyler Surveying and Mapping, Inc  
Attn: Kim Tyler, Project Administrator  
240 Skyline Drive, Suite 3000  
Conway, AR 72032

Dear Ms. Tyler:

RE: easement abandonment

Please find enclosed AT&T's conditional concurrence in your request to the easement closing, described as follows:

Being a 10 foot utility easement described as the north 10 feet of Lot 11 of I-40 South Replat as shown on the plat of records in Plat Book J, at Page 33 in the records of Faulkner County, Arkansas, less and except the west 15 feet thereof. Also that portion lying adjacent to the south side of Bill Dean Drive, which was closed by Ordinance #0-07-146, dated November 27, 2007 in Document #2007-25217.

If you have any questions or comments, please call me at 501-373-5255.

Sincerely,

A handwritten signature in cursive script that reads "Lynda Palmer".

attachments



**Conway**  
**Corporation**

*Operators of the City-owned Electric, Electronic & Water Systems*

January 13, 2010

The Honorable Tab Townsell  
Mayor of Conway  
City Hall  
1201 Oak Street  
Conway, AR 72032

Re: Closure of a 10 foot utility easement on Bill Dean Drive

Dear Mayor Townsell:

Conway Corporation is in agreement to the closure of an existing 10 foot utility easement being the North 10 foot of Lot 11, of I-40 South Replat as shown on Plat of Records in Plat Book J, page 33, Records of Faulkner County, Arkansas.

If you have any questions, please let me know.

Respectfully yours,

CONWAY CORPORATION

A handwritten signature in black ink that reads "Leslie Guffey". The signature is written in a cursive, flowing style.

Leslie Guffey  
Engineering & Planning



DATE: 01/14/2010

Attention: Kim Tyler and Conway City Planning Department

Subject: Easement Closing

CenterPoint Energy has no conflict with releasing the ten-foot utility easement described as the north 10 feet of Lot 11, of I-40 South Replat, also lying adjacent to the south side of Bill Dean Dr located in Conway, Arkansas.

A handwritten signature in black ink that reads "Greg Strickland".

Greg Strickland  
Area Manager  
CenterPoint Energy  
Conway Area

## ORDINANCE NO. O-10-\_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$13,350,000 OF WATER REVENUE REFUNDING BONDS, SERIES 2010, BY THE CITY OF CONWAY, ARKANSAS FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING WATER REVENUE IMPROVEMENT BONDS, SERIES 2001; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIFTH SUPPLEMENTAL TRUST INDENTURE PURSUANT TO WHICH THE SERIES 2010 BONDS WILL BE ISSUED AND SECURED; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT PURSUANT TO WHICH THE SERIES 2010 BONDS WILL BE OFFERED; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE SERIES 2010 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT PROVIDING FOR THE PAYMENT OF THE SERIES 2001 BONDS TO BE REFUNDED; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Conway, Arkansas (the "City"), a city of the first class, presently owns a water storage, treatment and distribution system (the "System") serving the residents of the City, which System is operated and maintained by the Conway Corporation, a nonprofit corporation organized and existing under the laws of the State of Arkansas (the "Corporation"), pursuant to an exclusive franchise to operate the System granted to the Corporation by the City; and

**WHEREAS**, the City is authorized under the provisions of the Constitution of the State of Arkansas and Arkansas Code Annotated Sections 14-164-401 *et seq.* (Repl. 1998 & 2009 Supp.) (the "Act") to issue and sell revenue bonds for the purpose of financing and refinancing the cost of improvements to the System; and

**WHEREAS**, the City has outstanding an issue of Water Revenue Improvement Bonds, Series 2001, issued in the original principal amount of \$12,000,000, of which \$12,000,000 in principal amount currently remains outstanding (the "Series 2001 Bonds"), issued under the provisions of Ordinance No. O-01-111 of the City, adopted and approved on November 27, 2001; and

**WHEREAS**, the City has outstanding an issue of Water Revenue Refunding Bonds, Series 2005, issued in the original principal amount of \$8,295,000, of which \$4,115,000 in principal amount currently remains outstanding (the "Series 2005 Bonds"), issued under the provisions of Ordinance No. O-05-13 of the City, adopted and approved on February 8, 2005; and

**WHEREAS**, the Series 2001 Bonds and the Series 2005 Bonds are secured by a pledge of the revenues of the System on a parity basis and were originally issued for the purpose of financing or refinancing improvements to the System pursuant to the authority of the Act; and

**WHEREAS**, in order to secure funds necessary to refund the Series 2001 Bonds, to fund a debt service reserve and to pay printing, legal, underwriting and other expenses incidental to the issuance of water revenue bonds for such purposes, the City has determined to issue its Water Revenue Refunding Bonds, Series 2010, in an aggregate principal amount not to exceed \$13,350,000 (the “Series 2010 Bonds”); and

**WHEREAS**, the City has determined to issue and secure the Series 2010 Bonds on a parity basis with its outstanding Series 2005 Bonds pursuant to a Trust Indenture dated as of September 1, 1993, as previously supplemented and amended, and as further supplemented and amended by a Fifth Supplemental Trust Indenture to be dated as of February 1, 2010 (as supplemented and amended, the “Trust Indenture”), by and among the City, the Corporation and The Bank of New York Mellon Trust Company, N.A. (as successor to BNY Trust Company of Missouri, Boatmen’s Trust Company of Arkansas and Worthen Trust Company, Inc.), as trustee (the “Trustee”), a form of which has been presented to and is before this meeting; and

**WHEREAS**, the City proposes to enter into a Bond Purchase Agreement (the “Bond Purchase Agreement”) in substantially the form presented to and before this meeting, with Crews & Associates, Inc. and Stephens Inc., Little Rock, Arkansas (the “Underwriters”), providing for the sale of the Series 2010 Bonds;

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

**Section 1.** The City Council hereby finds and declares that the refunding of the Series 2001 Bonds is in the best interest of the City and the customers of the System due to a reduction in the amount of interest expense secured by revenues of the System following such refunding. Accordingly, the refunding of the Series 2001 Bonds is hereby authorized.

**Section 2.** Under the authority of the Constitution and laws of the State of Arkansas, including, particularly, Amendment 65 to the Constitution of Arkansas and the Act, there is hereby authorized the issuance of bonds of the City to be designated as “Water Revenue Refunding Bonds, Series 2010” (the “Series 2010 Bonds”). The Series 2010 Bonds shall be issued in the original aggregate principal amount of not to exceed Thirteen Million Three Hundred Fifty Thousand Dollars (\$13,350,000), shall mature not later than December 1, 2023, and shall bear interest at the rates specified in the Bond Purchase Agreement. In no event shall the interest rate borne by any Series 2010 Bond exceed 4.50% per annum, and in no event shall the average interest rate on the Series 2010 Bonds exceed 4.00% per annum. The Series 2010 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 may contain such other terms, covenants and conditions, all as set forth in the Fifth Supplemental Trust Indenture. The Series 2010 Bonds shall be issued and secured by System revenues on a parity basis with the Series 2005 Bonds. The proceeds of the Series 2010 Bonds will be utilized to refund the Series 2001

Bonds, to fund a debt service reserve and to pay printing, underwriting, legal and other expenses incidental to the issuance of the Series 2010 Bonds.

**Section 3.** To prescribe the terms and conditions upon which the Series 2010 Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge a Fifth Supplemental Trust Indenture (the “Fifth Supplemental Trust Indenture”), by and among the City, the Corporation and The Bank of New York Mellon Trust Company, N.A. (as successor to BNY Trust Company of Missouri, Boatmen’s Trust Company of Arkansas and Worthen Trust Company, Inc.), as trustee (the “Trustee”), and the City Clerk is hereby authorized and directed to execute and acknowledge the Fifth Supplemental 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 Fifth Supplemental Trust Indenture to be accepted, executed and acknowledged by the Corporation and the Trustee. The Fifth Supplemental Trust Indenture is hereby approved in substantially the form submitted to this meeting, including, without limitation, the provisions thereof pertaining to the pledge of System revenues to the Series 2010 Bonds and the terms of the Series 2010 Bonds. The Mayor is hereby authorized to confer with the Corporation, the Trustee, the Underwriters and Kutak Rock LLP, Little Rock, Arkansas (“Bond Counsel”) in order to complete the Fifth Supplemental Trust Indenture in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Fifth Supplemental Trust Indenture, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Fifth Supplemental 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 Series 2010 Bonds. The Preliminary Official Statement is hereby “deemed final” 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, the Corporation 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 Corporation, 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.** In order to prescribe the terms and conditions upon which the Series 2010 Bonds are to be sold to the Underwriters, the Mayor is hereby authorized and directed to execute,

at the request of the Corporation, a Bond Purchase Agreement on behalf of the City, to be dated as of the date of its execution (the “Bond Purchase Agreement”), by and among the City, the Corporation and the Underwriters, and the Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, 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 the redemption of the Series 2001 Bonds, the Mayor is hereby authorized and directed to execute an Escrow Deposit Agreement to be dated as of the date of its execution (the “Escrow Agreement”), by and between the City and The Bank of New York Mellon Trust Company, N.A., as escrow trustee (the “Escrow Trustee”), and the Mayor is hereby authorized and directed to cause the Escrow Agreement to be executed by the Escrow Trustee. The Escrow Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Underwriters and Bond Counsel in order to complete the Escrow Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Escrow Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Escrow 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 provide for continuing disclosure of certain financial and operating information with respect to the City and the System 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 (the “Continuing Disclosure Agreement”), by and among the City, the Corporation and the Trustee, and the Mayor is hereby authorized and directed to cause the Continuing Disclosure Agreement to be executed by the Corporation and 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 Corporation, 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 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 Series 2010 Bonds and to effect the execution and delivery of the Fifth Supplemental Trust Indenture, the Continuing Disclosure Agreement, the Bond Purchase Agreement, the Escrow Agreement, the Official Statement and a Tax Regulatory Agreement relating to the tax exemption of interest on the Series 2010 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.** Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed to act as Bond Counsel on behalf of the City in connection with the issuance and sale of the Series 2010 Bonds.

**Section 10.** The rates for services of the System previously enacted pursuant to Ordinance No. O-08-71 are hereby ratified and confirmed.

**Section 11.** The Series 2010 Bonds are hereby designated as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”). The City hereby represents and covenants that the aggregate principal amount of its tax-exempt obligations (excluding “private activity bonds” within the meaning of Section 141 of the Code), including those of its subordinate entities, issued in calendar year 2010 will not exceed \$30,000,000.

**Section 12.** 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 13.** All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.



**Section 14.** It is hereby found and determined that there is an urgent need to refinance certain outstanding indebtedness of the City secured by the revenues of the System in order to lower the interest cost on obligations payable from System revenues, and in order to do so on the most favorable terms, it is necessary to enter into the Bond Purchase Agreement 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 force and take effect immediately upon and after its passage.

ADOPTED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(S E A L)



EQUAL HOUSING  
OPPORTUNITY



## Housing Authority of the City of Conway

MARYANN BOYD  
Executive Director

January 12, 2010

Honorable Mayor Tab Townsell & City Council  
City of Conway  
1201 Oak Street  
Conway, AR 72032

Dear Mayor & City Council Members:

The term of Arletha Manley as a commissioner on the Board of the Housing Authority of the City of Conway, expires on January 15, 2010.

At the Annual meeting held January 11, 2010, the Board voted to recommend that Ms. Manley be re-appointed for another five year term beginning January 15<sup>th</sup>, 2010. The Board requests the approval of the City of Council as to this appointment.

Sincerely,

Mary A. Boyd  
Executive Director



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:** January 20, 2010  
**Re:** Certified Liens – Code Enforcement

---

The following resolutions are included for a request to the Faulkner County Tax collector to place a certified lien against real property as a result of incurred expenses by the City.

The properties & amount (plus a ten percent collection penalty) are as follows:

- |                       |          |
|-----------------------|----------|
| 1. 1709 Marilyn       | \$153.05 |
| 2. 2140 Krystal Kreek | \$192.23 |

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 1709 Marilyn Drive 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 \$153.05 (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 **January 26th, 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 26<sup>th</sup> day of January, 2010.

**Approved:**

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

**Attest:**

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

**Conway Code Enforcement  
Incident Report**

**Date of Violation:** 11-20-09

**Violator Name:** Janice R. Moore

**Address of Violation:** 1709 Marilyn

**Violation Type:** Rubbish/trash, trash can

**Warning #:** CE9787

**Description of Violation and Actions Taken:**

On 11-20-09 I received a complaint regarding bags of trash on the side of 1709 Marilyn. The complaint also said that there was a bag of yard waste, which was in a plastic trash bag, at the curb. When I arrived at 1709 Marilyn, I saw approximately five (5) bags of trash on the ground next to the South side of the residence, as well as a bag of trash on the front porch. There was also one (1) plastic trash bag at the curb full of yard waste (pine needles). The residence was also in violation of the trash can ordinance. A warning was written to the residence for the listed violations and placed on the door. A recheck was done on the property on 11-30-09 with no progress made. Certified and regular letters were then sent to the listed owner of the property. The certified letter was signed for on 12-2-09. Another recheck was done on the property on 12-11-09 with no progress shown. Clean up was scheduled at this time. The clean up was done on 12-14-09 with pictures of the property taken before and after the clean up was complete. Pictures are on file for review.

**Code Enforcement Officer:** Grant Tomlin

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

**Date:** 1-20-10

**Time:** 0836



**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 2140 Krystal Kreek Drive 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 \$192.23 (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 **January 26th, 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 26<sup>th</sup> of January, 2010.

**Approved:**

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

**Attest:**

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

**Conway Code Enforcement  
Incident Report**

**Date of Violation:** 10-27-09

**Violator Name:** Beverly Duhon

**Address of Violation:** 2140 Krystal Kreek

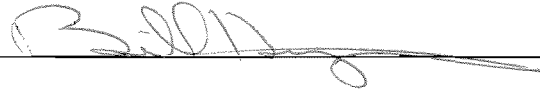
**Violation Type:** Tall Grass / Rubbish

**Warning #:** CE9418

**Description of Violation and Actions Taken:** I responded to a complaint of tall grass and a dilapidated above ground pool in the back yard of 2140 Krystal Kreek. I observed grass and weeds approx. 18 to 24 inches in height and the piled up remains of a soft-sided pool in the backyard of that address. I issued a warning on 10-27-09. I conducted a recheck on 11-04-09 and found no change in condition. Certified letters were sent on 11-04-09 with notice being left the next day. A final recheck was conducted on 12-01-09 with no change in condition. Mowing and clean-up were requested on that date. Work was conducted and completed by the Physical Plant on 12-15-09. Pictures were taken and are on file.

**Code Enforcement Officer:** Bill Haynes

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



**Date:** 01-20-10

**Time:** 0810 hrs



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

**AN ORDINANCE REPEALING AND REPLACING BY REFERENCE ORDINANCE O-02-124 WHICH ESTABLISHED THE CONWAY HISTORIC DISTRICT COMMISSION AND ORDINANCE O-04-43 WHICH CREATED THE ROBINSON HISTORIC DISTRICT WITH 2010 HISTORIC DISTRICT COMMISSION STANDARDS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:**

**WHEREAS**, Ordinance O-02-124 created the Conway Historic District Commission to oversee the creation and operation of historic districts within the City of Conway; and

**WHEREAS**, Ordinance O-04-43 created the the Asa P. Robinson Historic District and further established procedures for the Conway Historic District Commission; and

**WHEREAS**, newly created guidelines for the Robinson Historic District have necessitated further refinement of the makeup of the membership of the HDC and HDC procedures; and

**WHEREAS**, general corrections are needed in existing ordinances; and

**WHEREAS**, Arkansas Code Annotated (ACA) § 14-172-201 et seq. sets out the procedures required to create historic district commissions and historic districts;

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

**SECTION 1.** Ordinance O-02-124 adopted on August 13, 2002 and Ordinance O-04-43 adopted on April 27, 2004, are hereby repealed and replaced by adopting by reference **2010 Conway Historic District Standards** which was approved following notice as required by law, such amendment consisting of the amended text and graphics, of which not less than three (3) copies have been and now are filed in the office of the Clerk of the City of Conway, Arkansas. 2010 Conway Historic District Standards is a document combining Ordinances O-02-124 and O-04-43 with amendments relating to membership, HDC powers, Robinson Historic District boundaries, definitions, HDC staff duties, general guidelines, and corrections.

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

**SECTION 3.** That 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 26<sup>th</sup> day of January, 2010.

**APPROVED:**

**Attest:**

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

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





## 2010 HISTORIC DISTRICT COMMISSION STANDARDS

ADOPTED JANUARY 26, 2010 BY REFERENCE O-10-\_\_\_

### STANDARDS FOR THE HISTORIC DISTRICT COMMISSION, DEFINING THE ROBINSON HISTORIC DISTRICT BOUNDARIES, HISTORIC DISTRICT COMMISSION REGULATIONS AND PROCEDURES FOR THE PROTECTION AND PRESERVATION OF THE HISTORIC PROPERTIES AND FEATURES WITHIN HISTORIC DISTRICTS, REPEALING AND REPLACING ORDINANCES O-02-124 AND O-04-43

#### Section 1. Creation and Members:

- A. There is hereby created the Conway Historic District Commission pursuant to the authority contained in ACA § 14-172-2-1et seq, which provisions of said statutes are hereby adopted.
- B. The Historic District Commission shall consist of seven (7) members appointed by the Mayor with the advice and consent of the City Council. Members shall demonstrate a positive interest in historic preservation, possessing interest, expertise, experience, or education in architecture, history, urban planning, building rehabilitation, real estate, archaeology, conservation, preservation, or related fields. Members of the commission shall reside within the city's corporate limits, and at least one-third of the commission's membership must either reside or own property in a locally designated historic district, a historic district listed on the National Register of Historic Places, or the Old Conway Design Overlay District. One (1) member shall be a registered architect who may serve any number of terms. Members may not be salaried city employees or hold an elective municipal office.***
- C. Members shall be appointed for terms of three (3) years each and until their successors are appointed and qualified. The appointment shall be arranged so that the term of at least one (1) member shall expire each year. Vacancies shall be filled in the same manner for the balance of the unexpired terms. Members shall serve without compensation.

#### Section 2. Officers, Meetings and Staff:

- A. The HDC shall elect a Chair and Vice-chair annually from its own members. The Chair shall preside at all meetings of the HDC. The Chair shall have the power to appoint committees and designate committee chairs, call special meetings, sign all approved minutes and, when authorized, other documents on behalf of the HDC and to perform such other duties as may be ordered by the HDC. The Vice-Chair shall preside at all meeting and assume all duties and powers of the Chair in the absence of the Chair.
- B. The Mayor shall designate an individual to serve as the city's Historic Preservation Officer, who shall serve as the HDC's Secretary, provide administrative support to the HDC, and advise the HDC on matters submitted to it. The Historic Preservation Officer may be a current city employee or a consultant procured via a contract for professional services.
  1. In addition to serving as representative of the HDC, the Historic Preservation Officer is responsible, with the assistance of the Chair, or appointed designee, for coordinating the City's preservation activities with those of state and national agencies and organizations. The Historic Preservation Officer may consult, at his or her discretion, with preservation-related professionals including, but

**not limited to, architects, historians, engineers, archeologists and realtors. The Historic Preservation Officer may, when necessary and with adequate notice, call special meetings of the HDC.**

- C. The HDC shall meet at least quarterly, or more frequently if so required, to conduct business. A simple majority of the HDC shall constitute a quorum for the transaction of business.**

**Section 3. Fiscal Procedures:**

The historic district commission is subject to all fiscal procedures of the city.

**Section 4. Duties Generally:**

- A. The Commission may conduct studies for the identification and designation of historic districts and sites. The Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use. The Commission shall serve as a governing body for all Historic Districts formed in the City of Conway, subject to the provisions of this ordinance and future Historic District ordinances.
- B. The Commission may make recommendations to the State Historic Preservation Officer for the listing of a historic district or site in the National Register of Historic Places.
- C. The Commission will cooperate with the Arkansas Historic Preservation Program (AHPP) and the National Park Service (NPS) in the pursuance of Certified Local Government (CLG) status.
- D. The Commission shall recommend to the Conway City Council for passage ordinances governing the historic districts
- E. The Commission will serve as the official custodian of the City's history and act as a point of contact for the public and for state and federal agencies in all matters concerning historic preservation.

**Section 5. Duties Relating to the Creation of Historic Districts**

- A. The Commission shall make an investigation and report on the historic significance of the buildings, structures, sites, or surroundings included in a proposed historic district and shall transmit copies of its report to the Arkansas Historic Preservation Program (AHPP), a division of the Department of Arkansas Heritage, or its successor agencies, and to the Conway Planning Commission for their consideration and recommendation. AHPP (or applicable state agency) and the Planning Commission shall give their recommendations to the Historic District Commission within sixty (60) days from the date of receipt of the report.
  - 1. Failure by these bodies to make recommendations within sixty (60) days after the date of the receipt shall be taken as approval of the report of the Commission.
  - 2. Recommendations shall be read in full at the required public hearing to be held by the Commission.
- B. The Commission shall hold a public hearing on the establishment of the proposed historic district after giving notice of such hearing by publication in a newspaper of general circulation in the city once a week for three (3) consecutive weeks, the first such publication being at least twenty (20) days prior to the public hearing. Such notice shall include the time and place of the hearing, specify the purpose and describe the boundaries of the proposed historic district.
- C. The historic district commission shall submit a final report with its recommendation and a draft of a proposed ordinance to the City Council within sixty (60) days after the public hearing. The report shall contain the following:
  - 1. A complete description of the area or areas to be included in any single historic district or districts. Any single historic district may embrace noncontiguous lands.

2. A map showing the exact boundaries of the area or areas to be included within the proposed district or districts.
  3. A proposed ordinance designed to implement the provisions of the Arkansas Historic Districts Act [ACA § 14-172-201 et seq.].
  4. Such other matters as the commission may deem necessary and advisable, including a statement of purpose and policy.
- D. The City Council, after reviewing the report of the commission, shall take one (1) of the following steps:
1. Accept the report of the commission and enact the proposed ordinance therein; or,
  2. Return the report to the commission with such amendments and revisions thereto as it may deem advisable, for consideration by the commission and a further report to the City Council within ninety (90) days of such return; or,
  3. Reject the report of the commission, stating its reasons therefore, and discharge the commission.

**Section 6. Purpose:**

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of such areas, improvements and districts of special character or special historic or aesthetic interest or value are public necessities and are required in the interest of the health, prosperity, safety and welfare of the people of this City.

The purpose of this Ordinance is to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of such areas and improvement of districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- B. Safeguard the City's historic, aesthetic, and cultural heritage, as embodied and reflected in such areas;
- C. Stabilize and improve property values in such districts;
- D. Foster civic pride in the beauty and accomplishments of the past;
- E. Protect and enhance the City's attractions to tourists and visitors;
- F. Strengthen the economy of the City; and
- G. Promote the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the City.

**Section 7. Commission Powers:**

Without limiting the generality of the other provisions of this Ordinance by reason of the following enumeration, the Historic District Commission (hereafter referred to as HDC) shall have, in addition to the duties enumerated in Ordinance No. 0-02-124, the authority but not be limited to:

- A. Adopt design review guidelines to be used when considering Certificate of Appropriateness applications, These guidelines will be based upon the Secretary of Interior's Standards for Rehabilitation (included with this ordinance as **Appendix A**) adapted specifically to the City of Conway. **Further, these guidelines must be approved in their entirety by the Conway City Council both in their initial form and in all future amendments thereto;**
- B. Conduct surveys and studies of neighborhoods, areas, places, structures, objects and improvements within the City of Conway for the purpose of determining those of distinctive historic, community, architectural, or archeological interest or value;
- C. Help facilitate the nomination of buildings, structures, objects, and historic districts to the National Register of Historic Places;

- D. Recommend to the City Council the adoption of Ordinances designating areas as having special historic community or architectural value as "historic district" and add these historic districts to the provisions of this Ordinance;
- E. Keep a register of all properties and structures that have been designated as historically significant including all information required for each designation;
- F. Obtain the services of qualified persons to direct, advise and assist the Historic District Commission;
- G. Request and receive any appropriate information, cooperation, assistance or studies from any City departments, boards, agencies or commissions and any joint city-county departments, boards, agencies or commissions;
- H. Advise and assist owners of historic properties within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- I. Promote the education and understanding of Conway's heritage;
- J. Hold public hearings to review applications for certificates of appropriateness;
- K. Periodically review the Conway Zoning Ordinance and recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of property within historic districts;
- L. Review and make recommendations to the Planning Commission on all conditional uses, rezonings, and variances that affect properties within historic districts;
- M. Testify before relevant boards and commissions on any matter affecting architecturally and/or historically significant properties;
- N. Destroy, exchange or otherwise dispose of in accordance with the law, any materials in its possession, except borrowed materials, which it may find to be worthless or surplus to its needs;
- O. Establish and make reasonable charges for furnishing copies of materials in its possession or for sales of historic memorabilia or signs;
- P. Expend any moneys arising from grants, contributions or gratuities, and receive bequests or donations of real or personal property and convert into money any such property which cannot be used in the form received, and expend the same for any of the functions performable by it; constrained by the financial policies of the City and subject to City Council approval;
- Q. Cooperate with the Arkansas Historic Preservation Program, historical associations and other non- profit organizations devoted to the history of this city and state;
- R. Take such other action, not inconsistent with law, as it shall deem necessary in the performance of any of its functions.

**Section 8. Robinson Historic District National Historic Register Of Historic Places Boundary:**

The Historic District, as listed on the National Register of Historic Places, January 2001, shall consist of that area of the City shown on ~~Exhibit 1~~ **Appendix C**, which is attached hereto and made a part hereof.

The Robinson Historic District in Conway, Arkansas, is ~~more particularly~~ **generally** described as follows:

Beginning at a point at the northeast corner of the property line of 1504 Prince Street, the boundary runs due south along the centerline of Faulkner Street to the centerline of the intersection of Faulkner Street and Robinson Avenue. The boundary then turns and runs west along the centerline of Robinson Avenue to the intersection of Robinson Avenue and Center Street. At this junction, the boundary turns to run south along Center Street to the rear property lines of the southern side of Robinson Avenue through the 1900 block. At the southwest corner of the rear (south) property line of 1931 Robinson Avenue, the boundary turns and runs

north along the centerline of Watkins Street to its intersection with Robinson Avenue, then turns west and runs to the point where rear (west) property lines of houses on the west side of the 800 block of Watkins Street intersect with Robinson Avenue. The boundary then runs north along the rear (west) property lines of the west side of the 800 block of Watkins Street to Caldwell Street. The boundary then continues to run north to the north west corner of the property line of 2010 Caldwell Street. The boundary then runs east along rear (north) property lines of buildings on the north side of Caldwell Street beginning at the rear of 2010 Caldwell running east to 1808 Caldwell. At the northeast corner of the property line of 1808 Caldwell, the boundary intersects with Davis Street. At this point, the boundary turns and runs north along the center line of Davis Street to the northwest corner of the property line of 1720 Prince Street where it turns to run east along rear (north) property lines of houses and buildings on the north side of Prince Street from the 1700 block east to the point of boundary origin at the northeast corner of the property line of 1504 Prince Street. ~~(Attachment B)~~  
**(Appendix B)**

### **Section 9. Definitions:**

Unless specifically defined below, words or phrases shall have the same meaning, they have in common usage.

**Adaptive Use** - Rehabilitation of a historic structure for use other than its original use such as a residence converted into offices.

**Addition** - New construction added to an existing building or structure.

**Alteration** - Any project involving change of or addition to an existing building as it pertains to exterior of the building as viewable from a public right of way

**Area Of Influence** - The affected area to be notified for a public hearing as determined by a specific type of construction, alteration, restoration, moving or demolition as described in the individual categories found in the guidelines for review adopted by the Historic District Commission.

**Building** - Any structure having a roof supported by columns or walls for the housing or enclosure of persons or animals.

**Certificate of Appropriateness** - A document awarded by the Historic District Commission allowing an applicant to proceed with a proposed rehabilitation, renovation, preservation, alteration, demolition, or new construction in a designated area or site, following a determination of the proposal's suitability according to applicable criteria.

**Certificate of Economic Hardship** - A certificate issued by the Historic District Commission waiving the requirement for a Certificate of Appropriateness due to significant financial constraints of the property owner.

**Character** - The qualities and attributes of any structure, site, street or district.

**Contemporary** - Reflecting characteristics of the current period. Contemporary denotes characteristics which illustrate that a building, structure, or detail was constructed in the present or recent past rather than being imitative or reflective of a historic design.

**Detailing** - Architectural aspects that, due to particular treatment, draw attention to certain parts or features of a building.

**Demolition** - Any act which destroys in whole or in part a building or structure.

**Demolition By Neglect** - The destruction of a building or structure through abandonment or lack of maintenance.

**Design Guidelines** - Criteria developed by preservation commissions to identify design concerns in an area and to help property owners ensure that rehabilitation and new construction respect the character of designated buildings and districts.

**Element** - A material part or detail of a site, structure, street, or district.

**Entrance Area** - The area of access to the interior of the building including the design, location, and materials of all porches, stairs, doors, transoms, and sidelights.

**Exterior Architectural Features** - The architectural style, design, and general arrangement of the exterior of a structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures.

**Facade** - A face of a building.

**Height** - The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the highest point of the building.

**Historic District** - A geographically definable area with a significant concentration of buildings, structures, sites, spaces, or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations. The significance of a district may be recognized through listing in a local, state, or national register and may be protected legally through enactment of a local historic district ordinance administered by a historic district commission. For the purpose of this ordinance, "Historic District" shall refer to the local ordinance historic district created herein, unless specifically noted.

**Landmark** - A building, structure, object or site which is identified as a historic resource of particular significance.

**Massing** - Volume, magnitude, or overall size of a building.

**Ordinary Maintenance** - Those improvements, which do not change but simply upgrade a structure.

**Owner of Record** - The person, corporation, or other legal entity listed as owner on the records of Faulkner County.

**Preservation** - The maintenance of a property without significant alteration to its current condition.

**Proportion** - Relationship of height to width of the building outline as well as individual components.

**Public Notice** - *The public hearing sign posted on property for which a certificate of appropriateness is sought to notify the general public of the upcoming public hearing. Also the posting of a notice of the upcoming public hearing on the HDC website.*

**Rehabilitation** - The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

**Restoration** - The process of returning a building to its condition at a specific time period, often to its original condition.

**Rhythm** - A harmonious or orderly recurrence of compositional elements at regular intervals, including the location of doors and the placement of windows, symmetrically or asymmetrically and their relative proportion.

**Roof Area** - The outside covering of a building or structure extending above the vertical walls including the form, material, and texture of the roof, including the slope, pitch, and spacing of roof covering. Roof area also includes but is not limited to size, design, number, and location of dormers; the design and placement of cornices; and the size, design, material, and location of chimneys.

**Scale** - The relative dimension, size, degree or proportion of parts of a building to one another or group of buildings.

**Signage:**

**Area (of a sign)** - The surface area of a sign measured with a maximum of three (3) distinct and abutting "areas" made up of squares or rectangles which encompass the extreme limits of the sign including all structures and components.

**Banner Sign** - A sign of cloth or other flexible material which projects from or hangs from a building, pole, or wire.

**Freestanding Sign** - A sign supported permanently upon the ground by poles or braces and not attached to any building.

**Height (of a sign)** - The vertical distance between the highest part of a sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign. Any berm or other fill placed at the base of the sign shall not be considered normal ground elevation.

**Monument Sign** - A sign mounted directly to the ground. No poles shall be visible. The maximum height is measured from the ground to the top of the sign including any base construction.

**Post and Arm Sign** - A sign supported by an upright post with a horizontal arm, from which a sign is suspended. No part of the structural support may be greater than six (6) inches in any dimension. Maximum height of four (4) feet.

**Two-pole Sign** - A sign constructed with two vertical support poles. The poles shall be mounted on the outside of the sign face or within the outside one-fourth (1/4) of the sign face. A sign face may be mounted on top or between the two vertical poles.

**Vertical Banner**- a banner hung or projecting typically from a pole, such as a street light, in the public right-of way designated for civic use.

**Siting** -Location of a building in relationship to the legal boundaries and setbacks, adjacent properties, and the natural conditions of the site. .

**Structure** - Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner. That which is built or constructed; an edifice or building of any kind; excluding but not limited to, electric and cable television distribution and transmission lines, poles and equipment, fire hydrants and wastewater collection manholes.

**Texture** - The visual or tactile surface characteristics created by shape, arrangement, and distribution of the component materials.

**Tree:**

**Canopy Tree** - A tree that will reach a mature height of forty (40) to sixty (60) feet.

**Understory Tree** - A tree that will reach a mature height of fifteen (15) to thirty (30) feet.

**Wall Areas** - The vertical architectural member used to define and divide space. This includes but is not limited to kind, texture, and exposure of wall sidings and trims and the location, number, and design of all window and door openings.

#### **Section 10. Certificate Of Appropriateness Required:**

No building or structure, including but not limited to masonry walls, fences, light fixtures, steps and paving, other appurtenant fixtures, or other elements viewable from the public right of way set forth in design guidelines shall be erected, altered, restored, moved, or demolished within said Historic District until after an application for a Certificate of Appropriateness as to the exterior architectural features has been submitted to and approved by the HDC.

- A. No building permit or other permit shall be granted for purpose of constructing or altering structures until an application for a Certificate of Appropriateness as to the exterior architectural features has been submitted to and approved by the HDC.

- B. A Certificate of Appropriateness shall be required whether or not a building permit is required.
- C. In its deliberations under this Ordinance, said HDC shall not consider interior arrangement or use.
- D. Historic District Staff, on behalf of the HDC, shall initially determine if a Certificate of Appropriateness is required for any specific project. Staff shall use this ordinance and approved guidelines to make a determination. Staff shall report any decisions to the HDC at the next regularly scheduled meeting after making a determination.**

**Section 11. Determination On An Application:**

Within a reasonable amount of time, not to exceed thirty (30) days after the filing of an application for a Certificate of Appropriateness, the HDC shall make a preliminary determination as to the properties, if any that will be materially affected by any of the changes proposed in said application. The HDC shall promptly send by mail, postage prepaid, to the applicant and to the owners of all such affected properties, a notice of hearing to be held by the HDC on said application. **The applicant shall place a public hearing sign on the property a minimum of fifteen (15) days prior to the hearing. This public hearing sign is obtained from the Conway Planning and Development Department for a minimal fee. The HDC shall post a public notice on the HDC's website announcing the public hearing.** The hearing shall be held no later than 60 days after the initial application.

- A. The HDC, at the public hearing, shall hear all persons desiring to present information regarding the application. The HDC shall act on such application for Certificate of Appropriateness within 30 days. The HDC shall determine whether the restoration, rehabilitation, renovation, preservation, alteration, construction, moving or demolition of buildings, structures, or appurtenant fixtures involved will be appropriate to the preservation of the Historic District. If the HDC determines that a certificate of appropriateness should not be issued, it shall place upon its records the reasons for such determination. The HDC shall immediately notify the applicant of its determination.
- B. Proposed repairs, alterations, new construction, moving, or demolition in the Historic District shall respect and relate to the special character of the District. In making its determination, the HDC shall consider without being limited to the following criteria within the context of the Secretary of Interior's Standards for Rehabilitation adapted specifically to Conway:
  - 1. The purpose of this Ordinance;
  - 2. The architectural or historic value or significance of a building and its relationship to the surrounding area;
  - 3. The general compatibility of proposed changes; and
  - 4. Any other factor, including visual and aesthetic, considered pertinent.
- C. The HDC shall encourage proposed changes, which reflect the original design of the structure, based on photographs, written description, or other historical documentation, and may be guided by the following preferences:
  - 1. It is preferable to preserve by maintenance rather than to repair original features of the building.
  - 2. It is preferable to repair rather than to reconstruct if possible.
  - 3. It is preferable to restore by reconstruction of original features (not limited to original materials) rather than to remove or remodel.
  - 4. Contemporary design shall not be excluded from consideration.
- D. When evaluating the general compatibility of alterations to the exterior of any building in the Historic District, the HDC shall consider, but not be limited to, the following factors within the building's area of influence within the context of Secretary of the Interior Standards of Rehabilitation adopted specifically to Conway:
  - 1. Siting
  - 2. Height



3. Proportion
  4. Rhythm
  5. Roof area
  6. Entrance area
  7. Wall areas
  8. Detailing
  9. Facade
  10. Scale
  11. Massing
- E. New construction shall be judged on its compatibility with the existing neighborhood and area of influence.
  - F. Additions to existing buildings shall be judged in the same manner as new construction and shall complement the design of the original building.
  - G. No change shall be made in the scope of work for any building permit after issuance of a Certificate of Appropriateness without resubmitting to the HDC and receiving approval in the same manner as provided above.
  - H. **Within Conway historic districts, the HDC shall determine appropriate lot coverages and setbacks, as per approved design guidelines for each district.**
  - I. **Within Conway historic districts, single family residences may be constructed on lots that were platted and/or subdivided by deed no later than ten (10) years prior to the Certificate of Appropriateness application, regardless of lot dimensions or square footage.**
  - J. **Within Conway historic districts, street right of way dedication as required by new construction shall be directed as per individual district guidelines.**
  - K. **As part of a Certificate of Appropriateness review, removal of any trees over eight inches (8") in diameter must be approved by the HDC. Also as part of this review, street canopy trees shall be planted along street frontages at a rate of one (1) tree per thirty feet (30') of street frontage. If overhead utilities exist, then understory trees shall be planted at the same rate as canopy trees. Existing street trees over eight inches (8") in diameter may count towards the required number as per approval of the HDC.**
  - L. **Within Conway historic districts all signage is subject to approval of the HDC. Freestanding signage shall be externally lit, monument, two pole, or post and arm style and shall be no greater than sixteen square feet (16 s.f.) in area per side and no more than four feet (4') in height. Banner signs are prohibited with the exception of non-commercial vertical banners. All other signage shall be governed by current City of Conway sign regulations.**

#### **Section 12. Demolition:**

- A. If the application for a Certificate of Appropriateness involves the demolition of a building, which the HDC initially determines to be an inappropriate demolition, then the HDC may defer the matter until such time as it has had an opportunity to consider the following alternatives to the demolition of subject property:
  1. Sources of funding for preservation and restoration activities if lack of such funds is the reason for the request to demolish.
  2. Adaptive use changes.
  3. An attempt to find a purchaser for the property who would maintain the building in a suitable and acceptable manner.
  4. The feasibility of moving the building to another appropriate location.
  5. Any such other solution as may be deemed advisable and in keeping with the spirit and intent of this Ordinance.

- B. The owner or other person having legal custody of any building or structure within a historic district shall keep the structure properly maintained and repaired in order to prevent demolition by neglect. However, during the time as determined by the criteria outlined in Section 9 herein the HDC is considering any one of the alternatives above, progress reports shall be made by the HDC and/or its staff at its regularly scheduled meeting. If, at the expiration of six (6) calendar months from the date of the first public hearing of an application for demolition, the HDC has not found a viable alternative to the demolition of the property, the HDC shall reschedule the matter for public hearing requiring notices as aforesaid, and upon said public hearing, make its final determination as to the application. In such cases, the public hearing for final determination shall be held within one (1) calendar month after the expiration of the six (6) months from the date of the first public hearing; and at the second public hearing, the HDC may hear such matters as are considered necessary or desirable to be fully advised of all facts and circumstances pertaining to the proposed demolition. At the second public hearing, the HDC may immediately announce its decision or take the matter under advisement to its next regularly scheduled meeting but in no event longer than two (2) calendar months after the expiration of the six month period after the first public hearing. If the HDC has rendered no decision on the application for demolition within two (2) calendar months after the expiration of the six (6) months following the first public hearing, the HDC shall consider the application as having been approved and shall issue a Certificate of Appropriateness.
- C. Provided, that this ordinance shall not apply to any ordinances or amendments thereto enacted by the City of Conway pursuant to the authority of ACA 14-56-203 regarding the razing and removal of dilapidated buildings.

**Section 13. Economic Hardship:**

In addition to considering, the matters brought to the attention of the HDC and the criteria set out above, the HDC may determine that failure to issue a Certificate of Appropriateness will create a substantial financial hardship ~~to~~ **the applicant.**

- A. It shall be incumbent on the applicant to demonstrate financial hardship to the HDC.
- B. If the property is a significant historic and community resource, the HDC may invoke up to a ninety (90) day delay of proposed work. During this period of delay, the HDC shall propose suitable alternatives to the proposed work for the applicant to investigate. The applicant, with the assistance of the HDC and/or City staff, shall investigate the feasibility of the proposed alternatives, and report their findings to the HDC. If the applicant fails such, the HDC may consider this failure in their deliberations.
- C. If, after the end of the ninety (90) day delay period, no reasonable use can be found or economic return can be obtained and there has been no substantial detriment to the Historic District, the HDC may issue a Certificate of Economic Hardship approving the proposed work. If the HDC finds otherwise, it shall deny the application for Certificate of Economic Hardship, and record in its records the reasons therefore.

**Section 14. Maintenance and Repair:**

The owner or other person having legal custody of any building or structure within a historic district shall keep the structure properly maintained and repaired. It will be the responsibility of such owners to repair a structure if it is found to have deterioration, within the context of Secretary of the Interior Standards of Rehabilitation adopted specifically to Conway including but not limited to:

- A. The deterioration of exterior walls or other vertical supports;
- B. The deterioration of external chimneys;
- C. The deterioration of roofs or other horizontal members;
- D. The deterioration or crumbling of exterior plasters or mortar;
- E. The ineffective waterproofing of exterior walls, roofs, foundations, including broken windows or doors;
- F. The peeling of paint, rotting, holes and other forms of decay;

- G. The lack of maintenance of surrounding environment, e.g. fences, gates, sidewalks, steps, signs, and ancillary structures.
- H. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

The HDC may notify the property owner of any violations of these maintenance requirements by mail, giving details of the violation along with a time period no shorter than 60 days but longer as required for remedy of the violation and consequences of failure to remedy the violation.

**Section 15. Work Not Requiring a Certificate of Appropriateness:**

- A. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the Historic District, which does not involve a change in design, materials, or outer appearance. Such ordinary maintenance will not require a Certificate of Appropriateness.
  - 1. For the purposes of this Ordinance, proposed work consisting only of a change in exterior paint colors shall be considered ordinary maintenance.
- B. This Ordinance shall not prevent the restoration, rehabilitation, renovation, preservation, alteration, construction, or demolition of any such feature that the building inspector or similar agent of the City shall certify is required for the public safety. In emergency situations, threatening life, limb, or significant property damage, work may be performed without a Certificate of Appropriateness.
- C. This Ordinance shall not prevent the restoration, rehabilitation, renovation, preservation, alteration, construction, or demolition of any such feature under a permit issued by a building inspector or similar agent of the City prior to the effective date of the establishment of said Historic District.

**Section 16. Applicability to City and Utilities:**

Structures erected and/or maintained by the City of Conway and by public utility companies within historic districts shall be subject to the provisions of this Ordinance. The HDC shall consider these certificates in accordance with the procedures and standards applicable to individual certificates.

**Section 17. Appeals:**

The HDC may adopt, within its own rules, procedures for addressing aggrieved applicants or reconsidering prior decisions. Any applicant still aggrieved by the determination of the HDC may, within thirty (30) days after the making of such decision, appeal the determination of the HDC to the Circuit Court of Faulkner County, Arkansas.

**Section 18. Enforcement:**

In the event that work being performed is found not to be in accordance with the Certificate of Appropriateness or upon notification of such fact by the Historic District Commission and/or City staff, the building inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Stop work orders and penalties for non-compliance with such will be forced according to other applicable laws. A decision shall be made by the HDC concerning the stop work order within five ( 5 ) business days.

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars (\$10.00) to five hundred dollars (\$500) per day, in accordance with state statute. Each day that a violation continues to exist shall constitute a separate offense.

**Section 19. Other Ordinances:**

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed. This Ordinance is amendatory to the Conway Municipal Code.

**Section 20. State Law:**

It is the legislative intent of the Conway City Council to grant to the Conway Historic District Commission authority to the extent allowed under the Arkansas Historic Districts Act, Act 484 of 1963 as amended and codified at Arkansas Code Annotated §14-172-101 et seq. Should Arkansas law hereafter be amended, this Ordinance shall conform to state law.

**Section 21. Emergency:**

The City Council has found and determined that the creation and establishment of a Historic District Commission for the City of Conway is essential in order to assure the preservation of historic districts and buildings related to the history of the City. In consideration of the public interest to be preserved, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect immediately from and after the date of its passage.

## **APPENDIX A**

### **The Secretary of the Interiors Standards of Rehabilitation**

The Standards that follow were originally published in 1977 and revisited in 1990 as part of the Department of the Interior Regulations (36 CFR Part 67, Historic Preservation Certifications). They pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings.

The standards also encompass related landscape features and the building's site and environment as well as attached adjacent or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

#### **Historic Guidelines**

1. Property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design in color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken in the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## APPENDIX B

### Boundary Description for the Asa P. Robinson Historic District

Starting at a point at the centerline of Faulkner Street 150.0' north of the centerline of Prince Street; thence south along the centerline of Faulkner Street to the centerline of Prince Street; thence east along the centerline of Prince Street a distance of 186.0'; thence south along the eastern boundary of the western half of block 25 Robinson's plan a distance of 640.0' to the centerline of Caldwell Street; thence west along the centerline of Caldwell Street a distance 220.0' to the centerline of the western offset of Faulkner Street; thence south along the centerline of Faulkner Street to the centerline of Robinson Avenue a distance of 680.0'; thence west along the centerline of Robinson Avenue to the centerline of Center Street a distance of 359.0'; thence south along the centerline of Center Street a distance of 170.0'; thence west across lot 15 block 32 Robinson's plan a distance of 193.5'; thence south along the eastern boundary of lot 3 block 32 Robinson's plan a distance of 20.0'; thence west along the southern boundary of lot 3 block 32 Robinson's plan to centerline of Ash Street a distance of 193.5'; thence south along the centerline of Ash Street a distance of 140.0'; thence west to the centerline of Davis Street a distance of 387.0'; thence north along the centerline of Davis Street a distance of 95.0'; thence west along the southern boundary lot 4 D.O. Harton subdivision block 38 Robinson's plan a distance of 180.0'; thence south along the eastern boundary of lot 20 D.O. Harton subdivision block 38 Robinson's plan a distance of 250.0'; thence west along the southern boundary of lot 20 D.O. Harton subdivision block 38 Robinson's plan a distance of 219.0'; thence north along the western boundary of lot 20 D.O. Harton subdivision block 38 Robinson's plan a distance of 300.0'; thence west along the southern boundary of lots 21, 22 & 23 D.O. Harton subdivision block 38 Robinson's plan a distance of 180.0' to the centerline of Mitchell Street; thence ~~south~~ **north** along the centerline of Mitchell Street a distance of ~~145.0'~~ **85'**; ~~thence west along the southern boundary of lots 1, 2 & 3 block 42 Robinson's plan a distance of 579.0' to the centerline of Watkins Street;~~ **thence west 150'; thence south 230'; thence west 139.5' to the southeast corner of Lot 2, Block 42, Robinson's Plan; thence west along the southern boundary of Lots 2 and 3, Block 42, Robinson's Plan a distance of 289.5' to the centerline of Watkins Street;** thence north along the centerline of Watkins Street to the centerline of Robinson Avenue a distance of 345.0'; thence west along the centerline of Robinson Avenue a distance of 159.75'; thence north along the western boundary of lot 5 block 45 Robinson's plan a distance of 345.0'; thence continuing north to the centerline of Caldwell Street a distance of 335.0'; thence west along the center line of Caldwell Street a distance of 20.25'; thence north along the western boundary of lot 5-C block 44 Robinson's plan a distance of 176.25'; thence east along the northern boundary of lot 5-C block 44 Robinson's plan a distance of 180.0' to the centerline of Watkins Street; thence east along the northern boundary of lots 7 & 8 block 40 Robinson's plan a distance of 579.0' to the centerline Mitchell Street; thence south along the centerline of Mitchell Street a distance of 12.5'; thence east along the northern boundary of lots 20, 19, 18, 17, 16, 15, 14, 13, 12 & 11 block 36 112 Robinson's plan a distance of 579.0' to the centerline of Davis Street; thence north along the centerline of Davis Street a distance of 694.25'; thence east along the northern boundary of lots 180-C & 180-D Stermer's replat Fiddler's survey a distance of 230.0'; thence north along the western boundary of 180E Stermer's replat Fiddler's survey a distance of 173.0'; thence east along the northern boundary of lot 180E Stermer's replat Fiddler's survey a distance of 50.0'; thence south along the eastern boundary of lot 180E Stermer's replat Fiddler's survey a distance of 181 .0f; thence east along the northern boundary of lot 179 Fiddler's survey a distance of 100.0'; thence north along the western most boundary of lot 177-A Fiddler's survey a distance of 97.0'; thence east along the northern most boundary of lot 177-A Fiddler's survey a distance of 140.0'; thence south along the western boundary of lot 234-B Fiddler's survey a distance of 30.0'; thence east along the southern boundary of 234-B Fiddler's survey a distance of 80.0'; thence south along the easternmost boundary of lot 177-A Fiddler's survey a distance of 127.0'; thence east along the northern boundary of lot 233 Fiddler's survey a distance of 190.0' to the centerline of Clifton Street; thence east a distance of 350.0' to the point of beginning.

#### Notes:

If a description approximates the location of a property line, it is assumed to be on that property line.

# Asa P. Robinson Historic District



## APPENDIX C Boundary Map of the Asa P. Robinson Historic District





# SYNOPSIS OF

## 2010 HISTORIC DISTRICT COMMISSION STANDARDS

### REVISING AND COMBINING HISTORIC DISTRICT COMMISSION ORDINANCES

#### O-02-124 AND O-04-43

**General Description:** Two ordinances govern the Conway Historic District Commission. O-02-124 created the Historic District Commission and defined basic duties. O-04-43 created the Robinson Historic District and further defined Historic District Commission regulations. In particular, those regulations concerning reviews of Certificates of Appropriateness. A Certificate of Appropriateness is granted by the HDC for all work beyond typical maintenance within a local historic district. New guidelines for the Robinson Historic District have been created by the Planning and Development Department. In order to fully implement these guidelines, revisions are needed to these historic district ordinances. A new document, 2010 Historic District Commission Standards has been created. This document is a combination of these 2 ordinances with revisions. It is proposed to be adopted by reference due to the length of the document.

**Revised text is only discussed in this synopsis. Unless discussed, all other text within the two Historic District Ordinances remains unchanged.**

#### **SECTION 1. CREATION AND MEMBERS:**

**Revised Language:** The Historic District Commission shall consist of seven (7) members appointed by the Mayor with the advice and consent of the City Council. Members shall demonstrate a positive interest in historic preservation, possessing interest, expertise, experience, or education in architecture, history, urban planning, building rehabilitation, real estate, archaeology, conservation, preservation, or related fields. Members of the commission shall reside within the city's corporate limits, and at least one-third of the commission's membership must either reside or own property in a locally designated historic district, a historic district listed on the National Register of Historic Places, or the Old Conway Design Overlay District. One (1) member shall be a registered architect who may serve any number of terms. Members may not be salaried city employees or hold an elective municipal office.

**Original Language:** The Historic District Commission shall consist of nine (9) members appointed by the Mayor with the advice and consent of the City Council. At least one member shall represent each ward. Members shall be electors of the City of Conway holding no salaried or elective municipal office and shall include at least one (1) person who owns property within the proposed historical district. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, history, urban or regional planning, building rehabilitation, real estate, or preservation or conservation in general.

**Synopsis:** This revision will reduce the number of members from 9 to 7. Ward representation will no longer be a criterion, instead at least 2 members must live or own property in a historic district or the Old Conway Design Overlay District. A registered architect is required to serve on the board and they will not be limited on the number of terms they may serve. The expertise of an architect is highly desirable due to the fact that there is a limited number of registered architects within Conway, the term limitation is re-



moved. The remaining 4 members may come from the city at large. These changes will allow greater freedom in finding interested and qualified HDC members.

## **SECTION 2. OFFICERS, MEETINGS, AND STAFF:**

### **Revised Language:**

1. The HDC shall elect a Chair and Vice-chair annually from its own members. The Chair shall preside at all meetings of the HDC. The Chair shall have the power to appoint committees and designate committee chairs, call special meetings, sign all approved minutes and, when authorized, other documents on behalf of the HDC and to perform such other duties as may be ordered by the HDC. The Vice-Chair shall preside at all meeting and assume all duties and powers of the Chair in the absence of the Chair.
2. The Mayor shall designate an individual to serve as the city's Historic Preservation Officer, who shall serve as the HDC's Secretary, provide administrative support to the HDC, and advise the HDC on matters submitted to it. The Historic Preservation Officer may be a current city employee or a consultant procured via a contract for professional services.
  1. In addition to serving as representative of the HDC, the Historic Preservation Officer is responsible, with the assistance of the Chair, or appointed designee, for coordinating the City's preservation activities with those of state and national agencies and organizations. The Historic Preservation Officer may consult, at his or her discretion, with preservation-related professionals including, but not limited to, architects, historians, engineers, archeologists and realtors. The Historic Preservation Officer may, when necessary and with adequate notice, call special meetings of the HDC.
3. The HDC shall meet at least quarterly, or more frequently if so required, to conduct business. A simple majority of the HDC shall constitute a quorum for the transaction of business.

**Original Language:** The Commission shall elect a chairman and vice-chairman annually from its own members and shall meet at least four times per year. The commission may adopt rules and regulations not inconsistent with the provisions of this ordinance and state law. A simple majority of the commission shall constitute a quorum for the transaction of business. The commission may, subject to appropriation, employ clerical and technical assistance or consultants and may accept money, gifts or grants, and use the same for such purpose.

**Synopsis:** This section has been replaced with newer language from the state recommended model HDC creating ordinance. The new language better defines the roles of the Chair, Vice-Chair, and Historic Preservation Officer.

## **SECTION 7. COMMISSION POWERS:**

**Revised Language:** Adopt design review guidelines to be used when considering Certificate of Appropriateness applications, These guidelines will be based upon the Secretary of Interior's Standards for Rehabilitation (included with this ordinance as **Appendix A**) adapted specifically to the City of Conway.

**Original Language:** Adopt design review guidelines to be used when considering Certificate of Appropriateness applications, These guidelines will be based upon the Secretary of Interior's Standards for Rehabilitation(included with this ordinance as **Attachment A**) adapted specifically to the City of Conway. Further, these guidelines must be approved in their entirety by the Conway City Council both in their initial form and in all future amendments thereto;

**Synopsis:** The first revision in this paragraph amends an incorrect reference from Attachment A to Appendix A. The second revision strikes out the requirement for Historic District Guidelines to be approved by the City Council. This would give the HDC the ability to create and modify guidelines for the Robinson Historic District as well as any new local historic districts. Typically, guidelines are non-binding regulations. All

18 certified local government cities in Arkansas with the exception of Conway, allow their Historic District Commissions this freedom.

#### **SECTION 8. ROBINSON HISTORIC DISTRICT NATIONAL HISTORIC REGISTER OF HISTORIC PLACES BOUNDARY**

**Revised Language:** Typos are amended in this section. Exhibit 1 is corrected to Appendix C, more particularly is changed to generally, and Attachment B is changed to Appendix B.

**Synopsis:** Minor corrections

#### **SECTION 9. DEFINITIONS**

**Revised Language:** Definitions for signage and tree are added.

**Synopsis:** These definitions are added to make clear signage and tree preservation requirements within historic districts.

#### **SECTION 10. CERTIFICATE OF APPROPRIATENESS REQUIRED:**

**Revised Language:** Paragraph D. is added clarifying HDC staff's ability to make an initial determination of the need for a Certificate of Appropriateness.

**Synopsis:** Planning staff acts as HDC staff. In this capacity, Planning Staff has been making the determination as to what type of work requires a Certificate of Appropriateness, e.g. maintenance vs. new construction. Paragraph D clarifies this job capacity which is currently unaddressed.

#### **SECTION 11. DETERMINATION ON AN APPLICATION:**

**Revised Language:** The first paragraph of this section would require an applicant to place a public hearing sign at least 15 days prior to the public hearing concerning a certificate of appropriateness. Likewise, a public notice would be placed on the Historic District Commission's website which is currently hosted at conwayplanning.org. Currently, as required by state law, only letters are sent to affected property owners. The public hearing sign and web notice would be in addition to the required letters.

Paragraphs H- L are added to the general preservation guidelines:

H. Within Conway historic districts, the HDC shall determine appropriate lot coverages and setbacks, as per approved design guidelines for each district.

**Synopsis:** Paragraph H allows the HDC to determine proper setbacks and lot coverages for new construction. Currently, the Old Conway Design Review has similar authority in the Old Conway Design Overlay District.

I. Within Conway historic districts, single family residences may be constructed on lots that were platted and/or subdivided by deed no later than ten (10) years prior to the Certificate of Appropriateness application, regardless of lot dimensions or square footage.

**Synopsis:** Paragraph I allows new single-family construction on lots that are not up to conventional zoning standards, but are historically platted or deeded. Currently, the Old Conway Design Overlay District has a similar standard.

J. Within Conway historic districts, street right of way dedication as required by new construction shall be directed as per individual district guidelines.

**Synopsis:** Paragraph J would not require additional right of way dedication as part of new construction or platting on streets classified as residential. This is appropriate for historically narrower street rights of way. Currently, the Old Conway Design Overlay District has a similar standard.

K. As part of a Certificate of Appropriateness review, removal of any trees over eight inches (8") in diameter must be approved by the HDC. Also as part of this review, street canopy trees shall be planted along street frontages at a rate of one (1) tree per thirty feet (30') of street frontage. If overhead utilities exist, then understory trees shall be planted at the same rate as canopy trees. Existing street trees over eight inches (8") in diameter may count towards the required number as per approval of the HDC.

**Synopsis:** Similar to current Old Conway Design Overlay District standards, removal trees of significant trees would require HDC approval as part of a Certificate of Appropriateness review. Likewise, new street trees would be required as needed.

L. Within Conway historic districts all signage is subject to approval of the HDC. Freestanding signage shall be externally lit, monument, two pole, or post and arm style and shall be no greater than sixteen square feet (16 s.f.) in area per side and no more than four feet (4') in height. Banner signs are prohibited with the exception of non-commercial vertical banners. All other signage shall be governed by current City of Conway sign regulations.

**Synopsis:** Also similar to current Old Conway Design Overlay District standards, signage would be further limited in historic districts to historically appropriate designs and sizes. Banners, other than community oriented vertical banners would be prohibited.

### **SECTION 13. ECONOMIC HARDSHIP:**

**Revised Language:** In addition to considering, the matters brought to the attention of the HDC and the criteria set out above, the HDC may determine that failure to issue a Certificate of Appropriateness will create a substantial financial hardship ~~to the applicant~~.

**Synopsis:** At the advice of the Arkansas Historic Preservation Program staff, the words to the applicant are struck. Case law has established that economic hardship arises from the property, not from the owner.

### **APPENDIX B AND C BOUNDARY DESCRIPTION FOR THE ASA P. ROBINSON HISTORIC DISTRICT**

**Synopsis:** The legal description for the Robinson Historic District currently includes three extra lots in the 600 and 700 block of Mitchell Street that were not included in the original National Register Historic District survey. Since these homes were not included in the NRHD survey, they should not be part of the Robinson District. The boundary description is revised to remove these lots. The Boundary Map, Appendix C, is also revised to match the corrected boundary description.





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

**AN ORDINANCE APPROPRIATING FUNDS FOR THE CONWAY PARKS DEPARTMENT TO  
PURCHASE PARK BENCHES; AND FOR OTHER PURPOSES:**

**WHEREAS**, The Conway Parks Department received a \$1,050 donation from Soaring Wings Ranch and would like to request such funds be appropriated for the purchase of park benches for various locations.

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

**SECTION 1.** The City of Conway shall appropriate \$1,050 from Parks Miscellaneous Account (01.911) to the Conway Parks Accountable Equipment Account (01.120.354) to purchase park benches for various park locations.

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

**PASSED** this 26<sup>th</sup> day of January 2010.

**APPROVED:**

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

**ATTEST:**

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



# Memo

To: Mayor Tab Townsell  
Cc: Conway City Council  
From: Brian Knopp, Parks Director  
Date: January 15, 2010  
Re: Appropriation of Funds

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The Conway Parks Department recently received a \$1,050 donation check from Soaring Wings Ranch.

We would like to request the Conway City Council to appropriate these funds from the Parks Miscellaneous Account (01.911) to the Parks Accountable Equipment Account (01.120.354) to be used to purchase park benches for various parks.



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

**AN ORDINANCE ADOPTING AN EMPLOYEE HANDBOOK AND PERSONNEL POLICY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

**WHEREAS**, the Mayor of the City of Conway, Arkansas, has submitted to the City Council a handbook to be used for personnel matters for the City.

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

**SECTION 1.** A handbook entitled, "Employee Handbook, City of Conway, Personnel Policy," has been examined by the City Council and found to be needed for the fair and impartial implementation of personnel policies.

**SECTION 2.** This policy shall be adopted as set forth in the document entitled "Employee Handbook, City of Conway, Personnel Policy."

**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 26<sup>th</sup> day of January, 2010.

**APPROVED:**

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**Mayor Tab Townsell**

**ATTEST:**

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

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

# Memo:

**To:** Mayor Tab Townsell  
**CC:** City Council Members  
City Clerk/Treasurer Michael O. Garrett  
**From:** January 19<sup>th</sup>, 2010  
**Re:** Taxi Cab Application

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The following application has been submitted for your approval to operate a taxicab within the City limits of Conway.

City Cab of Conway  
704 E. Sixth Street  
Conway, AR 72032  
501.499.1967

The City currently has two companies operating taxicabs and they are as follows:

Thomas Worthey  
Conway Taxi  
1911 Harkrider  
Conway, AR 72032  
501-730-4110

Michael Chambers  
Your Local Taxi LLC  
DBA Conway Yellow Cab  
830 Chestnut St.  
Conway, AR 72034  
501-442-3600

If you have any questions please advise.





## APPLICATION FOR LICENSE TO OPERATE TAXI-CAB

TO THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

The undersigned hereby makes application for license to operate taxi-cab within said city, in accordance with the provisions of Ordinance No. A-223, passed November 26<sup>th</sup>, 1946, and all amendments made here-to, and makes the following statements and representations in support of this application:

### BUSINESS

Business Name: City Cab of Conway

Address: 704 E Sixth St  
Conway Ar 72032  
501-336-8076

Owner: Robin McGowan & Vernon Wilcox  
& Matt & April Guy

### Vehicle

Permit #

Year	Make	Model	VIN #	Permit #
Year <u>2009</u>	Make <u>Toyota</u>	Model <u>Sientra</u>	VIN # <u>5HD B K 23 C 395028177</u>	
Year _____	Make _____	Model _____	VIN # _____	
Year _____	Make _____	Model _____	VIN # _____	
Year _____	Make _____	Model _____	VIN # _____	

Permit number: \_\_\_\_\_

### INSURANCE

Amount of Liability and Property Damage Insurance: 25 / 50 / 25

Name of Insurance Company: National Liability and Fire Policy number: WB 21820

Date of insurance: 1-15-10 TO 1-15-11

Pd 1/15/10 25.00



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

<b>PRODUCER</b> GRAHAM-ROGERS INC 501 SE FRANK PHILLIPS BLVD BARTLESVILLE, OK 74003	THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.												
<b>INSURED</b> ROBIN MCGOWAN DBA CITY CAB OF CONWAY 704 EAST 10TH STREET CONWAY, AR 72032	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURERS AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A: NATIONAL INDEMNITY COMPANY</td> <td>20087</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> </table>	INSURERS AFFORDING COVERAGE	NAIC #	INSURER A: NATIONAL INDEMNITY COMPANY	20087	INSURER B:		INSURER C:		INSURER D:		INSURER E:	
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INSURER B:													
INSURER C:													
INSURER D:													
INSURER E:													

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR/ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS								
	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$								
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	70APS023692	01/15/2010	01/15/2011	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ 25000 BODILY INJURY (Per accident) \$ 50000 PROPERTY DAMAGE (Per accident) \$ 25000								
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$								
	<b>EXCESSUMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$								
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">WK STATU-TORY LIMITS</td> <td style="width: 50%;">OTH-ER</td> </tr> <tr> <td>E.L. EACH ACCIDENT</td> <td>\$</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$</td> </tr> </table>	WK STATU-TORY LIMITS	OTH-ER	E.L. EACH ACCIDENT	\$	E.L. DISEASE - EA EMPLOYEE	\$	E.L. DISEASE - POLICY LIMIT	\$
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E.L. EACH ACCIDENT	\$												
E.L. DISEASE - EA EMPLOYEE	\$												
E.L. DISEASE - POLICY LIMIT	\$												

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

2009 TOYOTA SIENNA VIN 028177

**CERTIFICATE HOLDER**

CITY HALL  
 1201 OAK STREET  
 CONWAY, AR 72032  
  
 FAX: 501-450-6145

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

## IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.