

Mayor Bart Castleberry  
Clerk/Treasurer Michael O. Garrett  
City Attorney Chuck Clawson



**City Council Members**

Ward 1 Position 1 – Andy Hawkins  
Ward 1 Position 2 – David Grimes  
Ward 2 Position 1 – Wesley Pruitt  
Ward 2 Position 2 – Shelley Mehl  
Ward 3 Position 1 – Mark Ledbetter  
Ward 3 Position 2 – Mary Smith  
Ward 4 Position 1 – Theodore Jones Jr.  
Ward 4 Position 2 – Shelia Isby

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**Tuesday, July 28<sup>th</sup>, 2020 City Council Agenda**

Conway Municipal Building - City Council Chambers - 1111 Main Street, Conway, AR 72032

*\*Due to restrictions imposed because of the COVID-19 pandemic, the City Council meeting will broadcast on Conway Corporation Channel 5, the City of Conway Facebook page & YouTube Channel. If you would like to ask a question/comment regarding the committee meeting topic or any listed agenda item, please use the following link: <https://conwayarkansas.gov/council/comments/> to submit the request prior to 5pm the day of the Council meeting.*

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<b><u>5:30pm Committee:</u></b>	<b>Sign Ordinance Revisions</b>
<b><u>6:30pm:</u></b>	City Council Meeting
<b><u>Call to Order:</u></b>	Bart Castleberry, Mayor
<b><u>Roll Call:</u></b>	Michael O. Garrett, Clerk/Treasurer
<b><u>Minutes Approval:</u></b>	July 14 <sup>th</sup> , 2020
<b><u>Monthly Financial Report Approval:</u></b>	Month ending June 30 <sup>th</sup> , 2020

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**A. Economic Development Committee (Conway Area Chamber of Commerce, Conway Development Corporation, Conway Downtown Partnership, & Conway Corporation)**

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

**B. Community Development Committee (Airport, Community Development, Planning & Development, Permits, Inspections, & Code Enforcement & Transportation)**

1. Consideration to approve the nomination of Claire Smithson to the Conway Tree Board.
2. Consideration to approve the nomination of Danny Patel to the Advertising & Promotion Commission.
3. Ordinance to rezone property located at 1165 Bob Courtway Drive from R-1 to O-1.

**C. Public Safety Committee (Police, Fire, District Court, Animal Welfare Unit, CEOC - Communication Emergency Operations Center, Department of Information Systems & Technology, & Office of the City Attorney)**

1. Ordinance appropriating asset forfeiture funds to purchase equipment for the Conway Police Department.
2. Ordinance appropriating funds to purchase fire safety promotional equipment for the Conway Fire Department.
3. Ordinance waiving the competitive bid process to purchase equipment for the Conway Fire Department

***Adjournment***



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July 20, 2020

## MEMO - RE: Sign Ordinance Review

From: James Walden, AICP

To: Mayor and Council Members

The following has been prepared for committee discussion on July 28<sup>th</sup> to review the current sign ordinance and chart a path forward. You have a few options laid out before you:

- 1) Make no changes to the current ordinance.
- 2) Make the changes as have been currently proposed regarding LED fuel price signs.
- 3) Form a committee to take a deeper look at the sign ordinance and prepare a set of recommended changes. It is recommended that the committee contain representatives from various stakeholder groups. However, it might be beneficial to limit the realm of considerations for the group.

Below is a review of potential issues that staff sees within the current sign ordinance along with some commentary about each issue. This review is meant to be read inline with the sign ordinance for further context.

- 1) Section 1.01 – Purpose: This section establishes the reasons that the regulations are passed, laying out the arguments for the regulation's necessity.

*The language largely covers what is necessary. However, it may be of value to cite the legal authority that justifies having sign regulations.*

- 2) Section 1.02 – Scope: This section is intended to describe what the overall scope of what is regulated by the ordinance.

*Staff recommends this section be revised to more accurately depict the scope of what the ordinance regulates. For instance, it appears the ordinance regulates both commercial and non-commercial speech in a similar manner, while the scope states the primary intent of the regulations are to regulate commercial speech.*

- 3) Section 1.03 – Applicability: This section describes how the ordinance is to be applied.

*This section contains references to regulations which no longer exist. Staff recommends cleanup. The main requirements of this section are immediately repeated in the following section.*

- 4) Section 2.01 – Signs Prohibited: This section establishes which signs are outright prohibited in the city.

*Some of the sign type descriptions are not content neutral. Recommend revising to address this issue. Additionally, consider prohibit billboards and allowing the grandfathering of existing billboards. Consider either prohibiting feather and similar signs or broadening the definition of “banners” to include them. Banners currently are permitted and have limitations on number and placement.*

- 5) Section 2.02 – Permits Required: This section lays out the requirements for when a permit is required and when it isn't.

*Recommend further clarifying at what level of “maintenance” of a permit is required. This is typically listed as structural or electrical changes in most ordinances, but should be clarified.*

- 6) Section 2.03 – Signs not Requiring Permits: Describes when a permit is not required.

*Many of the sign descriptions are content based and don't appear to meet the standards of Gilbert v. Reed. Ex. Political signs, construction signs, directional signs, real estate signs, yard sale signs. This section requires revision.*

- 7) Section 2.04 – Garage/Yard Sale Signs: Describes which signs are permitted for garage and yard sales.

*See comments for Section 2.03 above.*

- 8) Section 2.05 – Sign Construction and Maintenance: Describes how signs should be constructed and maintained.

*This section is largely adequate, but revising the section to address materials used to construct the sign would be helpful. There have been issues in determining if a vinyl banner can be used as a wall sign.*

- 9) Section 2.06 – Lighting: Describes how signs can be illuminated.

*This section is adequate and does not need revisions.*

- 10) Section 2.07 – Changeable Copy: Describes when changeable copy can be used.

*This section is adequate and does not need revisions.*

- 11) Section 2.08 – Sign Projections from Buildings: Describes how far and how far above the ground a projecting sign can be placed.

*This section is adequate and does not need revisions.*

- 12) Section 2.09 – Sign Similarity to Official Signs: Prohibits signs that appear like official traffic signs.

*Recommend removal as this is addressed in Section 2.01.*

- 13) Section 2.10 – Indemnification and Insurance: Requires a certificate of insurance in favor of the city for anyone performing work.

*This provision is impractical to enforce and uncommon in most sign ordinances. Staff recommends removal.*

- 14) Section 3.01 – All zones: Regulations for signs allowed without a permit.

*See comments for Section 2.03.*

- 15) Section 3.02 – Residential Zones: Regulations for signs allowed in residential zones.  
*This section is adequate and does not need revisions.*
- 16) Section 3.03 – Commercial, Office, Institutional, and Industrial Zones: Regulations for signs allowed in these zones.  
*Recommend not including the TJ zone as an area where the sign ordinance is enforced. We have a very difficult time of enforcement.  
Consider allowing wall signs on non-frontage facades except when facing a residential district.  
Recommend including window signs within the calculation for wall signage.  
Regulations for projecting signs duplicate provisions of Section 2.08.*
- 17) Section 3.04 – Downtown: Regulations for signs in downtown.  
*Remove references to the Conway Design Review Board.  
Recommend a cap on the maximum wall sign size.  
Recommend prohibiting roof signs.  
Recommend including window signs within the calculation for wall signage.  
Recommend directing any variance or special sign request to the HDC instead of the Director of Planning.*
- 18) Section 3.05 – Interstate Sign Zone: Regulations for signs within 1000 feet of the Interstate.  
*Recommend elimination of the interstate sign zone and prohibition of any new billboards.  
Recommend allowing existing signs to be modified structurally if the sign is reduced to at least 75% of its previous height and area. This would allow for a gradual transition from the tall signage over a long period of time. This is more likely to minimize harm and potential competitive disadvantages between old and new sites or redevelopment.*
- 19) Section 4.01 – Determination of Legal Nonconformity: Governs when a sign is considered legally grandfathered.  
*This section appears adequate and does not need revisions.*
- 20) Section 4.02 – Loss of Legal Nonconforming Status: Governs how and if a nonconforming sign may be replaced.  
*Recommend allowing existing signs to be modified structurally if the sign is reduced to at least 75% of its previous height and area. This would allow for a gradual transition from the tall signage over a long period of time. This is more likely to minimize harm and potential competitive disadvantages between old and new sites or redevelopment. Variances are frequently granted that meet these parameters.*
- 21) Section 4.03 – Maintenance and Repair of Nonconforming Signs:  
*This section appears adequate and does not need revisions.*
- 22) Section 5.01 – Construction Specifications:  
*Merge with Section 2.05.*
- 23) Section 6.01 – Code Administrator:  
*This section appears adequate and does not need revisions.*

24) Section 6.02 – Application for Permits:

*This section appears adequate and does not need revisions.*

25) Section 6.03 – Permit Fees:

*Recommend removal of language and including fees within an adopted schedule of fees.*

26) Section 6.04 – Issuance and Denial:

*Recommend a requirement that review shall be completed within 10 days to prevent any legal challenges on grounds of pocket veto.*

27) Section 6.05 – Inspection upon Completion:

*This section appears adequate and does not need revisions.*

28) Section 6.06 – Variances for Signs:

*Recommend calling this a special sign request instead of a variance. State law holds variance review for the Board of Adjustment.*

29) Section 6.07 – 7.04:

*These sections appear adequate and may only need changing if other language is changed which conflicts.*

# **SIGN ORDINANCE**

**CITY OF CONWAY,  
ARKANSAS**

**RE - ADOPTED SEPTEMBER 26, 2006  
AS SECTION 1301 OF CONWAY ZONING  
ORDINANCE O-94-54**

**Superseding Ordinance O-96-60  
July 19, 1996**

**ORDINANCE 0-06-134**

**AN ORDINANCE READOPTING A SIGN ORDINANCE AS SECTION 1301 OF THE CONWAY ZONING ORDINANCE O-94-54; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

**WHEREAS**, the City of Conway desires to discourage visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and

**WHEREAS**, it is also desirable to preserve and enhance the character of Conway by requiring new and replacement signage which is:

- Creative and distinctive,
- Compatible with the surroundings,
- Appropriate to the type of activity to which it pertains,
- Expressive of the identity of individual businesses or of the community as a whole and appropriately sized in its context, so as to be aesthetically pleasing with the surrounding area, yet allow for adequate advertisement.

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

**SECTION 1:** The City Council of Conway, Arkansas hereby approves and readopts by reference the Sign Ordinance dated September 26, 2006. Said Ordinance consist of the text, graphics, and maps of which not less than three (3) copies shall be filed in the office of the Clerk-Treasurer of the City of Conway, Arkansas and from the date on which these ordinances shall take effect the provisions thereof shall be controlling within the limits of the City of Conway and those areas in the territory subject to Conway zoning regulations.

**SECTION 2:** That this readopted sign ordinance shall become Section 1301 of the Conway Zoning Ordinance O-94-54 dated September 1994.

**SECTION 3:** That all ordinances and part of ordinances of a permanent and general nature in effect at the time of adoption of this ordinance and not included herein, are hereby repealed where they are in conflict with this ordinance.

**SECTION 4:** It being immediately necessary for the preservation of the public peace, health, and safety of the City of Conway, Arkansas, and the inhabitants thereof, an emergency is hereby declared to exist; by reason thereof this ordinance shall take effect and be in full force and effect from and after its passage and publication.

**PASSED** this 26th day of September 2006.

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
Mayor

# **SIGN ORDINANCE CITY OF CONWAY, ARKANSAS**

## **SECTION ONE Purpose and Scope**

### **Section 1.01- Purpose**

Signs are an important and necessary means of communication. When properly regulated, signs can serve as a great economic and aesthetic asset. They can be lively, colorful and exciting. In enacting this Ordinance, it is the intent of the City of Conway to promote attractive signage, facilitate traffic safety, promote commerce, and to comprehensively address community aesthetic concerns about visual clutter and visual blight in the environment. The regulation of signs in the City is intended to promote an aesthetically pleasing environment with these concerns in mind. Sign regulation shall be consistent with land use patterns, and signs shall add to, rather than detract from the architecture of the buildings where they are located. Signs shall be well maintained and, in addition, shall not create traffic safety hazards. The regulation of signs in the City of Conway is intended to be content-neutral and to provide adequate opportunity for the presentation of messages of all kinds.

### **Section 1.02- Scope**

The primary intent of the Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

This Ordinance shall relate signage to building design, particularly integral decorative or architectural features of buildings. This Ordinance shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; product dispensers and point of purchase displays; scoreboards on athletic fields; flags and insignia of any government or noncommercial organization, except when displayed in direct connection with commercial promotion; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; signs not exceeding one square foot in area and bearing only property numbers, postbox numbers, or names of occupants of premises; or any display or construction not defined herein as a sign.

### **Section 1.03- Applicability**

No signs shall be erected or maintained in any land use district established by the Zoning Ordinance, except those signs specifically enumerated in this ordinance. The number and area of signs as outlined in this ordinance are intended to be maximum standards.

All signage shall adhere to the guidelines and regulations detailed within this document and any and all other current laws pertaining to signage. This ordinance shall supersede all sign requirements of the Conway Suburban Overlay District Ordinance O-00-167.

The design, height, location, and size of signs are encouraged to be visually complementary and compatible with the scale, and architectural style of the primary structures on the site. As part of development review, sign concepts shall be considered during the design of the site and structures so that signs and graphics can be integrated into the architecture of the project. Sign styles, size, height, scale, colors, location, and materials shall strongly relate to the design of the structures.

## **SECTION TWO General provisions**

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Conway except in accordance with the provision of this ordinance.



## **Section 2.01- Signs Prohibited**

The following types of signs are prohibited in all districts:

- (1) Abandoned signs.
- (2) Pylon or single pole signs with the exception of on-premise interstate signs as allowed in Section 3.05.
- (3) Festoons and search lights. (Except as allowed in Sections 2.0.4 and 3.0.1).
- (4) Signs imitating or resembling official traffic or government signs or signals.
- (5) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way.
- (6) Animated, moving, flashing, blinking, reflecting, revolving, or any other similar sign.
- (7) Electronic message boards and electrically activated signs with the exception of static LED fuel price signs as allowed in the interstate zone See Section 3.05.
- (8) Permanent sale or come-on signs.
- (9) Signs painted on fences or roofs.
- (10) Portable signs
- (11) Obscene signs
- (12) Inflatable Signs over ten (10) feet tall by ten (10) feet wide by ten (10) feet deep, or 1000 cubic feet.

## **Section 2.02- Permits Required**

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in Section 6 of this ordinance. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

## **Section 2.03- Signs Not Requiring Permits**

The following types of signs are exempted from the permit requirements but must be in conformance with all other requirements of the ordinance:

- (1) Construction Signs: Non-illuminated construction signs, that are no more than forty-eight (48) square feet in area in residential zones or are no more than sixty-four (64) square feet in area in all other zones. Shall be removed within thirty (30) days following completion of construction.
- (2) On-Premise Directional/Informational signs of six (6) square feet or less
- (3) Nameplates of two (2) square feet or less, non-illuminated, attached to building or structure, or supported by a post and arm structure, 1 per occupancy
- (4) Political signs.
- (5) Public signs or notices, or any sign relating to an emergency. Such as safety signs, danger signs, traffic signs, and official logo signs erected along state and federal highways.
- (6) Directional/informational as required for public facilities
- (7) Window signs (limited to 25% of total window area)
- (8) Incidental signs
- (9) Real estate signs: For residential sales shall be one (1) sign per street frontage and/or one (1) sign per tenant lease space not exceeding six (6) square feet in area and six (6) feet in height, provided it is not in street right of way, unlit, and is removed within fifteen (15) days after the close of escrow or the rental or lease has been accomplished. Open House signs, for the purpose of selling a single house or condominium and not exceeding six (6) square feet in area and six (6) feet in height, and not in place for more than twenty-four (24) hours in any one month, are permitted off site for directing prospective buyers to property offered for sale.  
For the sale, rental, or lease of commercial, industrial, and multi-family premises: One sign per street frontage not to exceed forty-eight (48) square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight (8) feet in height, shall not occupy street right of way, and shall be removed upon sale, lease or rental of the premises.
- (10) Historical markers: historical markers as recognized by local, state or federal authorities.
- (11) Signs created by landscaping
- (12) Temporary signs and banners of a non-commercial nature not exceeding twenty-four (24) square feet
- (13) Sign face changes not requiring any change to the structure of a sign
- (14) A-Frame Sign as allowed in Section 3

- (15) Inflatable signs less than ten (10) feet high, by ten (10) feet wide, ten (10) feet deep, or one-thousand (1000) cubic feet. Larger inflatable signs require a permit and are allowed for a special event one time per year for a maximum of 30 days.
- (16) Yard / garage sale signs

### **Section 2.04- Garage / Yard Sale Signs**

No permit is required – May be used for residential garage / yard sales only.

#### **Size and Type**

All signs shall be no larger than six (6) square feet, placed on a single or double stake or other freestanding manner.

#### **Location**

One (1) sign at the location of the sale for each street frontage on that property.

One (1) pointer sign per sale may be placed in any intersection under the following conditions. No garage/yard sale sign shall be placed, affixed, stapled, glued, taped to any utility pole, street sign, tree, stop sign, fence, etc..

No garage/yard sale sign shall be placed in any public right-of-way in a manner as to interfere with traffic, both vehicular and pedestrian, or interfere with any residential, commercial or industrial property.

#### **Time**

No garage/yard sale signs shall be placed on public property any earlier than six (6:00) P.M. the night before and must be picked up by seven (7:00) P.M. the day the sale is over.

### **Section 2.05- Sign Construction and Maintenance**

Every sign, all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and building codes.

Every sign, including those specifically exempt from this ordinance in respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, free from rust corrosion and well maintained.

If a sign is found to no longer advertise a business that has been discontinued for ninety (90) days or more and the business' signs have been abandoned and fallen into disrepair. the owner will be notified and if the condition(s) is not corrected within thirty (30) days, the sign shall be required to be removed.

### **Section 2.06- Lighting**

A. Unless otherwise prohibited by this Ordinance, all signs may be illuminated. No illuminated sign shall be permitted which faces the front, side or rear lot lines of any lot in any residential zoning district and is located within fifty (50) feet thereof.

B. Every part of the light source of any illuminated sign shall be concealed from view from vehicular traffic in the public right-of-way or adjacent property. The light shall not travel from the light source directly to vehicular traffic in the public right-of-way or adjacent property but instead shall be visible only from a reflecting or diffusing surface.

C. This provision shall not apply to neon tube lighting.

D. Back Lit Illuminated Awnings - Unless expressly provided otherwise in this ordinance, awning signs may be illuminated, including without limitation by backlighting.

### **Section 2.07- Changeable Copy**

Unless otherwise specified by this ordinance, any sign herein allowed may use manual changeable copy. Only one changeable copy area per sign is allowed. **Electronic message boards and electronic numeric displays are prohibited with the exception of static LED fuel price signs within the interstate zone. See Section 3.05.**

**Section 2.08- Sign Projections from Buildings**

Signs attached to and wholly supported by a building shall not project more than eight (8) feet from any building and the bottom of such sign shall not be less than ten (10) feet above the sidewalk or fourteen (14) feet above a vehicular right of way. Such signs (except in the C-1 Zoning District shall not project into the public right-of-way.

**Section 2.09- Sign Similarity to Official Signs**

No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/informational signs.

**Section 2.10- Indemnification and Insurance**

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way of property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Ordinance has not specifically directed the placement of a sign.

All persons involved in the maintenance, installation, alteration, or relocation of signs shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the state, county, or city against any form of liability.

**SECTION THREE  
Regulation by Zone**

**Legend**

= equal to   > more than   < less than

For sign and other definitions, see Section 8.

Note: For PUD zones, sign requirements shall be established by the PUD or shall be assigned an appropriate zoning equivalent by the Administrator dependent upon use.

**All Zones – Sign Permit Not Required**

Section Number	Zone(s)	Signs Allowed	Limitations
3.01	All zones	All signs not requiring permits (Section 2.03)	Must conform with all other requirements of the ordinance

**Residential Zones – Sign Permit Required**

Section Number	Zone(s)	Signs Allowed	Limitations
3.02	Residential zones R-1, R-2A, R-2, SR, MF-1, MF-2, MF-3, RMH, HR, and A-1	All signs permitted in Section 3.01	As shown in these sections
		1 subdivision or neighborhood identification sign per external street frontage	Monument sign =< 48 sq ft. =< 6 feet in height. May be on street property line as long as it does not extend into the clearview zone.
		1 identification sign per entrance to apartment or condominium complex	Monument sign =< 36 sq. ft. =< 6 feet in height. May be on street property line as long as it does not extend into the clearview zone.

1 monument or two-pole sign and 1 wall sign for permitted non-residential uses including religious facilities

=< 48 sq. ft.  
=< 6 feet in height  
Wall sign =<10% of aggregate area of building elevation on which the sign is installed. May abut street property line as long as it does not extend into the clearview zone.

**Commercial, Office, Institutional, and Industrial Zones – Sign Permit Required**

<b>Section Number</b>	<b>Zone(s)</b>	<b>Signs Allowed</b>	<b>Limitations</b>
3.03	Commercial, office, institutional, and industrial zones C-2, C-3, C-4, O-1, O-2, O-3, S-1, I-1, I-2, <i>TJ</i> , and I-3	All signs permitted in Sections 3.01 and 3.02	As shown in these sections
		Banner sign	=< 24 square feet in area per side One (1) banner sign is allowed per tenant or business location. Banners may be changed. Banners may not be placed within the street right of way. Banners may not be hung from awnings unless canopy sign requirements can be met. Banner permits must be renewed on an annual basis. (see Section 6.03 Permit Fees)
		A-frame sign <b>No permit is required.</b>	=< 3 feet in height =< 2 feet in width Allowed in commercial districts only. Allowed on a sidewalk immediately in front of the business, but not within street right of way. Must leave walkable sidewalk width. Must be readily movable. No permit is required.
		Monument sign or two-pole sign One (1) per street frontage	Lots or developments =< 5 acres in size =<64 square feet in area per side =< 8 feet in height Lots or developments > 5 and < 20 acres in size =< 64 square feet in area per side =< 10 feet in height Lots or developments > 20 acres in size =< 96 square feet in area per side =< 12 feet in height Street frontage must be => 325 feet in length. If frontage is < 325 feet, the 5-20 acre limits above apply.
	Only allowed in C-3 and O-1	Off-premise directional signs	=< 48 square feet in area per side =< 8 feet in height

zones on lots without street frontage as allowed by the Zoning Ordinance

Located outside the public right-of-way with the property owner's permission. No closer than 100 feet from the nearest other off-premise directional sign.

Wall signs  
May be used in lieu of a projecting sign

=< 10% of aggregate area of building or elevation on which the sign(s) are installed.  
The total of all wall and awning signs can be no more than the 10% aggregate area

Awning Sign

=< 10% of aggregate area of building elevation on which the sign(s) are installed  
The total of all wall and awning signs can be no more than the 10% aggregate area.

Under canopy sign

=< 8 sq. ft. => 7 ft. clearance to grade  
1 sign for each separate occupancy or entrance.  
External illumination only.

Projecting sign (Blade Sign)  
May be used in lieu of a wall sign

May not project more than 8 feet from the side of a structure  
=< 10% of aggregate area of building elevation on which the sign(s) are installed  
=> 10 ft. Clearance to grade over pedestrian walkway  
=> 14 ft. clearance over vehicular right of way.  
External illumination only.  
1 sign for each separate occupancy or entrance.

Incidental signs

=< 4 sq. ft. per occupancy

Window signs  
**No permit is required**

Window signs are limited to 25% of the total window area of the primary entrance frontage. **No permit is required.**

### **Downtown (C-1) Sign Zone:**

The Downtown C-1 Zone has a need for more unique signage and for a greater variety of signs in the urban area of the City. This area is characterized by densely packed commercial uses that compete for attention. It is the City's intent in its regulations to strike a fair balance between commercial needs, traffic safety, and community concerns about visual clutter and visual blight. The below standards are allowed without review in the C-1 district, however a variance may be sought to allow a design more appropriate to the unique aspects of an urban environment. This variance is reviewed by the Director of Planning as outlined in Section 6.06. As with the review of all sign applications in the city, the proposed content of signs shall never be considered by the Conway Design Review Board.

**Downtown (C-1):  
Sign Permit Required**

<b>Section Number</b>	<b>Zone(s)</b>	<b>Signs Allowed</b>	<b>Limitations</b>
3.04	C-1		As shown in these sections
		Banner sign	<p>=&lt; 24 square feet in area per side</p> <p>One (1) banner sign is allowed per tenant or business location. Banners may be changed.</p> <p>Banners may not be hung from awnings unless canopy sign requirements can be met. Banner permits must be renewed on an annual basis. (see Section 6.03 Permit Fees)</p>
		A-frame sign <b>No permit is required.</b>	<p>=&lt; 3 feet in height</p> <p>=&lt; 2 feet in width</p> <p>Allowed in the street right-of-way, on a sidewalk immediately in front of the business. Must leave walkable sidewalk width. Must be readily movable. <b>No permit is required.</b></p>
		Wall sign May be used in lieu of a projecting sign	=< 10% of aggregate area of building elevation on which the sign(s) are installed. The total of all wall and awning signs can be no more than the 10% aggregate area.
		Awning sign	=< 10% of aggregate area of building elevation on which the sign(s) are installed. The total of all wall and awning signs can be no more than the 10% aggregate area.
		Under canopy	<p>=&lt; 8 sq. ft.</p> <p>=&gt; 7 ft. clearance to grade</p> <p>1 sign for each separate occupancy or entrance. Sign may project beyond the front property line, but may not be closer than six (6) inches to the line of the paved street surface.</p>
		Projecting sign (Blade Sign) May be used in lieu of a wall sign	<p>May not project more than 8 feet from the side of a structure</p> <p>=&lt; 10% of aggregate area of building elevation on which the sign(s) are installed</p> <p>=&gt; 10 ft. Clearance to grade over pedestrian walkway</p> <p>=&gt; 14 ft. clearance over vehicular right of way.</p> <p>May project beyond the front property line, but may not be closer than six (6) inches to the line of the paved street surface.</p> <p>1 sign for each separate occupancy or entrance.</p>
		Window sign <b>No permit is required.</b>	Window signs are limited to 25% of the total window area of the primary entrance frontage. <b>No permit required.</b>
		Roof sign	<p>May be used instead of any wall signs or awning signs.</p> <p>Height =&lt; 20% of the total height of the building to which attached. External illumination or neon only.</p>

## Interstate Signage: Sign Permit Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.05	Within 1000 feet of the centerline of Interstate 40 between the future Highway 25 exit and Exit 129 (Dave Ward Drive)	<p>All signs permitted in Sections 3.01 and 3.02, and 3.03 with the below additional allowances for interstate and static LED fuel price signs</p> <p>On-premise interstate sign May be used in lieu of monument or two pole sign</p> <p>Static LED fuel price sign</p> <p>Billboard Must be on property <b>abutting</b> Interstate 40</p>	<p>As shown in these sections</p> <p>=&lt; 300 sq. ft. =&lt; 75 feet in height or =&lt;25 feet above the freeway grade, whichever is higher. Principal purpose must be to address interstate traffic. Static light emitting diode sign for fuel pricing purposes only. Must be a numeric display only. No messages may be displayed only fuel prices. Subject to a cap of 32 billboards within the interstate zone. No additional billboards may be constructed without loss of a billboard. Double stacked billboards count as one billboard. =&lt; 672 sq. ft. =&lt; 35 feet in height =&gt; 50 feet from the nearest free standing sign =&gt; 1000 feet from the nearest other billboard on the same side of the interstate. Must be mounted on a single pole and shall not be double stacked. Billboards shall not consist of, nor utilize electronic message boards.</p>

## SECTION FOUR Nonconforming Signs

### Section 4.01-Determination of Legal Nonconformity

- (1) A nonconforming sign is any permanent sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this sign ordinance. This includes all signs; freestanding, wall, awning, etc.
- (2) A legally established sign which fails to conform to this Ordinance shall be allowed continued use. A pre-existing non-conforming sign shall not be expanded, moved, or relocated. A pre-existing non-conforming sign ~~may~~ **shall not** be relocated if ~~required as part of a street improvement project~~ **removed due to a street improvement project. New replacement signage shall meet current standards. (O-10-28) (O-11-58)**
- (3) Non functioning, nonconforming electronic message boards shall not be replaced with another electronic message board either used or new.

### Section 4.02- Loss of Legal Nonconforming Status

A legal nonconforming sign shall lose this designation:

- (1) Existing signs outside the interstate zone:

- (a) If the sign face is damaged or destroyed, the face may be replaced. The sign face supporting structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure.
  - (b) If the structural components of the sign including the face structure is damaged or destroyed, the structure and face may be replaced with a new face and structure of no more than sixty four (64) square feet in area. In no case, may a sign face be replaced with a face larger than the damaged face.
  - (c) If the sign is damaged to the extent of more than fifty percent (50%) of the replacement cost. The determination for this percent of damage shall be based on the average of three (3) estimates from three (3) separate sign companies.
- (2) Interstate signs: Existing on-premise, freestanding pole signs previously allowed up to 672 square feet in area will be allowed replacement as follows:
- (a) If the sign face is damaged or destroyed, the face may be replaced. The sign face supporting structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure.
  - (b) If the structural components of the sign including the face structure is damaged or destroyed, the structure and face may be replaced with a new face and structure of no more than 300 square feet in area. In no case, may a sign face be replaced with a face larger than the damaged face.
- (3) If the size of the sign is altered in any way except toward compliance with this ordinance. This does not refer to change of copy, face of the sign, or normal maintenance. Normal maintenance does not include the replacement of structural elements.
- (4) If the sign(s) advertising a building/development contains the majority of the businesses/tenants and the building/development undergoes major redevelopment such as demolition or expansion requiring a building permit.
- Exceptions:
- (a) A remodel of an existing building will not cause the loss of legal non-conformity.
  - (b) The construction of an additional building on the same property shall not cause the loss of legal non-conformity.
- (5) A billboard is allowed to change the advertising copy without loss of legal non-conforming status.
- (6) The sign is relocated, ~~except in the case of street relocation.~~

### **Section 4.03- Maintenance and Repair of Nonconforming signs**

The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. If a non-conforming sign is found to no longer advertise a business that has been discontinued for ninety (90) days or more and the business' signs have been abandoned and fallen into disrepair. the owner will be notified and if the condition(s) is not corrected within thirty (30) days, the sign will lose legal non-conforming status and shall be required to be removed.

## **SECTION FIVE Construction Specifications**

### **Section 5.01- Construction specifications**

- (1) All signs shall be installed in compliance with current city building and electrical codes.
- (2) Where occupancy is on a corner lot, a minimum clear view zone is to be maintained in a triangulated area at the point of intersection to allow an unobstructed view of oncoming traffic. No sign taller than two (2) feet in height is allowed in the clear view zone. (See definition for clear view zone.)



## **SECTION SIX Administration and Enforcement**

### **Section 6.01- Code Administrator**

The Sign Administrator shall be the Director of Planning. The Planning Department is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this code. The application procedure shall be that of normal development review. The sign permit shall be issued by the Permits and Inspections Department following design review and approval of the Planning Department.

The Administrator is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. such inspections shall be carried out during business hours unless an emergency exists.

### **Section 6.02- Application for Permits**

Application for a permit for the erection or relocation of a sign shall be made on a form provided by the Administrator, and shall include the following information:

Permanent Sign:

- (1) Name and address of the applicant.
- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) Written permission from the property owner for the placement of the proposed sign(s) on the site.
- (4) Plans for the sign, drawn to scale, showing the proposed location of the sign in relation to other signs on the site.
- (5) Specifications and drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign
- (6) A complete color scheme for the sign, and design drawing of the sign
- (7) Sufficient other details of the proposed sign to show that it complies with the provisions of this chapter.
- (8) Computation of the total sign area, the area of each individual sign, the height of each sign, and the total number of existing and proposed signs on the site.
- (9) An accurate indication on the site plan of the proposed location of each present and future sign.
- (10) Other information as required by the department.

Banner Sign:

- (1) Name and address of the applicant.
- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) A scale site plan of the proposed location of each banner and /or elevation showing proposed mounting to a building or banner support structure.
- (4) Other information as required by the department.

### **Expiration of Sign Permit Approval.**

Approval of a sign permit shall expire 12 months from the date of approval unless the sign has been installed.

### **Section 6.03- Permit Fees**

All applications for permits filed with the Administrator shall be accompanied by a payment of the initial permit fee for each sign as required by the ordinance. The fee shall be thirty five dollars (\$35) per sign. Any required electrical permit fees shall be an additional cost.

Banner permits are thirty-five dollars (\$35) Banner permits are valid from January 1 to December 31 with a one month renewal grace period during the month of January. Banner permits allow the changing of banners at the same location. Banners are not considered pre-existing non-conforming signs (grandfathered).

### **Section 6.04- Issuance and Denial**

The Administrator shall issue a permit and permit sticker or tag for the erection, structural alteration, or relocation of a sign provided that the sign complies with all applicable laws and regulations of the City. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied, the Administrator shall give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity. The Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

### **Section 6.05- Inspection Upon Completion**

Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

The Administrator may require at the time of issuance of a permit that written notification for an inspection be submitted prior to the installation of certain signs.

### **Section 6.06- Variances for Signs**

No variances shall be allowed from the size area requirements of this ordinance. No variances concerning electronic message boards shall be allowed. A variance for any other requirement of this ordinance, i.e., height, location, etc. may be applied for.

Requests for sign variances shall be in writing and shall be submitted along with the sign application. Such request shall demonstrate that special conditions or circumstances exist that are not applicable to other lands, structures, or buildings such that a literal interpretation of the ordinance would result in an undue hardship.

The Director of Planning shall review the request with input from the DRC (Design Review Committee) as needed to determine if the variance should be granted. If the Planning Director decides to grant the request, he/she must, on the same day, notify all the City Council members of that determination by letter, email, telephone contact, or by placement of a notice in their mail boxes at City Hall or in another manner approved by the Mayor. If any one of the City Council members feels that the variance request should not have been granted, the Council member must notify the Planning Director within no less than five (5) working days from the date of the Planning Director's decision to grant the request. Upon such notification, the Planning Director shall refer the variance request to the Planning Commission. In order to be placed on the agenda, such notification must be submitted no less than seventeen (17) days prior to the Planning Commission meeting. If the Planning Commission should also decide to grant the variance, the variance shall be considered granted.

If the Planning Director decides to refuse the variance request, the applicant may appeal to the Planning Commission no less than thirty (30) working days from the date of the Planning Director's decision to refuse the variance. The Planning Director must notify the applicant of the decision to refuse the variance by mail, on the same day of the decision. In order to be placed on the agenda, such appeal must be submitted no less than seventeen (17) days prior to the Planning Commission meeting.

If the Planning Commission refuses the variance, the applicant may appeal the decision to the City Council. The appeal must be submitted to the Planning Department no less than thirty (30) working days from the date of the

Planning Commission's decision. In order to be placed on the City Council agenda, the appeal must be submitted no less than eleven (11) days prior to the City Council meeting.

The Planning Director or Planning Commission or City Council will grant the variance only when the requirements noted above are suitably demonstrated. The Planning Director or Planning Commission or City Council shall grant only the minimum variance required to make possible the variance request, provided that such variance will be in harmony with the general purpose and intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The fee for any sign variance request shall be two-hundred dollars (\$200).

### **Section 6.07- Violations**

When a violation of the sign code exists, the Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the sign code which the individual may be in violation of and shall state that the individual has sixty (60) days from the date of the order in which to correct the alleged violation or to appeal to the City Council.

If, upon inspection, the Administrator and/or Code Enforcement Officer finds that a sign is abandoned or structurally, materially, or electrically defective in such a way that it endangers the public, the Administrator and/or Code Enforcement Officer shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to remove the endangerment immediately and to repair or remove the sign within sixty (60) days of the date of the order.

In cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.

In cases of illegal signs placed in the public right-of-way, the Administrator may cause immediate removal of the sign without notification of the owner of the sign.

### **Section 6.08- Removal of Signs by the Administrator**

The Administrator may cause the removal of an illegal sign in cases of emergency, if it is located within the public right-of-way or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrator.

If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten percent (10%) penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless documented facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign. For purposes of removal, the definition of sign shall include all embellishments and structures designed specifically to support the sign.

### **Section 6.09- Penalties (O-10-25)**

- A. Any person who fails to comply with the provisions of the Ordinance within ten (10) days after a notice by the Administrator may be subject to a fine of Twenty-five Dollars (\$25.00) per day that the violation continues.
- B. The penalty for subsequent offenses shall be:
  - a. Fifty Dollars (\$50.00) for the second offense that occurs within twelve (12) months of the prior offense.
  - b. One Hundred Dollars (\$100.00) for the third offense that occurs within twelve (12) months of the prior offenses.

- c. Two Hundred Dollars (\$200.00) for the fourth and all subsequent offenses that occur within twelve (12) months of prior offenses.

### **Section 6.10- Appeals**

Any failure to respond to an application within ten (10) working days or receipt of any decision rendered by the Administrator in denying a permit or variance or in alleging a violation of this Ordinance may be appealed to the City Council within sixty (60) days of the Administrator's receipt of application.

The action being appealed shall be held in abeyance pending the decision of the council.

## **SECTION SEVEN**

### **Repeal, Conflict, Severability, and Effective Date**

#### **Section 7.01- Repeal**

That Sign Ordinance O-96-60 adopted July 9, 1996 is hereby repealed in its entirety.

#### **Section 7.02- Conflict**

If any portion of this code is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City code, the provision which establishes the stricter standard shall prevail.

#### **Section 7.03- Severability**

If any section, subsection, sentence, clause, or phrase of this code or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this code, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

#### **Section 7.04- Effective Date**

This code shall take effect and be in force on the 26<sup>th</sup> day of September, 2006.  
Approved by the City Council this 26<sup>th</sup> day of September, 2006.

## SECTION EIGHT Definitions

### Section 8.0- Definitions

Certain terms are defined for the purposes of the Ordinance as follows:

= - A symbol meaning equal to.

< - A symbol meaning less than.

> - A symbol meaning more than.

**A Frame Sign** – A sign composed of two panels hinged at the top. From a side elevation, resembles an “A”. Such signs may be placed only on a sidewalk immediately in front of the business. Such signs are allowed only in the commercial business districts where sidewalks are present.

**Abandoned Sign**- A sign which no longer identifies or advertises a bona fide business, lesser, service, owner, product, or activity and is no longer maintained.

**Administrator**- The Sign Code Administrator or his designated representative

**Animated Sign**- (see also and note difference from changeable sign) A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs visible from the street right of way shall be considered a nuisance and are prohibited. Animated signs include the following types:

1. **Naturally Energized:** Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.

2. **Mechanically Energized:** signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.

3. **Electrically Energized:** Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:

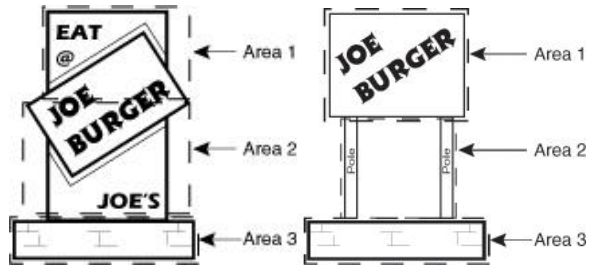
a. **Flashing Signs:** Illuminated signs exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase), is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.

b. **Illusionary Movement Signs:** Illuminated signs exhibiting the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

### Area, of Sign

(1) **Projecting and Monument**- The area of a freestanding or projecting sign shall have only one side of any double or multiple face design counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual elements:

When calculating the sign surface area of any sign, a maximum of three (3) distinct and abutting "Areas" made up of squares or rectangles may be used to encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.



- (2) **Wall Sign or Awning Sign-** The area shall be within a single, continuous perimeter composed of any rectilinear line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall or awning as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.



**Awning-** A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. (compare "Marquee")

**Awning Sign-** A sign painted on, printed on, or attached flat against the surface of an awning. Banners may not be attached to awnings.

**Back Lit Awning-** An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

**Banner sign-** A sign on cloth or other flexible material which projects from or hangs from a building, pole or wire. Banners include pennants, flags, cable-hung banners and vertical banners. Depending upon its method of attachment, a banner sign may be a flat-mounted sign, a projecting sign, or a free-standing sign. Banner sign may not be attached to fences, railings, trees, or roofs.

**Bench Sign-** A sign located on any part of the surface of a bench or seat place on or adjacent to a public right-of-way.

**Billboard-** see "Off-Premise Sign." Billboards shall not consist of, nor utilize electronic message boards.

**Blade Sign-** see "Projecting Sign"

**Building-** As defined in the Zoning Ordinance.

**Canopy (Building)-** A rigid multisided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources. (compare "Marquee")

**Canopy (Freestanding)-** A rigid multisided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

**Canopy Sign-** A sign affixed or applied to the exterior facing surface or surfaces of a building canopy or freestanding canopy.

**Cable Hung Banner-** A single banner, or several individual banners, or individual cutout letters, suspended by cable over a public right-of-way from poles designated for such civic use.

**Changeable Copy Sign-** A sign whose informational content can be changed or altered by manual, electric, electromechanical, or electronic means. Changeable copy signs include the following types:

- 1. Manual Changeable Copy Sign:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
- 2. Electrical Changeable Copy Sign:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments, including electronic message boards.

**City-** Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Conway.

**Clearance (of a sign)-** The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

**Clear view Zone-** The area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the two property lines intersect, measuring thirty (30) feet along each property line and drawing a line across the two back points to form a triangulated area. No sign in excess of two (2) feet above curb grade may be installed in this area.

**Construction Sign-** A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

**Copy-** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

**Development Review Committee (DRC)-** Usually part of the Planning Department, a DRC is composed of one representative from each of the regulatory agencies that have jurisdiction of over the permitting of a project (Planning Department, Fire Department, Conway Corporation or public utility, Sanitation Department, and Street Department)

**Directional/Informational Sign-** An on-premise sign giving directions instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. May contain logo provided that the logo may not comprise more than 20% of the total sign area.

**Directory sign-** A sign on which the names and locations of occupants or the use of a building is given. This shall include office buildings and church directories.

**Disrepair -** Signs that are broken, cracked, vandalized, torn, rotten, faded, faulty, defective, rusty, or otherwise unsightly.

**Double-Faced sign-** A sign with two faces, essentially back-to-back.

**Electronic Message Board –** A sign that uses changing light (including LEDs) to form a message, pictures, or logos in a display controlled by electronic means.

**Electric Sign-** A sign or sign structure in which electrical wiring, connections, or fixtures are used.

**Elevation-** The entire side or front of a building including the parapet. Utilized in determining the permissible sign area.

**Facade-** The entire building front including the parapet.

**Face of Sign-** The area of a sign on which the copy is placed. This does not include the mounting structure. Face of Sign does not include an electronic message board or panel.

**Festoons-** A string of ribbons, tinsel, small flags, or pinwheels.

**Flashing Sign-** see "Animated Sign, Electrically Energized"

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

**Frontage-** The length of the property line of any one premise along a public right-of-way on which it borders.

**Frontage, Building-** The length of an outside building wall on a public right-of-way.

**Government Sign-** Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

**Height (of a sign)-** The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign, unless adjacent public street curb elevation is higher than the ground level, in which case the height shall be measured from the adjacent or nearest public street curb level. Any berm or other fill placed at the base of the sign shall not be considered normal ground elevation.

**Identification Sign-** A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

**Illegal Sign-** A sign which does not meet the requirements of this code and which has not received legal nonconforming status.

**Illuminated Sign-** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Incidental Sign-** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises ' e.g., a credit card sign or a sign indicating hours of business.

**LED Sign** – A sign composed of alphanumeric characters composed of light emitting diodes. LED signs are prohibited with the exception of static LED fuel price signs within the interstate sign zone.

**Lot-** A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

**Low - Profile Sign-** also "Monument Sign"- A sign mounted directly to the ground. The maximum height is measured from the ground to the top of the sign including any base construction.

**Maintenance-** Cleaning, painting, or minor repair of defective parts of a sign in a manner that does not alter the design, or structure of the sign. No structural parts of a non-conforming sign may be replaced without the loss of the sign's legal non-conformity.

**Mansard-** A sloped roof or roof-like facade architecturally comparable to a building wall.



**Marquee-** A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

**Marquee Sign-** Any sign attached to or supported by a marquee structure.

**Message Board** – The portion of a sign whose informational content can be changed or altered by manual, electric, electromechanical, or electronic means. See: Changeable signs. Electronic message boards are prohibited.

**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. Maximum area is to be determined as defined in “Area, of Sign Projecting and Monument” This does not include light fixtures intended to illuminate the sign.

**Multiple-Faced Sign-** A sign containing three (3) or more faces, not necessarily in back-to-back configuration.

**Nameplate-** A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

**Noncommercial sign** -A temporary sign which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. The message does not direct attention to a business operated for profit, or to a commodity or service for sale. A noncommercial sign shall not be an electronic message board.

**Nonconforming sign**

(1) A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

(2) A sign which does not conform to the sign code requirements, but for which a special permit has been issued.

**Occupancy-** The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

**Off-Premise Directional Sign** – A sign which provides direction to a site that is not located on the same parcel or lot as the sign. This sign may contain the name and address of a business, but may contain no advertising copy. This sign may contain the logo, in addition to the name of the establishment. An off-premise directional sign is allowed per Section 3.03 for lots in C-3 and O-1 without street frontage.

**Off-Premise Sign** also "Billboard"- A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising." Off-premise signs shall not consist of, nor utilize electronic message boards.

**On-Premise Sign-** A sign which pertains to the use of the premises and/or property on which it is located.

**Owner-** A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

**Painted Wall Sign-** Any sign which is applied with paint or similar substance on the surface of a wall.

**Parapet-** The extension of a false front or wall above a roofline.

**Person-** Any individual, corporation, association, firm, partnership, or similarly defined interest.

**Point of Purchase Display-** Advertising of a retail item accompanying its display, e.g., an advertisement or a product dispenser, tire display, etc.

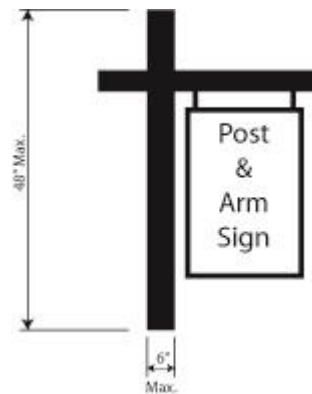
**Pole Cover-** Cover enclosing or decorating poles or other structural supports of a sign.

**Pole Mounted Sign** – A sign constructed with a base consisting of one or more poles.

**Political Sign-** A temporary sign used in connection with a local, state, national election, or referendum.

**Portable Sign-** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Permanently affixed shall mean anchored to the ground as stipulated in Section 2303 Construction of the 1991 Edition of the Standard Building Code.

**Post and Arm Sign** – A sign of two(2) square feet or less in area 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.



**Projecting Sign-** A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign. Typically projecting from the facade of a building and perpendicular to the pedestrian or vehicular right of way. Maximum area is to be determined as defined in “Area, of Sign Projecting and Monument, and two-pole”

**Premises-** A parcel of land with its appurtenances and building which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

**Pylon Sign** – See “pole sign”.

**Real Estate Sign-** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**Relocation of a Sign-** the movement of the sign to a new or changed location and includes without limitation any movement of the sign to a new location on the same structure, on the same parcel or elsewhere. Any movement of a sign, no matter how slight, is a relocation.

**Roof Sign-** A sign which is attached to a structure located on a roof.

**Roofline-** The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

**Rotating Sign-** see "Animated Sign, Mechanically Energized"

**Sign-** Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, person, product, goods, or services. Where the term "sign" is used, it shall refer to on-premise signs unless specifically noted otherwise.

**Snipe Sign-** A temporary sign or poster affixed to a tree, fence, etc.

**Subdivision Identification sign-** A freestanding monument or wall sign identifying a recognized subdivision, condominium complex, or residential development.

**Structure** – Any mechanical component to which the actual advertising face is attached. Including the pole.

**Temporary Sign**- A sign not constructed or intended for long-term use.

**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 ( $\frac{1}{4}$ ) of the sign face. A sign face may be mounted on top or between the two vertical poles.

**Under-Canopy Sign**- A sign suspended beneath a canopy, ceiling, roof, or marquee.

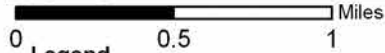
**Vertical Banner**- a banner hung or projecting from a banner pole in the public right-of way designated for civic use.

**Wall Sign**- A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. Wall signs shall be placed only on the sides of buildings with street frontage. Wall sign area shall be measured by the smallest polygon that can be drawn to outline and contain all letters, artwork, and logos, using no angle other than ninety (90) degrees.

**Window sign**- A sign applied directly onto a window or inside of a window and within ten (10) feet of the window. Window signs include without limitation the application of words and logos onto window glass, the use of hanging signs and paper signs. However, the display of non-copy merchandise shall be permitted provided the packaging and/or labels are not so extreme as to render it substantially advertising copy. **Window signs shall not be animated signs, blinking signs, or electronic message boards.**

**Under Canopy Sign**- A sign fastened under a canopy structure and mounted perpendicular to the face of the building from which the canopy projects.

**Use**- The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.



- Legend**
- - - City Limit
  - Buffer\_of\_I-40\_centerline

**Interstate Sign Zone  
Appendix A**



City of Conway, Arkansas  
Monthly Financial Reports  
June 30, 2020

City of Conway  
 Monthly Financial Report - General Fund  
 For the month ended June 30, 2020



Revenues	Budget	Month	Year to	Encumbered	(Over)/Under	%
		Activity	Date		Budget	Expend/Collect
Ad Valorem Tax	4,000,000	194,094	1,752,396		2,247,604	44%
Payments in Lieu of Tax	15,000	-	-		15,000	0%
State Tax Turnback	930,000	54,447	291,486		638,514	31%
Insurance Tax Turnback - LOPFI	1,300,000	-	-		1,300,000	0%
Sales Tax	20,500,000	1,615,206	10,410,227		10,089,773	51%
Beverage Tax	480,000	-	124,024		355,976	26%
Franchise Fees	3,540,000	224,499	1,697,482		1,842,518	48%
Office Space Leases	59,400	4,950	29,700		29,700	50%
Permits	506,000	66,802	239,129		266,871	47%
Public Safety	1,756,050	182,824	844,000		912,050	48%
Parks	689,500	20,039	151,386		538,114	22%
Interest Income	185,000	7,842	71,314		113,686	39%
Proceeds from Sale of Assets	-	-	3,178		(3,178)	-
Insurance Proceeds	4,934	21,346	32,531		(27,598)	659%
Donations	6,820	1,500	5,949		871	87%
Miscellaneous Revenues	113,000	14,706	65,472		47,528	58%
Transfers from Other Funds	723,000	-	141,000		582,000	20%
<b>Total Revenues</b>	<b>34,808,703</b>	<b>2,408,255</b>	<b>15,859,274</b>	<b>-</b>	<b>18,949,429</b>	<b>46%</b>
<b>Expenditures</b>						
Admin (Mayor, HR)	1,986,631	298,889	1,484,247	259,866	242,518	75%
Finance	450,441	78,960	273,093	62	177,286	61%
City Clerk/Treasurer	146,257	11,287	70,774	-	75,483	48%
City Council	103,031	5,617	34,454	-	68,577	33%
Planning	678,477	42,315	258,157	882	419,438	38%
Physical Plant	546,176	35,175	234,715	5,889	305,572	43%
Information Technology	1,088,577	57,344	438,720	40,415	609,441	40%
Permits and Inspections	633,713	45,765	267,802	1,378	364,533	42%
Nondepartmental	1,004,841	53,754	521,965	900	481,976	52%
Police	12,428,068	1,011,909	5,752,914	56,743	6,618,410	46%
CEOC	1,392,364	86,797	498,959	680	892,725	36%
Animal Welfare	496,164	34,023	215,072	4,252	276,840	43%
Municipal District Court	901,512	68,214	436,480	17,925	447,107	48%
City Attorney	490,688	35,838	218,823	-	271,865	45%
Fire	10,446,842	775,979	4,930,869	87,472	5,428,501	47%
Parks	3,218,524	198,875	1,246,808	7,683	1,964,033	39%
<b>Total Expenditures</b>	<b>36,012,304</b>	<b>2,840,740</b>	<b>16,883,852</b>	<b>484,147</b>	<b>18,644,306</b>	<b>47%</b>
<b>Net Revenue/(Expense)</b>	<b>(1,203,601)</b>		<b>(1,024,578)</b>			

\*All figures are unaudited

Notes:

1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway  
General Fund  
2020



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-20-07	1/28/20	Software purchase for Planning and Permitting depts	146,863
O-20-09	1/28/20	Replace battery backup system at Emergency Operations Center	115,597
			<u>\$ 262,460</u>

City of Conway  
 Balance Sheet - General Fund  
 As of June 30, 2020



Cash - Operating	4,056,304
Cash - Reserve	1,106,410
Petty Cash	715
Taxes Receivable	3,838,290
Accounts Receivable	4,402,671
Due from Other Funds	60,851
Due from Street	27,010
Due from Component Unit	203,667
Due from Municipal Court	81,294
Fuel Inventory	11,241
General Inventory	585
<b><i>Assets</i></b>	<b><u>13,789,040</u></b>
Accounts Payable	278,262
Insurance and Benefits Payable	(102,795)
Event Deposits	2,150
Held for Others - Crimestopper Reward	5,000
Held for Others - Performance Bonds	5,195
Due to Other Funds	14,252
Deferred Revenue	4,128,807
Unearned Revenue - City Hall Lease	1,020,000
<b><i>Liabilities</i></b>	<b><u>5,350,871</u></b>
<b><i>Fund Balance</i></b>	<b><u>8,438,168</u></b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>13,789,040</u></b>

\*All figures are unaudited



City of Conway  
 Monthly Financial Report - Street Fund  
 For the month ended June 30, 2020



	<u>Budget</u>	<u>Month</u>	<u>Year to</u>	<u>Encumbered</u>	<u>(Over)/Under</u>		<u>%</u>
		<u>Activity</u>	<u>Date</u>		<u>Budget</u>	<u>Expend/Collect</u>	
<b>Revenues</b>							
Ad Valorem Tax	1,400,000	71,567	637,024		762,976	46%	
Payments in Lieu of Tax	6,000	-	-		6,000	0%	
State Tax Turnback	2,700,000	194,580	1,056,260		1,643,740	39%	
AHTD 1/2 Cent Sales Tax Turnback	1,400,000	112,104	571,372		828,628	41%	
Severance Tax	140,000	1,782	20,435		119,565	15%	
State Tax Turnback - Wholesale	-	26,087	147,554		(147,554)	-	
Sales Tax	280,000	22,632	145,866		134,134	52%	
Engineering Fees	17,000	1,325	6,200		10,800	36%	
Interest Income	120,000	5,839	40,440		79,560	34%	
Miscellaneous Revenues	-	15,000	15,250		(15,250)	-	
<b>Total Revenues</b>	<b>6,063,000</b>	<b>450,917</b>	<b>2,640,401</b>	<b>-</b>	<b>3,422,599</b>	<b>44%</b>	
<b>Expenditures</b>							
Personnel Costs	2,975,692	226,898	1,201,510	-	1,774,182	40%	
Other Operating Costs	3,235,513	160,279	849,188	97,011	2,289,315	26%	
Total Operating Costs	6,211,205	387,177	2,050,698	97,011	4,063,496	33%	
Capital Outlay	759,635	625	354,352	-	405,283	47%	
<b>Total Expenditures</b>	<b>6,970,840</b>	<b>387,802</b>	<b>2,405,051</b>	<b>97,011</b>	<b>4,468,779</b>	<b>35%</b>	
<b>Net Revenue/(Expense)</b>	<b>(907,840)</b>		<b>235,351</b>				

\*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway  
Street Fund  
2020

Fund Balance Appropriations



<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
			\$ -

City of Conway  
Balance Sheet - Street Fund  
As of June 30, 2020



Cash - Operating	5,391,685
Taxes Receivable	53,782
Accounts Receivable	1,553,537
Due from Other Funds	(9,153)
<b><i>Assets</i></b>	<b><u>6,989,850</u></b>
Accounts Payable	31,331
Insurance and Benefits Payable	3,363
Due to Other Funds	2,189
Due to General	26,509
Deferred Revenue	1,458,308
<b><i>Liabilities</i></b>	<b><u>1,521,699</u></b>
<b><i>Fund Balance</i></b>	<b><u>5,468,151</u></b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>6,989,850</u></b>

\*All figures are unaudited

City of Conway  
 Monthly Financial Report - Sanitation  
 For the month ended June 30, 2020



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
<b>Revenues</b>						
Sanitation Fees	9,150,000	770,720	4,835,084		4,314,916	53%
Proceeds - Recycled Materials	375,000	6,473	52,872		322,128	14%
Landfill Fees - General	200,000	25,115	117,029		82,971	59%
Interest Income	200,000	15,459	113,023		86,977	57%
Miscellaneous Revenues	-	290	47,016		(47,016)	-
<b>Total Revenues</b>	<b>9,925,000</b>	<b>818,057</b>	<b>5,165,024</b>	<b>-</b>	<b>4,759,976</b>	<b>52%</b>
<b>Expenditures</b>						
Personnel Costs	4,722,995	451,509	2,361,322	4,199	2,357,473	50%
Other Operating Costs	<u>2,974,653</u>	<u>104,387</u>	<u>845,063</u>	<u>136,713</u>	<u>1,992,878</u>	<u>28%</u>
Total Operating Costs	7,697,648	555,896	3,206,385	140,912	4,350,351	42%
Capital Outlay	<u>2,580,413</u>	<u>30,103</u>	<u>915,954</u>	<u>197,902</u>	<u>1,466,557</u>	<u>35%</u>
<b>Total Expenditures</b>	<b>10,278,061</b>	<b>585,999</b>	<b>4,122,339</b>	<b>338,814</b>	<b>5,816,908</b>	<b>40%</b>
<b>Net Revenue/(Expense)</b>	<b>(353,061)</b>		<b><u>1,042,685</u></b>			

\*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway  
Sanitation Fund  
2020

Fund Balance Appropriations



<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
			\$ -

City of Conway  
 Balance Sheet - Sanitation  
 As of June 30, 2020



Cash - Operating	9,654,704
Petty Cash	200
Post Closure Cash Account	6,011,399
Accounts Receivable	14,474
Due from Other Funds	5,345
Due from Component Unit	931,603
General Inventory	2,122
Land & Buildings	2,160,794
Infrastructure	904,043
Machinery and Equipment	3,687,981
Vehicles	281,826
Deferred Outflows of Resources	1,801,284
<b><i>Assets</i></b>	<b><u>25,455,776</u></b>
Accounts Payable	75,977
Insurance and Benefits Payable	(29,238)
Compensated Absences	168,607
Net Pension Obligation	10,743,741
Deferred Inflows of Resources	2,128,495
Deferred Inflows of Resources OPEB	136,661
Net OPEB Liability	574,953
Due to Other Funds	62,565
Landfill Close/Post Close	8,709,685
<b><i>Liabilities</i></b>	<b><u>22,571,445</u></b>
<b><i>Net Position</i></b>	<b><u>2,884,331</u></b>
<b><i>Total Liabilities and Net Position</i></b>	<b><u>25,455,776</u></b>

\*All figures are unaudited

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway  
 Monthly Financial Report - Airport  
 For the month ended June 30, 2020



	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to</u> <u>Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u> <u>Budget</u>	<u>%</u> <u>Expend/Collect</u>
<b>Revenues</b>						
Sales Tax	15,000	860	9,274		5,726	62%
Airport Fuel Sales	780,000	42,576	306,501		473,499	39%
T-Hangar Rent	137,160	8,236	71,385		65,775	52%
Community Hangar Rent	33,600	2,800	16,800		16,800	50%
Ground Leases	125,000	-	34,848		90,152	28%
Miscellaneous Revenues	10,000	915	6,970		3,030	70%
<b>Total Revenues</b>	<b>1,100,760</b>	<b>55,387</b>	<b>445,778</b>	<b>-</b>	<b>654,982</b>	<b>40%</b>
<b>Expenditures</b>						
Personnel Costs	293,449	16,601	123,486	-	169,963	42%
Fuel for Resale	650,000	32,534	210,004	-	439,996	32%
Other Operating Costs	144,499	7,834	53,721	9,470	81,307	37%
Total Operating Costs	1,087,948	56,970	387,211	9,470	691,266	36%
Capital Outlay	-	-	-	-	-	0%
<b>Total Expenditures</b>	<b>1,087,948</b>	<b>56,970</b>	<b>387,211</b>	<b>9,470</b>	<b>691,266</b>	<b>36%</b>
<b>Net Revenue/(Expense)</b>	12,812		<u><u>58,566</u></u>			

\*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway  
Airport Fund  
2020

Fund Balance Appropriations



<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
			\$ -



City of Conway  
 Balance Sheet - Airport  
 As of June 30, 2020



Cash - Operating	360,717
Taxes Receivable	3,638
Accounts Receivable - Fuel Vendor	(10,925)
Land	1,254,473
Buildings	3,946,264
Machinery & Equipment	560,613
Vehicles	5,484
Infrastructure	23,059,528
<b><i>Assets</i></b>	<b><u>29,179,793</u></b>
Accounts Payable	3,993
Insurance and Benefits Payable	(57)
Compensated Absences	5,127
Due to General	9,126
Deferred Inflows of Resources	32,417
Deferred Inflows of Resources OPEB	7,705
<b><i>Liabilities</i></b>	<b><u>58,310</u></b>
<b><i>Net Position</i></b>	<b><u>29,121,482</u></b>
<b><i>Total Liabilities &amp; Net Position</i></b>	<b><u>29,179,793</u></b>

\*All figures are unaudited

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway  
Monthly Financial Report - Major Project Funds  
As of June 30, 2020



Parks and Rec A&P Tax

Balance, 4/30/20	1,980,798
Receipts	216,955
Payments	(112,038)
Balance, 5/31/20	\$ 2,085,715

Pay as you go Sales Tax

Balance, 4/30/20	1,885,291
Receipts	1,424,376
Payments	(1,116,284)
Balance, 5/31/20	\$ 2,193,382

Street Impact Fees

Balance, 4/30/20	1,515,164
Receipts	35,865
Payments	(4,700)
Balance, 5/31/20	\$ 1,546,329

Parks Impact Fees

Balance, 4/30/20	638,254
Receipts	20,090
Payments	-
Balance, 5/31/20	\$ 658,344

Street Sales Tax

Balance, 4/30/20	7,511,162
Receipts	1,476,257
Payments	(709,207)
Balance, 5/31/20	\$ 8,278,211

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$ [REDACTED] OF WASTEWATER REVENUE REFUNDING BONDS, SERIES 2020, BY THE CITY OF CONWAY, ARKANSAS; AUTHORIZING THE EXECUTION AND DELIVERY OF A SEVENTH SUPPLEMENTAL TRUST INDENTURE PURSUANT TO WHICH THE SERIES 2020 BONDS WILL BE ISSUED AND SECURED; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE SERIES 2020 BONDS; 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 wastewater collection and treatment system (the “Wastewater System”) serving the residents of the City, which Wastewater 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 Wastewater System granted to the Corporation by the City; and

**WHEREAS**, the City also presently owns an electric generation and distribution system (the “Electric System”) serving the residents of the City, which Electric System is operated and maintained by the Corporation pursuant to a lease from the City and an exclusive franchise to operate the Electric System granted to the Corporation by the City; and

**WHEREAS**, the City is authorized and empowered under the provisions of the Constitution and laws of the State of Arkansas, including particularly Amendment 65 and Arkansas Code Annotated Sections 14-164-401 *et seq.* (Repl. 1998 & 2019 Supp.) (as from time to time amended, the “Act”) to issue and sell its wastewater revenue bonds for the purpose of financing and refinancing the cost of improvements to the Wastewater System; and

**WHEREAS**, pursuant to the provisions of Ordinance No. O-14-61 of the City, adopted and approved on July 8, 2014, the City has previously issued its Wastewater Revenue Refunding Bonds, Series 2014 (the “Series 2014 Bonds”), in the original principal amount of \$9,980,000; and

**WHEREAS**, in order to secure funds necessary to refund the outstanding Series 2014 Bonds (and thereby achieve significant debt service savings) and to pay printing, legal, placement agent and other expenses incidental to the issuance of wastewater revenue bonds for such purposes, the City has also now determined to issue its Wastewater Revenue Refunding Bonds, Series 2020, in the aggregate principal amount of \$ [REDACTED] (the “Series 2020 Bonds”); and

**WHEREAS**, the City has determined to issue and secure the Series 2020 Bonds on a prior and senior basis to the security for (i) its outstanding Wastewater Revenue Improvement Bond, Series 2015B (the “Series 2015B Bond”), and (ii) its outstanding Wastewater Revenue Refunding Bond, Series 2017 (the “Series 2017 Bond”), and on a parity basis with the security for (iii) its outstanding Wastewater Revenue Refunding Bonds, Series 2016 (the “Series 2016 Bonds”), (iv) its outstanding Wastewater Revenue Improvement Bonds, Series 2019A (the “Series 2019A Bonds”), and (v) its outstanding Wastewater Revenue Refunding Bonds, Taxable Series 2019B

(the “Series 2019B Bonds”), pursuant to a Seventh Supplemental Trust Indenture (the “Seventh Supplemental Trust Indenture”) by and among the City, the Corporation and First Security Bank, 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 Placement Agent Agreement (the “Placement Agreement”) in substantially the form presented to and before this meeting, with Stephens Inc., Little Rock, Arkansas (the “Placement Agent”), providing for assistance in the placement and sale of the Series 2020 Bonds; 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 [redacted] (the “Purchaser”), providing for the sale of the Series 2020 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 2014 Bonds is in the best interest of the City and the customers of the Wastewater System. Accordingly, the refunding of the Series 2014 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 “Wastewater Revenue Refunding Bonds, Series 2020” (the “Series 2020 Bonds”). The Series 2020 Bonds shall be issued in the original aggregate principal amount of [redacted] Dollars (\$ [redacted]), shall mature on **October 1, 2029**, and shall bear interest at the rate of [redacted]% per annum. The Series 2020 Bonds shall be subject to mandatory sinking fund redemption as follows:

<u>Redemption Date</u>	<u>Principal Amount</u>
October 1, 2020	\$
October 1, 2021	
October 1, 2022	
October 1, 2023	
October 1, 2024	
October 1, 2025	
October 1, 2026	
October 1, 2027	
October 1, 2028	
October 1, 2029 (maturity)	

The proceeds of the Series 2020 Bonds will be utilized to refund the Series 2014 Bonds, and to pay printing, placement agent, legal and other expenses incidental to the issuance of the Series 2020 Bonds. The payment of the principal of and interest on the Series 2020 Bonds will be secured primarily by the net revenues of the Wastewater System and shall be secured on a secondary basis by surplus net revenues of the Electric System, all as provided in the Trust Indenture dated as of April 1, 2004, as previously supplemented by a First Supplemental Trust Indenture dated as of October 1, 2009, by a Second Supplemental Trust Indenture dated as of

November 1, 2010, by a Third Supplemental Trust Indenture dated as of May 1, 2012, by a Fourth Supplemental Trust Indenture dated as of August 1, 2014, by a Fifth Supplemental Trust Indenture dated as of January 1, 2016, by a Sixth Supplemental Trust Indenture dated as of October 1, 2019, and as further supplemented and amended by a Seventh Supplemental Trust Indenture to be dated as of the date of delivery of the Series 2020 Bonds (as supplemented and amended, the Indenture”), by and among the City, the Corporation and the Trustee. Such security shall be granted on a parity basis with the security for the Series 2016 Bonds, the Series 2019A Bonds and the Series 2019B Bonds and on a prior and senior basis to the security for the Series 2015B Bond and the Series 2017 Bond. The Series 2020 Bonds shall be issued as a single typewritten bond in the form, shall be dated, shall be numbered, shall be subject to redemption prior to maturity and may contain such other terms, covenants and conditions, all as set forth in the Indenture.

The Mayor is hereby authorized and directed to execute and deliver the Series 2020 Bonds in substantially the form thereof contained in the Seventh Supplemental Trust Indenture submitted to this meeting, and the City Clerk is hereby authorized and directed to execute and deliver the Series 2020 Bonds and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Series 2020 Bonds to be accepted and authenticated by the Trustee. The Mayor is hereby authorized to confer with the Trustee, the Placement Agent, and Kutak Rock LLP, Little Rock, Arkansas (“Bond Counsel”), in order to complete the Series 2020 Bonds in substantially the forms contained in the Seventh Supplemental Trust Indenture submitted to this meeting, with such changes as shall be approved by such persons executing the Series 2020 Bonds, their execution to constitute conclusive evidence of such approval.

**Section 3.** To prescribe the terms and conditions upon which the Series 2020 Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge the Seventh Supplemental Trust Indenture, by and among the City, the Corporation and the Trustee, and the City Clerk is hereby authorized and directed to execute and acknowledge the Seventh 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 Seventh Supplemental Trust Indenture to be accepted, executed and acknowledged by the Corporation and the Trustee. The Seventh 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 Wastewater System net revenues and Electric System surplus net revenues to the Series 2020 Bonds and the terms of the Series 2020 Bonds. The Mayor is hereby authorized to confer with the Corporation, the Trustee, the Placement Agent and Bond Counsel in order to complete the Seventh Supplemental Trust Indenture in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Seventh Supplemental Trust Indenture, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Seventh 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.** In order to prescribe the terms and conditions upon which the Series 2020 Bonds are to be sold to the Purchaser, 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 between the City and the Purchaser, 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 Purchaser 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 5.** In order to prescribe the terms and conditions upon assistance in structuring and selling the Series 2020 Bonds, the Mayor is hereby authorized and directed to execute, at the request of the Corporation, a Placement Agent Agreement on behalf of the City, to be dated as of the date of its execution (the “Placement Agreement”), by and between the City and the Placement Agent, and the Placement Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Placement Agent and Bond Counsel in order to complete the Placement Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Placement Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Placement 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.** 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 2020 Bonds and to effect the execution and delivery of the Seventh Supplemental Trust Indenture, the Placement Agreement and a Tax Compliance Agreement relating to the tax exemption of interest on the Series 2020 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 7.** 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 2020 Bonds.

**Section 8.** The rates for services of the Wastewater System previously enacted pursuant to Ordinance No. O-92-15, Ordinance No. O-03-88, Ordinance O-09-48, Ordinance No. O-12-14 and Ordinance No. O-19-104 are hereby ratified and confirmed. The rates for services of the Electric System previously enacted pursuant to Ordinance No. O-05-143 and Ordinance No. O-15-76 are hereby ratified and confirmed.

**Section 9.** The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be illegal or invalid, such

declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance.

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

**Section 11.** It is hereby found and determined that there is an urgent need to refinance certain outstanding indebtedness of the City secured by revenues of the Wastewater System, 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 JULY, 2020.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

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

(S E A L)

## RESOLUTION

A RESOLUTION APPROVING THE ISSUANCE OF WASTEWATER REVENUE REFUNDING BONDS, SERIES 2020, BY THE CITY OF CONWAY, ARKANSAS UNDER THE CONSTITUTION AND LAWS OF THE STATE OF ARKANSAS FOR THE PURPOSES OF REFINANCING CERTAIN OUTSTANDING WASTEWATER REVENUE IMPROVEMENT BONDS OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF A SEVENTH SUPPLEMENTAL TRUST INDENTURE SECURING THE SERIES 2020 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE SERIES 2020 BONDS; AND PRESCRIBING MATTERS RELATING THERETO.

WHEREAS, the City of Conway, Arkansas (the “City”) presently owns a wastewater collection and treatment system (the “Wastewater System”) serving the residents of the City, which Wastewater System is operated and maintained by Conway Corporation, a non-profit corporation organized and existing under the laws of the State of Arkansas (the “Corporation”), pursuant to an exclusive franchise granted to the Corporation by the City; and

WHEREAS, the City also presently owns an electric generation and distribution system (the “Electric System”) serving the residents of the City, which Electric System is operated and maintained by the Corporation pursuant to an exclusive franchise 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.* (1998 Repl. & 2019 Supp.) (the “Act”) to issue and sell its wastewater revenue bonds for the purpose of financing and refinancing the cost of improvements to the Wastewater System; and

WHEREAS, there are presently issued and outstanding the City’s Wastewater Revenue Improvement Bond, Subordinate Series 2015B (the “Series 2015B Bond”), and the City’s



Wastewater Revenue Refunding Bond, Subordinate Series 2017 (the “Series 2017 Bond”), each secured by net revenues of the Wastewater System; and

WHEREAS, there are also presently issued and outstanding the City’s Wastewater Revenue Refunding Bonds, Series 2014 (the “Series 2014 Bonds”), the City’s Wastewater Revenue Refunding Bonds, Series 2016 (the “Series 2016 Bonds”), the City’s Wastewater Revenue Improvement Bonds, Series 2019A (the “Series 2019A Bonds”), and the City’s Wastewater Revenue Refunding Bonds, Taxable Series 2019B (the “Series 2019B Bonds”), all secured by net revenues of the Wastewater System and surplus revenues of the Electric System; and

WHEREAS, to secure funds necessary to (i) redeem the Series 2014 Bonds, and (ii) to pay legal, placement agent and other expenses incidental to the issuance of wastewater revenue bonds for such purposes, it is necessary that the City issue its Wastewater Revenue Refunding Bonds, Series 2020, in the aggregate principal amount of not to exceed Six Million Five Hundred Fifty Thousand Dollars (\$6,550,000) (the “Series 2020 Bonds”); and

WHEREAS, the Corporation proposes that the City and the Corporation each enter into Placement Agent Agreements with Stephens Inc., Little Rock, Arkansas (the “Placement Agent”), providing assistance in the placement and sale of the Series 2020 Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Corporation that:

Section 1. The Board hereby finds that the refunding of the Series 2014 Bonds, as provided herein, is in the best interests of the Corporation, the City and the customers of the Wastewater System.

Section 2. The issuance of the Series 2020 Bonds by the City is hereby approved and the Board hereby requests that the City authorize the issuance of the Series 2020 Bonds. The Series 2020 Bonds shall be issued in an original aggregate principal amount of not to exceed \$6,550,000, shall have a final maturity date of not later than October 1, 2029, and shall bear interest at the rate or rates to be specified in the Bond Purchase Agreement (hereinafter defined). The refunding will result in debt service savings with a net present value benefit no less than 3.5%. The Series 2020 Bonds shall be issued in the form of a single typewritten bond, shall be dated, shall be numbered, shall mature, shall be subject to redemption prior to maturity and shall contain such other terms, covenants and conditions, all as set forth in the Seventh Supplemental Trust Indenture (hereinafter defined) securing the Series 2020 Bonds. The Series 2020 Bonds shall be issued and secured by net revenues of the Wastewater System on a prior and senior basis to the Series 2015B Bond and the Series 2017 Bond. The Series 2020 Bonds shall be secured by the net revenues of the Wastewater System and by surplus revenues of the Electric System on a parity basis with the Series 2016 Bonds, the Series 2019A Bonds and the Series 2019B Bonds.

Section 3. To prescribe the terms and conditions upon which the Series 2020 Bonds are to be secured, executed, authenticated, issued, accepted and held, the Chairman and/or Vice Chairman are hereby authorized and directed to execute and acknowledge a Seventh Supplemental Trust Indenture to be dated as of the date of delivery of the Series 2020 Bonds (the "Seventh Supplemental Trust Indenture"), by and among the City, the Corporation and First Security Bank, as trustee (the "Trustee"), and the Secretary is hereby authorized and directed to execute and acknowledge the Seventh Supplemental Trust Indenture. The Seventh Supplemental Trust Indenture is hereby approved in substantially the form submitted to this meeting, and the Chairman and/or Vice Chairman are hereby authorized to confer with the City, the Trustee, the

Placement Agent and Kutak Rock LLP (“Bond Counsel”) in order to complete the Seventh Supplemental Trust Indenture in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Seventh Supplemental Trust Indenture, their execution to constitute conclusive evidence of such approval.

Section 4. To prescribe the terms and conditions upon which the Series 2020 Bonds are to be sold to the purchaser thereof (the “Purchaser”), the Chairman, Vice Chairman and/or Chief Executive Officer are hereby authorized and directed to execute, at the request of the City, a Bond Purchase Agreement to be dated as of the date of its execution (the “Bond Purchase Agreement”), by and among the City, the Corporation and the Purchaser, and the Chairman, Vice Chairman and Chief Executive Officer are hereby authorized to confer with the City, the Placement Agent 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.

Section 5. The Chairman, Vice Chairman and Secretary, for and on behalf of the Corporation, be, and they are hereby, authorized and directed to do any and all things necessary to effect the execution and delivery of the Seventh Supplemental Trust Indenture, the Continuing Disclosure Agreement and the Bond Purchase Agreement, and to perform all obligations of the Corporation under and pursuant thereto. The Chairman, Vice Chairman and the Secretary are further authorized and directed, for and on behalf of the Corporation, 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, including, but not limited to, a Tax Compliance

Agreement. The prior signature of the Placement Agent Agreement by the Chief Executive Officer of the Corporation is hereby approved and ratified.

Section 6. The provisions of this Resolution are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 7. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. This Resolution shall be effective upon and after its adoption and approval.

ADOPTED: July 21, 2020.

  
\_\_\_\_\_  
Chairman

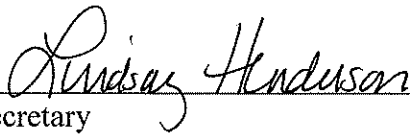
ATTEST:

  
\_\_\_\_\_  
Secretary

**CERTIFICATE**

The undersigned, Secretary of the Conway Corporation, hereby certifies that the foregoing pages are a true and perfect copy of a Resolution adopted at a regular session of the Board of Directors of the Conway Corporation, held at the regular meeting place in the City of Conway, Arkansas, at 11:30 o'clock a.m., on the 21st day of July, 2020.

NOW GIVEN under my hand this 21st day of July, 2020.

  
Secretary



CITY OF CONWAY | 1111 Main Street  
Planning and Development | Conway, AR 72032  
T 501.450.6105  
F 501.450.6144  
www.conwayarkansas.gov

## MEMO

To: Mayor Bart Castleberry  
cc: City Council Members

From: Rhiannon Botsford Barber, 2020 Tree Board Chairman  
Date: July 28, 2020

Re: Nomination for Conway Tree Board

---

The Conway Tree Board has had 3 vacancies as of January 1, 2020 and so advertised during the month of June. 1 eligible nomination was received. These three vacancies were termed out and have not been replaced since their seats became available.

The Tree Board asks that you approve Claire Carter Smithson to fill the vacant Business Owner Member position, with her term ending December 31, 2022.

Please advise if you have any questions.



City of Conway  
[www.cityofconway.org](http://www.cityofconway.org)  
Board/Commission Nomination Form:

Date: 07-03-2020

Board applying for: (One board per form)

Conway Tree Board

(If you are applying for more than one board, you will only need to fill out the second page once.)

Person Nominated: Claire Carter Smithson

Address: 1311 Davis Street City, State, Zip Conway, AR 72034

Phone/Home: 501-912-8836 Work: same

Person making nomination: Dustin Botsford

Address: 2056 Scott St. Conway, AR 72034

Phone/Home: 501-733-6629 Work: 501-205-8512

Please send to: Michael O. Garrett

City Clerk/Treasurer  
1201 Oak Street  
Conway, AR 72032  
(501) 450-6100  
(501) 450-6145 (f)  
[cityclerk@cityofconway.org](mailto:cityclerk@cityofconway.org)  
[felicia.rogers@cityofconway.org](mailto:felicia.rogers@cityofconway.org)

*Please provide the following information for consideration to a City of Conway Board/Commission. List community/civic activities. Indicate activities in which you (or your nominee) are or have been involved.*

I have been a long time supporter of Out of the Woods Animal Rescue. Helping with donations and drives.

*Indicate why you (or your nominee) are interested in serving on this board or commission and what other qualifications apply to this position.*

I have never served on a board before, but I would love to be more involved in the community. I have excellent people skills and a great love for the world around us.

*What contributions do you hope to make?*

I want to make the world a better place. I think if we all worked to make the world better than we found it, this would be a much better place. What better place to start than Conway?

*Please feel free to attach to this application any additional information.*

*The City of Conway strives to ensure all City Boards are representative of our diverse community. To assist in these endeavors; please provide the following information on a voluntary basis:*

Age: 28 Sex: Female Race: White

Occupation: Real Estate Agent Ward: \_\_\_\_\_

Email Address: claireraine.carter@gmail.com



Signature of Applicant or Nominator

07-03-2020  
Date



City of Conway, Arkansas  
Office of the Mayor  
1111 Main Street  
Conway, AR 72032  
[www.conwayarkansas.gov](http://www.conwayarkansas.gov)

# MEMO

**To:** City Council Members  
**CC:** Mayor Bart Castleberry

**From:** Felicia Rogers

**Date:** July 24, 2020  
**Re:** Advertising & Promotion Commission

---

The Advertising and Promotion Commission met and nominated Danny Patel for a term expiring May 31, 2023 as a Tourism Industry Representative.

Please advise if you have any questions.



**City of Conway, Arkansas**  
**Ordinance No. O-20- \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED WEST OF 1165 BOB COURTWAY DRIVE FROM R-1 TO O-1:**

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

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

Tract 1 (Doc No. L201914876):

Part of the E1/2 SW 1/4 SW1/4, Section 5, T-5-N, R-13-W, Faulkner County, Arkansas described as follows: Beginning at the Northwest Corner of the E1/2 SW1/4 SW 1/4, thence East 310 feet to the point of beginning; thence East 150 feet; thence South 398 feet; thence West 150 feet; thence North 398 feet to the point of beginning.

to those of **O-1**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

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

**PASSED** this 28<sup>th</sup> day of July, 2020.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

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



1111 MAIN STREET • CONWAY, AR 72032  
(501) 450-6105 • [planningcommission@cityofconway.org](mailto:planningcommission@cityofconway.org)

## MEMO

To: Mayor Bart Castleberry  
cc: City Council Members

From: Brandon Ruhl, 2020 Planning Commission Chairman  
Date: July 28, 2020

Re: Request to rezone from R-1 to O-1 ± 1.37 acres located west of 1165 Bob Courtway Drive

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Rik Sowell, has requested to rezone from R-1 to O-1 ±1.37 acres located west of 1165 Bob Courtway Drive, with the legal description:

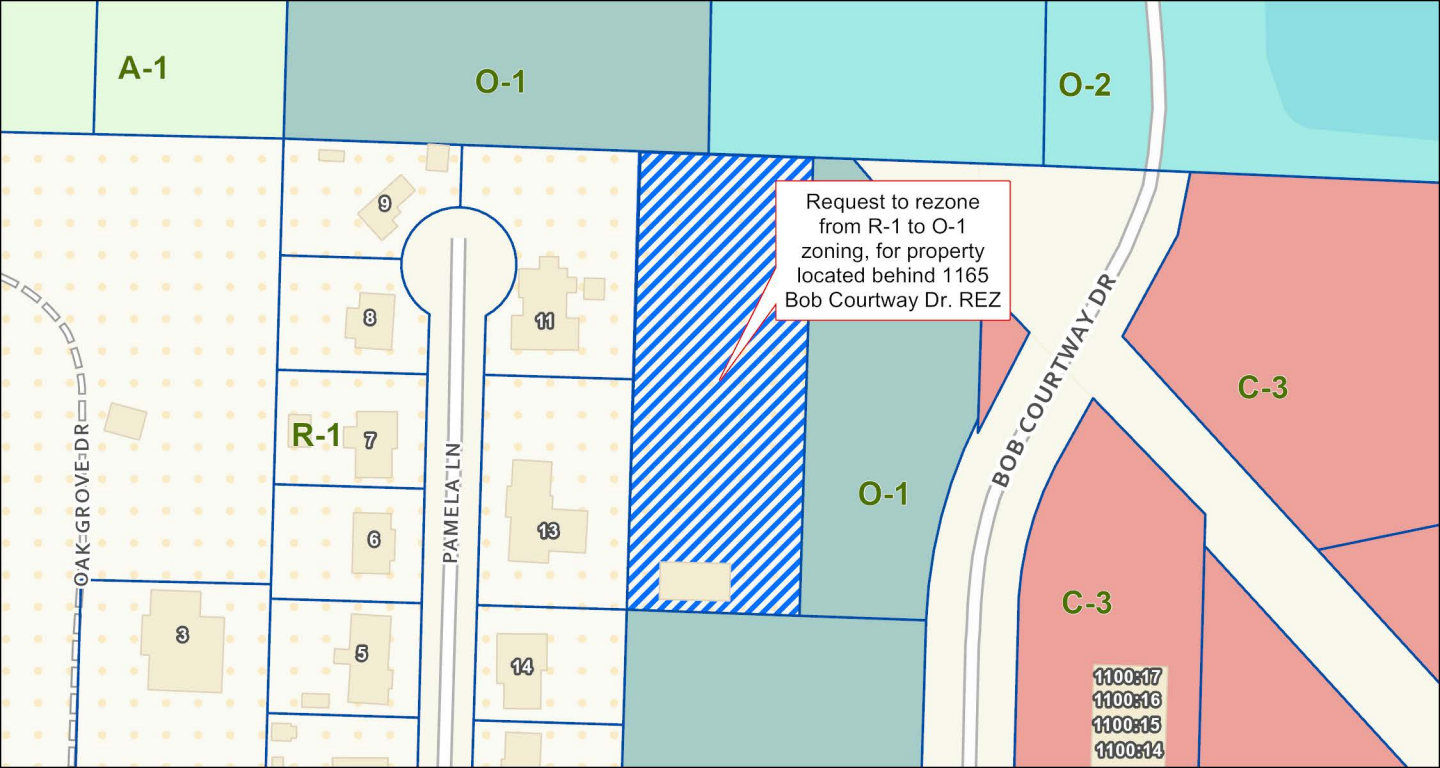
Tract 1 (Doc No. L201914876):

Part of the E1/2 SW 1/4 SW1/4, Section 5, T-5-N, R-13-W, Faulkner County, Arkansas described as follows: Beginning at the Northwest Corner of the E1/2 SW1/4 SW 1/4, thence East 310 feet to the point of beginning; thence East 150 feet; thence South 398 feet; thence West 150 feet; thence North 398 feet to the point of beginning.

The applicant is seeking to rezone the property from R-1 to O-1 for the purpose of constructing an office building. The proposed rezoning is appropriate for office use rather than single family due to the property having no street frontage. This rezone would not likely result in harm to surrounding properties as adjacent properties to the East and South are both zoned O-1 as well.

The Planning Commission reviewed the request at its regular meeting on July 20, 2020 and voted 10-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.



A-1

O-1

O-2

R-1

C-3

O-1

C-3

Request to rezone  
from R-1 to O-1  
zoning, for property  
located behind 1165  
Bob Courtway Dr. REZ

OAK GROVE DR

PAMELA LN

BOB COURTWAY DR

9

8

11

7

6

13

3

5

14

1100:17  
1100:16  
1100:15  
1100:14



**City of Conway, Arkansas**  
**Ordinance No. O-20- \_\_\_\_\_**

**AN ORDINANCE APPROPRIATING ASSET FORFEITURE FUNDS TO THE POLICE DEPARTMENT;  
 AND FOR OTHER PURPOSES**

**Whereas**, the Conway Police Department needs approximately \$7,884.83 to purchase a hundred and ten (110) heavy duty body camera mounts for tactical vest; and

**Whereas**, money in the Conway Police Department Asset Forfeiture account is allowed, by law, to be used for such purposes as these.

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

**Section 1.** The City of Conway shall appropriate funds in the amount of \$7,884.83 from the Seized Asset Forfeiture revenue account 250-121-4900, into the Accountable Equipment Asset Forfeiture expense account 250-121-5650.

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

PASSED this 28<sup>th</sup> day of July, 2020.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

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



**City of Conway, Arkansas  
Ordinance No. O-20-\_\_\_\_\_**

**AN ORDINANCE APPROPRIATING FUNDS FOR CONWAY FIRE DEPARTMENT; AND FOR OTHER  
PURPOSES**

**Whereas**, the Conway Fire Department requests \$5,000 for the use of purchasing fire safety promotional products including coloring books; and

**Whereas**, funds in the amount of \$5,000 were received from Centennial Bank to be used for such purpose.

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

**Section 1.** The City of Conway shall appropriate \$5,000 from the General Fund Revenue Donation Account to the Fire Department Miscellaneous Supplies Operating Account (001.136.5699).

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

**PASSED** this the 28<sup>th</sup> day of July, 2020

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

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



**City of Conway, Arkansas  
Ordinance No. O-20-\_\_\_\_\_**

**AN ORDINANCE WAIVING THE COMPETITIVE BID PROCESS FOR THE CONWAY FIRE DEPARTMENT, AND  
FOR OTHER PURPOSES:**

**Whereas**, Conway Fire Department was awarded a grant by the Arkansas Department of Emergency Management (ADEM) as the State Administrative Agency (SAA) for the Homeland Security Grant Program (HSGP) from the Department of Homeland Security Federal Emergency Management Agency (DHS FEMA) as a recipient for the FY19 Homeland Security Grant Program under the Law Enforcement Terrorism Prevention Activities (LETPA) category; and

**Whereas**, the Conway Fire Department Bomb Squad would like to purchase 4 Scott paks with face pieces and 4500 psi carbon cylinders.

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

**Section 1.** The City of Conway hereby approves waiving the competitive bid requirement and will utilize EVS as a sole source vendor to purchase Scott Air paks and accessories (\$34,000).

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

**PASSED** this 28<sup>th</sup> day of July, 2020.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

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