



City of Conway, Arkansas
CITY COUNCIL
Agenda • November 12th, 2024
www.conwayarkansas.gov

Elected Officials
Mayor Bart Castleberry
City Clerk Michael O. Garrett
City Attorney Charles Finkenbinder

Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Woodrow Cummins
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Mark Ledbetter
Ward 3 Position 2 – Spencer Hawks
Ward 4 Position 1 – Theodore Jones Jr.
Ward 4 Position 2 – Shelia Isby

<u>5:30pm:</u>	No Committee Meeting
<u>6:00pm:</u>	City Council Meeting • Conway Municipal Building • 1111 Main Street
<u>Call to Order:</u>	Bart Castleberry, Mayor
<u>Roll Call:</u>	Michael O. Garrett, Clerk/Treasurer
<u>Minutes Approval:</u>	October 22 nd , 2024

A. Public Hearing:

1. Public Hearing: Issuance of bonds for Clayton Home Building Group Project for financing the renovation, refurbishment, expansion, and equipping of existing industrial facilities at 901 McNutt Road.
2. Public Hearing: Issuance of bonds for AMP, LLC, a cold storage warehouse business located at 1300 Mayor Lane.

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

1. Consideration to approve waiving all three readings for the ordinances on the November 12th, 2024 City Council agenda.
2. Ordinance to approve the issuance of bonds for Clayton Home Building Group for property located at 901 McNutt Road.
3. Ordinance to approve the issuance of bonds for AMP, LLC, for property located at 1300 Mayor Lane.
4. Resolution of intent regarding reimbursement cost and expenses incurred in connection with the construction and equipping of the Conway Corporation Operations Center Campus.
5. Ordinance amending Ordinance No. O-24-02 to revise the effective date for the water rates for Conway Corporation.

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

1. Ordinance appropriate funding for the purchase of property located at 1015 Oak Street.
2. Consideration to approve a settlement proposal for Linn vs. Conway.

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

1. Consideration to approve vehicle disposal for the Conway Police Department.
2. Ordinance appropriating various reimbursement funds for the Conway Police Department.
3. Ordinance appropriating funds from the Justice Assistance Connect and Protect Grant for the Conway Police Department.
4. Ordinance appropriating funds for replenishment of overtime and operation Shop Secure for the Conway Police Department.
5. Ordinance authorizing the personnel changes for additional police officers and appropriating funds for the Conway Police Department.

E. Personnel

1. Ordinance to appropriate funding for Employee Appreciation Bonus.

Adjournment

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held at the time and place set forth below before the Mayor and the City Council of the City of Conway, Arkansas (the “City”), on the question of the adoption of an ordinance authorizing the issuance of not to exceed \$60,000,000 in aggregate principal amount of a Taxable Industrial Development Revenue Improvement and Refunding Bond (Clayton Home Building Group Project), Series 2024 (the “Bond”), by the City, under the authority of Amendment 65 to the Constitution of the State of Arkansas and Act No. 9 of the First Extraordinary Session of the Sixty-Second General Assembly of the State of Arkansas, approved January 21, 1960, as amended. The Bond will be issued to provide financing for the renovation, refurbishment, expansion and equipping of existing industrial facilities (the “Project”) located on approximately 22 acres at 901 McNutt Road in the City to be utilized in the production and sale of modern manufactured homes by Cavalier Homes, Inc., a Delaware corporation (DBA Clayton Home Building Group), or an affiliate thereof or successor thereto (the “Company”).

The Project will be owned by the City and leased to the Company pursuant to a lease agreement providing for rental payments by the Company sufficient in amount to provide for the payment of principal, premium, if any, and interest on the Bond.

Any persons interested may express their views, both orally and in writing, on the proposed issuance of the Bond and on the location and nature of the Project improvements to be financed before the Mayor and City Council at a public hearing to be held on Tuesday, November 12, 2024, at 6:00 p.m. in the City Council Chambers, 1111 Main Street, Conway, Arkansas. At such hearing, all objections and suggestions will be heard and considered, and such action will be taken as is deemed proper in response to said suggestion and objections.

Dated: October 25, 2024

PUBLICATION INSTRUCTIONS: Publish one time on or before November 2, 2024 in *The Log Cabin Democrat*. Send two (2) proofs of publication to Kutak Rock LLP, 124 West Capitol Avenue, Suite 2000, Little Rock, AR 72201, Attn: Gordon M. Wilbourn.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held at the time and place set forth below before the Mayor and the City Council of the City of Conway, Arkansas (the “City”), on the question of the adoption of an ordinance authorizing the issuance of not to exceed \$50,000,000 in aggregate principal amount of a Taxable Industrial Development Revenue Bond (AMP, LLC Project), Series 2024 (the “Bond”), by the City, under the authority of Act No. 9 of the First Extraordinary Session of the Sixty-Second General Assembly of the State of Arkansas, approved January 21, 1960, as amended (“Act 9”). The Bond will be issued to provide financing for the acquisition, construction and equipping of certain industrial facilities (the “Project”) to be located at 1300 Mayor Lane within the City to be utilized in the cold storage warehouse business of AMP, LLC, an Arkansas limited liability company, and/or an affiliate thereof (the “Company”). The Project will be owned by the City and leased to the Company pursuant to an agreement providing for rental payments by the Company sufficient in amount to provide for the payment of principal, premium, if any, and interest on the Bond.

Any persons interested may express their views, both orally and in writing, on the proposed issuance of the Bond and on the location and nature of the improvements to be financed before the Mayor and City Council at a public hearing to be held on Tuesday, November 12, 2024, at 6:00 p.m. in the City Council Chambers, 1111 Main Street, Conway, Arkansas. At such hearing, all objections and suggestions will be heard and considered, and such action will be taken as is deemed proper in response to said suggestion and objections.

Dated: October 30, 2024

PUBLICATION INSTRUCTIONS: Publish one time on or before November 2, 2024 in *The Log Cabin Democrat*. Send two (2) proofs of publication to Kutak Rock LLP, 124 West Capitol Avenue, Suite 2000, Little Rock, AR 72201, Attn: Gordon M. Wilbourn.

City of Conway, Arkansas
Office of the Mayor

Memo:

To: Mayor Bart Castleberry
CC: City Council Members
From: Felicia Rogers
Date: November 7th, 2024
Re: November 12th, 2024 City Council Agenda

The following ordinances are included on the November 12th City Council Agenda for consideration of waiving the three readings of each ordinance:

1. B-2 Ordinance to approve the issuance of bonds for Clayton Home Building Group for property located at 901 McNutt Road.
2. B-3 Ordinance to approve the issuance of bonds for AMP, LLC, for property located at 1300 Mayor Lane.
3. B-5 Ordinance amending Ordinance No. O-24-02 to revise the effective date for the water rates for Conway Corporation.
4. C-1 Ordinance appropriate funding for the purchase of property located at 1015 Oak Street.
5. D-2 Ordinance appropriating various reimbursement funds for the Conway Police
6. D-3 Ordinance appropriating funds from the Justice Assistance Connect and Protect Grant for the Conway Police Department.
7. D-4 Ordinance appropriating funds for replenishment of overtime and operation Shop Secure for the Conway Police Department.
8. D-5 Ordinance authorizing the personnel changes and appropriating funds within the Conway Police Department
9. E-1 Ordinance to appropriate funding for Employee Appreciation Bonus.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BOND UNDER THE AUTHORITY OF ACT NO. 9 OF 1960, AS AMENDED, FOR THE PURPOSE OF SECURING AND DEVELOPING INDUSTRY WITHIN THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE SECURING THE BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN THE CITY, AS LESSOR, AND CAVALIER HOMES, INC., AS LESSEE; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR PAYMENTS IN LIEU OF TAXES; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS RELATING TO THE ISSUANCE OF THE BOND; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Conway, Arkansas (the “City”) is authorized under the provisions of the Municipalities and Counties Industrial Development Revenue Bond Law, Arkansas Code Annotated Sections 14-164-201 *et seq.* (the “Act”), to own, acquire, construct, reconstruct, improve, equip and lease facilities to secure and develop industry and to assist in the financing thereof by the issuance of bonds payable from the revenues derived from such facilities; and

WHEREAS, the necessary arrangements have been made with Cavalier Homes, Inc., a Delaware corporation (DBA Clayton Home Building Group) (the “Company”), to provide for the financing of an industrial project consisting of the renovation, refurbishment, expansion and equipping of existing industrial facilities (the “Project”) located on approximately 22 acres at 901 McNutt Road within the corporate boundaries of the City to be utilized by the Company in its modern manufactured homes business; and

WHEREAS, permanent financing of the Project costs, necessary costs and expenditures incidental thereto and the cost of the issuance of bonds is being furnished by the City pursuant to the Act through the issuance of its Taxable Industrial Development Revenue Bond (Clayton Home Building Group Project), in the principal amount of not to exceed Sixty Million Dollars (\$60,000,000) (the “Bond”); and

WHEREAS, an open public hearing on the question of the issuance of the Bond was held before the City Council on November 12, 2024, following publication of notice in *The Log Cabin Democrat* on October 30, 2024; and

WHEREAS, the Bond will be issued pursuant to the terms and provisions of a Trust Indenture to be dated as of the date of delivery of the Bond (the “Indenture”), by and between the City and a financial institution with corporate trust powers mutually acceptable to the City and the Company, as trustee (the “Trustee”); and

WHEREAS, the necessary arrangements have been made by the City to lease the Project to the Company pursuant to the terms of a Lease Agreement to be dated as of the date of delivery of the Bond (the “Lease Agreement”);

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

Section 1. The City Council makes the following findings and determinations:

(a) Based on information compiled and released by the Arkansas Department of Workforce Services, unemployment in Faulkner County during August of 2024 averaged 2.9%. Completion of the Project is expected to provide additional employment and other benefits to residents of the City.

(b) The Company currently intends to utilize the Project in its modern manufactured homes business.

(c) The Company’s presence within the City is expected to be an important factor in the economic well-being and employment base for the City and its inhabitants.

(d) The Bond shall not constitute a general obligation of the City within the meaning of any constitutional or statutory limitation, but shall be a special limited obligation of the City as provided in the Act, the principal and interest on which shall be payable solely from the revenues or other receipts, funds, monies and property pledged therefor under the Indenture.

Section 2. There is hereby authorized and directed the issuance from time to time of the Bond and the sale thereof to CMH, Inc., a Delaware corporation, or another affiliate of the Company (the “Purchaser”), pursuant to the terms and provisions of a Bond Purchase Agreement to be dated as of the date of delivery of the Bond (the “Bond Purchase Agreement”), which Bond Purchase Agreement is specifically approved in Section 3 hereof. The Bond shall be sold at the purchase price of par plus accrued interest, if any, and shall be issued and delivered according to the terms and provisions of the Bond Purchase Agreement. The Bond shall be issued in the original aggregate principal amount of not to exceed Sixty Million Dollars (\$60,000,000), shall be dated as of the date of its delivery, shall have a final maturity of thirty (30) years from its date of issuance, shall bear interest at the rate of 4.49% per annum, shall be in the form, and shall be issued upon the terms and conditions recommended by the Company, all as more particularly set forth in the Trust Indenture approved in Section 4 hereof. The Mayor is hereby authorized and directed to execute and deliver the Bond at such time as requested by the Company, and the City Clerk is hereby authorized and directed to execute and deliver the Bond and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Bond to be authenticated by the Trustee.

Section 3. To prescribe the terms and conditions upon which the Bond is to be sold to the Purchaser, the Mayor is hereby authorized and directed to execute at the request of the Company the Bond Purchase Agreement on behalf of the City, by and between the City and the Purchaser, and approved by the Company. The Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Purchaser, the Company and Kutak Rock LLP, Little Rock, Arkansas (“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 document, 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 4. To prescribe the terms and conditions upon which the Bond is to be secured, executed, authenticated, issued, accepted and held, the Mayor and the City Clerk are hereby authorized and directed to execute, acknowledge and deliver the Trust Indenture, by and between the City and the Trustee, and the Mayor and City Clerk are hereby authorized and directed to cause the Trust Indenture to be accepted, executed and acknowledged by the Trustee. The Trust Indenture is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Trustee, the Company, the Purchaser and Bond Counsel in order to complete the Trust Indenture in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

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

Section 5. There is hereby authorized and directed the execution and delivery of the Lease Agreement by and between the City, as lessor, and the Company, as lessee, and the Mayor and the City Clerk are hereby authorized to execute, acknowledge and deliver the Lease Agreement for and on behalf of the City. The Lease Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Company, the Trustee, the Purchaser and Bond Counsel in order to complete the Lease Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Lease 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 City and the Company recognize that under Article 16, Section 5, of the Constitution of the State of Arkansas, as interpreted under past decisions of the Supreme Court of the State of Arkansas applicable to facilities financed pursuant to the Act, including particularly the case of Wayland v. Snapp, 232 Ark. 57, 334 S.W.2d 663 (1960), the Project will be exempt from *ad valorem* taxation. Although the City makes no representation as to the continued precedential value of such past decisions, the Company has agreed to enter into an Agreement for Payments in Lieu of Taxes to be dated as of the date of its execution (the “PILOT Agreement”) requiring the Company to make certain payments in lieu of all *ad valorem* taxes which would otherwise be levied on the Project real and personal property by local public bodies with taxing power. In order to provide for such payments, there is hereby authorized and directed the execution

and delivery of the PILOT Agreement, and the Mayor is hereby authorized to execute and deliver the PILOT Agreement for and on behalf of the City. The PILOT Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Company and Bond Counsel in order to complete the PILOT Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

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

Section 7. 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 execution and delivery of the Bond, the Bond Purchase Agreement, the Trust Indenture, the Lease Agreement and the PILOT Agreement, and to perform all of the City's obligations under and pursuant thereto. The Mayor and the City Clerk are hereby 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 8. Because the City is here involved with the acquisition, construction and equipping of a complex industrial project requiring highly specialized work and specialized types of machinery and equipment, it has been and is hereby determined by the City Council that competitive bidding be, and the same is hereby, waived as to this particular industrial project. This action is taken by the City pursuant to applicable laws of the State of Arkansas, including particularly the Act.

Section 9. Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed as Bond Counsel with respect to the issuance of the Bond, the fees and expenses of which firm shall be costs of the Project and paid from the proceeds of the Bond or by the Company.

Section 10. 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 invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions.

Section 11. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

ADOPTED: November 12th, 2024

Mayor Bart Castleberry

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

(S E A L)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BOND UNDER THE AUTHORITY OF ACT NO. 9 OF 1960, AS AMENDED, FOR THE PURPOSE OF SECURING AND DEVELOPING INDUSTRY WITHIN THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE SECURING THE BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN THE CITY, AS LESSOR, AND AMP, LLC, AS LESSEE; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR PAYMENTS IN LIEU OF TAXES; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS RELATING TO THE ISSUANCE OF THE BOND; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Conway, Arkansas (the “City”) is authorized under the provisions of the Municipalities and Counties Industrial Development Revenue Bond Law, Arkansas Code Annotated Sections 14-164-201 *et seq.* (the “Act”), to own, acquire, construct, reconstruct, improve, equip and lease facilities to secure and develop industry and to assist in the financing thereof by the issuance of bonds payable from the revenues derived from such facilities; and

WHEREAS, the City, pursuant to Resolution No. R-24-22 adopted on May 14, 2024, the City has previously expressed its intent to issue its industrial development revenue bond under the Act for the purposes hereinafter described for the benefit of AMP, LLC, an Arkansas limited liability company (the “Company”), such bonds to be issued as described below; and

WHEREAS, the necessary arrangements have been made with the Company to provide for the financing of an industrial project consisting of the acquisition, construction and equipping of industrial facilities (the “Project”) to be located on approximately 45 acres at 1300 Mayor Lane within the corporate boundaries of the City to be utilized by the Company and its affiliates in the cold storage warehouse business; and

WHEREAS, permanent financing of the Project costs, necessary costs and expenditures incidental thereto and the cost of the issuance of bonds is being furnished by the City pursuant to the Act through the issuance of its Taxable Industrial Development Revenue Bond (AMP, LLC Project), in the principal amount of not to exceed Fifty Million Dollars (\$50,000,000) (the “Bond”); and

WHEREAS, an open public hearing on the question of the issuance of the Bond was held before the City Council on November 12, 2024, following publication of notice in *The Log Cabin Democrat* on November 2, 2024; and

WHEREAS, the Bond will be issued pursuant to the terms and provisions of a Trust Indenture to be dated as of the date of delivery of the Bond (the “Indenture”), by and between the City and First Security Bank, Searcy, Arkansas, as trustee (the “Trustee”); and

WHEREAS, the necessary arrangements have been made by the City to lease the Project to the Company pursuant to the terms of a Lease Agreement to be dated as of the date of delivery of the Bond (the “Lease Agreement”);

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

Section 1. The City Council makes the following findings and determinations:

(a) Based on information compiled and released by the Arkansas Department of Workforce Services, unemployment in Faulkner County during August of 2024 averaged 2.9%. Completion of the Project is expected to provide additional employment and other benefits to residents of the City.

(b) The Company currently intends to utilize the Project in its cold storage warehouse business.

(c) The Company’s presence within the City is expected to be an important factor in the economic well-being and employment base for the City and its inhabitants.

(d) The Bond shall not constitute a general obligation of the City within the meaning of any constitutional or statutory limitation, but shall be a special limited obligation of the City as provided in the Act, the principal and interest on which shall be payable solely from the revenues or other receipts, funds, monies and property pledged therefor under the Indenture.

Section 2. There is hereby authorized and directed the issuance from time to time of the Bond and the sale thereof to an affiliate of the Company (the “Purchaser”), pursuant to the terms and provisions of a Bond Purchase Agreement to be dated as of the date of delivery of the Bond (the “Bond Purchase Agreement”), which Bond Purchase Agreement is specifically approved in Section 3 hereof. The Bond shall be sold at the purchase price of par plus accrued interest, if any, and shall be issued and delivered according to the terms and provisions of the Bond Purchase Agreement. The Bond shall be issued in the original aggregate principal amount of not to exceed Fifty Million Dollars (\$50,000,000), shall be dated as of the date of its delivery, shall have a final maturity of thirty (30) years from its date of issuance, shall bear interest at the rate of 6.00% per annum, shall be in the form, and shall be issued upon the terms and conditions recommended by the Company, all as more particularly set forth in the Trust Indenture approved in Section 4 hereof. The Mayor is hereby authorized and directed to execute and deliver the Bond at such time as requested by the Company, and the City Clerk is hereby authorized and directed to execute and deliver the Bond and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Bond to be authenticated by the Trustee.

Section 3. To prescribe the terms and conditions upon which the Bond is to be sold to the Purchaser, the Mayor is hereby authorized and directed to execute at the request of the Company the Bond Purchase Agreement on behalf of the City, by and between the City and the

Purchaser, and approved by the Company. The Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Purchaser, the Company and Kutak Rock LLP, Little Rock, Arkansas (“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 document, 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 4. To prescribe the terms and conditions upon which the Bond is to be secured, executed, authenticated, issued, accepted and held, the Mayor and the City Clerk are hereby authorized and directed to execute, acknowledge and deliver the Trust Indenture, by and between the City and the Trustee, and the Mayor and City Clerk are hereby authorized and directed to cause the Trust Indenture to be accepted, executed and acknowledged by the Trustee. The Trust Indenture is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Trustee, the Company, the Purchaser and Bond Counsel in order to complete the Trust Indenture in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

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

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(Advice is given that a copy of the Lease 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 City and the Company recognize that under Article 16, Section 5, of the Constitution of the State of Arkansas, as interpreted under past decisions of the Supreme Court of the State of Arkansas applicable to facilities financed pursuant to the Act, including particularly the case of Wayland v. Snapp, 232 Ark. 57, 334 S.W.2d 663 (1960), the Project will be exempt from *ad valorem* taxation. Although the City makes no representation as to the continued precedential value of such past decisions, the Company has agreed to enter into an Agreement for

Payments in Lieu of Taxes to be dated as of the date of its execution (the “PILOT Agreement”) requiring the Company to make certain payments in lieu of all *ad valorem* taxes which would otherwise be levied on the Project real and personal property by local public bodies with taxing power. In order to provide for such payments, there is hereby authorized and directed the execution and delivery of the PILOT Agreement, and the Mayor is hereby authorized to execute and deliver the PILOT Agreement for and on behalf of the City. The PILOT Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Company and Bond Counsel in order to complete the PILOT Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

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

Section 7. 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 execution and delivery of the Bond, the Bond Purchase Agreement, the Trust Indenture, the Lease Agreement and the PILOT Agreement, and to perform all of the City’s obligations under and pursuant thereto. The Mayor and the City Clerk are hereby 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 8. Because the City is here involved with the acquisition, construction and equipping of a complex industrial project requiring highly specialized work and specialized types of machinery and equipment, it has been and is hereby determined by the City Council that competitive bidding be, and the same is hereby, waived as to this particular industrial project. This action is taken by the City pursuant to applicable laws of the State of Arkansas, including particularly the Act.

Section 9. Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed as Bond Counsel with respect to the issuance of the Bond, the fees and expenses of which firm shall be costs of the Project and paid from the proceeds of the Bond or by the Company.

Section 10. 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 invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions.

Section 11. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

ADOPTED: November 12th, 2024

Mayor Bart Castleberry

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

(S E A L)



City of Conway, Arkansas
Resolution No. R-24-_____

**A RESOLUTION OF INTENT REGARDING THE REIMBURSEMENT
 OF CERTAIN COSTS AND EXPENSES INCURRED IN CONNECTION
 WITH THE CONSTRUCTION AND EQUIPPING OF THE CONWAY
 CORPORATION OPERATIONS CENTER CAMPUS**

WHEREAS, the City of Conway, Arkansas (the “City”) owns an electric generation and distribution system (the “System”) serving the residents of the City, which System is operated and maintained by the Conway Corporation, a nonprofit corporation organized and existing under the laws of the State of Arkansas (the “Corporation”), pursuant to a lease from the City and an exclusive franchise to operate the System granted to the Corporation by the City; and

WHEREAS, the Corporation has previously determined the need for certain improvements and betterments in connection with the operation of the System, including a new Operations Center campus for the Corporation, including, but not limited to, the design, construction and equipping of an office building, warehouse and vehicle maintenance shop, the renovation of existing building(s), the addition of covered parking for Corporation vehicles and equipment, and associated site work (collectively, the “Operations Center Project”); and

WHEREAS, the City has previously issued its \$27,800,000 Electric Revenue Improvement Bonds, Series 2022A, for the purpose of financing a portion of the costs of the Operations Center Project; and

WHEREAS, the Corporation has now determined that the remaining costs to complete the Operations Center Project will be approximately \$6,000,000; and

WHEREAS, the Corporation intends to temporarily obtain the necessary funds to complete the Operations Center Project from reserves or from an unsecured bank loan until such time as City approves an issue of tax-exempt electric revenue bonds for such purpose; and

WHEREAS, the purpose of this Resolution is for the City to declare its “official intent” to reimburse itself or the Corporation for certain costs (incurred by or on behalf of the City and related to completion of the Operations Center Project) pursuant to Section 1.150-2 of the Regulations of the U.S. Department of Treasury promulgated pursuant to the provisions of the Internal Revenue Code of 1986, as amended;

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

Section 1. That the adoption of this Resolution is intended as the City’s “official intent” to reimburse itself or the Corporation from the proceeds of tax-exempt bonds for costs of completing the Operations Center Project and related expenses advanced by the City or the Corporation.

Section 2. That a copy of this resolution shall be furnished by the Mayor to any entity requesting such a copy in connection with the financing of the Operations Center Project.

PASSED AND APPROVED this 12th day of November, 2024.

APPROVED:

By: _____
Bart Castleberry, Mayor

ATTEST:

By: _____
Michael O. Garrett
City Clerk/Treasurer

[S E A L]



**City of Conway, Arkansas
Ordinance No. O-24-_____**

AN ORDINANCE AMENDING ORDINANCE NO. O-24-02 TO CORRECT SECTION REFERENCES AND TO REVISE THE EFFECTIVE DATE FOR THE INITIAL ANNUAL REVISIONS OF WATER RATES; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Conway, Arkansas (the “City”) owns a water storage, treatment and distribution system (the “System”) serving residents within and near the City, which System is operated and maintained by Conway Corporation, a nonprofit 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 pursuant to Ordinance No. O-86-11, as amended by Ordinance No. O-14-100, Ordinance No. O-16-46 and Ordinance No. O-17-58; and

WHEREAS, pursuant to a recommendation and request by the Board of Directors of the Corporation, the City Council previously adopted Ordinance No. O-24-02 on February 13, 2024 (the “Rate Ordinance”), setting rates and charges for System services and water usage;

WHEREAS, it has been determined that Section 11 of the Rate Ordinance should be revised in order to correctly reflect the sections subject to, and the initial date for, annual revisions to the water rates and charges set forth in the Rate Ordinance;

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

Section 1. The City Council hereby finds that an amendment to the Rate Ordinance is desirable in order to correctly reflect the sections subject to, and the initial date for, annual revisions to the water rates and charges set forth in the Rate Ordinance. Accordingly, the Rate Ordinance is hereby amended as follows:

Section 2. Section 11 of the Rate Ordinance is hereby amended to read as follows: “The schedule of charges as described above in Sections 2, 3, 4, 5, 6, 7, 8 and 9 shall be indexed on February 1 each year by the amount of increase in the Consumer Price Index (or 3%, whichever is less) for the preceding year. A copy of the revised rates shall be posted on the Conway Corporation website. This provision is effective on February 1, 2025.”

Section 3. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are hereby declared to be severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not void or affect any of the remaining portions or provisions of this Ordinance.

Section 4. All ordinances and resolutions and parts of ordinances and resolutions in conflict herewith, including conflicting provisions of Ordinance No. O-24-02, are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this 12TH day of November, 2024

ATTEST:

MAYOR BART CASTLEBERRY

MICHAEL O. GARRETT
CITY CLERK/TREASURER

[S E A L]



**City of Conway, Arkansas
Ordinance No. O-24-__**

**AN ORDINANCE APPROPRIATING FUNDING AND AUTHORIZING THE PURCHASE OF REAL PROPERTY
LOCATED AT 1015 OAK STREET; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

Whereas, the City of Conway would like to purchase property located at 1015 Oak Street that consists of a tract of land +/-0.17acres containing a 6,623 SF building for the potential expansion of the Chestnut Alleyway Improvement Project; and

Whereas, the property was appraised for \$457,000, and the City and the property owner have agreed to the appraised cost, with the City paying all closing costs; and

Whereas, funding for this project will be partial general funds and partial funding from the American Rescue Plan ACT project listing for the City of Conway, the above project is included R-22-36, as part of the Drainage Improvement projects.

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

Section 1. The City of Conway shall enter into a contract agreement with Todd Ross to purchase property located at 1015 Oak Street for the appraised value of \$457,000, plus an estimated closing cost of \$5,000.

Section 1. The City of Conway shall appropriate \$306,000 from the Grant Fund Balance Appropriation account 399.000.4900 into the Transportation Department Grant Project Account 399.201.5990.

Section 2. The City of Conway shall appropriate \$156,000 from the General Fund Balance Appropriation Account 001-119-4900 into the Transportation Department Grant Project Account 399.201.5990. to purchase property and cover closing costs.

Section 3. All ordinances in conflict herewith are repealed to the extent of the conflict.

Section 4. This ordinance is necessary for the protection of the public peace, health, and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

ADOPTED this 12th day of November, 2024.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



CITY OF CONWAY, ARKANSAS

Office of the Mayor

Mayor Bart Castleberry

www.conwayarkansas.gov

1111 Main Street

Conway, AR 72032

T 501.450.6110

F 501.450.6145

MEMO

To: Mayor Bart Castleberry
City Council Members

From: Felicia T. Rogers

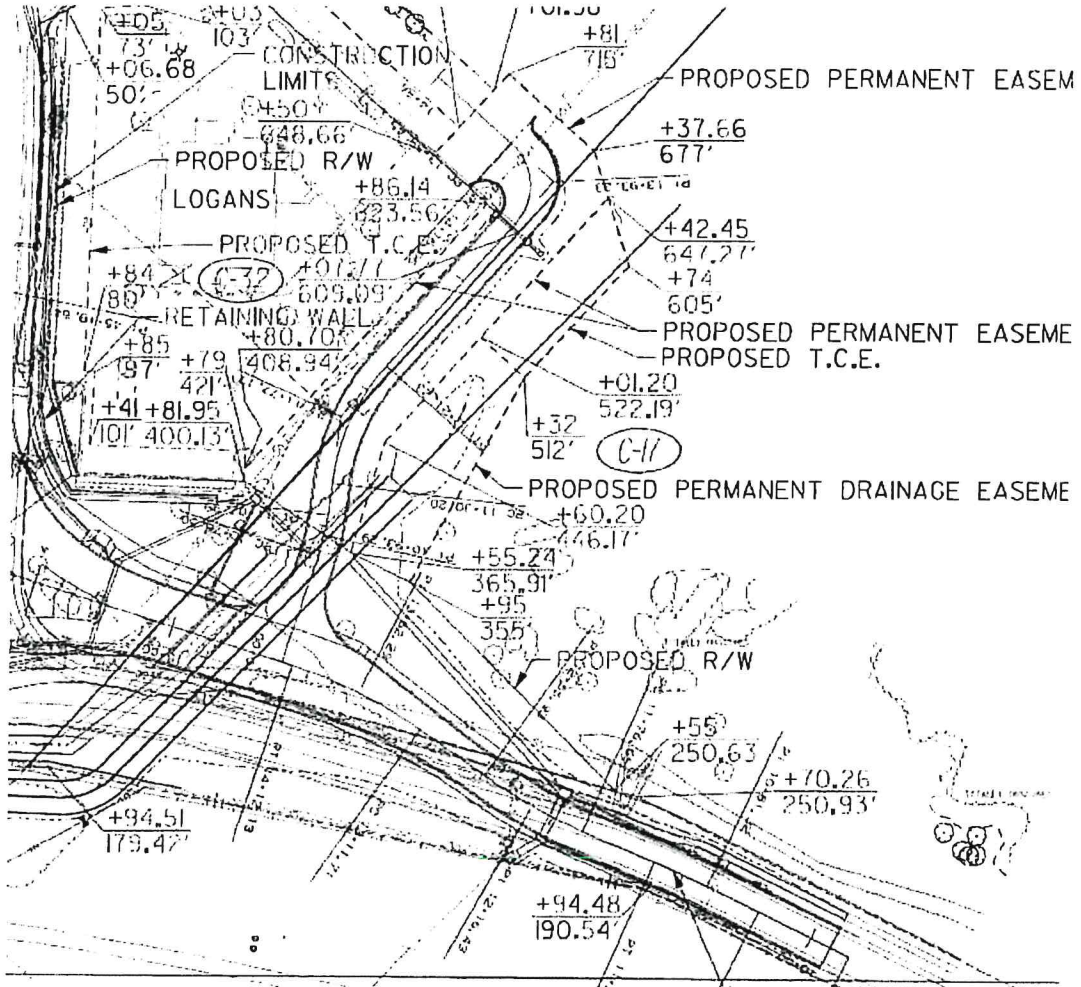
Date: November 8th, 2024

Re: Linn vs. Conway

City Attorney Charles Finkenbinder will discuss a settlement offer made in the Linn vs. City of Conway case.

Please advise if you have any questions.

Construction Plans



DIRECT SALES COMPARISON APPROACH TO VALUE
"AFTER THE TAKING VALUE"

It is the appraiser's opinion that the property has a value "after the taking" as follows:

LAND

304,745 SF 7.00 ACRES

Before Taking Land After

304,745 SF - 45,410 SF = 259,335 SF @ \$10.00/SF = \$2,593,350 or \$2,593,000 Rounded

"After the Taking Value" \$ 2,593,000 RD

SALES APPROACH: TOTAL VALUE AFTER THE TAKING: \$2,593,000

\$2,593,000

(TWO MILLION FIVE HUNDRED NINETY-THREE THOUSAND DOLLARS)

INDICATED VALUE OF "TAKING" BY SALES COMPARISON APPROACH:

Therefore, the market value of the "taking", based on the Sales Comparison Approach is:

Value Before the Taking:		\$3,047,000
Value After the Taking:	Less	- \$2,593,000
Indicated Value of the Taking:		\$ 454,000

\$454,000

(FOUR HUNDRED FIFTY-FOUR THOUSAND DOLLARS)

TOTAL VALUATION OF TAKINGS:

Tract 1:	Perm. Street R-O-W	25,526 SF @ \$10/SF =	\$255,260
Tract 2:	Perm. Easement	10,874 SF @ \$10/SF =	\$108,740
Tract 3:	Perm. Drainage Easement	9,010 SF @ \$10/SF =	\$ 90,100
Total in Fee:		45,410 SF =	\$454,100

Tract 4:	TCE	4,996 SF =	\$ 9,992
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VALUATION OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT:

TCE = 4,996 SF @ \$10.00/SF = \$49,960

Value	Rate of Return	Term	
\$49,960	x 10%/YR	x 2.0 = TCE	
\$49,960	x 10% = \$4,996	x 2.0 = \$9,992	

NET SEVERANCE DAMAGES

After the taking, the Subject property will consist of essentially the same site, less 45,410 square feet of land (or 1.05 acres +/-). The following factors must also be considered when evaluating the subject property "after the taking", also known as "the Remainder"

- Proposed Lots were as follows:

<u>Commercial Lots "Before"</u>	<u>Frontage</u>	<u>Lots "After"</u>	<u>Frontage</u>
Lot 1: 47,110 SF 1.08 AC	180'	6,725SF 0.15AC	-0- frontage
Lot 2: 55,645 SF 1.28 AC	160'	50,620SF 1.16AC	-0- frontage
Lot 3: 45,960 SF 1.06 AC	150'	45,960SF 1.06AC	150' * SIGN
Lot 4: 43,970 SF 1.01 AC	150'	43,970SF 1.01AC	150'
Lot 5: 29,200 SF 0.67 AC	160'	29,200SF 0.67AC	160'
Lot 6: 9,872 SF 0.23 AC	60'	9,872SF 0.23AC	60'
Lot 8: 72,570 SF 1.67 AC	174'	72,570SF 1.67AC	174'
304,745 SF 7.00 AC		258,917SF 5.95AC	

- ** Tract 3 is 9,010 SF total, approximately 3,985 SF impacts Lot 1, and 5,025 SF impacts Lot 2

Lot 1 is impacted by the following "takings":

Before:	47,110 SF	1.08 AC	
Tract 1:	-	25,526 SF	- 0.59 AC
Tract 2:	-	10,874 SF	- 0.25 AC
Tract 3:	-	3,985 SF	- 0.09 AC **
Remainder "After" =	6,725 SF	= 0.15 AC	@ \$10/SF = \$67,250 Lot 1

Lot 1 had 180 feet of frontage along Amity Road, just south of the entrance to Conway Commons, now Lot 1 has zero frontage.

Lot 2 is impacted by the following "takings":

Before:	55,645 SF	1.28 AC	
Tract 3:	-	5,025 SF	- 0.12 AC **
Remainder "After" =	50,620 SF	= 1.16 AC	@ \$5/SF = \$253,100 Lot 2

Lot 2 had 160 feet of frontage along Amity Road, just south of the entrance to Conway Commons, now Lot 2 has zero frontage.

Because of the loss of 160 feet of frontage, the marketability of Lot 2 is drastically reduced. Although Lot 2 still has 50,620 SF or 1.16 acres of area remaining "after the taking", it has reduced commercial value (now \$5.00/SF). The only commercial value remaining for Lot 2 is for "assemblage" with the adjoining Lot 3.

Lot 3 will become the first available commercial lot, it is unknown how the presence of the billboard sign will impact the ingress / egress onto Lot 3 and this may reduce the available frontage for this lot as well.

** Tract 3 is 9,010 SF total, approximately 3,985 SF impacts Lot 1, and 5,025 SF impacts Lot 2

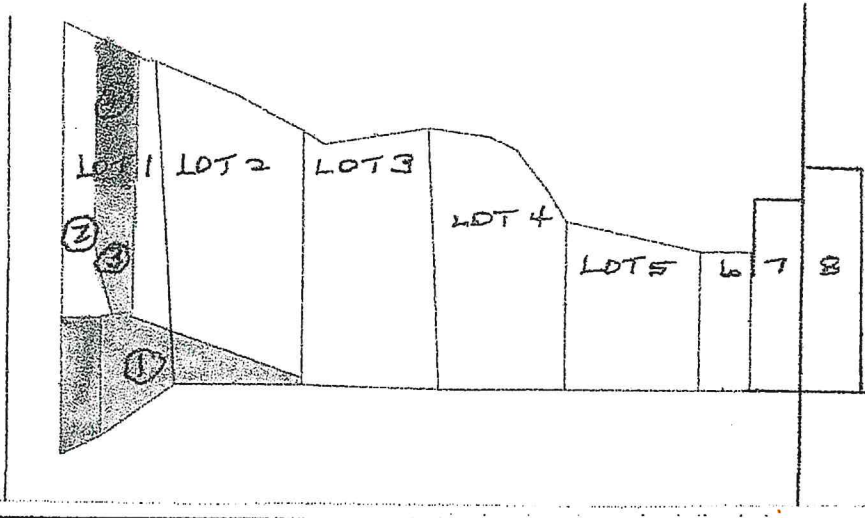
Lot 1 is impacted by the following "takings":

Before:	47,110 SF	1.08 AC
Tract 1: -	25,526 SF	- 0.59 AC
Tract 2: -	10,874 SF	- 0.25 AC
Tract 3: -	3,985 SF	- 0.09 AC **
Remainder "After" =	6,725 SF	= 0.15 AC

Lot 1 had 180 feet of frontage along Amity Road, just south of the entrance to Conway Commons, now Lot 1 has zero frontage.

Lot 2 is impacted by the following "takings":

Before:	55,645 SF	1.28 AC
Tract 3: -	5,025 SF	- 0.12 AC **
Remainder "After" =	50,620 SF	= 1.16 AC



NET SEVERANCE DAMAGES

As a result of all these factors, there is significant "severance damage to the remainder"

When the integrity of the tract, as a unit, is diminished by a partial taking it is fundamental that such diminution is a proper element for consideration in ascertaining just compensation. That element of damage is commonly referred to as "severance damage" and is a guide when determining the "before and after" value. (Arkansas State Highway Commission v. Lewis, 243 Ark. 943, 422 Southwest 2d 866).

When "integrity of the tract" as a unit is diminished by a partial taking....

First, one must look at the definition of "integrity":

"Integrity: strict adherence to a standard of value or conduct. ..completeness, unity, soundness." (Webster's II New Riverside Dictionary, Houghton Mifflin Co., 1988, page 220).

For future commercial development, the remaining available area for buildable lots will have to be researched to capture the value that will replicate the development potential before the taking.

There are several ways of determining just compensation. The "before and after" method is measuring the just compensation by the difference between the fair market value of the entire property "before" and the fair market value of the remaining property immediately "after" the taking, and "as affected by the taking".

When only a portion of a property is condemned, the measure of just compensation includes both the value of the land actually taken and the value by which the remaining part has been diminished as a consequence of the partial taking. *State v. Silver*, 92 N.J. 507, (1983).

Federal law requires that compensation be made not only for the property interest acquired, but also for the "diminution", if any, in the value of the remainder directly caused by the acquisition and/or by the use to which the part acquired will be put.

Bauman v. Ross, 167 U.S. 548, 574,(1897); and *United States v. Grizzard*, 219 U.S. 180, 183 (1911); and *United States v. Miller*, 317 U.S. 369,376 (1943).

If there were no other perceived damages incurred by the "taking" to the "remainder after", then just compensation would be paid based on the following formula:

"Before Value" minus "After Value" equals "Just Compensation"

State v. Carroll, 123 N.J. 308.(1991).

However, if the remaining property was lowered in value by the "taking", the owner will not be made whole merely by payment of the market value of the portion of property taken. If the remaining property was lowered in value by the "taking", the owner must be compensated for the

loss sustained to the value of the remaining property. Such a loss is considered "severance damages". When you find that the value of the remainder has been reduced, that is, suffered severance damages, these damages should be added to the value of the parcel "taken" to arrive at a verdict of just compensation. The formula for this is:

"Before Value" minus "After Value" Plus "Severance Damages" equals "Just Compensation"

State v. Silver, 92 JN 507, 514.(1983) and *Village of South Orange v. Alden Corp.*, 71 N.J. 362,367-368 (1976).

If the Condemning Party proposes to put the part of a larger parcel acquired to hazardous use and if fear of the hazard would affect the price a knowledgeable and prudent buyer would pay to a similarly well-informed seller, **diminution in value to the remainder caused by the fear is a proper consideration in estimating the market value of the remainder, even if such fear is not well founded.**

United States v. 760.807 Acres of Land, 731 F.2d 1443, 1447 (9th Cir. 1984); *United States v. 6.24 Acres of Land*, 99 F.3d 1140, (6th Cir. 1996).

A reminder of the **"JUST COMPENSATION"** rule is:

"the amount of loss from which a property owner is compensated when his or her property is taken; should put the owner in as good a position pecuniarily as he or she would be if the property had not been taken; generally held to be market value..."

According to the "State Rule" the following is stated: "In condemnation, the process of determining just compensation is by estimating the value of the portion to be acquired as part of the whole property **plus the net severance damages.**"

In this case, the loss of future marketability of the Subject will cause **severance damages**. These are expenses or damages that will be incurred by the owner in order to restore his property to the usefulness that it had before the taking.

Conclusions:

NET SEVERANCE DAMAGES:

LOT 1: Remainder "After" = 6,725 SF = 0.15 AC @ \$10/SF = \$67,250

Lot 1 had 180 feet of frontage along Amity Road, just south of the entrance to Conway Commons, now Lot 1 has zero frontage.

LOT 2 is impacted by the following "takings":

Before:	55,645 SF	1.28 AC
Tract 3:	- 5,025 SF	- 0.12 AC **
Remainder "After" =	50,620 SF = 1.16 AC @ \$5/SF = \$253,100 Lot 2	

Lot 2 had 160 feet of frontage along Amity Road, just south of the entrance to Conway Commons, now Lot 2 has zero frontage.

Because of the loss of 160 feet of frontage, the marketability of Lot 2 is drastically reduced. Although Lot 2 still has 50,620 SF or 1.16 acres of area remaining "after the taking", it has reduced commercial value (now \$5.00/SF). The only commercial value remaining for Lot 2 is for "assemblage" with the adjoining Lot 3.

Lot 3 will become the first available commercial lot, it is unknown how the presence of the billboard sign will impact the ingress / egress onto Lot 3 and this may reduce the available frontage for this lot as well.

Damages to the Remainder, considered Net Severance Damages to:

Lot 1: \$ 67,250

Lot 2: \$253,100

\$320,350 or \$320,000 Rounded

RECONCILIATION AND FINAL VALUE ESTIMATE

The just compensation to be paid to the owners is for the "taking" of the permanent right-of-way in fee, and easements as listed. One may apply the same unit values to the taking as to the fee interest. Therefore, the value of the easement to be taken and the net severance damages is estimated as follows:

"BEFORE THE TAKING VALUE"

Direct Sales Approach to Value	\$3,047,000 x 100%	= \$3,047,000
Cost Approach to Value	Not Developed	= N/A
Income Approach to Value	Not Developed	= N/A
Indication of Value " <u>Before the Taking</u> "		= \$3,047,000

"AFTER THE TAKING VALUE"

Direct Sales Approach to Value	\$2,593,000 x 100%	= \$2,593,000
Cost Approach to Value	Not Developed	= N/A
Income Approach to Value	Not Developed	= N/A
Indication of Value " <u>After the Taking</u> "		= \$2,593,000

Indication of Value "Before the Taking"		\$3,047,000
Indication of Value "After the Taking"	-	<u>\$2,593,000</u>
TOTAL VALUE OF THE TAKING		\$ 454,000

“STATE RULE” FORMULA:

1. Estimate the value of the property before the taking (larger parcel) = “Before”.
2. Estimate the value of the part taken as part of the whole = “the taking”.
3. Calculate the value of the remainder as part of the whole (also known as the remainder before the taking) by deducting no. 2 from no. 1 = “Before” minus “the taking”
4. Estimate the value of the remainder after the taking (excluding benefits if any). The “after” may have changed due to change in zoning or highest & best use of the remainder, or “damages” to the remainder.
5. Calculate “Net Severance Damages” by deducting no. 4 from no. 3 = “Value of the Remainder” minus “Value of the Remainder Before the Taking”.
6. Calculate the total value of rights taken by adding no. 2 and no. 5 = “Taking” plus “Damages” = Total Value of Rights Taken.

BEFORE:

Land:	\$3,047,000
Improvements:	\$ n/a
Total Value Before:	\$3,047,000 (“Before”)

AFTER:

Land:	\$2,593,000 (“Remainder before Taking”)
Improvements:	\$ n/a
Damages to the Remainder:	Less - \$ 320,000
Total Value After:	Less - <u>\$2,273,000 (“Before – After” Remainder after the taking)</u>

Total Value of Rights Taken:	<u>\$ 774,000 (“Taking” + “Damages”)</u>
Temporary Easements:	<u>\$ 9,992</u>
TOTAL COMPENSATION:	\$ 783,992 or \$784,000 Rounded

MEMORANDUM

TO: City Council Members/Mayor Bart Castleberry
FROM: Chief Chris Harris
DATE: November 8th,2024
SUBJECT: Request for disposal of seized assets

The Police Department has the following vehicles that are not being used:

- 2008 Nissan Xterra VIN 5N1AN08U68C518956

I would like to request approval to remove these items from our inventory listing and to dispose of them. These vehicles/items will be sold through auction, "as is", on www.publicsurplus.com.

Thank you for your consideration.



**City of Conway, Arkansas
Ordinance No. O-24-_____**

AN ORDINANCE APPROPRIATING REIMBURSEMENTS FUNDS FROM VARIOUS ENTITIES FOR THE CITY OF CONWAY POLICE DEPARTMENT; AND FOR OTHER PURPOSES

Whereas, the City of Conway has received reimbursements funds from the following entities:

Various Companies	\$18,795.32	Extra Duty Services
Municipal Vehicle Program	\$2,995.98	Insurance Proceeds
Paymac Inc.	\$10,105.00	Auction

Whereas, the Conway Police Department needs these funds to replenish their expenditure accounts.

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 from Various Companies in the amount of \$18,795.32 from 001.121.4185 to the CPD overtime expense account, 001.121.5114.

Section 2. The City of Conway shall appropriate funds from Municipal Vehicle Program in the amount of \$2,995.98 from 001.119.4360 to the CPD vehicle maintenance expense account 001.121.5450.

Section 3. The City of Conway shall appropriate funds from Paymac Inc. in the amount of \$10,105.00 from 001.119.4611 to the Police Department vehicle maintenance expense account 001.121.5450.

Section 4. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 12th day of November, 2024.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Ordinance No. O-24-_____**

AN ORDINANCE APPROPRIATING LAW ENFORCEMENT BEHAVIORAL HEALTH RESPONSE FUNDING FOR THE CONWAY POLICE DEPARTMENT; AND FOR OTHER PURPOSES

Whereas, the City of Conway has been awarded \$542,500.00 Federal Department of Justice grant award number 15PBJA-21-GG-04306-MENT as a part of the Bureau of Justice Assistance’s Connect and Protect grant. The Conway City Council accepted this award through R-22-03; and

Whereas, the grant amount is \$542,500 and City of Conway match for this grant is \$192,875, as referenced in R-22-03. For the remainder of the 2024 budget, the City of Conway Police Department requests to appropriate \$88,755 in grant funds and \$22,189 for the match from the General Fund Balance; and

Whereas, the City of Conway has not previously budgeted for the remainder of this grant and would like to appropriate the general fund match and grant funds into the budget.

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

Section 1. The City of Conway shall appropriate \$88,755 from the Federal Grant Revenue account (001-000-4200) and \$22,189 from the General Fund Balance Appropriation account (001-119-4900) for a total of \$110,944 into expenditure accounts as follows;

Salaries and Wages- Uniformed	001-121-5112	40,410
LOPFI	001-121-5140	9,699
Group Insurance	001-121-5160	7,808
FICA & Medicare	001-121-5170	3,092
Unemployment	001-121-5180	100
Workers Comp	001-121-5181	732
Other Employee Benefits	001-121-5199	96
Other Professional Services	001-121-5299	46,807
Accountable Equipment	001-121-5650	<u>2,200</u>
		110,944

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

PASSED this 12th day of November, 2024

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Ordinance No. O-24-_____**

AN ORDINANCE APPROPRIATING FUNDS TO THE CONWAY POLICE DEPARTMENT FOR OPERATION SHOP SECURE AND TO REPLENISH THE OVERTIME BUDGET; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

Whereas, The Conway Police Department needs approximately \$120,000 in additional funding for Operation Shop Secure & to replenish the overtime budget for CPD; and

Whereas, The Conway Police Department needs approximately \$60,000 in overtime funds for Operation Shop Secure to increase police presence in all shopping areas throughout the City of Conway during the holidays, which will provide a safer shopping experience for the citizens of Conway; and

Whereas, The Conway Police Department needs \$60,000 to replenish its overtime account for the remainder of the year; and

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

Section 1. The City of Conway shall appropriate \$60,000 from the General Fund Balance Appropriation Account (001.119.4900) into the Conway Police Department Overtime Expense Account (001.121.5114).

Section 2. The City of Conway shall appropriate \$60,000 from the General Fund Balance Appropriation Account (001.119.4900) to the Overtime Expense Account (001.121.5114).

Section 3. All ordinances in conflict herewith are repealed to the extent of the conflict.

Section 4. This ordinance is necessary for the protection of the public peace, health, and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 12th day of November, 2024

Approved:

Mayor Bart Castleberry

Attest:

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



**City of Conway, Arkansas
Ordinance No. O-24-_____**

AN ORDINANCE AUTHORIZING PERSONNEL CHANGES WITHIN THE POLICE DEPARTMENT AND APPROPRIATING FUNDS FOR AN ADDITIONAL FOUR POSITIONS AND RELATED COST, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

Whereas, the Police Department has determined that it can more effectively and efficiently manage City property and resources while responding to calls for service through an increase of two (2) additional police officer positions; and one (1) new Terminal Agency Coordinator (TAC) position; and

Whereas, the City Council has determined that there is a need for two (2) additional Police Officer Positions; and one new Terminal Agency Coordinator (TAC) position in the Police Department; and

Whereas, the pay for the new Terminal Agency Coordinator (TAC) position will be \$40,488.00 annually and;

Whereas, a budget adjustment in the amount of \$9329.00 is required for the remainder of the 2022 budget year.

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

Section 1. The authorized staffing level of the Police Department is increased by two (2) full time Police Officer Positions, and one full time Terminal Agency Coordinator (TAC) position.

Section 2. The City of Conway shall appropriate \$5,440.00 from the Fund Balance Appropriation Account (001.119.4900) to the 001-1421-5111 Uniformed salary and benefit expense account and shall appropriate \$3,889 to the 001-121-5111 non-uniformed salary and benefit expense account.

Section 3. All ordinances in conflict herewith are repealed to the extent of the conflict.

Section 4. This ordinance is necessary for the protection of the public peace, health, and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 12th day of November, 2024.

Approved:

Mayor Bart Castleberry

Attest:

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



City of Conway, Arkansas
Ordinance No. O-24-_____

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

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

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

Section 1: The City of Conway shall appropriate \$644,000 from Fund Balance Appropriation Accounts to the salary accounts for each department in order to provide an expression of appreciation to all full time employees in the net amount of \$1,000 and all part time employees in the net amount of \$500. Each fund will bear the cost of bonuses for employees, as follows:

General Fund - \$496,000
 Street Fund - \$37,000
 Sanitation Enterprise Fund - \$104,000
 Airport Fund - \$7,000

To receive a bonus, employees must be hired prior to the last full pay period in November and must be actively employed on the date of distribution. Employees pending termination will not receive any appreciation bonus.

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

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

PASSED this 12th day of November, 2024.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
 City Clerk/Treasurer