

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

Tuesday, November 26th, 2019 City Council Agenda

Judge Russell L. “Jack” Roberts District Court Building – 810 Parkway St., Conway, AR 72032

<u>5:30pm:</u>	No Committee Meeting
<u>6:30pm:</u>	City Council Meeting
<u>Call to Order:</u>	Bart Castleberry, Mayor
<u>Roll Call:</u>	Michael O. Garrett, Clerk/Treasurer
<u>Minutes Approval:</u>	November 12 th , 2019 November 20 th , 2019 (Special)
<u>Monthly Financial Report:</u>	<i>Month ending October 31st, 2019</i>

Report of Standing Committees:

A. Public hearing:

1. Public hearing to discuss an ordinance fixing rates for services rendered by the wastewater system for Conway Corporation.

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

1. Ordinance (O-19-104) fixing rates for services rendered by the wastewater system for Conway Corporation.

C. Community Development Committee (Airport, Community Development, Planning & Development, Permits & Inspection (Code Enforcement), Historic District, Transportation)

1. Resolution requesting Faulkner County Tax Collector to place a lien against property located at 110 Oaklawn for expenses incurred by the City.
2. Resolution requesting Faulkner County Tax Collector to place a lien against property located at 1590 Marlise Drive for expenses incurred by the City.
3. Consideration to approve an impact fee credit agreement with Rush-Hal Development. For the Stone Dam Creek Trail Improvement Project.
4. Ordinance accepting and appropriating funds for the Conway Tree Board in support of Arbor Day.
5. Ordinance accepting the annexation of certain lands comprised of +/- 31.18 acres located north and south of Emphy Trail.
6. Ordinance to rezone property located at 472 Ingram Street from R-2A to PUD.
7. Ordinance to rezone portions of property located at 2505 and 2890 Salem Road from A-1 to C-2.

8. Ordinance to rezone property located at 105 Eve Lane from A-1 to R-1.
9. Ordinance amending the Conway Zoning Code and Subdivision Ordinance concerning submission deadlines for various application types.
10. Ordinance amending Article 1301 of the Conway Zoning Code concerning loss of legal nonconforming status.
11. Resolution to modify the Planning Area Boundary within the territorial jurisdiction.

D. Personnel

1. Ordinance appropriating funds for an Employee Appreciation Bonus.

E. New Business

1. Ordinance appropriating funds for the settlement of a lawsuit.

Adjournment



City of Conway, Arkansas
Monthly Financial Reports
October 31, 2019

City of Conway
General Fund
2019



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-19-25	2/26/19	Upgrade Finance software	6,500
R-19-05	2/20/19	Settlement of the Raines case	30,000
O-19-39	3/26/19	Remodel new City Hall	2,658,627
O-19-49	5/28/19	Match funds for Historic Preservation grant	25,000
O-19-77	7/23/19	Employee assistance plan	11,550
			<u>\$ 2,731,677</u>

City of Conway
 Monthly Financial Report - General Fund
 For the month ended October 31, 2019



Revenues	Budget	Month	Year to	Encumbered	(Over)/Under	%
		Activity	Date		Budget	Expend/Collect
Ad Valorem Tax	4,000,000	471,759	2,792,624		1,207,376	70%
Payments in Lieu of Tax	20,000	109,580	168,279		(148,279)	841%
State Tax Turnback	930,000	64,095	739,410		190,590	80%
Insurance Tax Turnback - LOPFI	1,300,000	324,319	1,286,555		13,445	99%
Sales Tax	19,750,000	1,778,024	17,096,654		2,653,346	87%
Beverage Tax	450,000	-	237,827		212,173	53%
Franchise Fees	3,409,000	19,367	2,949,249		459,751	87%
Permits	441,500	46,492	542,739		(101,239)	123%
ACIEA Revenues	2,500	1,148	7,616		(5,116)	305%
Dog Tags & Fees	30,000	1,920	21,445		8,555	71%
Municipal Court Fines and Fees	959,000	43,921	543,899		415,101	57%
Law Enforcement	874,826	24,553	594,102		280,724	68%
Parks	600,500	46,690	629,811		(29,311)	105%
Interest Income	102,500	18,739	183,830		(81,330)	179%
Proceeds from Sale of Assets	3,135	-	22,578		(19,443)	720.2%
Insurance Proceeds	30,134	14,617	43,319		(13,185)	144%
Donations	10,800	-	5,900		4,900	55%
Act 833 Revenue	90,000	-	82,461		7,539	92%
Miscellaneous Revenues	147,500	12,997	132,478		15,022	90%
Transfers from Other Funds	723,000	-	290,061		432,939	40%
Total Revenues	33,874,395	2,978,221	28,370,836	-	5,503,559	84%
Expenditures						
Admin (Mayor, HR)	3,548,286	141,223	1,561,078	544,608	1,442,599	44%
Finance	435,941	58,969	365,590	-	70,351	84%
City Clerk/Treasurer	145,569	11,092	116,119	-	29,450	80%
City Council	103,031	6,851	65,170	-	37,861	63%
Planning	535,416	37,958	373,933	789	160,694	70%
Physical Plant	548,775	35,435	385,716	3,866	159,193	70%
Information Technology	1,051,439	33,138	823,838	49,224	178,377	78%
Permits and Inspections	620,759	44,248	459,208	418	161,133	74%
Nondepartmental	671,221	1,211,045	1,862,597	238	(1,191,614)	277%
Police	12,376,959	926,681	10,080,956	46,207	2,249,796	81%
CEOC	1,261,613	78,082	887,142	7,062	367,408	70%
Animal Welfare	481,225	38,294	372,620	10,973	97,631	77%
Municipal District Court	951,567	59,755	771,819	2,001	177,747	81%
City Attorney	478,065	34,847	382,470	64	95,531	80%
Fire	10,335,146	765,170	8,199,963	128,698	2,006,485	79%
Parks	3,118,156	252,454	2,496,283	22,041	599,832	80%
Total Expenditures	36,663,168	3,735,242	29,204,504	816,189	6,642,475	80%
Net Revenue/(Expense)	(2,788,774)		(833,668)			

*All figures are unaudited

Notes:

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

City of Conway
 Balance Sheet - General Fund
 As of October 31, 2019



Cash - Operating	4,844,558
Cash - Reserve	2,098,810
Petty Cash	715
Taxes Receivable	3,689,445
Accounts Receivable	5,083,528
Due from Other Funds	(5,399)
Due from Street	28,959
Due from Component Unit	523,340
Fleet Inventory	15,539
Fuel Inventory	2,928
General Inventory	585
<i>Assets</i>	<u>16,283,009</u>
Accounts Payable	255,493
Salaries Payable	289,572
Insurance and Benefits Payable	62,515
Held for Others - Performance Bonds	45
Held for Others - Crimestopper Reward	5,000
Event Deposits	2,050
Due to Other Funds	11,196
Deferred Revenue	4,644,846
<i>Liabilities</i>	<u>5,270,717</u>
Fund Balance - Committed to cash flow	2,000,000
Fund Balance - Committed to reserve	2,000,000
Fund Balance - Unassigned	7,012,292
<i>Fund Balance</i>	<u>11,012,292</u>
<i>Total Liabilities & Fund Balance</i>	<u>16,283,009</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Street Fund
 For the month ended October 31, 2019



Revenues	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to</u> <u>Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u>		<u>%</u>
					<u>Budget</u>	<u>Expend/Collect</u>	
Ad Valorem Tax	1,500,000	170,779	768,317		731,684		51%
Payments in Lieu of Tax	8,000	-	-		8,000		0%
State Tax Turnback	2,683,474	220,531	2,225,910		457,564		83%
AHTD 1/2 Cent Sales Tax Turnback	1,320,000	119,800	1,178,844		141,156		89%
Severance Tax	120,000	7,327	110,810		9,190		92%
Sales Tax	270,000	24,913	239,554		30,446		89%
State Grant Revenues	133,859	-	133,859		-		100%
Sign Permits	-	-	660		(660)		-
Engineering Fees	10,000	1,100	16,150		(6,150)		162%
Insurance Proceeds	-	-	85		(85)		-
Interest Income	96,000	4,483	107,937		(11,937)		112%
Proceeds from Sale of Assets	-	-	8,460		(8,460)		-
Miscellaneous Revenues	842	-	842		-		100%
Total Revenues	6,142,175	548,933	4,791,429	-	1,350,746		78%
Expenditures							
Personnel Costs	2,902,800	228,116	1,930,666	-	972,134		67%
Other Operating Costs	2,447,322	318,741	2,978,521	90,335	(621,534)		122%
Total Operating Costs	5,350,122	546,857	4,909,186	90,335	350,600		92%
Capital Outlay	1,710,940	42,979	276,856	10,258	1,423,826		16%
Total Expenditures	7,061,061	589,836	5,186,042	100,593	1,774,427		73%
Net Revenue/(Expense)	(918,887)		(394,614)				

*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
2019



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-19-46	5/28/19	Contracts for herbicide application & landscape maint	121,475
O-19-47	5/28/19	Contract for construction observation	87,500
O-19-63	6/25/19	Tyler Street improvements	256,253
O-19-79	8/13/19	Right of way purchase for Tyler St improvements	36,600
O-19-99	9/24/19	Additional transportation funds for Council on Aging	7,000
			<u>\$ 508,828</u>

City of Conway
Balance Sheet - Street Fund
As of October 31, 2019



Cash - Operating	4,244,202
Taxes Receivable	50,824
Accounts Receivable	1,715,828
Due from Other Funds	(9,153)
<i>Assets</i>	<u>6,001,701</u>
Accounts Payable	28,939
Salaries Payable	19,899
Insurance and Benefits Payable	6,347
Due to Other Funds	2,189
Due to General	28,458
Deferred Revenue	1,363,995
<i>Liabilities</i>	<u>1,449,826</u>
<i>Fund Balance</i>	<u>4,551,875</u>
<i>Total Liabilities & Fund Balance</i>	<u>6,001,701</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Sanitation
 For the month ended October 31, 2019



Revenues	<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>
Sanitation Fees	9,000,000	840,199	7,867,570		1,132,430	87%
Proceeds - Recycled Materials	400,000	9,990	299,618		100,382	75%
Landfill Fees - General	200,000	15,623	155,759		44,241	78%
Insurance Proceeds	-	-	5,313		(5,313)	-
Interest Income	100,000	26,248	305,183		(205,183)	305%
Proceeds from Sale of Assets	-	17,000	84,000		(84,000)	-
Miscellaneous Revenues	-	4	1,355		(1,355)	-
Total Revenues	9,700,000	909,063	8,718,798	-	981,202	90%
Expenditures						
Personnel Costs	4,630,294	332,253	3,530,575	5,954	1,093,765	76%
Other Operating Costs	<u>3,027,500</u>	<u>210,552</u>	<u>1,992,846</u>	<u>190,108</u>	<u>844,546</u>	<u>66%</u>
Total Operating Costs	7,657,794	542,805	5,523,421	196,061	1,938,312	72%
Capital Outlay	<u>3,482,193</u>	<u>288,734</u>	<u>1,055,583</u>	<u>783,788</u>	<u>1,642,822</u>	<u>30%</u>
Total Expenditures	11,139,987	831,539	6,579,004	979,849	3,581,134	59%
Net Revenue/(Expense)	(1,439,987)		<u><u>2,139,793</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
Sanitation Fund
2019

Fund Balance Appropriations



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

City of Conway
 Balance Sheet - Sanitation
 As of October 31, 2019



Cash - Operating	8,864,967
Petty Cash	200
Post Closure Cash Account	5,916,426
Accounts Receivable	(6,215)
Due from Other Funds	(537)
Due from Component Unit	789,483
General Inventory	2,122
Land & Buildings	2,267,481
Infrastructure	950,578
Machinery and Equipment	3,672,442
Vehicles	331,509
Deferred Outflows of Resources	2,025,687
<i>Assets</i>	<u>24,814,143</u>
Accounts Payable	68,596
Salaries Payable	45,280
Insurance and Benefits Payable	15,992
Compensated Absences	168,607
Net Pension Obligation	10,673,533
Deferred Inflows of Resources	1,644,081
Due to Other Funds	8,005
Landfill Close/Post Close	8,621,822
<i>Liabilities</i>	<u>21,245,916</u>
<i>Net Assets</i>	<u>3,568,227</u>
<i>Total Liabilities and Net Assets</i>	<u>24,814,143</u>

*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 October 31, 2019



Revenues	<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>
Sales Tax	13,000	1,666	15,229		(2,229)	117%
Airport Fuel Sales	900,000	73,167	642,093		257,907	71%
T-Hangar Rent	118,000	8,870	78,659		39,341	67%
Community Hangar Rent	25,000	700	19,600		5,400	78%
Ground Leases	125,000	8,712	87,120		37,880	70%
Miscellaneous Revenues	13,000	696	10,273		2,727	79%
Total Revenues	1,194,000	93,810	852,975	-	341,025	71%
Expenditures						
Personnel Costs	309,701	24,504	231,882	-	77,819	75%
Fuel for Resale	701,000	51,723	491,580	-	209,420	70%
Other Operating Costs	182,450	22,415	130,753	29,025	22,672	72%
Total Operating Costs	1,193,151	98,642	854,214	29,025	309,912	72%
Capital Outlay	32,000	-	19,746	-	12,254	0%
Total Expenditures	1,225,151	98,642	873,961	29,025	322,166	71%
Net Revenue/(Expense)	(31,151)		<u>(20,986)</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
2019



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-19-36	3/26/19	Add an Airport Line Tech II position	35,670

City of Conway
 Balance Sheet - Airport
 As of October 31, 2019



Cash - Operating	304,594
Taxes Receivable	2,102
Accounts Receivable - Fuel Vendor	29,808
Land	1,254,473
Buildings	4,204,034
Machinery & Equipment	736,087
Vehicles	9,141
Infrastructure	23,962,938
<i>Assets</i>	<u>30,503,179</u>
Accounts Payable	4,985
Salaries Payable	3,230
Insurance and Benefits Payable	2,667
Compensated Absences	5,127
Due to General	1,649
<i>Liabilities</i>	<u>17,658</u>
<i>Fund Balance</i>	<u>30,485,520</u>
<i>Total Liabilities & Fund Balance</i>	<u>30,503,179</u>

*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 October 31, 2019



Parks and Rec A&P Tax

Balance, 9/30/19	276,433
Receipts	300,116
Payments	(157,055)
Balance, 10/31/19	\$ 419,493

Pay as you go Sales Tax

Balance, 9/30/19	871,842
Receipts	327,715
Payments	(160,847)
Balance, 10/31/19	\$ 1,038,710

Street Impact Fees

Balance, 9/30/19	1,275,453
Receipts	40,045
Payments	(40,119)
Balance, 10/31/19	\$ 1,275,379

Parks Impact Fees

Balance, 9/30/19	645,266
Receipts	24,865
Payments	-
Balance, 10/31/19	\$ 670,131

Street Sales Tax

Balance, 9/30/19	6,595,236
Receipts	501,503
Payments	(22,329)
Balance, 10/31/19	\$ 7,074,410



City of Conway, Arkansas
Resolution No. R-19-64

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING COMMENTS AND QUESTIONS ON A PROPOSED WASTEWATER RATE INCREASE

Whereas, Conway Corporation operates the wastewater system for the City of Conway pursuant to an exclusive franchise granted to the Corporation by the City; and

Whereas, the Board of Directors of the Corporation has approved and recommended that the City Council adopt revised rates for wastewater system services and such revised rates are proposed by an ordinance which has been introduced and read by the City Council; and

Whereas, Arkansas Code Annotated Section 14-235-223(d) requires that a public hearing be held following introduction of any ordinance fixing wastewater rates or charges and that notice of such hearing be published in a newspaper published within the City at least ten (10) days prior to the date fixed in the notice for the hearing; and

Whereas, the Conway City Council, by Resolution, requires a public hearing prior to final passage of a rate ordinance;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Conway, Arkansas, that a public hearing will be held in conjunction with the City Council meeting on **Tuesday, November 26, 2019 at 6:30 p.m.** in the City Council Chambers to consider proposed rates for wastewater users and that notice of such hearing will be published in the *Log Cabin Democrat* as soon as possible in the form attached hereto as Exhibit A.

ADOPTED AND APPROVED THIS 12th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that there has been introduced before the City Council of the City of Conway, Arkansas an ordinance amending the rates for services relating to the City's wastewater system (the "System") billed on and after January 1, 2020. The proposed amended rates are as follows:

ORDINANCE NO. 0-19-__

AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE WASTEWATER SYSTEM OF THE CITY OF CONWAY, ARKANSAS; PRESCRIBING MATTERS RELATING THERETO.

WHEREAS, the City of Conway, Arkansas (the "City") owns a wastewater system (the "System"), which System is operated by Conway Corporation, an Arkansas nonprofit corporation (the "Corporation"), pursuant to an exclusive franchise granted by the City; and

WHEREAS, the Board of Directors of the Corporation has determined the need to provide sufficient revenues and has proposed a rate increase for System services'

WHEREAS, the City has previously established rates for System services pursuant to Ordinance No. O-92-15 adopted on April 28, 1992, as amended and supplemented by the provisions of Ordinance No. O-03-88 adopted on July 8, 2003, Ordinance No. O-09-48 adopted on May 12, 2009 and Ordinance 0-12-14 (the "Prior Rate Ordinance");

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

Section 1. That all customers of the System shall be classified by the Corporation as residential, commercial or industrial/institutional.

Section 2. That the Prior Rate Ordinance is hereby amended to read as follows with respect to wastewater service billed on and after January 1, 2020, and the rates contained below are declared by the City and the Corporation to be fair, reasonable and necessary: The minimum monthly fee for System service is the Customer User Charge which is based upon customer user classification and consumption rate.

a) Residential customers

Effective January 1, 2020, Customer User Charges payable monthly for Residential customers are:

Customer charge \$6.64

Consumption charge \$7.57 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Minimum monthly charge \$21.78 per month

Effective January 1, 2021, Customer User Charges payable monthly for Residential customers are:

Customer charge \$6.97

Consumption charge \$7.95 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Minimum monthly charge \$22.87 per month

Effective January 1, 2022, Customer User Charges payable monthly for Residential customers are:

Customer charge \$7.32

Consumption charge \$8.35 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Minimum monthly charge \$24.02 per month

b) Commercial customers

Effective January 1, 2020, Customer User Charges payable monthly for Commercial customers are:

Customer charge \$8.31

Consumption charge 1st 25,000 gallons of metered water \$7.57 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$8.26 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$7.57 per 1,000 gallons of metered water consumption

Minimum monthly charge \$23.45 per month

Effective January 1, 2021, Customer User Charges payable monthly for Commercial customers are:

Customer charge \$8.73

Consumption charge 1st 25,000 gallons of metered water \$7.95 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$8.67 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$7.95 per 1,000 gallons of metered water consumption

Minimum monthly charge \$24.63 per month

Effective January 1, 2022, Customer User Charges payable monthly for Commercial customers are:

Customer charge \$9.17

Consumption charge 1st 25,000 gallons of metered water \$8.35 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$9.10 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$8.35 per 1,000 gallons of metered water consumption

Minimum monthly charge \$25.87 per month

c) Industrial/Institutional

Effective January 1, 2020, Customer User Charges payable monthly for Industrial/Institutional customers are:

Customer charge \$29.89

Consumption charge 1st 25,000 gallons of metered water \$7.57 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$8.26 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$7.57 per 1,000 gallons of metered water consumption

Minimum monthly charge \$45.03 per month

Effective January 1, 2021, Customer User Charges payable monthly for Commercial customers are:

Customer charge \$31.38

Consumption charge 1st 25,000 gallons of metered water \$7.95 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$8.67 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$7.95 per 1,000 gallons of metered water consumption

Minimum monthly charge \$47.28 per month

Effective January 1, 2022, Customer User Charges payable monthly for Commercial customers are:

Customer charge \$32.95

Consumption charge 1st 25,000 gallons of metered water \$8.35 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$9.10 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$8.35 per 1,000 gallons of metered water consumption

Minimum monthly charge \$49.65 per month

Section 3. The provisions of this Ordinance are separable and if a section, phrase or provision hereof shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 4. Out of City customers shall pay 150% of the applicable Customer User Charge of In-City customers indicated above.

Section 5. The schedule of charges as described in section 2 shall be increased on January 1, beginning 2023 and each subsequent year by the amount of two percent (2%). A copy of the revised rates shall be posted on the Conway Corporation web site.

Section 6. All ordinances and resolutions and parts thereof in conflict herewith, particularly are hereby repealed to the extent of such conflict.

PASSED this 12th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Ordinance No. O-19-104**

AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE WASTEWATER SYSTEM OF THE CITY OF CONWAY, ARKANSAS; PRESCRIBING MATTERS RELATING THERETO.

Whereas the City of Conway, Arkansas (the “City”) owns a wastewater system (the “System”), which System is operated by Conway Corporation, an Arkansas nonprofit corporation (the “Corporation”), pursuant to an exclusive franchise granted by the City; and

Whereas, the Board of Directors of the Corporation has determined the need to provide sufficient revenues and has proposed a rate increase for System services’

Whereas, the City has previously established rates for System services pursuant to Ordinance No. O-92-15 adopted on April 28, 1992, as amended and supplemented by the provisions of Ordinance No. O-03-88 adopted on July 8, 2003, Ordinance No. O-09-48 adopted on May 12, 2009 and Ordinance O-12-14 (the “Prior Rate Ordinance”);

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

Section 1. That all customers of the System shall be classified by the Corporation as residential, commercial or industrial/institutional.

Section 2. That the Prior Rate Ordinance is hereby amended to read as follows with respect to wastewater service billed on and after January 1, 2020, and the rates contained below are declared by the City and the Corporation to be fair, reasonable and necessary: The minimum monthly fee for System service is the Customer User Charge which is based upon customer user classification and consumption rate.

a) Residential customers

Effective January 1, 2020, Customer User Charges payable monthly for Residential customers are:

Customer charge \$6.64

Consumption charge \$7.57 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Minimum monthly charge \$21.78 per month

Effective January 1, 2021, Customer User Charges payable monthly for Residential customers are:

Customer charge \$6.97

Consumption charge \$7.95 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Minimum monthly charge \$22.87 per month

Effective January 1, 2022, Customer User Charges payable monthly for Residential customers are:

Customer charge \$7.32

Consumption charge \$8.35 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Minimum monthly charge \$24.02 per month

b) Commercial customers

Effective January 1, 2020, Customer User Charges payable monthly for Commercial customers are:

Customer charge \$8.31

Consumption charge 1st 25,000 gallons of metered water \$7.57 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$8.26 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$7.57 per 1,000 gallons of metered water consumption

Minimum monthly charge \$23.45 per month

Effective January 1, 2021, Customer User Charges payable monthly for Commercial customers are:

Customer charge \$8.73

Consumption charge 1st 25,000 gallons of metered water \$7.95 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$8.67 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$7.95 per 1,000 gallons of metered water consumption

Minimum monthly charge \$24.63 per month

Effective January 1, 2022, Customer User Charges payable monthly for Commercial customers are:

Customer charge \$9.17

Consumption charge 1st 25,000 gallons of metered water \$8.35 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$9.10 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$8.35 per 1,000 gallons of metered water consumption

Minimum monthly charge \$25.87 per month

c) Industrial/Institutional

Effective January 1, 2020, Customer User Charges payable monthly for Industrial/Institutional customers are:

Customer charge \$29.89

Consumption charge 1st 25,000 gallons of metered water \$7.57 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$8.26 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$7.57 per 1,000 gallons of metered water consumption

Minimum monthly charge \$45.03 per month

Effective January 1, 2021, Customer User Charges payable monthly for Commercial customers are:

Customer charge \$31.38

Consumption charge 1st 25,000 gallons of metered water \$7.95 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$8.67 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$7.95 per 1,000 gallons of metered water consumption

Minimum monthly charge \$47.28 per month

Effective January 1, 2022, Customer User Charges payable monthly for Commercial customers are:

Customer charge \$32.95

Consumption charge 1st 25,000 gallons of metered water \$8.35 per 1,000 gallons of metered water consumption (2,000 gallons minimum)

Consumption charge next 75,000 gallons of metered water \$9.10 per 1,000 gallons of metered water consumption

Consumption charge above 100,000 gallons of metered water \$8.35 per 1,000 gallons of metered water consumption

Minimum monthly charge \$49.65 per month

Section 3. The provisions of this Ordinance are separable and if a section, phrase or provision hereof shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 4. Out of City customers shall pay 150% of the applicable Customer User Charge of In-City customers indicated above.

Section 5. The schedule of charges as described in section 2 shall be increased on January 1, beginning 2023 and each subsequent year by the amount of two percent (2%). A copy of the revised rates shall be posted on the Conway Corporation web site.

Section 6. All ordinances and resolutions and parts thereof in conflict herewith, particularly are hereby repealed to the extent of such conflict.

PASSED: _____, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

(S E A L)



City of Conway, Arkansas

Resolution No. R-19-

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

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 110 Oaklawn Dr. within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$188.87 (\$144.43 + Penalty \$14.44 + filing fee \$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **November 26, 2019** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

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

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

ADOPTED this 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Code Enforcement
1201 Oak Street
Conway, Arkansas 72032



Missy Schrag
Phone: 501-450-6191
Fax: 501-450-6144

CODE ENFORCEMENT REPORT

To: Mayor Bart Castleberry
CC: City Council Members

Re: Violation # CE19-0795
Address of Violation: 110 Oaklawn

- September 18, 2019 – a Violation was written for rubbish; trash; grass and left on the premises by Kim Beard.
- Property Owner is listed as Theodore Baughn.
- Property was re-inspected on 9/25/2019 with no progress made.
- Certified and regular letters were mailed 9/25/2019 to address on file and a notice was left by post office.
- Property was rechecked on 10/3/2019 with no progress made and City cleanup was requested.
- Final Cleanup completed on 10/16/2019.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

Code Enforcement Officer: Kim Beard

Officer Signature: _____ Date: _____

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Missy Schrag
Conway Permits & Code Enforcement
Phone 501-450-6191
Fax 501-450-6144

October 10, 2019

Parcel # 710-07570-000

BAUGHN, THEODORE
3 RIVER ROAD DR
CONWAY AR 72034-6702

RE: Nuisance Abatement at 110 Oaklawn Dr.. Conway AR
Cost of Clean-Up, Amount Due: \$144.43

To whom it may concern:

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **November 26, 2019 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Missy Schrag**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

Missy Schrag

INVOICE

City of Conway
Code Enforcement

DATE: NOVEMBER 22, 2019

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

TO BAUGHN, THEODORE
3 RIVER ROAD DR
CONWAY AR 72034-6702

Description: Mowing/Clean-up/Admin Fees associated with the nuisance abatement at 110 Oaklawn Dr. Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
KIM BEARD	710-07570-000		November 26, 2019

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	1 Employee -Mowing/Cleanup	18.18	36.36
1	1 Employee -Mowing/Cleanup	10.73	10.73
1	1 Employee - Mowing/Cleanup	21.15	21.15
	Maintenance Fee	15.00	15.00
1	Administrative Fee (Code Enforcement)	20.49	20.49
1	Administrative Fee (Code Officer)	17.46	17.46
1	Administrative Fee (Physical Plant)	10.94	10.94
2	Certified Letter	5.60	11.20
2	Regular letter	.55	1.10
TOTAL			\$144.43
TOTAL WITH PENALTY & FILING FEES			\$188.87

- Total amount due after November 26, 2019 includes collection penalty & filing fees

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



City of Conway, Arkansas
Resolution No. R-19-

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

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 1590 Marlise Dr. within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$188.87 (\$144.43 + Penalty \$14.44 + filing fee \$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **November 26, 2019** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

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

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

ADOPTED this 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Code Enforcement
1201 Oak Street
Conway, Arkansas 72032



Missy Schrag
Phone: 501-450-6191
Fax: 501-450-6144

CODE ENFORCEMENT REPORT

To: Mayor Bart Castleberry
CC: City Council Members

Re: Violation # CE19-0760
Address of Violation: 1590 Marlise Dr.

- August 27, 2019 – a Violation was written for rubbish; trash; grass and left on the premises by Kim Beard.
- Property Owner is listed as Jordan & David Haas.
- Property was re-inspected on 9/3/2019 with no progress made.
- Certified and regular letters were mailed 9/10/2019 to address on file and a notice was left by post office.
- Property was rechecked on 9/19/2019 with no progress made and City cleanup was requested.
- Final Cleanup completed on 10/15/2019.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

Code Enforcement Officer: Kim Beard

Officer Signature: _____ Date: _____

City of Conway
Code Enforcement

1201 Oak Street
Conway, Arkansas 72032
www.cityofconway.org



Missy Schrag
Conway Permits & Code Enforcement
Phone 501-450-6191
Fax 501-450-6144

October 10, 2019

Parcel # 711-12504-011

HAAS, JORDAN & DAVID
PO BOX 13372
MAUMELLE AR 72113-0372

RE: Nuisance Abatement at 1590 Marlise Dr. Conway AR
Cost of Clean-Up, Amount Due: \$144.43

To whom it may concern:

Because you failed or refused to remove, abate or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **November 26, 2019 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1201 Oak Street Conway Arkansas 72032** with the **attention** to **Missy Schrag**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

Missy Schrag

INVOICE

City of Conway Code Enforcement

DATE: NOVEMBER 22, 2019

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

TO HAAS, JORDAN & DAVID
PO BOX 13372
MAUMELLE AR 72113-0372

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
1590 Marlise Dr. Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
KIM BEARD	711-12504-011		November 26, 2019

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	1 Employee -Mowing/Cleanup	18.18	36.36
1	1 Employee -Mowing/Cleanup	10.73	10.73
1	1 Employee - Mowing/Cleanup	21.15	21.15
	Maintenance Fee	15.00	15.00
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1	Administrative Fee (Code Officer)	17.46	17.46
1	Administrative Fee (Physical Plant)	10.94	10.94
2	Certified Letter	5.60	11.20
2	Regular letter	.55	1.10
TOTAL			\$144.43
TOTAL WITH PENALTY & FILING FEES			\$188.87

- Total amount due after November 26, 2019 includes collection penalty & filing fees

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

IMPACT FEE CREDIT AGREEMENT

THIS IMPACT FEE CREDIT AGREEMENT, (hereinafter referred to as this “*Agreement*”) is entered into between **Rush-Hal Development, LLC**, an Arkansas Limited Liability Company (hereinafter referred to as “*RHD*”), and the **City of Conway, Arkansas** (hereinafter referred to as the “*City*”) to be effective as of _____, 2019 (the “*Effective Date*”).

RECITALS:

A. RHD is the owner and developer of Lot 50 of Oak Meadows Subdivision, an addition to the City of Conway, which is created pursuant to the Plat recorded in the real estate records of Faulkner County, Arkansas, as Plat Book 670, Page 716 (hereinafter referred to as the “*Lot*”).

B. RHD is the developer who owns the Lot, which contains an approximately 0.39 acre natural area and preserve including walking paths available for public recreational purposes (hereinafter referred to as the “*Trail*”). RHD has conveyed the Trail via Warranty Deed in fee simple to the City for the benefit of the public for the purpose of pedestrian and bicycle access, ingress and egress (hereinafter referred to as the “*Deed*”). The Deed is effective as of _____, 2019 and recorded in the real estate records of Faulkner County, Arkansas as Document No. _____.

C. The City has enacted Ordinance O-03-98, levying road and park impact fees upon Impact-Generating Development within the City of Conway (hereinafter referred to as the “*Ordinance*”).

D. Pursuant to Section 12(K) of the Ordinance, developers of Park System Improvements (as defined by the Ordinance) are entitled to credits (hereinafter referred to as the “*Credit*”) against park impact fees otherwise payable under the Ordinance (“*Park Impact Fees*”).

E. The City and RHD desire to enter into this Agreement to evidence their determination that the Trail is a Park System Improvement, that development within the Lot is entitled to the Credit and the amount of the Credit.

NOW, THEREFORE, in consideration of the recitals herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The Trail is a Park System Improvement (as defined by the Ordinance), qualifying the Lot and RHD for the Credit.

2. The City hereby acknowledges that RHD is eligible for a Credit in the amount of \$6,500.00. The amount of the Credit is determined pursuant to Section 12(K)(2) of the Ordinance based on the appraisal of the property.

3. The City hereby approves awarding RHD a Credit to offset Park Impact Fees, not to exceed \$6,500.00 (the "Awarded Credit"), otherwise applicable to Impact-Generating Development (as defined by the Ordinance) within the Lot, in addition to current and future phases of Campbell Cove, specifically Phases II and III. RHD shall have the exclusive right to use the Awarded Credit, provided that RHD may in its sole discretion assign the right to use the designated amount of the Awarded Credit to offset the Park Impact Fee applicable to a project developed by the assignee within the Lot and current and future phases of Campbell Cove, specifically Phases II and III. Any such assignment shall be in writing signed by RHD or its successors and assigns and delivered to the City Planning Department or other department serving as administrator of Park Impact Fees. The Awarded Credit shall also be available to RHD and its designated successors and assigns to offset Park Impact Fees applicable to Impact-Generating Development in any and all future phases of the Lot, in addition to current and future phases of Campbell Cove, specifically Phases II and III.

4. RHD will not be reimbursed for any excess Credit beyond the Park Impact Fees that would otherwise be due from RHD or its assigns from Impact Generating Development in the above referenced property.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date and year first written above.

Rush-Hal Development, LLC

By: _____
Harold H. Crafton, Operating Manger

City of Conway, Arkansas

By: _____
Bart Castleberry, Mayor

ATTEST:

By: _____
City Clerk/Treasurer

THIS INSTRUMENT PREPARED BY:

Landon T. Sanders
Ark. Bar No. 2016131
The Sanders Firm PLLC
306 Salem Rd., Suite 106
Conway, Arkansas 72034
(501) 327-2704



**City of Conway, Arkansas
Ordinance No. O-19- _____**

AN ORDINANCE ACCEPTING AND APPROPRIATING DONATION FUNDS FOR THE CONWAY TREE BOARD FOR ARBOR DAY AND FOR OTHER PURPOSES;

Whereas, donations in the amount of \$245.00 have been received in support of the Arbor Day Celebration, and for other expenses.

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

Section 1: The City of Conway, Arkansas, shall accept donation funds in the amount of \$245.00 and appropriate said funds from Donation Account (260-000-4705) to the Tree Board Expense Account (260-000-5430).

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

PASSED this 10th day of December, 2019.

Approved:

Mayor Bart Castleberry

Attest:

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



City of Conway, Arkansas
Ordinance No. O-19-___

A ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN LANDS COMPRISED OF +/-31.18 ACRES LOCATED NORTH AND SOUTH OF EMPY TRAIL, TO THE CITY OF CONWAY:

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

Section 1: That the City of Conway, Arkansas, hereby accepts the hereinafter described territory, including all adjacent and abutting rights-of-way, annexed to said City by order of the County Court of Faulkner County, Arkansas heretofore entered on **October 24, 2019** and said territory being situated in Faulkner County, Arkansas, shall be a part of the City of Conway and shall be zoned **A-1**. Legal description as follows:

Being a part of the NE1/4 SE1/4 and a part of the SE1/4 NE1/4 of Section 3, T-4-N, R-14-W, and also a part of the NW1/4 SW1/4 and a part of the SW1/4 NW1/4 of Section 2, T-4-N, R-14-W, all in Faulkner County, Arkansas more particularly described as follows:

Commencing at the SW corner of said NE1/4 SE1/4 of Section 3, T-4-N, R-14-W; thence N01°40'00"E 207.50 feet; thence S88°15'02"E 798.81 feet to a point on the City Limits Boundary of the City of Conway; thence along said Boundary, N01°47'54"E 469.75 feet to the point of beginning; thence leaving said Boundary, West 411.68 feet; thence N05°42'07"E 395.95 feet; thence N10°35'55"E 248.30 feet; thence N37°48'37"E 431.80 feet to a point on the South Right of Way of Empy Trail; thence N37°48'37"E 186.68 feet to a point on the North Right of Way of Empy Trail; thence N02°50'18"E 144.04 feet; thence N72°31'27"E 116.62 feet; thence N46°36'08"E 63.27 feet; thence N77°13'21"E 129.87 feet; thence S63°08'53"E 189.17 feet; thence S79°52'40"E 50.20 feet to a point on the East line of said SE1/4 NE1/4, said line also being the City Limits Boundary of the City of Conway; thence along said East line / City Limits Boundary, S01°58'14"W 661.25 feet to the NW Corner of said NW1/4 SW1/4; thence leaving said East line, along the North line of said NW1/4 SW1/4, said line also still being the City Limits Boundary of the City of Conway, S87°45'24"E 108.85 feet; thence leaving said North line, continuing along said City Limits Boundary, N01°55'59"E 218.19 feet; thence continuing along said City Limits Boundary, N52°51'47"E 107.54 feet; thence continuing along said City Limits Boundary with a curve turning to the left with an arc length of 464.35 feet, with a radius of 769.85 feet, with a chord bearing of S54°24'59"E, with a chord length of 457.34 feet; thence continuing along said City Limits Boundary, S31°20'04"E 155.05 feet to a point on the West line of Lot-25 of Round Mountain Subdivision (Plat of Records of Faulkner County Book E Page 72); thence continuing along said City Limits Boundary, as well as along said West line of Lot-25, S12°22'38"W 286.52 feet to the NW Corner of Lot-22 of Round Mountain Subdivision; thence leaving the West line of Lot-25, along the West line of Lot-22, as well as continuing along said City Limits Boundary, S11°45'45"W 137.65 feet to the NE Corner of Lot-21 of said Round Mountain Subdivision; thence leaving said West line of Lot-22, along the North line of said Lot-21, as well as continuing along said City Limits Boundary, N87°55'00"W 196.27 feet; thence continuing along said North line, as well as continuing along said City Limits Boundary, S61°15'09"W 220.15 feet to the NE Corner of Lot-20 of said Round Mountain Subdivision; thence leaving said North line of said Lot-21, along the North line of said Lot-20, as well as continuing along said City Limits Boundary, N77°00'00"W 300.00 feet; thence along the East line of said Lot-20, as well as continuing along said City Limits Boundary, N01°20'34"E 100.00 feet; thence continuing along the North line of said Lot-20, as well as continuing along said City Limits Boundary, N88°15'03"W 419.73 feet to the NW Corner of said Lot-20; thence along the West line of said Lot-

20, as well as continuing along said City Limits Boundary, S01°45'57"W 169.79 feet to the point of beginning, containing 31.18 acres more or less.

Subject to all roadways, easements and reservations that are of record or physically in place.

And that the above described lands and territory be, and the same hereby are, declared to be a part of the City of Conway, Faulkner County, Arkansas.

Section 2: That the City of Conway hereby accepts the following streets and portions of as public street for maintenance and for the purpose of providing street frontage for the issuance of building permits.

Orchard Hills Drive and the portion of Empy Trail that fronts upon the property

Section 3: From and after this date, all inhabitants residing within and upon the hereinabove described lands and territory shall have and enjoy all the rights and privileges of, and be subject to all the laws, rules, ordinances, limitations and regulations imposed upon the inhabitants within the original limits of said City of Conway, Arkansas, and for voting purposes, said lands are hereby assigned to and designated as part of **Ward 2** of the City of Conway, Arkansas.

Section 4: It is hereby declared the annexed land shall be provided the following services immediately upon the effective date of this annexation: police protection; fire protection; maintenance of any publically dedicated streets within the property; and opportunity to connect to potable water, sanitary sewer, electric, and telecommunications services provided by Conway Corporation at the expense of the property owner.

PASSED this 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

FILED

OCT 24 2019

IN THE COUNTY COURT OF FAULKNER COUNTY, ARKANSAS

Shaw Properties, LLC et al, Petitioner

CC-19-08

MARGARET DARTER
FAULKNER COUNTY CLERK
BY D. Waller DC

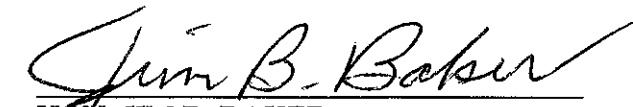
ORDER

Comes now before the Court is the above-styled case and after having been presented all the facts and circumstances and having considered the relevant laws, this Court finds and orders the following:

1. A petition for annexation was filed October 17, 2019.
2. All appropriate signatures were affixed to the Petition, as required by A.C.A. 14-40-609.
3. The proposed site to be annexed was adequately described and further displayed a map of the proposed site.
4. The appropriate documentation was provided under A.C.A. 14-40-609.
5. Based on the above premises, the Petitioner's prayer is right and proper.

WHEREFORE, this Court finds that the area described in Exhibits A-E should be, and hereby is, released for annexation into the City of Conway:

IT IS SO ORDERED.



HON. JIM B. BAKER
Faulkner County Judge
Dated Oct. 24th, 2019



1201 OAK STREET • CONWAY, AR 72032
(501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Brandon Ruhl, 2019 Planning Commission Vice-Chairman
Date: November 19, 2019

Re: Request to annex +/-31.18 acres along Empy Trail

Frank Shaw/Shaw Properties, LLC, et al, is requesting to annex +/-31.18 acres along Empy Trail, with the legal description:

Being a part of the NE1/4 SE1/4 and a part of the SE1/4 NE1/4 of Section 3, T-4-N, R-14-W, and also a part of the NW1/4 SW1/4 and a part of the SW1/4 NW1/4 of Section 2, T-4-N, R-14-W, all in Faulkner County, Arkansas more particularly described as follows:

Commencing at the SW corner of said NE1/4 SE1/4 of Section 3, T-4-N, R-14-W; thence N01°40'00"E 207.50 feet; thence S88°15'02"E 798.81 feet to a point on the City Limits Boundary of the City of Conway; thence along said Boundary, N01°47'54"E 469.75 feet to the point of beginning; thence leaving said Boundary, West 411.68 feet; thence N05°42'07"E 395.95 feet; thence N10°35'55"E 248.30 feet; thence N37°48'37"E 431.80 feet to a point on the South Right of Way of Empy Trail; thence N37°48'37"E 186.68 feet to a point on the North Right of Way of Empy Trail; thence N02°50'18"E 144.04 feet; thence N72°31'27"E 116.62 feet; thence N46°36'08"E 63.27 feet; thence N77°13'21"E 129.87 feet; thence S63°08'53"E 189.17 feet; thence S79°52'40"E 50.20 feet to a point on the East line of said SE1/4 NE1/4, said line also being the City Limits Boundary of the City of Conway; thence along said East line / City Limits Boundary, S01°58'14"W 661.25 feet to the NW Corner of said NW1/4 SW1/4; thence leaving said East line, along the North line of said NW1/4 SW1/4, said line also still being the City Limits Boundary of the City of Conway, S87°45'24"E 108.85 feet; thence leaving said North line, continuing along said City Limits Boundary, N01°55'59"E 218.19 feet; thence continuing along said City Limits Boundary, N52°51'47"E 107.54 feet; thence continuing along said City Limits Boundary with a curve turning to the left with an arc length of 464.35 feet, with a radius of 769.85 feet, with a chord bearing of S54°24'59"E, with a chord length of 457.34 feet; thence continuing along said City Limits Boundary, S31°20'04"E 155.05 feet to a point on the West line of Lot-25 of Round Mountain Subdivision (Plat of Records of Faulkner County Book E Page 72); thence continuing along said City Limits Boundary, as well as along said West line of Lot-25, S12°22'38"W 286.52 feet to the NW Corner of Lot-22 of Round Mountain Subdivision; thence leaving the West line of Lot-25, along the West line of Lot-22, as well as continuing along said City Limits Boundary, S11°45'45"W 137.65 feet to the NE Corner of Lot-21 of said Round Mountain Subdivision; thence leaving said West line of Lot-22, along the North line of said Lot-21, as well as continuing along said City Limits Boundary, N87°55'00"W 196.27 feet; thence continuing along said North line, as well as continuing along said City Limits Boundary, S61°15'09"W 220.15 feet to the NE Corner of Lot-20 of said Round Mountain Subdivision; thence leaving said North line of said Lot-21, along the North line of said Lot-20, as well as continuing along said City Limits Boundary, N77°00'00"W 300.00 feet; thence along the East line of said Lot-20, as well as continuing along said City Limits Boundary, N01°20'34"E 100.00 feet; thence continuing along the North line of said Lot-20, as well as continuing along said City Limits Boundary, N88°15'03"W 419.73 feet to the NW Corner of said Lot-20;

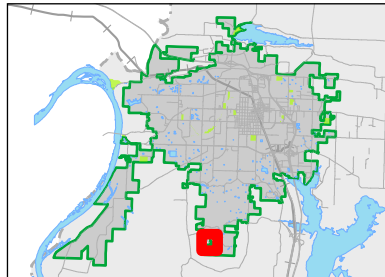
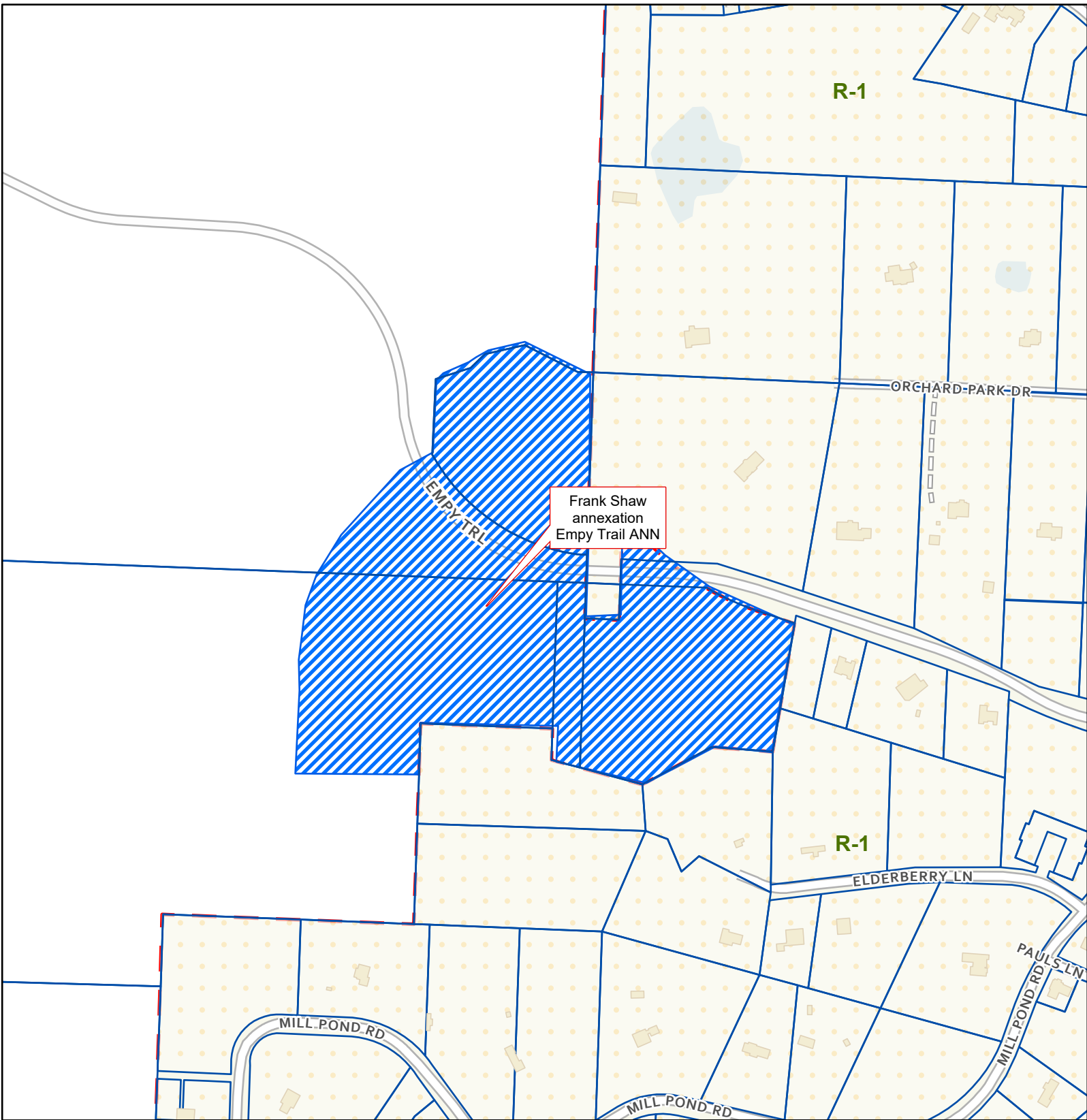
thence along the West line of said Lot-20, as well as continuing along said City Limits Boundary, S01°45'57"W 169.79 feet to the point of beginning, containing 31.18 acres more or less.

Subject to all roadways, easements and reservations that are of record or physically in place.

The applicants are seeing annexation for likely use as single-family residential. The property is to be zoned A-1 (Agricultural) upon annexation. The property was released by Faulkner County, Arkansas on October 24, 2019.

The Planning Commission reviewed the request at its regular meeting on November 18, 2019 and voted 6-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.




DESCRIPTION

Planning Commission
Review

ANN2019NOV01

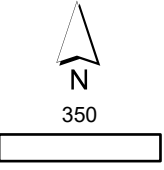
29.724448 ac.

Residential		Industrial			
R-1	MF-1	I-1			
R-2A	MF-2	RU-1			
R-2	MF-3	I-3			
HR	RMH				
SR					
Commercial		Office		Special	
C-1	O-1	SP	S-1	A-1	
C-2	O-2	PUD	TJ		
C-3	O-3				
C-4					



**City of Conway
Planning & Development**

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N
350

Feet
NOV 2019



City of Conway, Arkansas
Ordinance No. O-19- _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 472 INGRAM STREET FROM R-2A TO PUD:

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-2A** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Part of Lot 217 B.G. Wilson to the City of Conway, Arkansas as shown on plat of record in Plat Book A, Page 46, Records of Faulkner County, Arkansas, described as beginning at the northwest corner of said Lot 217; thence run east 153 feet to the northeast corner of Lot 217; thence south 80 feet; thence west 5 feet; thence south 38 feet; thence east 5 feet; thence south 12 feet; thence west 153 feet; thence north to the point of beginning.

to those of **PUD**, 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 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



1201 OAK STREET • CONWAY, AR 72032
(501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Brandon Ruhl, 2019 Planning Commission Vice-Chairman
Date: November 19, 2019

Re: Request to rezone from R-2A to PUD property located at 472 Ingram Street

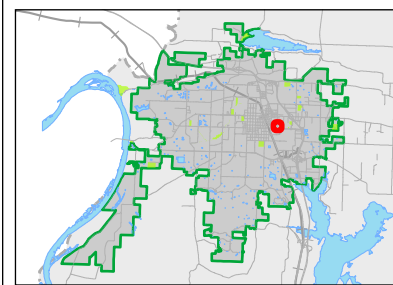
Robert French (Central Arkansas Professional Surveying), on behalf of Theodore Baughn, has requested to rezone from R-2A (Two-family residential) to PUD (Planned Unit Development) property located at 472 Ingram Street, with the legal description:

Part of Lot 217 B.G. Wilson to the City of Conway, Arkansas as shown on plat of record in Plat Book A, Page 46, Records of Faulkner County, Arkansas, described as beginning at the northwest corner of said Lot 217; thence run east 153 feet to the northeast corner of Lot 217; thence south 80 feet; thence west 5 feet; thence south 38 feet; thence east 5 feet; thence south 12 feet; thence west 153 feet; thence north to the point of beginning.

The applicant is seeking to rezone the property to Planned Unit Development for the purpose of constructing 2 townhouse style duplexes and 1 standalone single family residence for a total of 5 dwelling units. Access to the development will be provided by a private drive from 4th Ave.

The Planning Commission reviewed the request at its regular meeting on November 18, 2019 and voted 6-0 that the request be forwarded to the City Council with a recommendation for approval including the approved uses and conditions as outlined in the [attached] Theodore Baughn PUD Final Development Plan

Please advise if you have any questions.



DESCRIPTION

Planning Commission Review

REZ2019NOV01

0.52246 ac.

Residential		Industrial			
	R-1		MF-1		
	R-2A		MF-2		
	R-2		MF-3		
	HR		RMH		
	SR				
Commercial		Office		Special	
	C-1		O-1		SP
	C-2		O-2		S-1
	C-3		O-3		A-1
	C-4				PUD
					TJ

City of Conway
Planning & Development

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N

70

Feet

NOV 2019



City of Conway, Arkansas
Ordinance No. O-19- _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 2505 AND 2890 SALEM ROAD FROM A-1 TO C-2:

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 **A-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

A PART OF THE NW1/4 SW1/4, SECTION 35, T-6-N, R-14-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SW CORNER OF SAID NW1/4 SW1/4; THENCE ALONG THE WEST LINE OF SAID NW1/4 SW1/4 N01°35'45"E A DISTANCE OF 188.50' TO A FOUND 1/2" REBAR FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE N01°35'45"E A DISTANCE OF 209.96' TO A SET 1/2" REBAR W/CAP (1363); THENCE LEAVING SAID WEST LINE S88°21'11"E A DISTANCE OF 1117.06' TO A SET 1/2" REBAR W/CAP (1363) BEING ON THE WEST RIGHT OF WAY OF SALEM ROAD; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING CALLS: WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 352.08', WITH A RADIUS OF 914.00', WITH A CHORD BEARING OF S52°28'34"W, WITH A CHORD LENGTH OF 349.91', TO A FOUND 1/2" REBAR; THENCE S63°28'46"W A DISTANCE OF 242.35' TO A SET 1/2" REBAR W/CAP (1363); THENCE S70°12'41"W A DISTANCE OF 171.70' TO A FOUND 1/2" REBAR; THENCE LEAVING SAID RIGHT OF WAY N80°47'08"W A DISTANCE OF 154.84' TO A FOUND 1/2" REBAR; THENCE N60°34'42"W A DISTANCE OF 360.13' TO THE POINT OF BEGINNING, CONTAINING 7.01 ACRES MORE OR LESS.

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

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

PASSED this 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



1201 OAK STREET • CONWAY, AR 72032
(501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Brandon Ruhl, 2019 Planning Commission Vice-Chairman
Date: November 19, 2019

Re: Request to rezone from A-1 to C-2 portions of property located at 2505 & 2890 Salem Rd

Tom Watson has requested to rezone from A-1 (Agricultural) to C-2 (Neighborhood Commercial) +/-7.0 acres located at 2505 and 2890 Salem Road, with the legal description:

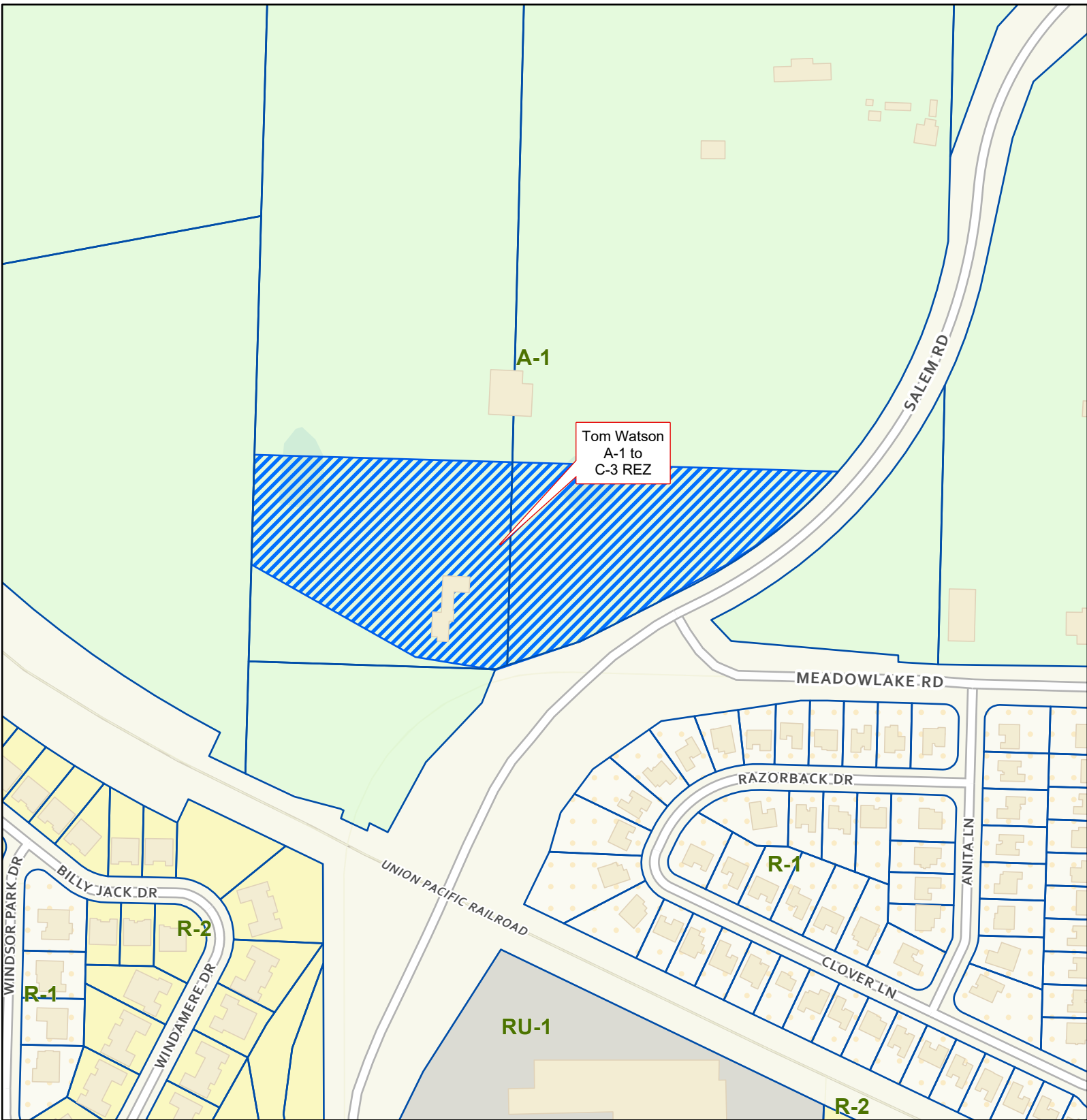
A PART OF THE NW1/4 SW1/4, SECTION 35, T-6-N, R-14-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID NW1/4 SW1/4; THENCE ALONG THE WEST LINE OF SAID NW1/4 SW1/4 N01°35'45"E A DISTANCE OF 188.50' TO A FOUND 1/2" REBAR FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE N01°35'45"E A DISTANCE OF 209.96' TO A SET 1/2" REBAR W/CAP (1363); THENCE LEAVING SAID WEST LINE S88°21'11"E A DISTANCE OF 1117.06' TO A SET 1/2" REBAR W/CAP (1363) BEING ON THE WEST RIGHT OF WAY OF SALEM ROAD; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING CALLS: WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 352.08', WITH A RADIUS OF 914.00', WITH A CHORD BEARING OF S52°28'34"W, WITH A CHORD LENGTH OF 349.91', TO A FOUND 1/2" REBAR; THENCE S63°28'46"W A DISTANCE OF 242.35' TO A SET 1/2" REBAR W/CAP (1363); THENCE S70°12'41"W A DISTANCE OF 171.70' TO A FOUND 1/2" REBAR; THENCE LEAVING SAID RIGHT OF WAY N80°47'08"W A DISTANCE OF 154.84' TO A FOUND 1/2" REBAR; THENCE N60°34'42"W A DISTANCE OF 360.13' TO THE POINT OF BEGINNING, CONTAINING 7.01 ACRES MORE OR LESS.

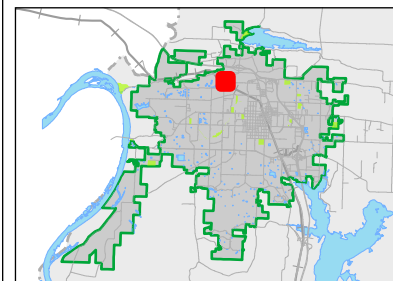
The applicant is seeking to rezone the property for self-storage facility and general office uses, initially requesting rezoning to C-3 (Highway Commercial). Planning Staff recommended approval of a lesser commercial zoning, C-2 (Neighborhood Commercial) in an effort to protect adjacent property due to the intensity of uses permitted by right in the C-3 zoning district. The self-storage facility use will require a conditional use permit [in the C-2 zoning district]. The applicant plans to seek approval of the conditional use permit at the December 2019 Planning Commission meeting.

The Planning Commission reviewed a request at its regular meeting on November 18, 2019 and voted 6-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.



Tom Watson
A-1 to
C-3 REZ



DESCRIPTION

Planning Commission
Review

REZ2019NOV02

7.023991 ac.

Residential		Industrial	
R-1	MF-1	I-1	
R-2A	MF-2	RU-1	
R-2	MF-3	I-3	
HR	RMH		
SR			
Commercial		Office	
C-1	O-1		
C-2	O-2		
C-3	O-3		
C-4			
		Special	
	SP	S-1	
	A-1	PUD	
	TJ		

**City of Conway
Planning & Development**

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N
210

Feet
NOV 2019



**City of Conway, Arkansas
Ordinance No. O-19- _____**

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 105 EVE LANE FROM A-1 TO R-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 **A-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

LOT 19 BLOCK 1 GOLDEN MEADOWS SUBDIVISION TO THE CITY OF CONWAY, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK E, PAGE 91, RECORDS OF FAULKNER COUNTY, ARKANSAS.

to those of **R-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 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

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



1201 OAK STREET • CONWAY, AR 72032
(501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Brandon Ruhl, 2019 Planning Commission Vice-Chairman
Date: November 19, 2019

Re: Request to rezone from A-1 to R-1 property located at 105 Eve Lane

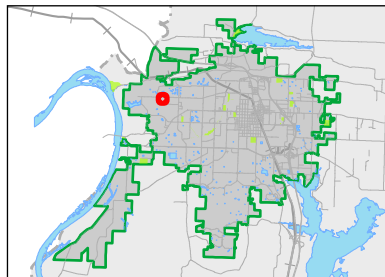
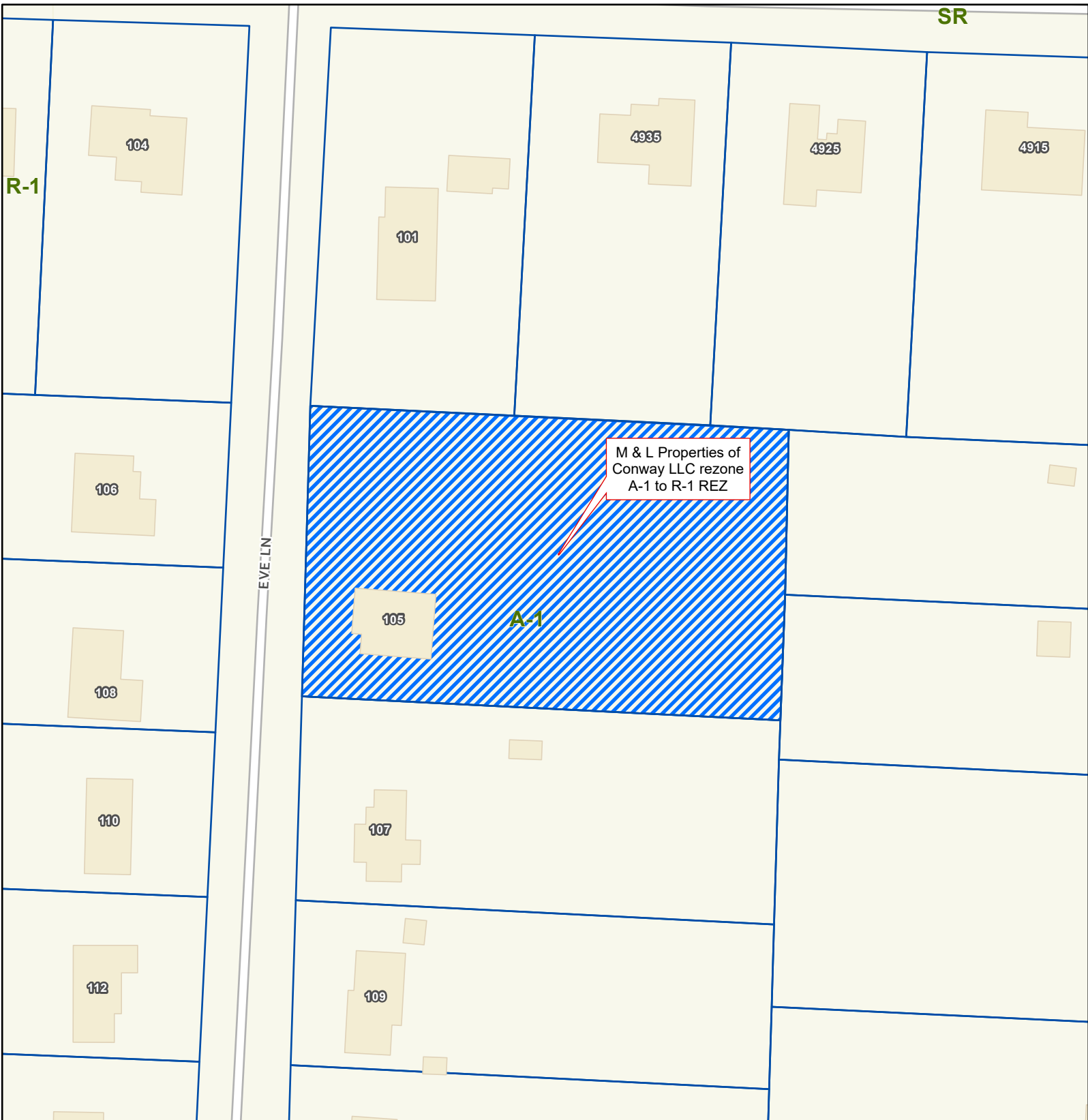
Bryce McGhee has requested to rezone from A-1 (Agricultural) to R-1 (Single-family residential) property located at 105 Eve Lane, with the legal description:

LOT 19 BLOCK 1 GOLDEN MEADOWS SUBDIVISION TO THE CITY OF CONWAY, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK E, PAGE 91, RECORDS OF FAULKNER COUNTY, ARKANSAS.

The applicant is seeking to rezone for the purposes of replatting the property and constructing a second single-family residence.

The Planning Commission reviewed a request at its regular meeting on November 18, 2019 and voted 6-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.




DESCRIPTION

Planning Commission Review

REZ2019NOV03


1.296399 ac.

Residential		Industrial	
R-1	MF-1	I-1	
R-2A	MF-2	RU-1	
R-2	MF-3	I-3	
HR	RMH		
SR			
Commercial		Office	
C-1	O-1		
C-2	O-2		
C-3	O-3		
C-4			
		Special	
		SP	S-1
			A-1
			PUD
			TJ



**City of Conway
Planning & Development**

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N

70

Feet

NOV 2019



City of Conway, Arkansas
Ordinance No. O-19-___

AN ORDINANCE AMENDING SECTIONS 401, 801, 901, AND 1101 OF THE CONWAY ZONING CODE CONCERNING SUBMISSION DEADLINES FOR VARIOUS APPLICATION TYPES; AND FOR OTHER PURPOSES:

WHEREAS; it is necessary and desirable to give city staff and the Planning Commission more time to review applications coming before the Planning Commission;

WHEREAS, The Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper public notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on November 18th, 2019, and adopted the prepared amendments;

WHEREAS, The City Council accepts the Planning Commission's recommended amendments;

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

Section 1. That the Conway Zoning Code, be amended as follows:

Section 401.10, paragraph C., item 1, subparagraph c.

c. Public Meeting. The Director of Planning and Development or designee shall schedule a Public Meeting at which time the applicant shall present the PUD proposal to all interested parties, including, though not limited to, neighborhood residents, property owners associations, neighboring business owners, City officials, and community groups. The public meeting must occur at least 15 days prior to the official public hearing date for the application. Notice of the public meeting shall be published on the City of Conway's website at least 15 days prior to the meeting. A Public Hearing sign shall be conspicuously posted on the subject property at least 15 days prior to the public meeting. The applicant shall use relevant comments gathered at the public meeting to amend the PUD proposal in a manner that is both feasible for the applicant and most satisfactory to the interested parties.

Section 801.4, paragraph B.

B. Public Notice and Hearing

The Commission shall conduct a public hearing of an appeal at the next available regular meeting of the Planning Commission. The applicant shall publish a public notice at the applicant's expense at least once not less than fifteen (15) days preceding the date of such hearing in a newspaper of general circulation in Conway. The public notice shall give the particular location of the property on which the appeal is requested, including a legal description and an address (if no address is available, a description which is clear to the average lay person will suffice), as well as a brief statement of what the appeal consists.

Each applicant for the variance shall be required to post a public hearing notice sign on the property for which the variance is being sought at least fifteen (15) days prior to the date of the public hearing. This sign shall be in plain view of and easily readable from a public street, state the variance being sought, and give the place, date, and time of the public hearing. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned.

In addition, the petitioner shall be required to notify by USPS First Class mail with Certificate of Mailing and/or petition, all property owners within two hundred (200) feet of his property of his intentions to seek a variance, not less than fifteen (15) days prior to the hearing. The petitioner shall state the date and time and location of the public hearing and describe the requested variance with the certified letter and/or petition. The Certificates of Mailing and/or petition shall be submitted to the Planning Department staff not less than five (5) days prior to the meeting of the Planning Commission along with a map showing the location of the property in question, as well as the owners within 200 feet of the property and a letter from the petitioner certifying that the map shows a complete list of those property owners.

Each applicant must submit, in accordance with the Planning Commission calendar being at least fifteen (15) thirty (30) days prior to the public hearing, a scale drawing showing the requested variance along with all relevant information, including the exceptional condition or situation of the property which causes the exceptional practical difficulty or undue hardship for which relief is being sought.

Section 901.2, paragraph A.

A. An application shall be filed by the property owner with the City Planning Commission for review. Said application shall be filed in accordance with the Planning Commission calendar being no less than seventeen (17) thirty (30) days prior to the Planning Commission meeting. Such applications shall show the location and intended use of the site. A general graphic representation of what is proposed shall be submitted as well.

Section 901.4, paragraph C., item 2.

(2) A petition giving the legal description of the property involved and the zoning classification requested for the property, shall be submitted to the Planning Commission by the agent of the property owner in accordance with the Planning Commission calendar no less than ~~seventeen (17)~~ thirty (30) days prior to the public hearing. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses.

Section 1101.3, paragraph B., item 8.

8. Submissions must include all supporting documentation, including, but not limited to the following: variances, deeds, access agreements, and conditional use permits. Submissions must be made to the City of Conway Planning Department ~~at any time the Planning Department is open for business.~~ in accordance with the Planning Commission calendar.

Section 2: That all ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 3: That in order to provide adequate time for design professionals to adapt to the requirements of this ordinance, this ordinance shall not take effect until March 2, 2020.

PASSED this 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas

Ordinance No. O-19-___

AN ORDINANCE AMENDING SECTION 1301 OF THE CONWAY ZONING CODE KNOWN AS THE SIGN ORDINANCE CONCERNING LOSS OF LEGAL NONCONFORMING STATUS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

Whereas; a conflict of language exists within Section 1301 of the Conway Zoning Code pertaining to the loss of nonconforming status, and the City of Conway seeks to remedy this conflict;

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

Section 1. That Section 1301 of the Conway Zoning Code, Signs, Section 4.02 Loss of Legal Nonconforming Status be amended as follows:

Remove the phrase, "except in the case of street relocation." from item (6) as shown below.

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

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

PASSED this 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Resolution No. R-19-___**

A RESOLUTION FOR THE CITY OF CONWAY TO AMEND THE PLANNING AREA BOUNDARY WITHIN THE TERRITORIAL JURISDICTION:

Whereas, the City of Conway currently regulates the development of land and installation of improvements in its Territorial Jurisdiction; and

Whereas, inconsistencies exist between the defined Planning Area Boundary and established Territorial Jurisdiction and it is desirable to reconcile said inconsistencies to provide a clearer representation of the City of Conway's regulatory planning jurisdiction; and

Whereas, the Arkansas Code Annotated § 14-56-413 requires the City of Conway to establish a boundary in which it will prepare plans, ordinances, and regulations.

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

1. The City of Conway shall amend the defined Planning Area Boundary per Exhibit A.

PASSED this 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

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



1201 OAK STREET • CONWAY, AR 72032
(501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Brandon Ruhl, 2019 Planning Commission Vice-Chairman
Date: November 19, 2019

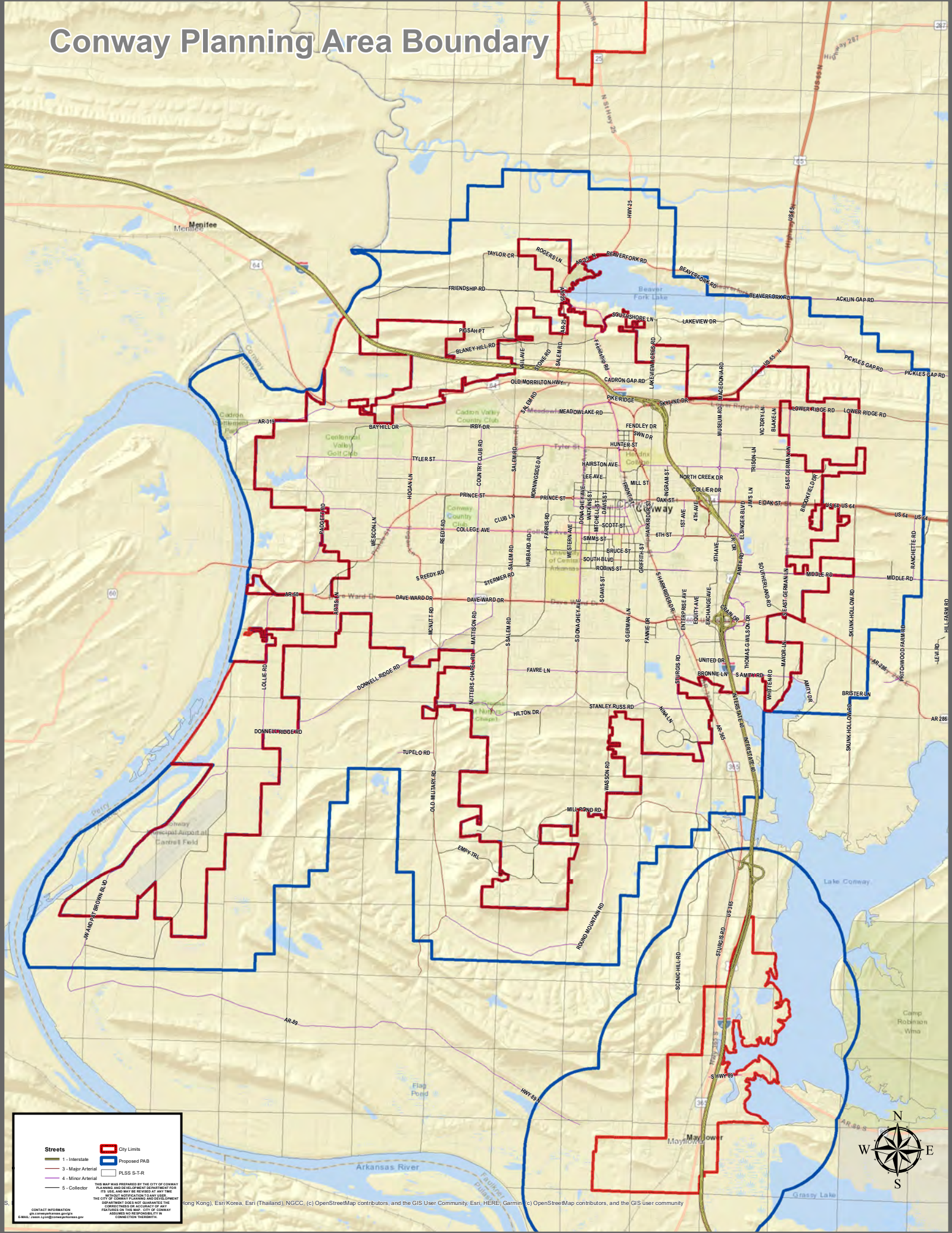
Re: Request to amend the Planning Area Boundary

Planning Staff has requested to amend the Planning Area Boundary in an effort to reconcile inconsistencies with the established Territorial Jurisdiction.

The Planning Commission reviewed a request at its regular meeting on November 18, 2019 and voted 6-1 that the request be forwarded to the City Council with a recommendation for approval. Bryan Quinn abstained.

Please advise if you have any questions.

Conway Planning Area Boundary



Streets

- 1 - Interstate
- 2 - Major Arterial
- 3 - Minor Arterial
- 4 - Collector
- 5 - Local

City Limits

- City Limits
- Proposed PAB
- PLSS S-T-R

THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ADDRESSEES. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ADDRESS: 100 W. MAIN ST., CONWAY, AR 72034



CONTACT INFORMATION: CONWAY, AR 72034

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**City of Conway, Arkansas
Ordinance No. O-19-_____**

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 \$213,025 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 \$350 and all part time employees in the net amount of \$150. Each fund will bear the cost of bonuses for employees, as follows:

General Fund - \$161,912
Street Fund - \$14,221
Sanitation Enterprise Fund - \$34,678
Airport Fund - \$2,214

All part time elected officials are excluded. 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 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-19-___

AN ORDINANCE APPROPRIATING FUNDS FOR SETTLEMENT OF A LAWSUIT; AND FOR OTHER PURPOSES:

Whereas, on April 18, 2019, the City Council for the City of Conway voted to approve a settlement in the case of *Shumate v. City of Conway*, 23CV-12-855 in the Circuit Court of Faulkner County, a class action lawsuit concerning employment compensation;

Whereas, following notice required by law and a hearing, the Faulkner County Circuit Court approved the settlement on September 9, 2019 and authorized the issuance of payment by the City of Conway; and

Whereas, it is therefore necessary to amend the budget and appropriate the funds necessary for the settlement payment.

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 \$1,000,000 from the General Fund Balance Appropriation account (001.119.4900) to the Legal Services account (001.119.5220).

Section 2. The City of Conway shall accept payment from the Arkansas Municipal League Legal Defense Fund in the amount of \$150,000 and appropriate from the Miscellaneous Revenue account (001.119.4799) to the Legal Services account (001.119.5220).

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

PASSED this 26th day of November, 2019.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer