



# City of Conway Council Agenda

<b><u>Council Meeting Date:</u></b>	<b>October 10<sup>th</sup>, 2017</b>
<b><u>5:30pm - Committee Meeting:</u></b>	No Committee Meeting
<b><u>6:30pm:</u></b>	Council Meeting
<b><u>Call to Order:</u></b>	Mayor Bart Castleberry
<b><u>Roll Call:</u></b>	Michael O. Garrett, City Clerk/Treasurer
<b><u>Minutes Approval:</u></b>	<b>September 26<sup>th</sup>, 2017</b>

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

**City Council Members**

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

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## 1. Report of Standing Committees:

### A. Public Hearing:

1. Public hearing to discuss the issuance of development revenue bonds for International Paper Company.

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

1. Ordinance authorizing the issuance of industrial development revenue bonds for International Paper Company.
2. Ordinance repealing Ordinance No. O-16-123 and authorizing the issuance of taxable industrial development revenue bonds under Act No. 9 for Douglas Companies.
3. Ordinance authorizing the issuance and sale of the restaurant gross receipt tax refunding bonds for the City of Conway.

### C. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, Airport, & Conway Housing Authority)

1. Resolutions requesting the Faulkner County Tax Collector to place certified liens on certain properties as a result of incurred expenses by the City.
2. Consideration to accept the bid for electrical work and lighting replacement at Conway Commons for work associated with the 6<sup>th</sup> Street Overpass.
3. Consideration to provide the final approval for sign replacement for SEAYCO (Conway Commons Developer) for work associated with the 6<sup>th</sup> Street Overpass.
4. Ordinance to enter into an agreement with Little Rock Landscaping, Inc. for work related to the Conway Commons Landscape project for the Street & Engineering Department.

#### D. New Business

1. Resolution of a **voluntary** levy of **two-tenths (.2) mill** on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a **Animal Shelter** for the City of Conway.
2. Resolution of a **voluntary** levy of **four-tenths (.4) mill** on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a recreation assessment raising special revenue for the sole and exclusive purpose of providing additional funds for the purpose of construction, equipping, operating and maintaining the **public recreation and playgrounds** of City of Conway.
3. Resolution of a **voluntary** levy of **four-tenths (.4) mill** on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue the exclusive purpose of operating and maintaining the **cemeteries** for the City of Conway.
4. Resolution of a levy of **four-tenths (.4) mill** on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a **Policeman's Pension and Relief Fund**.
5. Resolution of a levy of **four-tenths (.4) mill** on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a **Fireman's Pension and Relief Fund**.
6. Resolution of a levy of **four-tenths (.4) mill** on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for paid **Non-uniformed employees**.
7. Resolution of a levy of **three (3.0) mill** on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising **General Fund Revenues**.
8. Ordinance to repeal Ordinance O-14-118 related to the tow rotation for the City of Conway.

#### Adjournment

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the City Council of the City of Conway, Arkansas, at 6:30 p.m., on Tuesday, October 10, 2017, in the usual meeting place of the City Council in the District Court Building at 810 Parkway Street, Conway, Arkansas 72032, on the question of the adoption of an ordinance authorizing the issuance of not to exceed \$12,500,000 principal amount of industrial development revenue bonds on application of International Paper Company, a New York corporation (the "Company"). The bonds will be issued under applicable laws of the State of Arkansas, including particularly Title 14, Chapter 164, Subchapter 2 of the Arkansas Code of 1987 Annotated, to finance the costs of acquiring, constructing and equipping facilities at the Company's plant located at 730 Enterprise Drive, Conway, Arkansas 72032, including, but not limited to, a laminator and diecutter and related equipment and modifications at the plant.

The Company will pay lease rentals to the City sufficient to provide for the payment of the principal of, premium, if any, and interest on the bonds, as due. The bonds will not be general obligations of the City, but will be special obligations, and in no event will they constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation.

Interested persons may appear at the public hearing and express their views on the proposed issuance of the bonds. At the hearing all objections and suggestions will be heard and considered, and the City Council will take such action as is deemed proper in the premises.

Dated: September 22, 2017  
City of Conway, Arkansas

By: City Clerk/Treasurer

**PUBLICATION INSTRUCTIONS:** Publish one time on or before September 30, 2017 in *The Log Cabin Democrat*. Send two (2) proofs of publication to McGuireWoods, 7 St. Paul Street, Suite 1000, Baltimore, Maryland 21202, Attention: Barbara Larson.

## ORDINANCE NO. O-17-\_\_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE PURPOSE OF FINANCING CERTAIN INDUSTRIAL FACILITIES; AUTHORIZING A LEASE AND FINANCING AGREEMENT, AMONG THE CITY OF CONWAY, ARKANSAS, INTERNATIONAL PAPER COMPANY AND THE PURCHASER NAMED THEREIN, SECURING THE BONDS; AUTHORIZING THE SALE OF THE BONDS; AUTHORIZING AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Conway, Arkansas (the “City”), is authorized and empowered under the provisions of Title 14, Chapter 164, Subchapter 2 of the Arkansas Code of 1987 Annotated (the “Act”), to issue revenue bonds and to expend the proceeds thereof to finance the acquisition, construction and equipment of land, buildings or facilities which can be used in securing or developing industry; and

WHEREAS, International Paper Company, a New York corporation (the “Company”), operates an industrial plant in the City located at 730 Enterprise Drive, Conway, Arkansas 72032 (the “Plant”); and

WHEREAS, it is proposed that the City issue its revenue bonds under the Act for the purpose of financing the cost of acquiring, constructing and equipping facilities at the Plant, including, but not limited to, a laminator and diecutter and related equipment and modifications at the Plant (the “Project”), and paying the expenses of issuing such bonds; and

WHEREAS, pursuant to and in accordance with applicable provisions of Arkansas law, including the Act, a public hearing was held on the date hereof before the City Council on the question of the issuance of such revenue bonds under the Act; and

WHEREAS, after due consideration, the City is now prepared to proceed with financing the Project and to issue and sell its revenue bonds under the provisions of the Act in the aggregate principal amount of not to exceed \$12,500,000 (the “Bonds”), to provide such financing; and

WHEREAS, the Project will be leased by the City to the Company for lease rentals sufficient to provide for the payment of the principal of, premium, if any, and interest on the Bonds, as due; and

WHEREAS, a copy of the hereinafter described Lease and Financing Agreement in substantially final form has been presented to and is before this meeting.

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

Section 1. The City Council hereby finds that the completion of the Project, and the issuance of the Bonds to finance the same, will retain substantial employment and payrolls and will thereby secure and develop industry in the City.

Section 2. The issuance of the Bonds is hereby authorized. The Bonds shall be issued in the aggregate principal amount of \$12,500,000, or such lesser amount as shall be requested by the Company. The Bonds shall be in the forms and denominations, shall be numbered, shall be designated, shall be dated, shall be payable, and shall be subject to redemption prior to maturity all upon the terms and conditions recommended by the Company and to be set forth in the Lease and Financing Agreement (hereinafter authorized) securing the Bonds. The Bonds shall mature in the year 2038 and shall bear interest at a fixed rate per annum as shall be recommended by the Company, but not to exceed 8% per annum.

Section 3. The Bonds shall be sold to IP Eagle LLC, or such other purchaser as shall be designated by the Company (the “Purchaser”), for the purchase price of 100% of par.

Section 4. To prescribe the terms and conditions upon which the Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge a Lease and Financing Agreement (the “Lease and Financing Agreement”), by and among the City, the Company and the Purchaser, and the City Clerk is hereby authorized and directed to execute and acknowledge the Lease and Financing Agreement and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Lease and Financing Agreement to be accepted, executed and acknowledged by the Company and the Purchaser. The Lease and Financing Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Company and the Purchaser and others in order to complete the Lease and Financing 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.

Section 5. Because the undertaking authorized hereby involves the accomplishment of industrial facilities, pursuant to applicable laws of the State of Arkansas, including particularly the Act, competitive bidding is waived.

Section 6. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the documents herein authorized and the performance of all obligations of the City thereunder, the issuance, execution, sale and delivery of the Bonds, and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred by this Ordinance. The Mayor and 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 7. The City Clerk is hereby authorized and directed to file in the office of the City Clerk, as a part of the minutes of the meeting at which this Ordinance is adopted, for inspection by any interested person a copy of the Lease and Financing Agreement, and such document shall be on file for inspection by any interested person.

Section 8. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 9. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. There is hereby found and declared to be an immediate need for the securing and developing of industry in order to retain substantial employment and payrolls, thereby alleviating unemployment and otherwise benefiting the public health, safety and welfare of the City and the inhabitants thereof, and the issuance of the Bonds authorized hereby and the taking of the other action authorized hereby are immediately necessary for the accomplishing of these public benefits and purposes. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in force and effect immediately upon and after its passage.

PASSED: October 10<sup>th</sup>, 2017

Approved:

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Mayor Bart Castleberry

Attest:

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Michael O. Garrett  
City Clerk/Treasurer

(SEAL)

KUTAK ROCK LLP  
DRAFT 09/27/17

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

**AN ORDINANCE REPEALING ORDINANCE NO. O-16-123 AND AUTHORIZING THE ISSUANCE OF TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS 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 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE SECURING THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN THE CITY, AS LESSOR, AND DOUGLAS FAMILY LLC AND DOUGLAS COMPANIES, INC., AS LESSEES; 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 BONDS; 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 (1998 Repl. & 2015 Supp.) 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 Douglas Family LLC, an Arkansas limited liability company (the “Company”), and Douglas Companies, Inc., an Arkansas corporation (the “Corporation”) for the financing of an industrial project consisting of the expansion and equipping of industrial facilities (the “Project”) located at 200 Exchange Avenue within the corporate boundaries of the City and to be utilized in the Company’s and Corporation’s convenience products warehousing and distribution business; and

**WHEREAS**, the City, pursuant to Ordinance No. O-16-123 adopted on November 8, 2016, the City has previously authorized the issuance of its industrial development revenue bonds under the Act for the benefit of the Company and the Corporation in principal amount not to exceed \$7,000,000; and

**WHEREAS**, it has become necessary to revise the arrangements specified in Ordinance No. O-16-123, such that 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 (i) its Taxable Industrial Development Revenue Bonds (Douglas Companies Project), Series 2017A, in principal amount not to exceed Six Million Dollars (\$6,000,000) (the “Series 2017A Bonds”), and (ii) its Taxable Industrial Development Revenue Bonds (Douglas Companies Project), Series 2017B, in principal amount

not to exceed Five Hundred Thousand Dollars (\$500,000) (the “Series 2017B Bonds,” and together with the Series 2017A Bonds, the “Bonds”); and

**WHEREAS**, an open public hearing on the question of the issuance of the Bonds was held before the City Council on November 8, 2016, following publication of notice in *The Log Cabin Democrat* on October 30, 2016; and

**WHEREAS**, the Bonds will be issued pursuant to the terms and provisions of a Trust Indenture (the “Indenture”), by and between the City and a financial institution mutually agreeable to the City, the Company and the Corporation, as trustee (the “Trustee”); and

**WHEREAS**, the necessary arrangements have been made by the City to lease the Project to the Company and the Corporation pursuant to the terms of a Lease Agreement (the “Lease Agreement”);

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

Section 1. There is hereby authorized and directed the issuance from time to time of the Bonds and the sale thereof to the Corporation, the Company or another affiliate thereof (the “Purchaser”) pursuant to the terms and provisions of a Bond Purchase Agreement to be dated as of the date of delivery of the Bonds (the “Bond Purchase Agreement”), which Bond Purchase Agreement is specifically approved in Section 2 hereof. The Bonds 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 Bonds shall be issued in two series as follows: (i) the Series 2017A Bonds shall be issued in the original aggregate principal amount of not to exceed Six Million Dollars (\$6,000,000), and (ii) the Series 2017B Bonds shall be issued in the original aggregate principal amount of not to exceed Five Hundred Thousand Dollars (\$500,000). The Bonds shall be dated as of the date of their delivery, shall have a final maturity of December 31, 2036, shall bear interest at the rate of 3.00% per annum, shall be in the forms, 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 3 hereof. The Mayor is hereby authorized and directed to execute and deliver the Bonds from time to time as requested by the Company, and the City Clerk is hereby authorized and directed to execute and deliver the Bonds and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Bonds to be authenticated by the Trustee.

The Bonds shall not constitute general obligations of the City within the meaning of any constitutional or statutory limitation, but shall be special limited obligations 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. To prescribe the terms and conditions upon which the Bonds are 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 and/or the Corporation. 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, the Corporation 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 3. To prescribe the terms and conditions upon which the Bonds are 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 Corporation, 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 4. There is hereby authorized and directed the execution and delivery of the Lease Agreement by and between the City, as lessor, and the Company and the Corporation, as lessees, 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 Corporation, the Trustee 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 5. The City, the Company and the Corporation 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 and the Corporation have 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 and/or the Corporation 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, the Corporation 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 6. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Bonds, 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 7. Because the City is here involved with the expansion 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 8. Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed as Bond Counsel with respect to the issuance of the Bonds, the fees and expenses of which firm shall be costs of the Project and paid from the proceeds of the Bonds or by the Company or Corporation.

Section 9. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions.

Section 10. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict, including particularly Ordinance No. O-16-123.

ADOPTED: October 10<sup>th</sup>, 2017.

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Mayor Bart Castleberry

Attest:

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Michael O. Garrett  
City Clerk/Treasurer  
(S E A L)

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$9,505,000 OF THE CITY'S RESTAURANT GROSS RECEIPTS TAX REFUNDING BONDS, SERIES 2017, FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING RESTAURANT GROSS RECEIPTS TAX CAPITAL IMPROVEMENT BONDS, SERIES 2007; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE PURSUANT TO WHICH THE SERIES 2017 BONDS WILL BE ISSUED AND SECURED; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT PURSUANT TO WHICH THE BONDS WILL BE OFFERED; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Conway, Arkansas (the "City") is authorized and empowered under the provisions of the Constitution and laws of the State of Arkansas, including particularly Arkansas Code Annotated (2008 Repl. & 2015 Supp.) Sections 26-75-601 *et seq.* (as from time to time amended, the "Advertising and Promotion Commission Act") and Arkansas Code Annotated (1998 Repl. & 2015 Supp.) Sections 14-164-301 *et seq.* (as from time to time amended, the "Local Government Bond Act"), to issue and sell its capital improvement bonds to finance and refinance the costs of various capital improvements, which capital improvement bonds may be secured by and payable from the receipts of the taxes on the sale of prepared food and beverages within the City authorized by the Advertising and Promotion Commission Act; and

**WHEREAS**, as authorized by the Advertising and Promotion Commission Act, the City has previously levied (i) a one percent (1%) tax ("A&P Tax No. 1") pursuant to Ordinance No. O-05-97 adopted on August 16, 2005, as amended, and (ii) a one percent (1%) tax ("A&P Tax No. 2") pursuant to Ordinance No. O-05-98 adopted on August 16, 2005, as amended, upon the portion of gross receipts received by restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants and similar businesses within the City from the sale of prepared food and beverages for on-premises or off-premises consumption; and

**WHEREAS**, pursuant to the provisions of Ordinance No. O-07-54 of the City, adopted and approved on May 8, 2007 (the "Election Ordinance"), and as authorized by the Advertising and Promotion Commission Act and the Local Government Bond Act, there was submitted to the qualified electors of the City the questions of (i) the issuance of not to exceed \$12,535,000 in principal amount of capital improvement bonds for the purpose of financing certain parks improvements, and (ii) the issuance of not to exceed \$1,565,000 in principal amount of capital improvement bonds for the purpose of financing certain trail improvements, said bonds to be

secured by a pledge of and lien upon 75% of the receipts of A&P Tax No. 1 and 100% of the receipts of A&P Tax No. 2 (collectively, the "Tax Receipts"); and

**WHEREAS**, at a special election held June 12, 2007, a majority of the qualified electors of the City voting on the aforementioned questions approved the issuance of the capital improvement bonds and the corresponding pledge of the Tax Receipts to the payment thereof; and

**WHEREAS**, as authorized under the provisions of the Local Government Bond Act and the Advertising and Promotion Commission Act, and as approved by the qualified electors of the City, the City, pursuant to Ordinance No. O-07-144 adopted on November 6, 2007, previously issued and sold its Restaurant Gross Receipts Tax Capital Improvement Bonds, Series 2007 (the "Series 2007 Bonds"), in the original principal amount of \$14,100,000, of which \$9,505,000 in principal amount remains outstanding; and

**WHEREAS**, it has now been determined that substantial debt service savings can be achieved through the current refunding of the Series 2007 Bonds, and the City desires to accomplish such refunding through the issuance of its Restaurant Gross Receipts Tax Refunding Bonds, Series 2017 (the "Series 2017 Bonds"), in principal amount not to exceed \$9,505,000; and

**WHEREAS**, the City has made arrangements for the sale of the Series 2017 Bonds to Stephens Inc. and Crews & Associates, Inc. (the "Underwriters"), pursuant to the terms of a Bond Purchase Agreement between the City and the Underwriters (the "Bond Purchase Agreement") in substantially the form presented to and before this meeting;

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

**Section 1.** Under the authority of the Constitution and laws of the State of Arkansas, including particularly the Advertising and Promotion Commission Act and the Local Government Bond Act, there is hereby authorized the issuance of bonds of the City to be designated as "Restaurant Gross Receipts Tax Refunding Bonds, Series 2017" (the "Series 2017 Bonds"). The Series 2017 Bonds shall be issued in the original aggregate principal amount of not to exceed Nine Million Five Hundred Five Thousand Dollars (\$9,505,000), shall mature not later than December 1, 2028, and shall bear interest at the rates to be specified in the Bond Purchase Agreement. The true interest cost on the Series 2017 Bonds as a whole shall not exceed 3.500%. The proceeds of the Series 2017 Bonds will be utilized (i) to redeem all of the outstanding Series 2007 Bonds, (ii) to purchase a municipal bond insurance policy if deemed advantageous by the City and the Underwriters, (iii) to establish a debt service reserve or to purchase a surety bond or insurance policy for reserve purposes if deemed advantageous by the City and the Underwriters, and (iv) to pay printing, underwriting, legal and other expenses incidental to the issuance of the Series 2017 Bonds. The Series 2017 Bonds shall be issued in the forms and denominations, shall be dated, shall be numbered, shall mature, shall be subject to redemption prior to maturity, and shall contain such other terms, covenants and conditions, all as set forth in that certain Trust Indenture to be executed in substantially the form submitted to this meeting.

The Mayor is hereby authorized and directed to execute and deliver the Series 2017 Bonds in substantially the form thereof contained in the Trust Indenture submitted to this meeting, and the City Clerk is hereby authorized and directed to execute and deliver the Series 2017 Bonds and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Series 2017 Bonds to be accepted and authenticated by the Trustee (hereinafter defined). The Mayor is hereby authorized to confer with the Trustee, the Underwriters and Kutak Rock LLP, Little Rock, Arkansas (“Bond Counsel”), in order to complete the Series 2017 Bonds in substantially the form thereof contained in the Trust Indenture submitted to this meeting, with such changes as shall be approved by such persons executing the Series 2017 Bonds, their execution to constitute conclusive evidence of such approval.

**Section 2.** In order to pay the principal of and interest on the Series 2017 Bonds as they mature or are called for redemption prior to maturity, there is hereby pledged all of the Tax Receipts as approved by the voters. As provided in the Indenture, the receipts of A&P Tax No. 2 will be applied first to satisfy the obligations of the City with respect to the Series 2017 Bonds, and the 75% pledged portion of the receipts of A&P Tax No. 1 will be utilized only to the extent needed to satisfy such obligations after application of the receipts of A&P Tax No. 2. The levy and collection of A&P Tax No. 1 and A&P Tax No. 2 shall not be discontinued or reduced while any of the Series 2017 Bonds are outstanding unless sufficient funds are on deposit with the Trustee under the Indenture to redeem the Series 2017 Bonds in full. The City covenants and agrees that all of the Tax Receipts will be accounted for separately as special funds on the books of the City, and all Tax Receipts will be deposited and will be used solely as provided in the Indenture.

**Section 3.** To prescribe the terms and conditions upon which the Series 2017 Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge a Trust Indenture (the “Trust Indenture”), by and between the City and a banking corporation or association to be selected by the Mayor as trustee (the “Trustee”), and the City Clerk is hereby authorized and directed to execute and acknowledge the Trust Indenture and to affix the seal of the City thereto, and the Mayor and the City Clerk are hereby authorized and directed to cause the 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, including, without limitation, the provisions thereof pertaining to the pledge of the Tax Receipts and the terms of the Series 2017 Bonds. The Mayor is hereby authorized to confer with the Trustee, the Underwriters 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 Trust Indenture, 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 4.** There is hereby authorized and approved a Preliminary Official Statement of the City, including the cover page and appendices attached thereto, relating to the Series 2017 Bonds. The Preliminary Official Statement is hereby “deemed final” by the City within the

meaning of U.S. Securities and Exchange Commission Rule 15c2-12. The distribution of the Preliminary Official Statement is hereby approved. The Preliminary Official Statement, as amended to conform to the terms of the Bond Purchase Agreement, including Exhibit A thereto, and with such other changes and amendments as are mutually agreed to by the City and the Underwriters, is herein referred to as the “Official Statement,” and the Mayor is hereby authorized to execute the Official Statement for and on behalf of the City. The Official Statement is hereby approved in substantially the form of the Preliminary Official Statement submitted to this meeting, and the Mayor is hereby authorized to confer with the Trustee, the Underwriters and Bond Counsel in order to complete the Official Statement in substantially the form of the Preliminary Official Statement submitted to this meeting, with such changes as shall be approved by such persons, the Mayor’s execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Preliminary Official Statement is on file with the City Clerk and is available for inspection by any interested person.)

**Section 5.** There is hereby authorized and directed the acceptance of the offer of the Underwriters, pursuant to a Bond Purchase Agreement to be dated as of the date of its execution (the “Bond Purchase Agreement”), to purchase the Series 2017 Bonds at a price of at least 99.00% of the principal amount thereof (plus any net reoffering premium or less any net reoffering discount), plus accrued interest thereon from the dated date of the Series 2017 Bonds to the date of delivery thereof. In order to prescribe the terms and conditions upon which the Series 2017 Bonds are to be sold to the Underwriters, the Mayor is hereby authorized and directed to execute the Bond Purchase Agreement on behalf of the City, and the Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting. The Mayor is hereby authorized to confer with the Underwriters and Bond Counsel in order to complete the Bond Purchase Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Bond Purchase Agreement, their execution to constitute conclusive evidence of such approval.

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

**Section 6.** In order to provide for continuing disclosure of certain financial and operating information with respect to the Tax Receipts and the City in compliance with the provisions of Rule 15c2-12 of the U. S. Securities and Exchange Commission, the Mayor is hereby authorized and directed to execute a Continuing Disclosure Agreement to be dated as of the date of its execution (the “Continuing Disclosure Agreement”), by and between the City and the Trustee, as dissemination agent (the “Dissemination Agent”), and the Mayor is hereby authorized and directed to cause the Continuing Disclosure Agreement to be executed by the Dissemination Agent. The Continuing Disclosure Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Dissemination Agent, the Underwriters and Bond Counsel in order to complete the Continuing Disclosure Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Continuing Disclosure Agreement, their execution to constitute conclusive evidence of such approval.

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

**Section 7.** In order to secure lower interest rates on the Series 2017, the Underwriters have proposed that the City consider the purchase of a policy of bond insurance with a portion of the proceeds of the Series 2017 Bonds, which policy would guarantee the payment of the principal of and interest on the Series 2017 Bonds when due. If deemed economically advantageous by the Mayor, upon the advice of the Underwriters, the Mayor is hereby authorized to execute an insurance commitment and to do any and all things necessary to accomplish the delivery of a bond insurance policy with respect to the Series 2017 Bonds.

The Underwriters have further proposed that the City consider the purchase of a surety bond or debt service reserve insurance policy with a portion of the proceeds of the Series 2017 Bonds. If deemed economically advantageous by the Mayor, upon the advice of the Underwriters, the Mayor is hereby authorized to execute a commitment with respect to a surety bond or debt service reserve insurance policy and to do any and all other things necessary to accomplish the delivery of a surety bond or debt service reserve insurance policy with respect to the Series 2017 Bonds.

**Section 8.** The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the issuance, sale, execution and delivery of the Series 2017 Bonds and to effect the execution and delivery of the Trust Indenture, the Bond Purchase Agreement, the Official Statement, the Continuing Disclosure Agreement, a Tax Compliance Agreement relating to the tax exemption of interest on the Series 2017 Bonds, and, if necessary, an Escrow Deposit Agreement relating to the redemption of the Series 2007 Bonds, and to perform all of the obligations of the City under and pursuant thereto. The Mayor and the City Clerk are further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

**Section 9.** The City hereby declares its expectation and intention that bonds issued and to be issued by the City during calendar year 2017 will not in the aggregate exceed \$10,000,000 in principal amount, and the City hereby declares the Series 2017 Bonds to be “qualified tax-exempt obligations” within the meaning of Section 265(b) of the Internal Revenue Code of 1986, as amended.

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

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



**Section 12.** The City Council hereby finds and determines that there is a critical for additional funds to allow the City's Advertising and Promotion Commission to finance its legal purposes, and that an appropriate way to provide such additional funds is through the restructuring of the existing indebtedness represented by the Series 2007 Bonds. The City Council further finds that such restructuring can be accomplished by the issuance of refunding bonds payable from the Tax Receipts as authorized by the Advertising and Promotion Commission Act and the Local Government Bond Act; and that this ordinance should be given immediate effect so that refinancing may be accomplished as soon as possible. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservation of the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

ADOPTED AND APPROVED THIS 10<sup>th</sup> DAY OF OCTOBER, 2017.

APPROVED:

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Mayor Bart Castleberry

ATTEST:

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Michael O. Garrett  
City Clerk/Treasurer  
(S E A L)



# MEMO

**TO:** Mayor Bart Castleberry  
**CC:** City Council Members  
**FROM:** Missy Lovelady  
**DATE:** October 3, 2017  
**SUBJECT:** Certified Liens – Code Enforcement

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

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

- |                        |          |
|------------------------|----------|
| 1. 26 Briarwood Cir    | \$142.94 |
| 2. 66 Briarwood Cir    | \$151.60 |
| 3. 1826 Simms St       | \$209.44 |
| 4. 1335 S Donaghey Ave | \$231.07 |
| 5. 1254 Markham St     | \$326.92 |

Please advise if you have any questions.

Thank you for your consideration.



City of Conway, Arkansas  
Resolution No. R-17-

**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 26 Briarwood Cir 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 \$142.94 (\$102.67 + Penalty \$10.27 + 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 **October 10, 2017** 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 10th day of October, 2017.

**Approved:**

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

**Attest:**

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

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



*Missy Lovelady*  
Phone: 501-450-6191  
Fax: 501-504-6908

## MEMO:

To: Mayor Bart Castleberry  
CC: City Council Members

From: Missy Lovelady  
Date: October 3, 2017

Re: 26 Briarwood Cir

---

- August 23, 2017– Warning Violation #17-9698 was written regarding grass by Kim Beard.
- Property Owner is listed as Elizabeth M Jackson.
- Property was rechecked on 8/31/17 with no progress made.
- Final Cleanup completed on 9/7/17.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any concerns or questions please advise.

# INVOICE

## City of Conway Code Enforcement

DATE: OCTOBER 5, 2017

1201 Oak Street  
Conway, AR 72032  
Phone: 501-450-6191  
Fax 501-504-6908  
missy.schrag@cityofconway.org

TO Elizabeth M Jackson  
26 Briarwood Cir  
Conway AR 72034

Description: Mowing/Clean-up/Admin Fees  
associated with the nuisance abatement at  
26 Briarwood Cir., Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Kim Beard	710-09038-000		October 10, 2017

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	1 Employee -Mowing/Cleanup	16.62	16.62
1	1 PT Employee -Mowing/Cleanup	10.94	10.94
1	Maintenance fee (mower)	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	5.13	10.26
2	Regular letter	.48	.96

TOTAL \$102.67

- Total amount due after October 10, 2017 includes collection penalty & filing fees

TOTAL  
WITH PENALTY &  
FILING FEES \$142.94

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

**City of Conway**  
**Code Enforcement**

1201 Oak Street  
Conway, Arkansas 72032  
[www.cityofconway.org](http://www.cityofconway.org)



*Missy Lovelady*  
Conway Permits & Code Enforcement  
Phone 501-450-6191  
Fax 501-504-6908

September 15, 2017

Parcel # 710-09038-000

Elizabeth M Jackson  
26 Briarwood Cir  
Conway AR 72034

**RE: Nuisance Abatement at 26 Briarwood Cir, Conway AR**  
**Cost of Clean-Up, Amount Due: \$102.67**

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 **October 10, 2017 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 Lovelady**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

Missy Lovelady

**Conway Code Enforcement  
Incident Report**

**Date of Violation:** 08/23/17

**Violator Name:** Elizabeth M Jackson

**Address of Violation:** 26 Briarwood Circle

**Violation Type:** Grass

**Warning #:** CE9698

**Description of Violation and Actions Taken:** On 08/23/17 Code Enforcement Officer Kim Beard wrote a warning violation for grass. Property was rechecked on 08/31/17 with no progress made. Final cleanup completed on 09/07/17. Certified & regular letters sent including date, time & place of City Council meeting.

**Code Enforcement Officer:** Kim Beard

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

**Date:**

**Time:**



City of Conway, Arkansas  
Resolution No. R-17-\_\_

**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 66 Briarwood Cir 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 \$151.60 (\$110.55 + Penalty \$11.05 + 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 **October 10, 2017** 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 10<sup>th</sup> day of October, 2017.

**Approved:**

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

**Attest:**

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



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



*Missy Lovelady*  
Phone: 501-450-6191  
Fax: 501-504-6908

## MEMO:

To: Mayor Bart Castleberry  
CC: City Council Members

From: Missy Lovelady  
Date: October 3, 2017

Re: 66 Briarwood Cir

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- August 23, 2017– Warning Violation #17-9699 was written regarding grass by Kim Beard.
- Property Owner is listed as Arthur Buras.
- Property was rechecked on 8/31/17 with no progress made.
- Final Cleanup (mowing) completed on 9/7/17.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any concerns or questions please advise.

# INVOICE

## City of Conway Code Enforcement

DATE: OCTOBER 5, 2017

1201 Oak Street  
Conway, AR 72032  
Phone: 501-450-6191  
Fax 501-504-6908  
missy.schrag@cityofconway.org

TO Arthur Burras  
66 Briarwood Cir  
Conway AR 72034

Description: Mowing/Clean-up/Admin Fees  
associated with the nuisance abatement at  
66 Briarwood Cir., Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Kim Beard	710-09029-000		October 10, 2017

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	1 Employee -Mowing/Cleanup	18.82	18.82
1	1 Employee -Mowing/Cleanup	16.62	16.62
1	Maintenance fee (mower)	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	5.13	10.26
2	Regular letter	.48	.96

TOTAL \$110.55

- Total amount due after October 10, 2017 includes collection penalty & filing fees

TOTAL  
WITH PENALTY &  
FILING FEES \$151.60

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

**City of Conway**  
**Code Enforcement**

1201 Oak Street  
Conway, Arkansas 72032  
[www.cityofconway.org](http://www.cityofconway.org)



*Missy Lovelady*  
Conway Permits & Code Enforcement  
Phone 501-450-6191  
Fax 501-504-6908

September 15, 2017

Parcel # 710-09029-000

Arthur Burras  
66 Briarwood Cir  
Conway AR 72034

**RE: Nuisance Abatement at 66 Briarwood Cir, Conway AR**  
**Cost of Clean-Up, Amount Due: \$110.55**

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 **October 10, 2017 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 Lovelady**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

Missy Lovelady

**Conway Code Enforcement  
Incident Report**

**Date of Violation:** 08/23/17

**Violator Name:** Arthur Buras

**Address of Violation:** 66 Briarwood Circle

**Violation Type:** Grass

**Warning #:** CE9699

**Description of Violation and Actions Taken:** On 08/23/17 Code Enforcement Officer Kim Beard wrote a warning violation for grass. Property was rechecked on 08/31/17 with no progress made. Final cleanup completed on 09/07/17. Certified & regular letters sent including date, time & place of City Council meeting.

**Code Enforcement Officer:** Kim Beard

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

**Date:**

**Time:**



City of Conway, Arkansas  
Resolution No. R-17- \_\_\_\_\_

**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 **1826 Simms St.** 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 **\$209.44** (\$163.13 + Penalty \$16.31 + 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 **October 10, 2017** 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 10th day of October, 2017.

**Approved:**

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

**Attest:**

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

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



*Missy Lovelady*  
Phone: 501-450-6191  
Fax: 501-504-6908

## MEMO:

To: Mayor Bart Castleberry  
CC: City Council Members

From: Missy Lovelady  
Date: October 3, 2017

Re: 1826 Simms St.

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- August 2, 2017– Warning Violation #17-9677 was written regarding appliance/furniture by Kim Beard.
- Property Owner is listed as Gary Weaver.
- Property was rechecked on 8/9/17 with no progress made.
- Certified and regular letters were mailed 8/16/17 to address on file and a notice was left by post office.
- Property was rechecked on 8/23/17 with no action taken.
- Final Cleanup completed on 8/30/17.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any concerns or questions please advise.

# INVOICE

**City of Conway**  
Code Enforcement

DATE: OCTOBER 5, 2017

1201 Oak Street  
Conway, AR 72032  
Phone: 501-450-6191  
Fax 501-504-6908  
missy.schrag@cityofconway.org

TO Gary Weaver  
104 Applegate Dr.  
Conway AR 72034

Description: Mowing/Clean-up/Admin Fees  
associated with the nuisance abatement at  
1826 Simms St., Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Kim Beard	710-00788-001		October 10, 2017

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	1 Employee -Mowing/Cleanup	18.82	18.82
1	1 PT Employee -Mowing/Cleanup	10.94	10.94
	Sanitation ticket # 606508; 606509	36.63	36.63
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	5.13	10.26
2	Regular letter	.48	.96

- Total amount due after October 10, 2017 includes collection penalty & filing fees

TOTAL	\$163.13
TOTAL WITH PENALTY & FILING FEES	\$209.44

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

**City of Conway**  
**Code Enforcement**

1201 Oak Street  
Conway, Arkansas 72032  
[www.cityofconway.org](http://www.cityofconway.org)



*Missy Lovelady*  
Conway Permits & Code Enforcement  
Phone 501-450-6191  
Fax 501-504-6908

September 8, 2017

Parcel # 710-00788-001

Gary Weaver  
104 Applegate Dr.  
Conway AR 72034

**RE: Nuisance Abatement at 1826 Simms, Conway AR**  
**Cost of Clean-Up, Amount Due: \$163.13**

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 **October 10, 2017 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 Lovelady**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

Missy Lovelady



**Conway Code Enforcement  
Incident Report**

**Date of Violation:** 08/02/17

**Violator Name:** Gary Weaver

**Address of Violation:** 1826 Simms St

**Violation Type:** Appliance/furniture

**Warning #:** CE9677

**Description of Violation and Actions Taken:** On 08/02/17 Code Enforcement Officer Kim Beard wrote a warning violation for appliance/furniture. Property was rechecked on 08/09/17 with no progress made. Certified & regular letters were mailed 08/16/17. Property was rechecked on 08/23/17 with no action taken. Final cleanup was completed on 08/30/17.

**Code Enforcement Officer:** Kim Beard

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

**Date:**

**Time:**



City of Conway, Arkansas  
Resolution No. R-17-\_\_\_

**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 1335 S Donaghey 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 \$231.07 (\$182.79 + Penalty \$18.28 + 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 **October 10, 2017** 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 10th day of October, 2017.

**Approved:**

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

**Attest:**

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

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



*Missy Lovelady*  
Phone: 501-450-6191  
Fax: 501-504-6908

## MEMO:

To: Mayor Bart Castleberry  
CC: City Council Members

From: Missy Lovelady  
Date: October 3, 2017

Re: 1335 S Donaghey

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- August 24, 2017– Warning Violation #17-9726 was written regarding grass by Kim Beard.
- Property Owner is listed as Sandra & James Harrington.
- Property was rechecked on 8/31/17 with no action taken.
- Final Cleanup completed on 9/7/17.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any concerns or questions please advise.

# INVOICE

## City of Conway Code Enforcement

DATE: OCTOBER 5, 2017

1201 Oak Street  
Conway, AR 72032  
Phone: 501-450-6191  
Fax 501-504-6908  
missy.schrag@cityofconway.org

TO Sandra & James Harrington  
1335 S Donaghey Ave  
Conway AR 72034

Description: Mowing/Clean-up/Admin Fees  
associated with the nuisance abatement at  
1335 S Donaghey Ave, Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Kim Beard	711-12499-005		October 10, 2017

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	1 Employee -Mowing/Cleanup	18.82	37.64
2	1 Employee -Mowing/Cleanup	16.61	33.24
2	1 Employee -Mowing/Cleanup	18.40	36.80
1	Maintenance fee (mower)	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	5.13	10.26
2	Regular letter	.48	.96

TOTAL \$182.79

- Total amount due after October 10, 2017 includes collection penalty & filing fees

TOTAL  
WITH PENALTY &  
FILING FEES \$231.07

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

**City of Conway**  
**Code Enforcement**

1201 Oak Street  
Conway, Arkansas 72032  
[www.cityofconway.org](http://www.cityofconway.org)



*Missy Lovelady*  
Conway Permits & Code Enforcement  
Phone 501-450-6191  
Fax 501-504-6908

September 15, 2017

Parcel # 711-12499-005

Sandra & James Harrington  
1335 S Donaghey Ave  
Conway AR 72034

**RE: Nuisance Abatement at 1335 S Donaghey Ave., Conway AR**  
**Cost of Clean-Up, Amount Due: \$182.79**

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 **October 10, 2017 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 Lovelady**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

Missy Lovelady

**Conway Code Enforcement  
Incident Report**

**Date of Violation: 08/24/17**

**Violator Name: Sandra & James Harrington**

**Address of Violation: 1335 S Donaghey**

**Violation Type: Grass**

**Warning #: CE9726**

**Description of Violation and Actions Taken: On 08/24/17 Code Enforcement Officer Kim Beard wrote a warning violation for grass. Property was rechecked on 08/31/17 with no progress made. Final cleanup completed on 09/07/17. Certified & regular letters sent including date, time & place of City Council meeting.**

**Code Enforcement Officer: Kim Beard**

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

**Date:**

**Time:**



**City of Conway, Arkansas  
Resolution No. R-17-\_\_\_**

**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 1254 Markham St 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 \$326.92 (\$269.93 + Penalty \$26.99 + 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 **October 10, 2017** 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 10th day of October, 2017.

**Approved:**

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

**Attest:**

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

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



*Missy Lovelady*  
Phone: 501-450-6191  
Fax: 501-504-6908

## MEMO:

To: Mayor Bart Castleberry  
CC: City Council Members

From: Missy Lovelady  
Date: October 3, 2017

Re: 1254 Markham St.

---

- July 25, 2017 – A Notice for correction was mailed since house sat vacant regarding grass; rubbish/debris and trash.
- Property was reinspected on 8/10/17 with no progress made.
- August 10, 2017– Warning Violation was written regarding grass; rubbish/trash & trash cans by Austin Sullivan.
- Property Owner is listed as ABE Investments LLC.
- Property was rechecked on 8/17/17 with no progress made.
- Certified and regular letters were mailed 8/17/17 to address on file and a notice was left by post office.
- Property was rechecked on 8/24/17 with no progress made.
- Final Cleanup completed on 9/13/17.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

If you have any concerns or questions please advise.



# INVOICE

**City of Conway**  
**Code Enforcement**

DATE: OCTOBER 5, 2017

1201 Oak Street  
 Conway, AR 72032  
 Phone: 501-450-6191  
 Fax 501-504-6908  
 missy.schrag@cityofconway.org

TO ABE INVESTMENTS LLC  
 PO BOX 11254  
 CONWAY AR 72034

Description: Mowing/Clean-up/Admin Fees  
 associated with the nuisance abatement at  
 1254 Markham Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Austin Sullivan	710-04381-000		October 10, 2017

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	1 Employee -Mowing/Cleanup	18.82	37.64
2	1 Employee -Mowing/Cleanup	16.61	33.24
2	1 Employee -Mowing/Cleanup	18.40	36.80
2	1 PT Employee -Mowing/Cleanup	10.94	21.88
1	Maintenance fee (mower)	15.00	15.00
	Sanitation ticket # 608051; 608046	65.26	65.26
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	5.13	10.26
2	Regular letter	.48	.96

TOTAL \$269.93

- Total amount due after October 10, 2017 includes collection penalty & filing fees

TOTAL  
 WITH PENALTY &  
 FILING FEES \$326.92

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

**City of Conway**  
**Code Enforcement**

1201 Oak Street  
Conway, Arkansas 72032  
[www.cityofconway.org](http://www.cityofconway.org)



*Missy Lovelady*  
Conway Permits & Code Enforcement  
Phone 501-450-6191  
Fax 501-504-6908

September 15, 2017

Parcel # 710-04381-000

ABE INVESTMENTS LLC  
PO BOX 11254  
CONWAY AR 72034

**RE: Nuisance Abatement at 1254 MARKHAM, Conway AR**  
**Cost of Clean-Up, Amount Due: \$269.93**

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 **October 10, 2017 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 Lovelady**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

Missy Lovelady

**Conway Code Enforcement  
Incident Report**

**Date of Violation: 8/10/2017**

**Violator Name: ABE Investments LLC**

**Address of Violation: 1254 Markham Street**

**Violation Type: Grass; Rubbish/Trash and Trash Cans.**

**Warning #: CE9497**

**Description of Violation and Actions Taken: On 08/10/17 Code Enforcement Officer Austin Sullivan wrote a warning violation for grass; rubbish/trash and trash cans. Property was rechecked on 08/17/17 with no progress made. Certified and Regular letters were mailed 08/17/17. Property was rechecked on 08/24/17 with no progress made. Final cleanup was completed on 09/13/17.**

**Code Enforcement Officer: Austin Sullivan**

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

**Date:**

**Time:**

# MEMO

City of Conway, Arkansas  
 Jamie Brice, Purchasing Manager  
 1201 Oak Street  
 Conway, AR 72032  
[www.cityofconway.org](http://www.cityofconway.org)

**To:** Mayor Bart Castleberry and City of Conway Council  
**CC:** Finley Vinson Felicia Rogers Jack Bell  
**From:** Jamie Brice  
**Date:** September 21<sup>th</sup>, 2017  
**Re:** Conway Commons Electrical Work & Lighting Replacement Project

Bids Were Received at 10:00 a.m. on Wednesday September 6<sup>th</sup>, 2017 at Conway City Hall for the Conway Commons Electrical Work & Lighting Replacement Project. Bids received were as follows:

Fureigh Electric - \$65,000  
 Robert Bailey Electric - \$26,220

The lowest bid did not contain a bid bond, as required. Because the lowest bid did not meet requirements, and the great difference in price on the second bid, the City also obtained a quote from a TIPSUSA – purchasing Co-op vendor. The Quote from Centech Service, Inc. is \$37,000.

There are four options:

1. Council may reject bids, waive the bid process, and approve Robert Bailey Electric, Inc.
2. Council may reject all bids and accept the pre-approved TIPSUSA contract for \$37,000
3. Council may accept the bid from Fureigh Electric for \$65,000.
4. Council may reject all bids and request the project be re-bid.

Due to time constraints, the Street Department and Purchasing Office recommend Council reject all bids and approve Centech Service, Inc. for \$37,000.

Sincerely,



Jamie Brice  
 Purchasing Manager  
 City of Conway

**Department Head Acknowledgement**

Name: B. Finley Vinson III

Signature: 

Date: 10/4/2017

10.3.2017

**Memo**

**To**  
Bart Castleberry

**From**  
B. Finley Vinson, P.E.

**CC**  
Felicia Rogers

**Re**  
Conway Commons  
Signage

**Comments:**

As expected, the new 6th Street Overpass approach and Amity-Elsinger Roundabout obstructs the Interstate 40 (Westbound) visibility of the existing Conway Commons sign. In order to account for this obstruction, the City Signed a "Side Letter Agreement" before construction began (attached) with SEAYCO (Conway Commons Developer and Manager) and other tenants (Home Depot, Target & Logan's) in the Conway Commons Shopping Center, committing to provide a new Conway Commons Shopping Center Sign similar to the existing Amity Road Conway Commons sign. In addition, the "Side Letter Agreement" required that the City pay for signs at the new Target entrance on Elsinger and at the Logan's Steakhouse entrance off Elsinger Boulevard.

The Sign Cost are as follows:

Target Monument Sign (3.75' x 7')	\$15,910
Logan's Steakhouse Monument Sign (3.75' x 7')	\$15,910
Conway Commons Pylon Sign (15.5x 51')	\$149,250
<b>TOTAL</b>	<b>\$181,070</b>

The developer (SEAYCO) is requesting final approval of this amount along with written confirmation before they can proceed with the work. The city would reimburse SEAYCO upon completion of the project.

The city will obtain any permits required and permit fees, if any, would be paid by the city. The city will provide electrical service (included in "Conway Commons Electrical & Lighting Replacement" project) to each of the signs.

\$200,000 was included in the budget for the 6<sup>th</sup> Street Overpass project to cover this reimbursement and will be paid out of the pay as you go sales tax. I request approval to reimburse the developer for the items listed above. Please don't hesitate to ask if you have any questions or require any additional information.

## City of Conway Street & Engineering Department

(501) 450-6165  
100 E Robins St, Conway, AR 72032

[www.cityofconway.org/pages/street-department/  
finley.vinson@cityofconway.org](http://www.cityofconway.org/pages/street-department/finley.vinson@cityofconway.org)



September ~~22~~<sup>23</sup>, 2015

Tab Townsell  
Mayor  
City of Conway  
Oak Street  
Conway, Arkansas 72032

Aaron Hemquist, PE  
Senior Development Manager  
Target Stores, Inc.  
1000 Nicollet Mall, TPN-12L  
Minneapolis, Minnesota 55403

Jeffrey Hardman  
Senior Real Estate Manager  
The Home Depot  
3800 W. Chapman Ave.  
Orange, California 92868

Becky Burton  
Senior Facilities Manager  
Logan's Roadhouse, Inc.  
Suite 300  
3011 Armory Drive  
Nashville, Tennessee 37204

T. Christopher Seay  
Project Manager  
SEAYCO-THF Conway Development, L.L.C.  
130 West Central Avenue  
Bentonville, Arkansas 72712

**Via Mail Delivery and Electronic Delivery**

**Re: Side Letter Agreement (hereinafter, "Side Letter Agreement") Relating to Proposed Public Improvements to Elsinger Boulevard and Amity Road Within and Adjacent to the Conway Commons Shopping Center in Conway, Arkansas.**

Dear Mr. Hemquist, Mr. Hardman, Ms. Burton and Mr. Seay:

In order to facilitate development of the former City of Conway Airport ("**Cantrell Field**"), the City of Conway has entered into agreements in which it is obligated to commence construction of the above referenced (hereinafter, "**Public Improvements**") during summer 2015. In order to satisfy its obligations




to commence construction of the Public Improvements, the City of Conway is prepared to move forward with condemnation suits to obtain title to certain tracts of property within the Conway Commons shopping center. However, the City of Conway recognizes that the Conway Commons shopping center, as a regional retailing hub, is a significant economic resource and economic draw within the greater Conway trade area. Accordingly, the City of Conway is open to continued discussions with Target, Home Depot, Logan's and Conway Commons Development (collectively hereinafter, "**Conway Commons**") and the incorporation of modifications to the Public Improvement plans as proposed by Conway Commons (see Exhibit A attached hereto).

In order to meet its construction obligations to Central Landing, the City of Conway must be in a position to evidence to the Utility Companies (Conway Corporation, CenterPoint Energy & AT&T) by September 21, 2015 that it has secured the right-of-way for Elsinger Boulevard and Amity Road necessary to construct the proposed public improvements and accommodate relocated public utilities to allow the construction to progress in an orderly manner and be completed by October 15, 2016. In recognition of these construction obligations and in an effort to assist the City of Conway, Conway Commons proposes to enter into temporary construction easements (terminating two months from the date of execution). In addition to any right-of-way potentially secured through condemnation, these temporary construction easements may evidence to the AHTD that the City of Conway has secured the right-of-way necessary to construct the Public Improvements.

Concurrently with the execution of the temporary construction easements by Conway Commons, the City of Conway enters into this Side Letter Agreement. In order to accommodate certain concerns expressed by Conway Commons, the City of Conway agrees in this Side Letter Agreement to continue discussions with Conway Commons, to incorporate modifications to the Public Improvement plans as identified on the accompanying listing (attached hereto as Exhibit A) and to present such updated Public Improvement Plans to Conway Commons for acceptance within sixty (60) days from execution of the temporary construction easements.

In the event that you have any questions or suggestions, please do not hesitate to contact me at your convenience.

Agreed, this 23 day of September, 2015 by Tab Townsell, the Mayor of Conway, Arkansas.

  
\_\_\_\_\_  
Tab Townsell, Mayor

## EXHIBIT A

### **Conway Commons Shopping Center Requests, Covenants and Understandings of City of Conway and OEA Parties**

#### **Target Tract**

---

1. Ground Monument Sign: City of Conway agrees to construct a new ground monument sign (to match existing Conway Commons monument signs along Elsinger Boulevard) to be constructed at the new entrance to the Target Tract (immediately across from the main Home Depot Entrance) by the City of Conway and at its sole cost and expense. The design of the sign to be consistent with the included graphic and the schedule of installation will be reviewed and approved by Target and Developer. Currently this work is anticipated to begin October 15, 2015 and be completed on or before November 30, 2015.
2. Amity Access: City of Conway agrees to construct a new access to the Target Tract at its sole cost and expense adjacent to the existing I-40 pylon sign along Amity Road prior to the City of Conway beginning work on the improvements to Elsinger Boulevard. City agrees that Target and Developer shall review and approve the construction plans and construction schedule. City of Conway agrees to use reasonable efforts to minimize disruption of access to the Target Tract, especially during the months of October through January. Currently this work is anticipated to begin February 1, 2016 and be completed on or before May 31, 2016.
3. Elsinger Boulevard Access: City of Conway agrees to install a new access to the Target Tract at its sole cost and expense immediately across from the main Home Depot entrance) along Elsinger Boulevard prior to the City of Conway beginning work on the improvements to Elsinger Boulevard. City agrees that Target and Developer shall review and approve the construction plans and final construction schedule. Currently this work is anticipated to begin October 15, 2015 and be completed on or before November 23, 2015.
4. Elsinger Boulevard Retaining Wall: City of Conway agrees to construct and maintain the retaining wall(s) along Elsinger Boulevard. City of Conway agrees that any and all future construction, maintenance and repair plans for the Elsinger Boulevard Retaining Wall will be consistent with the original plans as approved by the parties. The retaining walls will be maintained in a condition and repair comparable to similarly situated shopping centers. Currently this work is anticipated to begin January 10, 2016 and be completed on or before July 1, 2016.
5. Elsinger Boulevard Landscaping: City of Conway agrees to provide irrigation and landscaping consisting of sod and plantings as part of its improvements to Elsinger Boulevard, which will be maintained in a condition and repair comparable to similarly situated shopping centers.
6. Home Depot Driveway: City of Conway agrees to construct at its sole cost and expense a roadway (known as the "**Home Depot Driveway**") from Amity Road east to the Home Depot Tract and also containing an access into the front parking field of the Logan's Tract and City of Conway agrees not to commence construction of improvements to Elsinger Boulevard prior to the completion of the Home Depot Driveway.
7. Target Tract Utility Easement and Potential Outparcel: City of Conway agrees to install utilities (in size and capacity reasonably requested by Target) to the property line (that borders the City of



Conway right-of-way) of the proposed outparcel on the Target Tract (at a location identified by Target) at the City's sole cost and expense as part of the City's construction of the improvements to Elsinger Boulevard. City of Conway agrees to provide a lot split and/or subdivision of the Target Tract to accommodate the Target Outparcel. In addition, in the event that any waiver, variance or other approval is required to bring the either the outparcel and/or the Target Tract parking field into compliance with any governing regulations and ordinances, City of Conway agrees to provide the same to Target.

8. Dedicated Property: City of Conway agrees to remove from the tax rolls any property dedicated to or otherwise made available to City of Conway for the improvements to Elsinger Boulevard. No portion of the Target Tract will be dedicated, and the assessment of the Target Tract may reflect the new easements provided for hereunder.
9. Temporary Construction Easement and Permanent Slope and Utility Easements: City of Conway and Target will enter into a temporary construction easement and a slope easement, the terms and conditions of which will be typical as to easements granted by Target that encumber its properties. In addition, Target will enter into an underground utility easement with Conway Corporation (the utility company), the terms and conditions of which will be typical as to utility easements granted by Target that encumber its properties.
10. Site Lighting: If the City of Conway, at its sole cost and expense, removes any site lighting poles and fixtures in the course of its construction of improvements to Elsinger Boulevard, the City of Conway, at its sole cost and expense, agrees to install new parking lot lighting (at heights and in locations in accordance with a photometric plan provided by Target, and using poles and fixtures approved by Target).
11. Leadership Approval: City of Conway recognizes and acknowledges that this list of requests may not necessarily be exhaustive and conclusive. Any requested additions or changes by Target or Developer is subject to approval of the Conway City Council.

### **Logan's Tract [part of Developer Tract under Operation and Easement Agreement]**

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1. Pylon Sign: City of Conway agrees to construct at its sole cost and expense a new pylon sign, inclusive of tenant identification panels, at the southwest corner of the Logan's Tract (at location to be mutually determined by Logan's, Developer and City of Conway).
2. Ground Monument Sign: City of Conway agrees to construct at its sole cost and expense a new ground monument sign (to match existing Conway Commons monument signs along Elsinger Boulevard) along Elsinger Boulevard at the Home Depot main entrance. The design of the sign to be consistent with the included graphic and the schedule of installation will be reviewed and approved Developer. Currently this work is anticipated to begin September 1, 2016 and be completed on or before November 1, 2016.
3. Home Depot Driveway: City of Conway agrees to construct at its sole cost and expense a roadway (known as the "Home Depot Driveway") from Amity Road east to the Home Depot Tract and also containing an access into the front parking field of the Logan's Tract.
4. Parking Lot Lights: If determined by Logan's to be required, City of Conway agrees to install two (2) parking lot lights on the Logan's Tract at its sole cost and expense and at locations to be identified by Logan's. If the City of Conway, at its sole cost and expense, removes any site lighting

poles and fixtures in the course of its construction of improvements to Elsinger Boulevard, the City of Conway, at its sole cost and expense, agrees to install new parking lot lighting (at heights and in locations in accordance with a photometric plan provided by Logan's, and using poles and fixtures approved by Logan's).

5. Elsinger Boulevard Retaining Wall: City of Conway agrees to construct and maintain the retaining wall(s) along Elsinger Boulevard at its sole cost and expense. City of Conway agrees that any and all construction plans and future maintenance and repair plans for the Elsinger Boulevard Retaining Wall will be made available to review and comment by Logan's and that City of Conway will make commercially reasonable effort to incorporate comments from Logan's. The retaining walls will be maintained in a condition and repair comparable to similarly situated shopping centers.
6. Elsinger Boulevard Landscaping: City of Conway agrees to provide, at its sole cost and expense, irrigation and landscaping consisting of sod and plantings as part of its improvements to Elsinger Boulevard, which will be maintained in a condition and repair comparable to similarly situated shopping centers.
7. Utility Line Installation Schedule: The City of Conway confirms that the installation of the utility lines around the eastern perimeter of its site by Conway Corporation shall occur simultaneously with the City of Conway's construction of the "Home Depot Driveway" from Amity Road and shall occur before the City of Conway commences construction of its contemplated Elsinger Boulevard improvements.
8. Parking and Landscaping Requirements: As the proposed modifications to Elsinger Boulevard appear to eliminate some parking stalls within the Logan's Tract and to eliminate some potential landscaping areas, the City of Conway agrees to provide to Logan's any variances, waiver or other approval as may be necessary to bring the Logan's Tract into compliance with any governing regulations and ordinances.
9. Leadership Approval: City of Conway recognizes and acknowledges that this list of requests may not necessarily be exhaustive and conclusive. Any requested additions or changes by Logan's or Developer is subject to approval of the Conway City Council.

## Home Depot Tract

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1. Temporary Construction Easement: City of Conway agrees to provide Temporary Construction Easements ("TCE") and any applicable exhibits for review and comment by Home Depot.
2. Home Depot Driveway: City of Conway agrees to construct at its sole cost and expense a roadway (known as the "**Home Depot Driveway**") from Amity Road east to the Home Depot Tract and also containing an access into the front parking field of the Logan's Tract and City of Conway agrees not to commence construction of improvements to Elsinger Boulevard prior to the completion of the "Home Depot Driveway".
3. Leadership Approval: City of Conway recognizes and acknowledges that this list of requests may not necessarily be exhaustive and conclusive. Any requested additions or changes by Home Depot or Developer is subject to approval of the Conway City Council.



## Developer Tract

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1. I-40 Shopping Center Pylon Sign: City of Conway, at its sole cost and expense, agrees to construct a new pylon sign (that is the functional equivalent of the existing I-40 pylon sign in addition to an added sign display area for Logan's and one additional tenant) at the northwest corner of the proposed Elsinger Boulevard Round-About (at location to be mutually determined by Developer and City of Conway). City of Conway agrees to provide Target and Developer review and approval of the design of the new I-40 Shopping Center Pylon Sign, and (subject to Developer, Home Depot, and Target approval) such will be consistent with other Shared Pylon Signs in the Shopping Center and consistent with the include graphic.
2. I-40 Shopping Center Pylon: As the new I-40 Shopping Center Pylon Sign is an "off-premise" sign, the City of Conway agrees to provide to Developer any variances, waiver or other approval as may be necessary to bring the new I-40 Shopping Center Pylon Sign into compliance with any governing regulations and ordinances. In addition, City of Conway agrees to provide a permanent access and maintenance easement on behalf of Conway Commons to Developer (and, as provided in Section 2.4 of the Operations and Easement Agreement covering Conway Commons Shopping Center (hereinafter, the "OEA"), to Target and Home Depot) in order to access, power, operate and maintain the I-40 Shopping Center Pylon Sign.
3. Roundabout Landscaping: City of Conway, at its sole cost and expense, agrees to landscape and maintain landscaping in the Elsinger Boulevard round-about and, in the event that any structure or sculpture is installed in Elsinger Boulevard the round-about, City of Conway agrees it shall not block the visibility of the I-40 Shopping Center Pylon Sign from I-40 traffic.
4. Elsinger Boulevard Landscaping: City of Conway agrees to provide irrigation and landscaping consisting of sod and plantings as part of its improvements to Elsinger Boulevard, which will be maintained in a condition and repair comparable to similarly situated shopping centers.
5. Temporary Construction Easement: City of Conway agrees to provide Temporary Construction Easements ("TCE") encumbering the Developer Tract and any applicable exhibits for review and comment by Developer.
6. Elsinger Boulevard Retaining Wall: City of Conway, at its sole cost and expense, agrees to construct and maintain the retaining wall(s) along Elsinger Boulevard. City of Conway agrees that any and all construction plans and future maintenance and repair plans for the Elsinger Boulevard Retaining Wall will be made available to review and comment by Developer and that City of Conway will make commercially reasonable effort to incorporate comments from Developer. The retaining walls will be maintained in a condition and repair comparable to similarly situated shopping centers.
7. Dedicated Property: City of Conway agrees to remove from the tax rolls any property dedicated to or otherwise made available to City of Conway for the improvements to Elsinger Boulevard.
8. Site Lighting: If the City of Conway, at its sole cost and expense, removes any site lighting poles and fixtures in the course of its construction of improvements to Elsinger Boulevard, the City of Conway, at its sole cost and expense, agrees to install new parking lot lighting (at heights and in locations in accordance with a photometric plan provided by Developer, and using poles and fixtures approved by Developer).

9. Leadership Approval: City of Conway recognizes and acknowledges that this list of requests may not necessarily be exhaustive and conclusive. Any requested additions or changes by Developer is subject to approval of the Conway City Council.
10. Home Depot Driveway: City of Conway agrees to construct at its sole cost and expense a roadway (known as the "**Home Depot Driveway**") from Amity Road east to the Home Depot Tract and also containing an access into the front parking field of the Logan's Tract.

## **All Tracts within Shopping Center**

---

1. Any work by the City of Conway, Conway Corporation or their respective contractors will be consistent with the terms and conditions of this Side Letter Agreement and consistent with the standard of work required under the OEA and the insurance requirements attached to this Letter Agreement as the "**Insurance Requirements**". At the request of Developer, Target or Home Depot, any such party will confirm such requirements in writing. The City of Conway and Conway Corporation will not allow any mechanics lien to be recorded against any portion of Conway Commons, and agrees that if any such lien is filed, to have such lien discharged within fifteen (15) days after such filing.
2. City of Conway agrees to use reasonable efforts to minimize disruption of access to Conway Commons, especially during the months of October through January.
3. Any staging areas requested by the City of Conway and Conway Corporation shall require the approval of both the Developer and the owner of the tract on which the requested staging area is located. Any approval or disapproval will be communicated within 48 hours of the request.
4. In the event that an owner of a Tract within the Shopping Center (hereinafter "**Owner**") secures approval under the OEA to subdivide its Tract(s) and to create one or more additional outparcels within the Shopping Center (hereinafter "**Owner Outparcels**"), the City of Conway, in order to encourage the creation of Owner Outparcels, agrees to support Owner's application(s) to subdivide tract(s) within the Shopping Center, agrees to support Owner's request(s), if any, to recapture public easement(s) within the Shopping Center and agrees to support Owner's application(s), if any, to install ground monument signing in the Owner Outparcels within the Shopping Center.



## INSURANCE REQUIREMENTS

City of Conway ("City") or its franchisee, Conway Corporation ("Franchisee") shall procure (or will cause its contractor to procure) at its sole cost and expense prior to the exercise of its rights hereunder, the following policies of insurance insuring against any and all liability for injury to or death of a person or persons and for damage to property occasioned by or arising out of any construction activities on, in or about any easement areas within any Tracts covered by the Operations and Easement Agreement of Conway Commons Shopping Center ("OEA"):

(a) Specific parties to be covered as additional insureds and referenced as "OEA Parties" hereinafter include:

- i. Target Corporation
- ii. Home Depot U.S.A., Inc.
- iii. SEAYCO-THF Conway Development, L.L.C.
- iv. Logan's Roadhouse of Conway, Inc.
- v. Logan's Roadhouse, Inc.

(b) Worker's Compensation Insurance in accordance with all applicable state, federal and maritime laws, including Employer's Liability Insurance in the amounts of not less than:

- \$500,000 Bodily Injury for each accident
- \$500,000 Bodily Injury by disease, each employee
- \$500,000 Bodily Injury by disease, policy limit

The policy shall be endorsed to include a waiver of subrogation in favor of the OEA Parties and their affiliated and associated companies. Notwithstanding applicable statutory exemptions, Worker's Compensation Insurance shall be maintained regardless of the number of employees employed by City's or Franchisee's contractor or the type of work performed.

(b) Commercial General Liability Insurance including Contractual Liability Coverage, covering liability assumed (including, but not limited to, liability of City), Contractor's Protective Liability Coverage for work sublet, Products/Completed Operations Coverage, Broad Form Property Liability Coverage, Personal Injury Liability Coverage and Explosion, Collapse and Underground "XCU" Hazards, in the amount of not less than \$1,000,000 per occurrence / \$2,000,000 aggregate for Bodily Injury and Property Damage applying to the job location where work is performed for or on behalf of City or Franchisee.

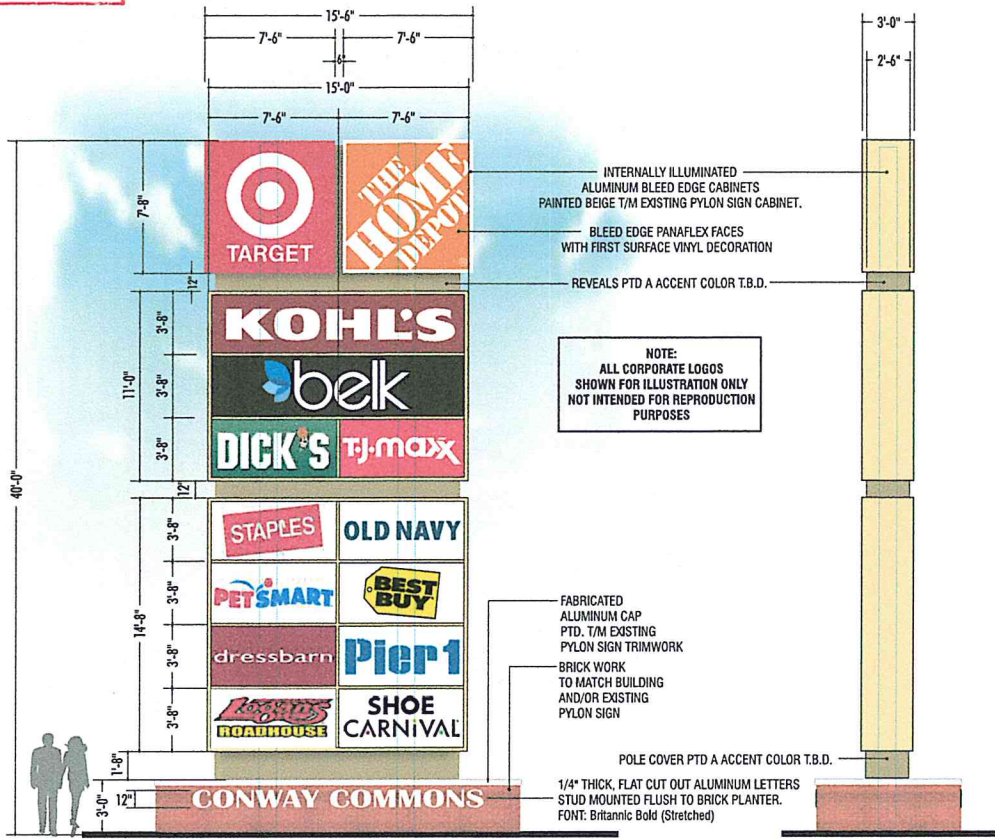
(c) Commercial Automobile Liability Insurance including all owned, hired, leased, borrowed, assigned and non-owned vehicles, in the amount of not less than \$1,000,000 per occurrence.

(d) Excess/Umbrella Liability Insurance following the form of the liability insurance as required in paragraphs (a), (b) and (c) above, in the amount of not less than \$5,000,000 per occurrence.

- (e) Builder's Risk/Installation Floater in an amount not less than the total cost of materials and supplies used in the project. Coverage should be provided on an all risk (special) form including the perils of testing.

Such insurance shall be on an occurrence basis. Such insurance policy or policies procured and maintained by City or Franchisee pursuant to this paragraph shall name each of the OEA Parties and their affiliated and associated companies as an additional insured. Such insurance required to be maintained by City hereunder may be carried under blanket policies maintained by City or Franchisee so long as such blanket policies comply with the requirements set forth in this paragraph. The insurance coverage hereunder shall be obtained through insurance companies licensed to do business in Arkansas and rated not inferior than A-\X according to Best's Insurance Reports. In addition, all policies shall provide that OEA Parties shall receive not less than thirty (30) days prior written notice from the insurer in the event any of the required insurance is to terminate, lapse or expire. City or Franchisee must deliver to the OEA Parties evidence of insurance (ACORD Form 27) prior to entering any such OEA Party's Tract to commence any work on the Facilities.

**DRAWINGS ARE FOR DESIGN INTENT ONLY...**  
**ENGINEERING REQUIRED TO DETERMINE ACTUAL MFG. REQUIREMENTS**



**A DOUBLE-FACED INTERNALLY ILLUMINATED MULTI-TENANT PYLON SIGN | ELEVATION**  
 scale 3/16"=1'-0"

**SIDE VIEW**

**FEDERAL HEALTH SIGN COMPANY**

3965 Danford Road  
 Ocala, FL 34677  
 (813) 855-4415 (800) 284-3284  
 Fax (813) 854-3037

Manufacturing Facilities:  
 Ocala, FL; Evans, TX; Jacksonville, TX; Des Moines, IA

Other Locations:  
 Oklahoma City, OK; San Diego, CA; Las Vegas, NV; Houston, TX; Dallas, TX; Phoenix, AZ; Fort Worth, TX; San Antonio, TX; San Antonio, TX; Houston, TX; Omaha, NE; Indianapolis, IN; Louisville, KY; Knoxville, TN; Columbia, SC; Des Moines, IA; Birmingham, AL; Tampa, FL; Orlando, FL; Tampa, FL; Daytona Beach, FL; Orlando, FL

Building Quality Signage Since 1901

Revisions:  
 01 08 6/14/15 Revise logo spec for Target & Home Depot & install panel details.  
 02 08 6/14/15 Add "Conway Commons" to sign &  
 03 08 7/1/15 Update panel layout.

Account Rep: **BOYD HIPPENSTIEL**  
 Project Manager: **SANDRA RAMIREZ**  
 Drawn By: **JOE KNESTRICK**

Project / Location:



**STORE # T1891**  
**501 ELSINGER BLVD.**  
**CONWAY, AR 72032**

Client Approval Date:  
 Landmark Approval Date:

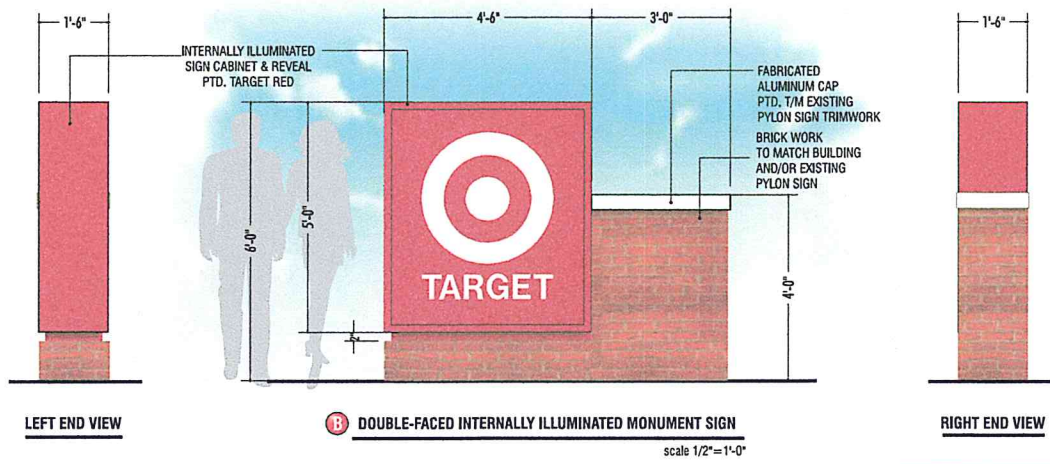
This drawing is prepared as part of a services project and is not to be exhibited, copied or reproduced without the written permission of Federal Health Sign Company, LLC or its authorized agents. © FHS/C  
 Colors Depicted in This Drawing May Not Match Actual Material Products. Refer to Product Samples for Exact Color Match.

Job Number: **23-31689-10**  
 Date: **JUNE 8, 2015**  
 Sheet Number: **1** of **2**

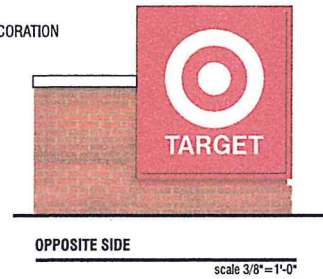
Design Number: **23-31689-10 R3**



**DRAWINGS ARE FOR DESIGN INTENT ONLY...**  
**ENGINEERING REQUIRED TO DETERMINE ACTUAL MFG. REQUIREMENTS**



FACES: CLEAR POLYCARBONATE WITH SECOND SURFACE RED & WHITE VINYL DECORATION



**FEDERAL SIGN COMPANY**  
 www.federalh.com

3965 Tampa Road  
 Odzunk, FL 34677  
 (813) 855-4415 (800) 284-3284  
 Fax (813) 854-3027

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 Houston, TX • Grand Prairie, TX • Irving, TX  
 Louisville, KY • Knoxville, TN • Columbia, SC • Delaware, OH  
 Birmingham, AL • Tampa, FL • Orlando, FL  
 Tampa, FL • Daytona Beach, FL • Orlando, FL

Building Quality Signage Since 1901

Revisions:  
 R1 08/14/15 Revise top spec for Target & Home Depot & add sign sheet 0001  
 R2 08/17/15 Add "Conway Customer" to sign A.  
 R3 08/17/15 Update panel layout.

Account Rep: **BOYD HIPPENSTIEL**  
 Project Manager: **SANDRA RAMIREZ**  
 Drawn By: **JOE KNESTRICK**

Project / Location:  
  
**STORE # T1891**  
**501 ELSINGER BLVD.**  
**CONWAY, AR 72032**

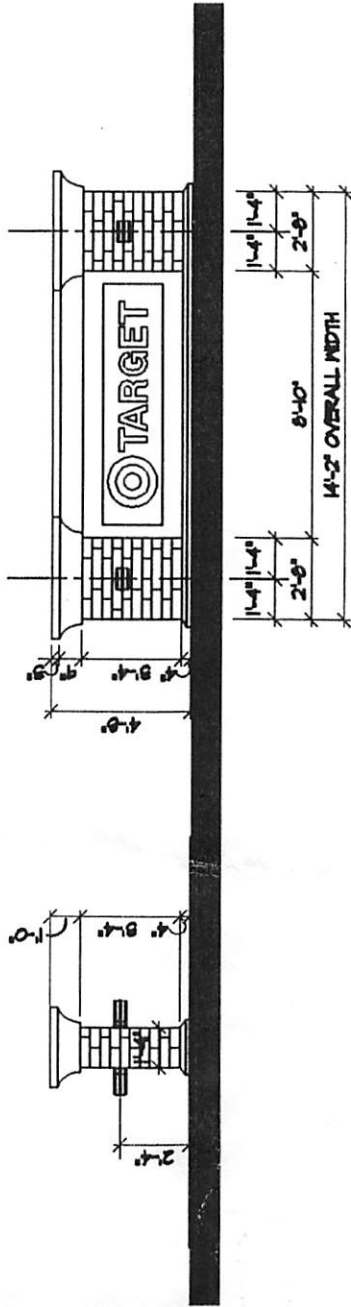
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Client Approval Date: \_\_\_\_\_  
 Landlord Approval Date: \_\_\_\_\_

This original drawing is prepared as part of a planned project and is not to be entitled, copied or reproduced without the written permission of Federal Sign Company LLC or its authorized agent. © FSC  
 Colors Depicted in This Rendering May Not Match Actual Material Finishes Refer to Product Samples For Exact Color Match.

Job Number: **23-31689-10**  
 Date: **JUNE 8, 2015**  
 Sheet Number: **2** Of **2**  
 Design Number: **23-31689-10 R3**





**MONUMENT SIGN PROPOSED ELEVATIONS #2**

# Conway Commons



**ADLER  
VISUAL  
SYSTEMS, INC.**

3319 OLIVE ST.  
ST. LOUIS, MO 63103  
314-535-5544  
FAX 531-6654

CLIENT THF Realty / The Seayco Group

SCALE FULL      DATE 2-20-03

DRAWN BY RJM

DRAWING NUMBER Monument 2-3-03

THESE PLANS ARE THE EXCLUSIVE PROPERTY OF ADLER VISUAL SYSTEMS, INC. AND ARE THE RESULT OF THE ORIGINAL WORK OF ITS EMPLOYEES. THEY ARE SUBMITTED TO YOUR COMPANY FOR THE SOLE PURPOSE OF CONSIDERATION IN PURCHASING A SIGN MANUFACTURED ACCORDING TO THESE PLANS FROM ADLER VISUAL SYSTEMS, INC. DISTRIBUTION OR EXHIBITION OF THESE PLANS TO CONSTRUCT A SIGN SIMILAR TO THE ONE EMBODIED HERE IS EXPRESSLY FORBIDDEN. IN THE EVENT THAT SUCH EXHIBITIONS OCCUR, ADLER VISUAL SYSTEMS, INC. SHALL BE REIMBURSED A MINIMUM OF EIGHT HUNDRED DOLLARS. THE TOTAL AMOUNT OF REIMBURSEMENT WILL BE DETERMINED BY ADDING THE CUMULATIVE TIME OF ALL THE EMPLOYEES WHO HAVE CONTRIBUTED TIME TO DESIGN THESE PLANS AND MULTIPLYING THE TOTAL HOURS BY 60 DOLLARS PER HOUR IN COMPENSATION FOR TIME AND EFFORT ENTAILED IN CREATING THESE PLANS. ANY PARTY WHO VIOLATES THIS COPYRIGHT WILL BE RESPONSIBLE FOR COMPLETE REIMBURSEMENT OF ALL ATTORNEYS AND COURT COSTS TO ADLER VISUAL SYSTEMS, INC.

CUSTOMER APPROVAL      DATE

This Sketch and Display Idea is the Exclusive Property of Adler Visual Systems, Inc. until Purchased as a Finished Product.



1818 OLD STATE ROAD M, BARNHART, MO 63012  
 636-464-0200 Fax: 636-464-9990  
 www.pirossigns.com



# PROPOSAL

## Proposal #: 20175

Proposal Date: 06/01/17  
 Customer #: 5022  
 Page: 1 of 5

SOLD TO:	JOB LOCATION:
TKG MANAGEMENT 17107 CHESTERFIELD AIRPORT RD SUITE 120 CHESTERFIELD MO 63005	Conway Commons  Conway AR 63005

PIROS SIGNS INC. (HEREINAFTER CALLED THE "COMPANY") HEREBY PROPOSES TO FURNISH ALL LABOR, EQUIPMENT AND MATERIALS AS SPECIFIED FOR THE COMPLETION OF:

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
2	<p>QUOTE #14755            Conway Commons 501 Elsinger Blvd Conway, AR 72032: Furnish labor and materials to fabricate the following signage as per renderings supplied by customer-Small Monument sign Option with Crown Molding (Fabrication only)            One LED Illuminated Monument sign measuring OAH of 45" and OAW of 7'. Crown molding is to be approximately 13' wide by 30" deep.</p> <p>Excavation, steel, footing, concrete, brick, etc. is not included in price stated herein.</p> <p>FOB Piros Signs, delivery, special packaging and handling to be in addition to price stated herein.</p> <p>**Does not include external light fixtures like shown on the existing.</p>	\$7,185.00	\$14,370.00
2	<p>QUOTE #14770            Conway Commons 501 Elsinger Blvd Conway, AR 72032: Masonry, footing, installation            Masonry, footing and installation for 4' by 30" by 13' monument sign.</p> <p>**Based on standard brick choices, close as match as possible.</p> <p>**Primary electrical to sign(s) by others not included in price stated herein.</p> <p>**Permits, engineering and fees included in price stated herein. (Estimated)</p>	\$8,725.00	\$17,450.00
1	<p>QUOTE #15261            Conway Commons 501 Elsinger Blvd Conway, AR 72032: Furnish labor and materials to fabricate and install the following signage as per renderings supplied by customer-Large Monument sign Option (Fabrication and Installation) approximate overall height of 51'            One LED Illuminated Pylon sign measuring OAH of 51' and OAW of 15'6".</p> <p>Top cabinets are to be flex face            Lower 2 sections are to be white plastic faces</p> <p>Includes non-lit flat cut letters reading 'CONWAY COMMONS'</p>	\$149,250.00	\$149,250.00

COMPANY INITIALS \_\_\_\_\_

CUSTOMER INITIALS \_\_\_\_\_



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# PROPOSAL

## Proposal #: 20175

Proposal Date: 06/01/17  
 Customer #: 5022  
 Page: 2 of 5

Excavation, steel, footing, concrete, etc. included in price stated herein.

\*Excavation is estimated at (2) 4' diameter x 15' drilled holes with casing and is an estimate and could change once engineering is received.

\*\*Permits, engineering, and fees included in price stated herein. (Estimated, does not include variance if required)

\*\*Brick planter at base of Pylon sign is not included in price stated herein.

\*\*Primary electrical to sign by others not included in price stated herein. Estimated electrical, (4) 20 amp 120 volt circuits.

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED, AND THE ABOVE TO BE IN ACCORDANCE WITH THE DRAWINGS AND OR SPECIFICATIONS SUBMITTED FOR THE ABOVE WORK AND COMPLETED IN A WORKMANLIKE MANNER FOR THE SUM OF:

**TOTAL PROPOSAL AMOUNT: \$181,070.00**

**TERMS: 50.0% DOWN, BALANCE DUE ON COMPLETION**

[1.5% PER MONTH INTEREST CHARGE ON ANY BALANCE 30 DAYS PAST DUE]

NOTE: THIS PROPOSAL MAY BE WITHDRAWN IF NOT ACCEPTED WITHIN 30 DAYS. WORK WILL NOT BEGIN UNTIL DOWN PAYMENT (IF APPLICABLE) AND WRITTEN ACCEPTANCE IS RECEIVED.

ANY ALTERATION FROM THE ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS, WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE TO BE PAID BY THE PURCHASER.

**TERMS AND CONDITIONS**

1. PIROS SIGNS INC. IS A LICENSED SIGN/ELECTRICAL CONTRACTOR AND EMPLOYS UNION SIGN INSTALLERS AND SIGN PAINTERS.
2. WORK AREA TO BE ACCESSIBLE BY PIROS SIGNS EQUIPMENT UNLESS NOTED ABOVE.
3. INSTALLATION OF FOUNDATIONS ARE QUOTED ON FREE AND NORMAL CONDITIONS. INSTALLATION PRICES QUOTED ARE SUBJECT TO REVISION WHERE CONCRETE, EXCESS ROCK, SAND AND OBSTRUCTIONS ARE ENCOUNTERED. FOUNDATIONS THAT REQUIRE EXTRA EXCAVATION OR CAVE IN DUE TO FAULTY SOIL CONDITIONS ARE SUBJECT TO EXTRA CHARGES.
4. PERMITS, PROCUREMENT, AND ANY NECESSARY ENGINEERING NOT INCLUDED IN PRICE UNLESS NOTED ABOVE. PERMITS AND ENGINEERING AT COST, PROCUREMENT TO SECURE PERMITS AT \$75/HOUR. INSPECTION FEE APPLIES FOR ELECTRIC PERMITS IN ST. LOUIS COUNTY/CITY.
5. ACCESS TO WIRING OF SIGN TO BE PER 2008 NATIONAL ELECTRIC CODE STANDARDS FOR ACCESS.
6. PIROS TO MAKE FINAL CONNECTION TO CIRCUIT BROUGHT TO SIGN BY OTHERS UNLESS NOTED ABOVE. IF ELECTRIC IS NOT AVAILABLE AT TIME OF INSTALL PIROS WILL STUB OUT CIRCUIT FOR OTHERS TO CONNECT OR PIROS TO RETURN TO CONNECT AT AN ADDITIONAL TRIP CHARGE.
7. ALL WORK TO BE PERFORMED ON NORMAL BUSINESS HOURS OF M-F, 7:00-3:30 UNLESS NOTED ABOVE.
8. PAYMENT BY CREDIT CARD WILL BE SUBJECT TO A 4.5% SURCHARGE FOR CREDIT CARD PROCESSING FEES.
9. PIROS NOT RESPONSIBLE FOR DAMAGE TO PRIVATE UNDERGROUND UTILITIES UNMARKED BY PUBLIC UTILITY LOCATES.
10. PIROS MAY INVOICE EACH ITEM CALLED FOR IN THE PROPOSAL SEPARATELY UPON COMPLETION IF APPLICABLE.

COMPANY INITIALS \_\_\_\_\_

CUSTOMER INITIALS \_\_\_\_\_



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# PROPOSAL

## Proposal #: 20175

**Proposal Date:** 06/01/17  
**Customer #:** 5022  
**Page:** 3 of 5

11. SKETCHES/DRAWINGS AND ALL PREPARATORY WORK CREATED OR FURNISHED BY PIROS REMAIN ITS EXCLUSIVE PROPERTY AND PASSED TO PURCHASER ONLY UPON TOTAL PERFORMANCE OF THIS AGREEMENT.
12. SIGNAGE/MATERIALS SUPPLIED BY OTHERS WHERE PIROS IS A SUBCONTRACTED INSTALLER SHALL BE U.L. LISTED WITH APPROPRIATE LABELS AND DISCONNECTS AS PER CODE. THE ABOVE MENTIONED SIGNS/MATERIALS ALSO MUST HAVE ALL NECESSARY MATERIALS FOR INSTALL NOT CALLED OUT AS PROVIDED BY PIROS IN THIS PROPOSAL. FAILURE TO SUPPLY THE ABOVE WILL RESULT IN EXTRA CHARGES ON TOP OF THIS PROPOSAL TO SUPPLY MATERIALS NOT PROVIDED, OR BRING TO SIGNS TO MEET CODE.
13. UPON DEFAULT IN THE PAYMENT OF ANY SUMS HEREIN AGREED, PIROS SIGNS INC. MAY, AT ITS OPTION, DECLARE THE ENTIRE BALANCE PRICE FULLY DUE AND PAYABLE WITHOUT FURTHER NOTICE TO CUSTOMER; AND WHEN DECLARED, CUSTOMER AGREES TO PAY INTEREST ON SAID BALANCE, WHEN DECLARED DUE AT THE RATE OF 1.5% PER MONTH OR MAXIMUM PERMITTED BY LAW. CUSTOMER FURTHER AGREES TO PAY ALL REASONABLE COSTS OF COLLECTION OF SAID BALANCE INCURRED BY PIROS, INCLUDING ATTORNEY'S FEES.
14. BOTH PARTIES HERETO AGREE THAT THE TITLE TO SAID ELECTRICAL SIGN SHALL REMAIN IN THE COMPANY UNTIL PAID FOR IN FULL, BUT AFTER DELIVERY TO THE CUSTOMER ALL OF DAMAGE FROM FIRE OR OTHER CAUSES AFTER SAID DELIVERY SHALL BE ASSUMED BY SAID CUSTOMER AND WILL NOT EFFECT THE RIGHTS OF THE COMPANY TO ENFORCE OF THE PURCHASE PRICE THEN UNPAID.
15. ALL PRODUCTS MANUFACTURED OR SUPPLIED BY PIROS SIGNS ARE GUARANTEED AGAINST DEFECTIVE PARTS, MATERIALS AND WORKMANSHIP, WITH EXCEPTION OF LAMPS/LIGHT BULBS AS THEY ARE NEVER GUARANTEED, FOR A PERIOD OF ONE YEAR (1) YEAR.
16. OWNER SHALL BE RESPONSIBLE FOR LOCATING ALL PROPERTY LINES AND UTILITY EASEMENTS LOCATED ON THE LOCATION THE DISPLAY IS TO BE CONSTRUCTED.
17. TITLE TO ALL MATERIALS AND PROPERTY COVERED BY THIS CONTRACT SHALL REMAIN IN PIROS SIGNS INC. AND SHALL NOT BE DEEMED TO CONSTITUTE A PART OF THE REALTY TO WHICH IT MAY BE ATTACHED UNTIL THE PURCHASE PRICE IS PAID IN FULL. IN THE EVENT OF DEFAULT BY BUYER, INCLUDING, BUT NOT LIMITED TO, PAYMENT OF ANY AMOUNTS DUE AND PAYABLE, PIROS SIGNS INC. MAY AT ONCE (AND WITHOUT PROCESS OF LAW) TAKE POSSESSION OF AND REMOVE, AS AND WHEN IT SEES FIT AND WHEREVER FOUND, ALL MATERIAL USED OR INTENDED FOR USE IN THIS CONSTRUCTION OF SAID EQUIPMENT AND ANY AND ALL PROPERTY CALLED FOR IN THIS AGREEMENT WITHOUT BEING DEEMED GUILTY OF TRESPASS.
18. WHEN THIS AGREEMENT IS SIGNED BY A DULY AUTHORIZED PERSON OF EACH PARTY, THIS DOCUMENT SHALL CONSTITUTE A BINDING CONTRACT AND THE ENTIRE AGREEMENT BETWEEN THE PARTIES AND SHALL SUPERSEDE ALL OTHER WRITTEN OR ORAL AGREEMENTS. THE PARTIES AGREE THAT A SIGNATURE COMMUNICATED BY FACSIMILE OR BY EMAIL SHALL HAVE THE SAME EFFECT AS THE ORIGINAL SIGNATURE ON AN ORIGINAL DOCUMENT, AND EITHER PARTY MAY PROVE THE EXISTENCE OF A BINDING CONTRACT BY PRODUCING A COPY THEREOF WITH A SIGNATURE OBTAINED THROUGH ELECTRONIC MEANS (FAX OR EMAIL). THIS CONTRACT SHALL BE GOVERNED BY THE LAWS OF THE STATE OF MISSOURI.

THE ABOVE PRICES, SPECIFICATIONS, AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

SALESPERSON: \_\_\_\_\_

DATE: \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

COMPANY INITIALS \_\_\_\_\_

CUSTOMER INITIALS \_\_\_\_\_



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# DEPOSIT INVOICE

**Invoice #:** DP20175

**Inv Date:** 06/01/17  
**Customer #:** 5022  
**Page:** 4 of 5

SOLD TO:	JOB LOCATION:
TKG MANAGEMENT 17107 CHESTERFIELD AIRPORT RD SUITE 120 CHESTERFIELD MO 63005	Conway Commons  Conway AR 63005

ORDERED BY	PO NUMBER	SALESPERSON	ORDER DATE	PAYMENT TERMS	DUE DATE
		RHONDA KASSEN	02/27/17	50.0% Due Upon Receipt	04/15/17

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
2	<p>QUOTE #14755            Conway Commons 501 Elsinger Blvd Conway, AR 72032: Furnish labor and materials to fabricate the following signage as per renderings supplied by customer-Small Monument sign Option with Crown Molding (Fabrication only)            One LED Illuminated Monument sign measuring OAH of 45" and OAW of 7'. Crown molding is to be approximately 13' wide by 30" deep.</p> <p>Excavation, steel, footing, concrete, brick, etc. is not included in price stated herein.</p> <p>FOB Piros Signs, delivery, special packaging and handling to be in addition to price stated herein.</p> <p>**Does not include external light fixtures like shown on the existing.</p>	\$7,185.00	\$14,370.00
2	<p>QUOTE #14770            Conway Commons 501 Elsinger Blvd Conway, AR 72032: Masonry, footing, installation            Masonry, footing and installation for 4' by 30" by 13' monument sign.</p> <p>**Based on standard brick choices, close as match as possible.</p> <p>**Primary electrical to sign(s) by others not included in price stated herein.</p> <p>**Permits, engineering and fees included in price stated herein. (Estimated)</p>	\$8,725.00	\$17,450.00
1	<p>QUOTE #15261            Conway Commons 501 Elsinger Blvd Conway, AR 72032: Furnish labor and materials to fabricate and install the following signage as per renderings supplied by customer-Large Monument sign Option (Fabrication and Installation) approximate overall height of 51'            One LED Illuminated Pylon sign measuring OAH of 51' and OAW of 15'6".</p> <p>Top cabinets are to be flex face            Lower 2 sections are to be white plastic faces</p> <p>Includes non-lit flat cut letters reading 'CONWAY COMMONS'</p>	\$149,250.00	\$149,250.00

PLEASE PAY THIS DEPOSIT AMOUNT:	Continued
---------------------------------	-----------



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 636-464-0200 Fax: 636-464-9990  
 www.pirossigns.com



# DEPOSIT INVOICE

**Invoice #:** DP20175

**Inv Date:** 06/01/17  
**Customer #:** 5022  
**Page:** 5 of 5

SOLD TO:	JOB LOCATION:
TKG MANAGEMENT 17107 CHESTERFIELD AIRPORT RD SUITE 120 CHESTERFIELD MO 63005	Conway Commons  Conway AR 63005

ORDERED BY	PO NUMBER	SALESPERSON	ORDER DATE	PAYMENT TERMS	DUE DATE
		RHONDA KASSEN	02/27/17	50.0% Due Upon Receipt	04/15/17

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
	<p>Excavation, steel, footing, concrete, etc. included in price stated herein.</p> <p>*Excavation is estimated at (2) 4' diameter x 15' drilled holes with casing and is an estimate and could change once engineering is received.</p> <p>**Permits, engineering, and fees included in price stated herein. (Estimated, does not include variance if required)</p> <p>**Brick planter at base of Pylon sign is not included in price stated herein.</p> <p>**Primary electrical to sign by others not included in price stated herein. Estimated electrical, (4) 20 amp 120 volt circuits.</p>		
	<p>TOTAL PROPOSAL AMOUNT</p> <p>*** FINAL INVOICE AMOUNT MAY VARY UPON COMPLETION ***</p>		<p>----- \$181,070.00</p>

<b>PLEASE PAY THIS DEPOSIT AMOUNT:</b>	<b>\$90,535.00</b>
--	--------------------



**City of Conway, Arkansas  
Ordinance No. O-17-\_\_\_\_\_**

**AN ORDINANCE ENTERING INTO A CONTRACT WITH LITTLE ROCK LANDSCAPING, INC. FOR CONWAY COMMONS LANDSCAPE REPLACEMENT, WAIVE THE REQUIREMENT TO OBTAIN COMPETITIVE BIDS; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES**

**Whereas**, The City of Conway Street has committed to replacing the landscaping and irrigation system removed and damaged in and adjacent to the Target parking lot in Conway Commons Shopping Center by the construction of the 6<sup>th</sup> Street I-40 overpass and related Elsinger – Amity Roundabout;

**Whereas** the City of Conway has advertised for bids for the Conway Commons Landscape Restoration and on two separate occasions (Bid No. 2017-13 and Bid 2017-21) and has not received a responsive bid for Conway Commons Landscape Replacement project; and

**Whereas**, the climate conditions are nearing the time of year when landscape installation is no longer appropriate.

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

**Section 1.** The City of Conway hereby waives the requirement of obtaining competitive bids and authorizes the Mayor to enter into an agreement with Little Rock Landscape, Inc. to install the landscaping items and related irrigation system as follows:

Landscaping Plants, materials and installation as per Plans	\$40,200
Added Irrigation System	\$13,080
Repair and Reconnection to Existing Irrigation System	<u>\$5,000</u>
TOTAL ESTIMATED AMOUNT*	\$58,280

\*The amount above is an estimate. Actual payment will be based on time and materials paid at the rates shown in the approved quote.

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

**Section 3.** This ordinance is necessary of 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 10<sup>th</sup> day of October 2017.

**Approved:**

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

**Attest:**

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



10.4.2017

# Memo

To  
Bart Castleberry

From  
B. Finley Vinson, P.E.

CC  
Felicia Rogers

Re  
6<sup>th</sup> Street Overpass  
Landscaping

**Comments:**

Bids were received at 10:00 AM, Wednesday, September 6, 2017 for the above referenced project. The project work involved restoration of landscaping damaged or destroyed by the construction of the 6th Street Overpass and related work. The overpass work not only removed the landscaping along the southern limits of the Target site but also damaged and made much of the irrigation system inoperable. The inoperable irrigation system resulted in numerous trees, shrubs and plant material dying or in distress. Only one bid was received, which is summarized as follows:

AR Trison Group, LLC:		
Listed plant and materials cost		\$54,040.21
Demolition & Installation @ \$300.00 Per Hour – Est. Cost		\$48,000.00
Travel \$70.00 Per Hour - Est Cost		\$1,400.00
Deliver of Supplies, Materials, Equipment & Haul-Off		
@ hourly equipment rates listed	Est. Cost	\$4,200.00
Subtotal Landscaping - (Not firm bid but estimate)		\$107,640.21
Irrigation System (not included in bid proposal documents)		
Irrigation System Materials		\$23,901.54
Irrigation System Installation (Hourly rates - not firm bid)		\$15,960.00
Subtotal Irrigation System (Not firm bid)		\$39,861.54

Unfortunately, this bid did not comply with the project specifications and was dependent on performing the work in an unlimited period of time at hourly rates provided. This is the second bid for this work; no response was received for the advertisement in June.

I recommend that this bid be rejected and suggest that we consider a proposal that our Landscape Architect Consultant (Barry Williams with Crafton Tull) negotiated with Little Rock Landscape Inc. This Proposal restores the damaged landscaping and irrigation system to preconstruction conditions. Due to the lack of information about the original irrigation system, the portion of the proposal dealing with repair and connections to the existing system is a budget estimate. The final amount billed will be based on the actual time spent performing this repair work multiplied times the hourly rate provided. We will likely need to waive bids and rely upon our consultant’s knowledge of the contractor’s work and expertise and value of work included in the proposal.



The Proposal by Little Rock Landscape is summarized as follows:

Landscaping Plants, materials and installation as per Plans	\$40,200
Added Irrigation System	\$13,080
Repair and Reconnection to Existing Irrigation System	\$5,000
<b>TOTAL ESTIMATED AMOUNT</b>	<b>\$58,280</b>

Note that amount for Repair and Reconnection to Existing Irrigation System will be based on an hourly rate of \$160 per hour multiplies times the amount of time required to perform the work.

All recommended work is included in the original project estimate and will be paid for out of the pay as you go sales tax. Please don't hesitate to contact me if you have questions or need additional information.

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Lawn Sprinkler Systems \* Landscaping and Maintenance \* Residential and Commercial

## 39 Years Little Rocks Best

### 1978-2017

9126 Hwy. 5 North  
 Alexander, Arkansas 72002  
 501-847-4820 \* (fax) 501-407-9226  
 Contractors License Number : 0025080417  
 Tax ID #71 0499365

DATE	September 26, 2017
TO	City of Conway
Cell	
RE:	Conway Commons Target
SCOPE: Landscape & Irrigation	
<p><b>Landscape:</b> Per Drawn Plans</p> <ul style="list-style-type: none"> <li>• Trees</li> </ul> <p>River Birch - \$240.00          Chinese Pistache - \$250.00          Shumard Red Oak - \$350.00          Canaerti Juniper - \$220.00          Wax myrtle - \$240.00</p> <ul style="list-style-type: none"> <li>• Plants, 3 gal-\$13.00, 5 &amp; 7 gal-\$30.00</li> <li>• Groundcovers, \$7.00 unit price</li> <li>• Topsoil (4" sod, 6" beds) \$24.00 a cu yd</li> <li>• Sod (Bermuda) 2,000 yd allowance. \$2.50 a yd unit price</li> <li>• Hardwood Mulch (Hardwood) \$45.00 a yd unit price</li> <li>• Steel Edging \$3.00 In ft</li> </ul> <p>TOTAL Landscape: \$40,200.00 Tax included          \$160.00 an hour rate for a 4 man crew. Plus material</p> <p><b>Exclusions:</b></p> <ul style="list-style-type: none"> <li>• Sub-grade work</li> <li>• Grade stakes or hubs</li> </ul>	

**Irrigation: Fully Automatic Rainbird Irrigation System**

- Based on a 12 zone System

**TOTAL IRRIGATION: \$13,080.00** Tax included

We can investigate and determine the vitality of the existing system at a later date if wanted. Hourly rates will apply. \$160.00 an hour rate for a 4 man crew. Plus material. We can not guarantee the existing system as we do not have current up to date drawings and can't confirm whether or not the existing system was actually operational prior to construction. We are placing a \$5,000 estimate to repair the existing system

**Exclusions:**

- **Water meter**
- **Electrical for controller**
- **Sleeving**

**Total: \$58,280.00 Tax Included**

*Thank you for allowing us to serve you and your Landscape & Irrigation needs*

**Tony Knight**  
**President**  
[tony@lrlandscape.com](mailto:tony@lrlandscape.com)  
**501.350.4616**

**Tim Bennefeld**  
**Director of Operations**  
[tim@lrlandscape.com](mailto:tim@lrlandscape.com)  
**501.517.3838**



**City of Conway, Arkansas**  
**Resolution No. R-17-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MILLAGE RATE OF A VOLUNTARY PROPERTY TAX FOR THE PURPOSE OF OPERATING THE CITY OF CONWAY ANIMAL WELFARE SHELTER, FOR THE YEAR 2017 TO BE COLLECTED IN 2018**

**Whereas**, Ark. Code Ann. § 26-25-102 provides that a city may levy a voluntary property tax on the real and personal property located within the city for the City of Conway Animal Welfare Shelter, in any one year, pursuant to the provisions of the Arkansas Constitution; and

**Whereas**, Ark. Code Ann. § 26-73-202 requires the City Council of any municipal corporation to make out and certify to the county clerk the rate of taxation levied by the city on all the real and personal property within the city; and

**Whereas**, by vote of the electors of the City of Conway, Arkansas, at Special Election held on November 5<sup>th</sup>, 1968, and that the Mayor is hereby ordered and directed to certify the same to the County Clerk, and authorize the Quorum Court of Faulkner County to levy said tax for the year 2017 to be collected in 2018.

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

**Section 1:** The voluntary property tax rate for the City of Conway Animal Welfare Shelter on the real and personal property situated within the city and to be collected in the year 2018 shall be fixed and levied at the rate of Two Tenths (.2) mill on each dollar of assessed value of real and personal property.

**Section 2:** The rate of taxation levied herein on the real and personal property within the city shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected.

**Section 3:** The Quorum Court of Faulkner County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the City of Conway, for the year 2017, to be collected in 2018, at its regular meeting in November according to law.

Passed this 10<sup>th</sup> day of October, 2017.

**Approved:**

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

**Attest:**

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



**City of Conway, Arkansas  
Resolution No. R-17-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MILLAGE RATE OF A VOLUNTARY PROPERTY TAX FOR THE PURPOSE OF OPERATING THE CITY OF CONWAY PUBLIC RECREATION AND PLAYGROUNDS, FOR THE YEAR 2017 TO BE COLLECTED IN 2018**

**Whereas**, Ark. Code Ann. § 26-25-102 provides that a city may levy a voluntary property tax on the real and personal property located within the city for the City of Conway Public Recreation and Playgrounds, in any one year, pursuant to the provisions of the Arkansas Constitution; and

**Whereas**, Ark. Code Ann. § 26-73-202 requires the City Council of any municipal corporation to make out and certify to the county clerk the rate of taxation levied by the city on all the real and personal property within the city; and

**Whereas**, by vote of the electors of the City of Conway, Arkansas, at Special Election held on October 27<sup>th</sup>, 1964 under the provisions of Ordinance No. A-418, and that the Mayor is hereby ordered and directed to certify the same to the County Clerk, and authorize the Quorum Court of Faulkner County to levy said tax for the year 2017 to be collected in 2018.

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

**Section 1:** The voluntary property tax rate for the City of Conway public recreation and playgrounds on the real and personal property situated within the city and to be collected in the year 2018 shall be fixed and levied at the rate of **Four-Tenth's (.4) mill** on each dollar of assessed value of real and personal property.

**Section 2:** The rate of taxation levied herein on the real and personal property within the city shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected.

**Section 3:** The Quorum Court of Faulkner County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the City of Conway, for the year 2017, to be collected in 2018, at its regular meeting in November according to law.

Passed this 10<sup>th</sup> day of October, 2017.

**Approved:**

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

**Attest:**

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



**City of Conway, Arkansas  
Resolution No. R-17-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MILLAGE RATE OF A VOLUNTARY PROPERTY TAX FOR THE PURPOSE OF OPERATING AND MAINTAINING THE CITY OF CONWAY CEMETERIES, FOR THE YEAR 2017 TO BE COLLECTED IN 2018.**

**Whereas**, Ark. Code Ann. §26-25-102 provides that a city may levy a **voluntary** property tax on the real and personal property located within the city for the **City of Conway Cemeteries**, in any one year, pursuant to the provisions of the Arkansas Constitution; and

**Whereas**, Ark. Code Ann. §26-73-202 requires the City Council of any municipal corporation to make out and certify to the county clerk the rate of taxation levied by the city on all the real and personal property within the city; and

**Whereas**, the City Council has determined that it is in the best interests of the City of Conway and its citizens to levy the rate of voluntary taxation on the real and personal property located within the said city as set forth herein, and to certify the same to the County Clerk, and authorize the Quorum Court of Faulkner County to levy said tax for the year 2017 to be collected in 2018.

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

Section 1: The voluntary property tax rate for the City of Conway Cemeteries on the real and personal property situated within the city and to be collected in the year 2018 shall be fixed and levied at the rate of **Four-Tenth's (.4) mill** on each dollar of assessed value of real and personal property.

Section 2: The rate of taxation levied herein on the real and personal property within the city shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected.

Section 3: The Quorum Court of Faulkner County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the City of Conway, for the year 2017, to be collected in 2018, at its regular meeting in November according to law.

Passed this 10<sup>th</sup> day of October, 2017.

**Approved:**

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

**Attest:**

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



**City of Conway, Arkansas  
Resolution No. R-17-\_\_\_**

**A RESOLUTION AUTHORIZING THE MILLAGE RATE OF PROPERTY TAX FOR THE CITY OF CONWAY POLICE OFFICER PENSION, FOR THE YEAR 2017 TO BE COLLECTED IN 2018**

**Whereas**, Ark. Code Ann. § 26-25-102 provides that a city may levy a tax on the real and personal property located within the city for the City of Conway Police Officer Pension and Relief Fund, in any one year, pursuant to the provisions of the Arkansas Constitution; and

**Whereas**, Ark. Code Ann. § 26-73-202 requires the City Council of any municipal corporation to make out and certify to the county clerk the rate of taxation levied by the city on all the real and personal property within the city; and

**Whereas**, by vote of the electors of the City of Conway, Arkansas, at General Election held on November 4<sup>th</sup>, 1958, and that the Mayor is hereby ordered and directed to certify the same to the County Clerk, and authorize the Quorum Court of Faulkner County to levy said tax for the year 2017 to be collected in 2018.

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

Section 1: The property tax rate for the City of Conway Policeman’s Pension and Relief Fund on the real and personal property situated within the city and to be collected in the year 2018 shall be fixed and levied at the rate of Four-Tenth’s (.4) mill on each dollar of assessed value of real and personal property.

Section 2: The rate of taxation levied herein on the real and personal property within the city shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected.

Section 3: The Quorum Court of Faulkner County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the City of Conway, for the year 2017, to be collected in 2018, at its regular meeting in November according to law.

Passed this 10<sup>th</sup> day of October, 2017.

**Approved:**

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

**Attest:**

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





**City of Conway, Arkansas**  
**Resolution No. R-17-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MILLAGE RATE OF PROPERTY TAX FOR THE CITY OF CONWAY FIRE FIGHTER'S PENSION AND RELIEF FUND, FOR THE YEAR 2017 TO BE COLLECTED IN 2018**

**Whereas**, Ark. Code Ann. § 26-25-102 provides that a city may levy a tax on the real and personal property located within the city for the City of Conway Fire Fighter's Pension and Relief Fund, in any one year, pursuant to the provisions of the Arkansas Constitution; and

**Whereas**, Ark. Code Ann. § 26-73-202 requires the City Council of any municipal corporation to make out and certify to the county clerk the rate of taxation levied by the city on all the real and personal property within the city; and

**Whereas**, by vote of the electors of the City of Conway, Arkansas, at Special Election held on May 3<sup>rd</sup>, 1966, and that the Mayor is hereby ordered and directed to certify the same to the County Clerk, and authorize the Quorum Court of Faulkner County to levy said tax for the year 2017 to be collected in 2018.

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

**Section 1:** The property tax rate for the City of Conway Fire Fighters Pension and Relief Fund on the real and personal property situated within the city and to be collected in the year 2018 shall be fixed and levied at the rate of Four-Tenth's (.4) mill on each dollar of assessed value of real and personal property.

**Section 2:** The rate of taxation levied herein on the real and personal property within the city shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected.

**Section 3:** The Quorum Court of Faulkner County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the City of Conway, for the year 2017, to be collected in 2018, at its regular meeting in November according to law.

Passed this 10<sup>th</sup> day of October, 2017.

**Approved:**

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

**Attest:**

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



**City of Conway, Arkansas**  
**Resolution No. R-17- \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MILLAGE RATE OF PROPERTY TAX FOR THE CITY OF CONWAY NON-UNIFORM PENSION AND RELIEF FUND, FOR THE YEAR 2017 TO BE COLLECTED IN 2018**

**Whereas**, Ark. Code Ann. § 26-25-102 provides that a city may levy a tax on the real and personal property located within the city for the Conway Paid Non-Uniformed Pension and Relief Fund, in any one year, pursuant to the provisions of the Arkansas Constitution; and

**Whereas**, Ark. Code Ann. § 26-73-202 requires the City Council of any municipal corporation to make out and certify to the county clerk the rate of taxation levied by the city on all the real and personal property within the city; and

**Whereas**, by vote of the electors of the City of Conway, Arkansas, at Special Election held on May 3<sup>rd</sup>, 1966, and that the Mayor is hereby ordered and directed to certify the same to the County Clerk, and authorize the Quorum Court of Faulkner County to levy said tax for the year 2017 to be collected in 2018.

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

**Section 1:** The property tax rate for the City of Conway Paid Non-Uniformed Pension and Relief Fund on the real and personal property situated within the city and to be collected in the year 2018 shall be fixed and levied at the rate of Four Tenth's (.4) mill on each dollar of assessed value of real and personal property.

**Section 2:** The rate of taxation levied herein on the real and personal property within the city shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected.

**Section 3:** The Quorum Court of Faulkner County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the City of Conway, for the year 2017, to be collected in 2018, at its regular meeting in November according to law.

Passed this 10<sup>th</sup> day of October, 2017.

**Approved:**

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

**Attest:**

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



**City of Conway, Arkansas  
Resolution No. R-17- \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MILLAGE RATE OF PROPERTY TAX FOR THE CITY OF  
CONWAY, ARKANSAS FOR THE YEAR 2017 TO BE COLLECTED IN 2018**

**Whereas**, Ark. Code Ann. § 26-25-102 provides that a city may levy a tax on the real and personal property located within the city for the purpose of raising **General Fund revenues** in any one year, pursuant to the provisions of the Arkansas Constitution; and

**Whereas**, Ark. Code Ann. § 26-73-202 requires the City Council of any municipal corporation to make out and certify to the county clerk the rate of taxation levied by the city on all the real and personal property within the city; and

**Whereas**, the City Council has determined that it is in the best interests of the City of Conway and its citizens to levy the rate of taxation on the real and personal property located within the said city as set forth herein, and to certify the same to the County Clerk, and authorize the Quorum Court of Faulkner County to levy said tax for the year 2017 to be collected in 2018.

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

**Section 1:** The property tax rate for the City of Conway **General Fund Revenue** on the real and personal property situated within the city and to be collected in the year 2018 shall be fixed and levied at the rate of **Three (3.0) mill** on each dollar of assessed value of real and personal property.

**Section 2:** The rate of taxation levied herein on the real and personal property within the city shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected.

**Section 3:** The Quorum Court of Faulkner County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the City of Conway, for the year 2017, to be collected in 2018, at its regular meeting in November according to law.

Passed this 10<sup>th</sup> day of October, 2017.

**Approved:**

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

**Attest:**

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



**City of Conway, Arkansas  
Ordinance No. O-17-\_\_\_\_\_**

**AN ORDINANCE REPEALING ORDINANCE NO. O-14-118;  
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**Whereas**, the City of Conway, Arkansas has determined it necessary to repeal Conway City Ordinance No. O-14-118 in order to allowing the Conway Police Department to more efficiently and effectively manage the nonconsent tow requests within the city limits.

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

**Section 1.** The City of Conway shall repeal Ordinance No. O-14-118 (an ordinance providing for Nonconsensual Tow Rotation within the city limits).

**Section 2.** That with regard to future administration of the nonconsent towing needs of the City of Conway, the Conway Police Department will enact and administer a nonconsent tow policy as required by Arkansas law.

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

**Section 4.** That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

**PASSED** this 10<sup>th</sup> day of October 2017.

**Approved:**

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

**Attest:**

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