

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



**City Council Members**

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

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**Tuesday, September 24<sup>th</sup>, 2019 City Council Agenda**

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

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<b><u>5:30pm:</u></b>	<b>No Committee Meeting</b>
<b><u>6:30pm:</u></b>	City Council Meeting
<b><u>Call to Order:</u></b>	Bart Castleberry, Mayor
<b><u>Roll Call:</u></b>	Michael O. Garrett, Clerk/Treasurer
<b><u>Minutes Approval:</u></b>	September 10 <sup>th</sup> , 2019
<b><u>Monthly Financial Report:</u></b>	Month ending August 31 <sup>st</sup> , 2019

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**Report of Standing Committees:**

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

1. Resolution acknowledging the intent of the City of Conway for the purpose of assisting in the financing of industry facility expansion of SFI Arkansas.
2. Consideration to approve the nomination of Jennifer Welter to the Housing Authority board.
3. Resolution requesting Faulkner County Tax Collector place a lien against property located at various properties for expenses incurred by the City.
4. Resolution to condemn the structure located at 475 East Robins #183.
5. Ordinance appropriating funds for the Faulkner County Council on Aging for transportation services.
6. Ordinance to rezone +/- 10.81 acres located at the northeast corner of the intersection of McNutt Road and London Road from I-1 to R-2.
7. Ordinance to rezone property located at 2012 Martin Street from R-2A to R-2.
8. Consideration to approve a conditional use permit to allow a childcare facility in the R-2 zoning district for property located at 2012 Martin Street.
9. Consideration to approve a conditional use permit to allow a cellular transmission tower in the C-3 zoning district for property located at 3800 Prince Street.
10. Consideration to amend the master street and trail plan to adjust street alignments in Central Landing area.

**New Business**

1. Ordinance to approve changes in the Nonuniform Pension Plan. (***Ordinance will be provided at the meeting***)

**Adjournment**



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

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



Revenues	Budget	Month	Year to	Encumbered	(Over)/Under	%
		Activity	Date		Budget	Expend/Collect
Ad Valorem Tax	4,000,000	79,342	2,190,740		1,809,260	55%
Payments in Lieu of Tax	20,000	-	-		20,000	0%
State Tax Turnback	930,000	54,437	611,286		318,714	66%
Insurance Tax Turnback - LOPFI	1,300,000	317,704	638,903		661,097	49%
Sales Tax	19,750,000	1,789,702	13,551,287		6,198,713	69%
Beverage Tax	450,000	-	237,827		212,173	53%
Franchise Fees	3,409,000	310,511	2,308,964		1,100,036	68%
Permits	441,500	45,123	450,223		(8,723)	102%
ACIEA Revenues	2,500	2,482	5,373		(2,873)	215%
Dog Tags & Fees	30,000	3,650	17,800		12,200	59%
Municipal Court Fines and Fees	959,000	46,768	449,640		509,360	47%
Law Enforcement	865,009	107,772	455,975		409,033	53%
Parks	600,500	117,145	550,050		50,450	92%
Interest Income	102,500	16,150	147,886		(45,386)	144%
Proceeds from Sale of Assets	3,135	(200)	19,939		(16,804)	636.0%
Insurance Proceeds	30,134	15,050	27,746		2,388	92%
Donations	8,800	2,000	5,900		2,900	67%
Act 833 Revenue	90,000	82,461	82,461		7,539	92%
Miscellaneous Revenues	147,500	19,783	106,141		41,359	72%
Transfers from Other Funds	723,000	35,250	290,061		432,939	40%
<b>Total Revenues</b>	<b>33,862,577</b>	<b>3,045,130</b>	<b>22,148,203</b>	<b>-</b>	<b>11,714,374</b>	<b>65%</b>
<b>Expenditures</b>						
Admin (Mayor, HR)	3,548,286	208,624	1,030,000	105,401	2,412,885	29%
Finance	435,941	39,094	273,197	-	162,744	63%
City Clerk/Treasurer	145,569	10,904	94,163	-	51,406	65%
City Council	103,031	6,097	52,222	-	50,809	51%
Planning	546,122	27,202	298,332	430	247,360	55%
Physical Plant	548,775	42,665	328,024	2,056	218,694	60%
Information Technology	1,051,439	145,366	727,431	7,068	316,940	69%
Permits and Inspections	620,759	43,625	369,522	179	251,057	60%
Nondepartmental	671,221	166,273	632,812	1,836	36,573	94%
Police	12,373,785	861,374	8,263,044	48,229	4,062,512	67%
CEOC	1,261,613	91,034	723,833	4,590	533,191	57%
Animal Welfare	481,225	34,333	301,223	1,270	178,733	63%
Municipal District Court	951,567	81,264	653,090	1,060	297,417	69%
City Attorney	478,065	35,688	312,395	825	164,845	65%
Fire	10,335,146	695,489	6,609,016	107,033	3,619,097	64%
Parks	3,118,156	262,232	1,971,693	44,014	1,102,450	63%
<b>Total Expenditures</b>	<b>36,670,700</b>	<b>2,751,263</b>	<b>22,639,998</b>	<b>323,990</b>	<b>13,706,712</b>	<b>62%</b>
<b>Net Revenue/(Expense)</b>	<b>(2,808,123)</b>		<b>(491,795)</b>			

\*All figures are unaudited

Notes:

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

City of Conway  
General Fund  
2019



Fund Balance Appropriations

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

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



Cash - Operating	5,133,989
Cash - Reserve	2,098,810
Petty Cash	715
Taxes Receivable	3,689,445
Accounts Receivable	5,100,197
Due from Other Funds	(7,393)
Due from Street	14,353
Due from Component Unit	216,783
Fleet Inventory	15,539
Fuel Inventory	15,137
General Inventory	585
<b><i>Assets</i></b>	<b><u>16,278,160</u></b>
Accounts Payable	(50,841)
Salaries Payable	289,622
Insurance and Benefits Payable	22,178
Held for Others - Performance Bonds	45
Held for Others - Crimestopper Reward	5,000
Event Deposits	2,000
Due to Other Funds	11,196
Deferred Revenue	4,644,796
<b><i>Liabilities</i></b>	<b><u>4,923,996</u></b>
Fund Balance - Committed to cash flow	2,000,000
Fund Balance - Committed to reserve	2,000,000
Fund Balance - Unassigned	7,354,165
<b><i>Fund Balance</i></b>	<b><u>11,354,165</u></b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>16,278,160</u></b>

\*All figures are unaudited

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



Revenues	Budget	Month	Year to	Encumbered	(Over)/Under	%
		Activity	Date		Budget	Expend/Collect
Ad Valorem Tax	1,500,000	29,195	597,537		902,463	40%
Payments in Lieu of Tax	8,000	-	-		8,000	0%
State Tax Turnback	2,683,474	235,938	1,776,418		907,056	66%
AHTD 1/2 Cent Sales Tax Turnback	1,320,000	116,715	932,047		387,953	71%
Severance Tax	120,000	6,685	94,376		25,624	79%
Sales Tax	270,000	25,077	189,878		80,122	70%
State Grant Revenues	133,859	-	133,859		-	100%
Sign Permits	-	-	660		(660)	-
Engineering Fees	10,000	4,850	13,150		(3,150)	132%
Insurance Proceeds	-	-	85		(85)	-
Interest Income	96,000	11,898	95,096		904	99%
Proceeds from Sale of Assets		8,460	8,460		(8,460)	-
Miscellaneous Revenues	842	-	842		-	100%
<b>Total Revenues</b>	<b>6,142,175</b>	<b>438,817</b>	<b>3,842,408</b>	<b>-</b>	<b>2,299,767</b>	<b>63%</b>
<b>Expenditures</b>						
Personnel Costs	2,902,800	184,128	1,511,740	-	1,391,060	52%
Other Operating Costs	2,440,322	163,285	1,382,786	560,475	497,062	57%
Total Operating Costs	5,343,122	347,413	2,894,526	560,475	1,888,121	54%
Capital Outlay	1,710,940	24,748	120,724	156,131	1,434,084	7%
<b>Total Expenditures</b>	<b>7,054,061</b>	<b>372,161</b>	<b>3,015,250</b>	<b>716,606</b>	<b>3,322,205</b>	<b>43%</b>
<b>Net Revenue/(Expense)</b>	<b>(911,887)</b>		<b>827,158</b>			

\*All figures are unaudited

Notes:

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

City of Conway  
Street Fund  
2019



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-19-46	5/28/19	Contracts for herbicide application & landscape maint	121,475
O-19-47	5/28/19	Contract for construction observation	87,500
O-19-63	6/25/19	Tyler Street improvements	256,253
			<u>\$ 465,228</u>

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



Cash - Operating	5,421,855
Taxes Receivable	50,824
Accounts Receivable	1,715,828
Due from Other Funds	(9,153)
<b><i>Assets</i></b>	<b><u>7,179,354</u></b>
Salaries Payable	19,899
Insurance and Benefits Payable	5,774
Due to Other Funds	2,189
Due to General	13,852
Deferred Revenue	1,363,995
<b><i>Liabilities</i></b>	<b><u>1,405,708</u></b>
<b><i>Fund Balance</i></b>	<b>5,773,646</b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>7,179,354</u></b>

\*All figures are unaudited



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



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
<b>Revenues</b>						
Sanitation Fees	9,000,000	822,211	6,171,953		2,828,047	69%
Proceeds - Recycled Materials	400,000	11,757	285,920		114,080	71%
Landfill Fees - General	200,000	15,131	115,686		84,314	58%
Insurance Proceeds	-	-	5,313		(5,313)	-
Interest Income	100,000	29,405	250,765		(150,765)	251%
Proceeds from Sale of Assets	-	40,650	40,800		(40,800)	-
Miscellaneous Revenues	-	1,213	1,340		(1,340)	-
<b>Total Revenues</b>	<b>9,700,000</b>	<b>920,367</b>	<b>6,871,777</b>	<b>-</b>	<b>2,828,223</b>	<b>71%</b>
<b>Expenditures</b>						
Personnel Costs	4,630,294	322,045	2,871,096	-	1,759,198	62%
Other Operating Costs	<u>3,027,500</u>	<u>194,901</u>	<u>1,617,499</u>	<u>104,031</u>	<u>1,305,970</u>	<u>53%</u>
Total Operating Costs	7,657,794	516,946	4,488,594	104,031	3,065,169	59%
Capital Outlay	<u>3,482,193</u>	<u>16,296</u>	<u>345,713</u>	<u>1,424,330</u>	<u>1,712,150</u>	<u>10%</u>
<b>Total Expenditures</b>	<b>11,139,987</b>	<b>533,242</b>	<b>4,834,307</b>	<b>1,528,361</b>	<b>4,777,319</b>	<b>43%</b>
<b>Net Revenue/(Expense)</b>	(1,439,987)		<u><u>2,037,470</u></u>			

\*All figures are unaudited

Notes:

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

City of Conway  
Sanitation Fund  
2019

Fund Balance Appropriations



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

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



Cash - Operating	8,741,544
Petty Cash	200
Post Closure Cash Account	5,870,718
Accounts Receivable	(6,215)
Due from Other Funds	(537)
Due from Component Unit	789,483
General Inventory	2,122
Land & Buildings	2,267,481
Infrastructure	950,578
Machinery and Equipment	3,672,442
Vehicles	331,509
Deferred Outflows of Resources	2,025,687
<b><i>Assets</i></b>	<b><u>24,645,011</u></b>
Accounts Payable	3,988
Salaries Payable	45,280
Insurance and Benefits Payable	15,426
Compensated Absences	168,607
Net Pension Obligation	10,673,533
Deferred Inflows of Resources	1,644,081
Due to Other Funds	6,370
Landfill Close/Post Close	8,621,822
<b><i>Liabilities</i></b>	<b><u>21,179,108</u></b>
<b><i>Net Assets</i></b>	<b><u>3,465,903</u></b>
<b><i>Total Liabilities and Net Assets</i></b>	<b><u>24,645,011</u></b>

\*All figures are unaudited

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

City of Conway  
 Monthly Financial Report - Airport  
 For the month ended August 31, 2019



<b>Revenues</b>	<b><u>Budget</u></b>	<b><u>Month</u> <u>Activity</u></b>	<b><u>Year to</u> <u>Date</u></b>	<b><u>Encumbered</u></b>	<b><u>(Over)/Under</u> <u>Budget</u></b>	<b><u>%</u> <u>Expend/Collect</u></b>
Sales Tax	13,000	1,153	11,563		1,437	89%
Airport Fuel Sales	900,000	70,071	479,093		420,907	53%
T-Hangar Rent	118,000	14,438	60,052		57,948	51%
Community Hangar Rent	25,000	2,800	16,100		8,900	64%
Ground Leases	125,000	-	60,984		64,016	49%
Miscellaneous Revenues	13,000	1,889	8,690		4,310	67%
<b>Total Revenues</b>	<b>1,194,000</b>	<b>90,351</b>	<b>636,482</b>	<b>-</b>	<b>557,518</b>	<b>53%</b>
<b>Expenditures</b>						
Personnel Costs	309,701	24,891	182,120	-	127,581	59%
Fuel for Resale	701,000	37,441	388,444	-	312,556	55%
Other Operating Costs	182,450	22,340	93,003	11,108	78,339	51%
Total Operating Costs	1,193,151	84,672	663,567	11,108	518,477	56%
Capital Outlay	32,000	-	19,746	-	12,254	0%
<b>Total Expenditures</b>	<b>1,225,151</b>	<b>84,672</b>	<b>683,313</b>	<b>11,108</b>	<b>530,730</b>	<b>56%</b>
<b>Net Revenue/(Expense)</b>	<b>(31,151)</b>		<b><u>(46,831)</u></b>			

\*All figures are unaudited

Notes:

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

City of Conway  
Airport Fund  
2019



Fund Balance Appropriations

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

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



Cash - Operating	194,421
Taxes Receivable	2,102
Accounts Receivable - Fuel Vendor	108,791
Land	1,254,473
Buildings	4,204,034
Machinery & Equipment	736,087
Vehicles	9,141
Infrastructure	23,962,938
<b><i>Assets</i></b>	<b><u>30,471,988</u></b>
Salaries Payable	3,230
Insurance and Benefits Payable	2,667
Compensated Absences	5,127
Due to General	1,289
<b><i>Liabilities</i></b>	<b><u>12,313</u></b>
<b><i>Fund Balance</i></b>	<b>30,459,675</b>
<b><i>Total Liabilities &amp; Fund Balance</i></b>	<b><u>30,471,988</u></b>

\*All figures are unaudited

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

City of Conway  
Monthly Financial Report - Major Project Funds  
As of August 31, 2019



Parks and Rec A&P Tax

Balance, 7/31/19	861,930
Receipts	330,611
Payments	(513,656)
Balance, 8/31/19	\$ 678,884

Pay as you go Sales Tax

Balance, 7/31/19	1,686,858
Receipts	654,326
Payments	(806,663)
Balance, 8/31/19	\$ 1,534,521

Street Impact Fees

Balance, 7/31/19	1,382,316
Receipts	37,124
Payments	(26,455)
Balance, 8/31/19	\$ 1,392,985

Parks Impact Fees

Balance, 7/31/19	620,148
Receipts	9,332
Payments	(942)
Balance, 8/31/19	\$ 628,538

Street Sales Tax

Balance, 7/31/19	5,277,452
Receipts	960,551
Payments	(131,493)
Balance, 8/31/19	\$ 6,106,510



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

**A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF CONWAY,  
ARKANSAS REGARDING THE ISSUANCE OF BONDS FOR THE PURPOSE OF  
ASSISTING IN THE FINANCING OF AN INDUSTRIAL FACILITY EXPANSION TO BE  
LOCATED WITHIN THE CITY**

**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 §§14-164-201 *et seq.* (1998 Repl. & 2017 Supp.) (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**, as defined in the Act, “industry” includes manufacturing facilities; and

**Whereas**, SFI of Arkansas LLC, an Arkansas limited liability company engaged in light to medium gauge metal fabrication for original equipment manufacturers serving the agricultural, construction, consumer, transportation and defense sectors (the “Company”), has evidenced its interest in the construction and equipping of an expansion to its existing industrial facilities (the “Project”) located at 670 Equity Avenue within the corporate boundaries of the City if permanent financing for the Project can be provided through the issuance of revenue bonds under the authority of the Act; and

**Whereas**, in order to secure and develop industry within the City in accordance with the provisions of the Act, the City desires to assist the Company in the acquisition, construction and equipping of the Project through the issuance of the City’s Taxable Industrial Development Revenue Bonds;

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

Section 1: It is the City’s present intention to assist the Company in the financing of the proposed Project through the issuance of industrial development revenue bonds under the authority of the Act. It is presently estimated by the Company that bonds in the aggregate principal amount of not to exceed \$4,000,000 would be required for this purpose. However, the City’s intent is to issue the bonds from time to time, pursuant to the terms of the Act, in such amount as shall be requested by the Company for accomplishing all or any part of the Project, whether or not such amount is more or less than the above estimate and whether or not the facilities and improvements finally acquired, constructed and equipped are identical to or different from the facilities presently expected to constitute the Project.



Section 2. In conjunction with any issuance of bonds to assist in the financing of the Project, the City states its intention to enter into an agreement with the Company providing for annual payments by the Company in lieu of ad valorem taxes in an amount equal to thirty-five percent (35%) of the aggregate amount of ad valorem taxes that would otherwise be due with respect to the Project facilities but for the City's issuance of the bonds. It is the City's present intention that said bonds and the corresponding agreement for payments in lieu of ad valorem taxes would have a term of approximately twenty (20) years. Any payment made in lieu of ad valorem taxes would be distributed to the political subdivisions which would have received ad valorem tax payments with respect to the Project facilities in the proportion that the millage levied by each affected political subdivision bears to the total millage levied by all affected political subdivisions.

Section 3. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 24<sup>th</sup> of September, 2019.

By: \_\_\_\_\_  
Mayor Bart Castleberry

ATTEST:

By: \_\_\_\_\_  
Michael O. Garrett  
City Clerk/Treasurer

(SEAL)



## Housing Authority of the City of Conway

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SHEILA SPRATLEY  
Executive Director

September 18, 2019

To: Felicia Rogers, City of Conway  
From: Sheila Spratley, Conway Housing Authority  
Re: Agenda Item for the September 24<sup>th</sup> City Council Meeting

To whom it may concern,

The Conway Housing Authority held its regular Board meeting on September 16<sup>th</sup> 2019. The Conway Housing Authority Board of Commissioners unanimously voted to recommend appointment of Ms. Jennifer Welter to the Board of Commissioners.

Please accept this notice as a request to be placed on the agenda at the next City Council meeting, September 24<sup>th</sup> 2019.

Respectfully,

A handwritten signature in blue ink, appearing to read "SM".

Sheila J. Spratley  
Executive Director  
Conway Housing Authority



# MEMO

**TO:** Mayor Bart Castleberry  
**CC:** City Council Members  
**FROM:** Missy Schrag  
**DATE:** September 16, 2019  
**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 | \$148.88 |
| 2. 2111 Tyler St.   | \$160.34 |
| 3. 1363 Mitchell St | \$263.94 |

Please advise if you have any questions.

Thank you for your consideration.



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

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

**Whereas**, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 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 \$148.88 (\$108.07 + Penalty \$10.81 + 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 **September 24<sup>th</sup>, 2019** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

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

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

**ADOPTED** this 24<sup>th</sup> day of September, 2019.

**Approved:**

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

**Attest:**

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

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



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

## CODE ENFORCEMENT REPORT

To: Mayor Bart Castleberry  
CC: City Council Members

Re: Violation # CE19-0693  
Address of Violation: 26 Briarwood Cir

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- July 29, 2019 – a Violation was written for grass and left on the premises by Kim Beard.
- Property Owner is listed as Elizabeth Jackson.
- Property was re-inspected on 8/5/2019 with no progress made.
- Annual certified and regular letters 4/19/2019.
- Final Cleanup completed on 8/13/2019.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

Code Enforcement Officer: Kim Beard

Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# INVOICE

## City of Conway Code Enforcement

DATE: SEPTEMBER 20, 2019

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

TO JACKSON, ELIZABETH M  
26 BRIARWOOD CIR  
CONWAY AR 72034-2921

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		SEPTEMBER 24, 2019

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	1 Employee -Mowing/Cleanup	10.73	10.73
1	1 Employee -Mowing/Cleanup	21.15	21.15
	Maintenance Fee	15.00	15.00
1	Administrative Fee (Code Enforcement)	20.49	20.49
1	Administrative Fee (Code Officer)	17.46	17.46
1	Administrative Fee (Physical Plant)	10.94	10.94
2	Certified Letter	5.60	11.20
2	Regular letter	.55	1.10
		TOTAL	\$108.07
		TOTAL WITH PENALTY & FILING FEES	\$148.88

- Total amount due after September 24, 2019 includes collection penalty & filing fees

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

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

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



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

August 19, 2019

Parcel # 710-09038-000

JACKSON, ELIZABETH M  
26 BRIARWOOD CIR  
CONWAY AR 72034-2921

**RE: Nuisance Abatement at 26 Briarwood Cir. Conway AR**  
**Cost of Clean-Up, Amount Due: \$108.07**

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 **September 24, 2019 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

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

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

Respectfully,

Missy Schrag



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

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

**Whereas**, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 2111 Tyler 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 \$160.34 (\$118.49 + Penalty \$11.85 + 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 **September 24, 2019** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

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

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

**ADOPTED** this 24<sup>th</sup> day of September, 2019.

**Approved:**

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

**Attest:**

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



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



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

## CODE ENFORCEMENT REPORT

To: Mayor Bart Castleberry  
CC: City Council Members  
  
Re: Violation # CE19-0649  
Address of Violation: 2111 Tyler

---

- July 8, 2019 – a Warning was written for grass and left of the premises.
- Property was rechecked on 7/16/19 with no progress made.
- July 16, 2019 – a Violation was written for grass and left on the premises by Spencer Clawson.
- Property Owner is listed as Lillian Ellen Price.
- Property was re-inspected on 7/25/2019 with no progress made.
- Certified and regular letters were mailed 7/30/2019 to address on file and a notice was left by post office.
- Property was rechecked on 8/14/2019 with no progress made and a City cleanup was requested.
- Final Cleanup completed on 8/20/2019.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

Code Enforcement Officer: Spencer Clawson

Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# INVOICE

## City of Conway Code Enforcement

DATE: SEPTEMBER 20, 2019

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

TO PRICE, LILLIAN ELLEN  
2111 TYLER ST  
CONWAY, AR 72034-3136

Description: Mowing/Clean-up/Admin Fees  
associated with the nuisance abatement at  
21111111 Tyler St. Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
SPENCER CLAWSON	710-01974-000		SEPTEMBER 24, 2019

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	1 Employee -Mowing/Cleanup	21.15	42.30
	Maintenance Fee	15.00	15.00
1	Administrative Fee (Code Enforcement)	20.49	20.49
1	Administrative Fee (Code Officer)	17.46	17.46
1	Administrative Fee (Physical Plant)	10.94	10.94
2	Certified Letter	5.60	11.20
2	Regular letter	.55	1.10
TOTAL			\$118.49
TOTAL WITH PENALTY & FILING FEES			\$160.34

- Total amount due after September 24, 2019 includes collection penalty & filing fees

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

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

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



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

August 19, 2019

Parcel # 710-01974-000

PRICE, LILLIAN ELLEN  
2111 TYLER ST  
CONWAY AR 72034-3136

**RE: Nuisance Abatement at 2111 TYLER ST. Conway AR**  
**Cost of Clean-Up, Amount Due: \$118.49**

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 **September 24, 2019 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

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

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

Respectfully,

Missy Schrag



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

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

**Whereas**, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 1363 Mitchell 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 \$263.94 (\$212.67 + Penalty \$21.27 + 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 **September 24, 2019** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

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

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

**ADOPTED** this 24<sup>th</sup> day of September, 2019.

**Approved:**

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

**Attest:**

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

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



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

## CODE ENFORCEMENT REPORT

To: Mayor Bart Castleberry  
CC: City Council Members

Re: Violation # CE19-0726  
Address of Violation: 1363 Mitchell St.

---

- July 18, 2019 – a Violation was written for grass; rubbish/trash and left on the premises by Spencer Clawson.
- Property Owner is listed as **Carley Boling**.
- Property was re-inspected on 7/25/2019 with no progress made.
- Annual certified and regular letters sent 4/1/2019, however, additional letter sent 7/30/19.
- Property was re-inspected 8/12/2019 with no progress and a City cleanup was requested.
- Final Cleanup completed on 8/15/2019 NOTE: Backyard was not cut due to the extreme overgrowth.
- Certified and regular letters were sent including date, time & place of the City Council meeting.

Code Enforcement Officer: Spencer Clawson

Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# INVOICE

## City of Conway Code Enforcement

DATE: SEPTEMBER 20, 2019

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

TO BOLING CARLEY S  
1363 MITCHELL ST  
CONWAY, AR 72034

Description: Mowing/Clean-up/Admin Fees  
associated with the nuisance abatement at  
1363 Mitchell St. Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Spencer Clawson	710-00087-000		SEPTEMBER 24, 2019

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	1 Employee -Mowing/Cleanup	21.15	42.30
4	2 Employee -Mowing/Cleanup	18.18	72.72
2	1 Employee - Mowing/Cleanup	10.73	21.46
	Maintenance Fee	15.00	15.00
	Sanitation ticket #685623	32.74	32.74
1	Administrative Fee (Code Enforcement)	20.49	20.49
1	Administrative Fee (Code Officer)	17.46	17.46
1	Administrative Fee (Physical Plant)	10.94	10.94
2	Certified Letter	5.60	11.20
2	Regular letter	.55	1.10
<b>TOTAL</b>			<b>\$212.67</b>
<b>TOTAL WITH PENALTY &amp; FILING FEES</b>			<b>\$263.94</b>

- Total amount due after September 24, 2019 includes collection penalty & filing fees

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

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

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



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

August 20, 2019

Parcel # 710-00087-000

BOLING CARLEY S  
1363 MITCHELL ST  
CONWAY, AR 72034

**RE: Nuisance Abatement at 1363 Mitchell St. Conway AR**  
**Cost of Clean-Up, Amount Due: \$212.67**

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 **September 24, 2019 Meeting**, 6:30 p.m. located at 810 Parkway Street, the City Council will conduct a public hearing on three items:

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

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

Respectfully,

Missy Schrag



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

**A RESOLUTION TO CONDEMN THE STRUCTURE LOCATED AT 475 EAST ROBINS #183., CONWAY, ARKANSAS AND FOR CODE ENFORCEMENT TO RAZE SAID PROPERTY IN ACCORDANCE WITH ARKANSAS STATE LAW AND CITY ORDINANCE**

**Whereas**, the structure located at 475 East Robins #183., Conway, Arkansas 72034, has been deemed a nuisance and unfit for human habitation, unsafe, unsanitary, and detrimental to the public safety, health, and welfare by Code Enforcement Officials for the City of Conway; and

**Whereas**, the structure appears to be a singlewide mobile home structure, white in color with dark trim, and metal siding; and

**Whereas**, from land documents, Cheryl Imboden have owned the property since 2013; and

**Whereas**, the structure has been inspected and issues thoroughly documented by Conway Code Enforcement; and

**Whereas**, after a hearing in the presence of the Conway City Council with all parties given the opportunity to be heard, the City Council has determined this structure should be condemned.

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

**Section 1:** That after said public hearing the structure located at 475 East Robins #183. has been condemned by vote of the City Council.

**Section 2:** That this decision is in the best interest of the public health, safety, and welfare.

**Section 3:** That it is the will of the Conway City Council that the structure located at 475 East Robins #183, be razed thirty (30) days from today if it is still standing as per the authority granted by Arkansas State law and any costs of the demolition be assessed to the property owner(s).

**Adopted** this 24<sup>th</sup> day of September, 2019.

**Approved:**

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

**Attest:**

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



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



*Missy Schrag*  
Ph. 501-450-6191  
Fax 501-450-6144

[www.cityofconway.org](http://www.cityofconway.org)

August 19, 2019

91 7199 9991 7035 0613 4339

Bob Imboden  
475 East Robins #183  
Conway, AR 72032

**RE: NOTICE OF CONDEMNATION HEARING FOR 475 E ROBINS #183,  
OAKWOOD VILLAGE TRAILER PARK**

Dear Mr. Imboden:

You are the listed owner of **475 East Robins #183** in Conway. This letter is to inform you that the structure located at **475 East Robins #183** has been deemed a nuisance by Code Enforcement officials for the City of Conway. Specifically, the structure is in violation of Ordinance O-09-55 as dilapidated, unsightly, unsanitary, and detrimental to public health and safety.

There will be a hearing at the next regularly scheduled City Council meeting for a determination as to whether to consider the referenced structure a nuisance and condemn it. If the resolution passes, the structure will be demolish after 30 days. The cost of the demolition will be your responsibility.

This letter will serve as your notice that the City Council meeting will be held on **Tuesday, September 24, 2019 at 6:30 pm at the Jack Roberts District Court building at 810 Parkway Street.** This will be your opportunity to be heard about this issue concerning 475 East Robins St.

Sincerely,

Missy Schrag  
Code Enforcement Department  
501-450-6191

# IMBODEN, CHERYL

475 E ROBINS #183  
CONWAY, AR 72032-7142



Basic

Sales


Valuation

Taxes

Receipts

Improvements

## Basic Info

Parcel Number:	710-07900-223P
County Name:	Faulkner County
Property Address:	IMBODEN, CHERYL 475 E ROBINS #183 CONWAY, AR 72032-7142 <b><a href="#">Map This Address</a></b>
Mailing Address:	IMBODEN, CHERYL 475 E ROBINS #183 CONWAY AR 72032-7142
Collector's Mailing Address  :	IMBODEN CHERYL 585 E GERMAN LN CONWAY, AR 72032-4792
Total Acres:	0.00
Timber Acres:	0.00
Sec-Twp-Rng:	18-05N-13W
Lot/Block:	183/
Subdivision:	OAKWOOD VILLAGE
Legal Description:	LOT 183 OAKWOOD VILLAGE IMP ONLY
School District:	1C CONWAY CITY
Homestead Parcel?:	No
Tax Status:	Taxable
Over 65?:	No



house, building and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction, a fine of one hundred dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the Court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine of one hundred dollars (\$100.00) per day.

(Ord. No. O-09-55)

#### 5.09.17 - Unsightly appearances.

- A. *Uncut weeds, grass and other unsightly and unsanitary articles.* All property owners and occupants within the municipal boundaries of the City of Conway are required to cut weeds and grass, remove garbage, rubbish and other unsightly and unsanitary articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. For specific requirements related to the required maintenance of grass and weeds, refer to subsection 3.2.4.
- B. *Nuisance Structures.* Any building or other structure which is in such a dilapidated condition that it is unsafe or unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or safety of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located shall constitute a nuisance.
  1. *Unsafe structures:* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe conditions due to lack of abandonment of lack of maintenance, or, unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
  2. *Unfit structure for human occupancy:* A structure is unfit for human occupancy whenever the Code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation,

illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

3. *Unlawful structure:* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

(Ord. No. O-09-55)



## 5.09.18 - Additional remedies.

- A. *Authorized abatement:* If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate any condition, violation, or prohibition as may be provided for in this Code, after having been given a Notice of Violation with seven (7) days' notice in writing to do so by the appropriate city official, the city is hereby authorized to do whatever is necessary to correct the condition, including but not limited to entering upon the property and having such weeds, rank grass or other vegetation cut and removed, or eliminating any unsanitary and unsightly condition, or causing necessary repairs to be made and charging the cost thereof to the owner of such premises, which shall constitute a lien thereon. The above mentioned seven days' notice shall be calculated by counting the first day of the seven-day period as the day after written notice is given to the owner, by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. on the seventh day. Condemnations shall follow the procedures established in Section 7 of Article I. The City reserves the right to secure a priority clean-up lien pursuant to A.C.A. § 14-54-903.
- B. *Authorized removal of basketball goals:* Code Enforcement Officers shall have the authority to order the immediate removal of any permanent or temporary basketball goal (unless approved by the City) that is on any public street or on any right-of-way adjacent to a public street. If the apparent owner of the basketball goal is unknown, unavailable, or unwilling to remove the basketball goal, a Code Enforcement Officer may cause the goal to be removed.
- C. *Vacating of Unfit or Unsafe Structures and Utility Services:* Any dwelling or dwelling unit declared as unfit for human habitation or unsafe by the Conway Code Enforcement Department as so designated and placarded by a Code Enforcement Officer, shall be vacated within seven (7) days after notice of such action has been given by the Building official to both the owner and occupant of the building. On the eighth day after said notice the Code Enforcement Department shall notify all utility services that no such services shall be provided to the dwelling or dwelling unit. After utility services are cutoff no further services shall be made available until a rehabilitation permit is obtained or until the Director of Code Enforcement notifies utilities that service may be provided to the dwelling or dwelling unit.

(Ord. No. O-09-55)



## 5.09.07 - Condemnation.

- A. *Keeping condemned structures prohibited:* That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Conway, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council.
- B. *Condemnation:* That any such house, building, and/or structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided.
- C. *Notices:* The Code Enforcement Department shall be responsible for publication, mailing or delivery of all notices required to condemn structures.
1. That prior to the consideration of a Resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lien holder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lien holder(s), of the right to be heard at the City Council meeting on the proposed Resolution declaring such house, building and/or structure to be a nuisance.
  2. Should the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the City Clerk or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s), and lien holder(s). Thereupon, service of publication as now provided for by law against unknown and/or non-resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business.
- D. *Resolution Information:* That the Resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building, and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or lien holder(s) thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.
- E. *Posting:* After a house, building and/or structure has been found and declared to be a nuisance and condemned by Resolution as herein provided, a true and certified copy of said Resolution will be mailed to the owner(s) and mortgagee(s) and/or lien holder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lien holder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous



place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lien holder(s) of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said Resolution as hereinabove provided will suffice as notice of the condemnation.

- F. *Removal:* If the house, building and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Senior Code Enforcement Officer or his duly designated representative.
- G. *Saleable material:* The Senior Code Enforcement Officer or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one (1) publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance.
- H. *Proceeds:* All proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials there from and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Clerk-Treasurer. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.
- I. *Liens:* If the City has any net costs in removal of any house, building or structure, the City shall place a lien on the personal property or real estate property as provided by A.C.A. § 14-54-904.
- J. *Fine:* A fine of not less than two hundred fifty dollars (\$250.00); nor more than five hundred dollars (\$500.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of two hundred fifty dollars (\$250.00) for each said separate and distinct offense; provided the notice as herein provided in Section E hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance.
- K. *Judicial declaration:* In the event it is deemed advisable by the City Council that a particular



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

**AN ORDINANCE APPROPRIATING FUNDS FOR FAULKNER COUNTY COUNCIL ON AGING FOR TRANSPORTATION SERVICES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**Whereas**, Faulkner County Council on Aging has requested an additional \$7,000 for transportation to support the senior citizen transportation program.

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

**Section 1.** The City of Conway shall appropriate \$7,000 from Street Department – Fund Balance Appropriation Account (000.201.4900) to the (002.201.5499 for the Senior Citizen Transportation Program.

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

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

**PASSED** this 24<sup>th</sup> of September, 2019.

**Approved :**

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

**Attest:**

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





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

**AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE +/-10.75 ACRES LOCATED AT THE NE CORNER OF MCNUTT ROAD AND LONDON ROAD FROM I-1 AND R-2:**

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

**Section1:** The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **I-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Lots 26, 27, and 28 of Sherwood Estates, as shown in Plat Book C, Page 87, Records of Faulkner County, Arkansas.

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

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

**PASSED** this 24<sup>th</sup> day of September, 2019.

**Approved:**

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

**Attest:**

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



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## MEMO

To: Mayor Bart Castleberry  
cc: City Council Members

From: Justin Brown, 2019 Planning Commission Chairman  
Date: September 17, 2019

Re: Request to rezone from I-1 to R-2 property located at McNutt Road and London Road

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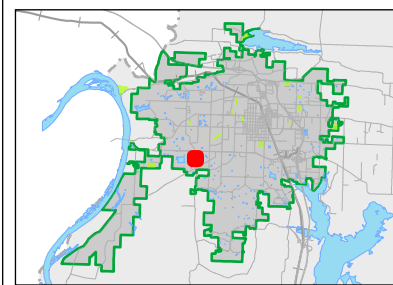
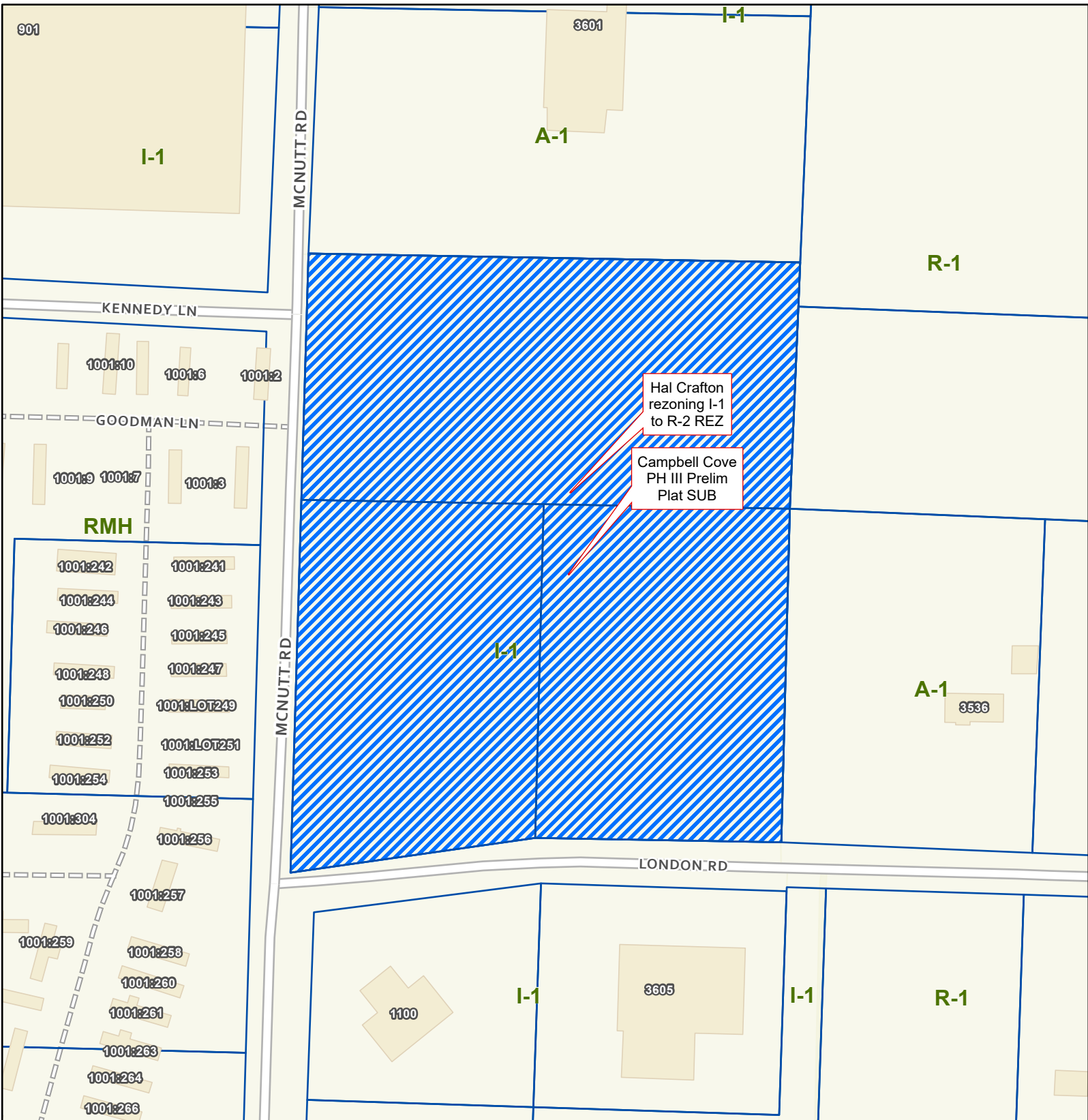
Landon Sanders, on behalf of Hal Crafton has requested to rezone from I-1 (Intermediate Industrial) to R-2 (Low-Density Residential) +/-10.75 acres located at the northeast corner of the intersection of McNutt Road and London Road, with the legal description:

Lots 26, 27, and 28 of Sherwood Estates, as shown in Plat Book C, Page 87, Records of Faulkner County, Arkansas.

Hal Crafton is seeking to rezone the property from I-1 to R-2 in order to develop Campbell Cove, Phase III, which will consist of 34 lots, supporting 68 duplexes.

The Planning Commission reviewed the request at its regular meeting on September 16, 2019 and voted 8-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.



**DESCRIPTION**

Planning Commission Review

REZ2019SEP01

10.751335 ac.

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

City of Conway  
Planning & Development

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SEP 2019



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

**AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 2012 MARTIN STREET FROM R-2A AND R-2:**

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

**Section 1:** The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **R-2A** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Lots 16 and 17, Block 61, Boulevard Addition.

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

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

**PASSED** this 24<sup>th</sup> day of September, 2019.

**Approved:**

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

**Attest:**

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



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## MEMO

To: Mayor Bart Castleberry  
cc: City Council Members

From: Justin Brown, 2019 Planning Commission Chairman  
Date: September 17, 2019

Re: Request to rezone from R-2A to R-2 property located at 2012 Martin Street

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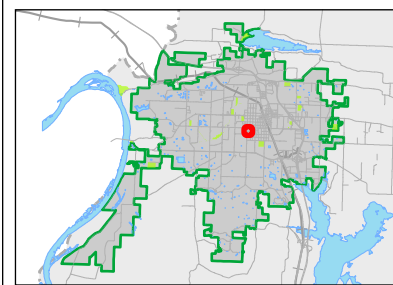
Brandy Hansberry has requested to rezone from R-2A (Two-Family Residential) to R-2 (Low-Density Residential) property located at 2012 Martin Street with the legal description:

Lots 16 and 17, Block 61, Boulevard Addition.

Brandy Hansberry is seeking to rezone the property in conjunction with a conditional use permit request for the purpose of operating a child care facility, Legacy Learning Conway.

The Planning Commission reviewed the request at its regular meeting on September 16, 2019 and voted 8-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.



**DESCRIPTION**

Planning Commission Review

**REZ2019SEP03**

0.321393 ac.

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

City of Conway  
Planning & Development

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SEP 2019



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## MEMO

To: Mayor Bart Castleberry  
cc: City Council Members

From: Justin Brown, 2019 Planning Commission Chairman  
Date: September 17, 2019

Re: Request for conditional use permit to allow childcare facility in R-2 zoning district

---

Brandy Hansberry has requested a conditional use permit to allow a childcare facility in the R-2 zoning district for property located at 2012 Martin Street with the legal description:

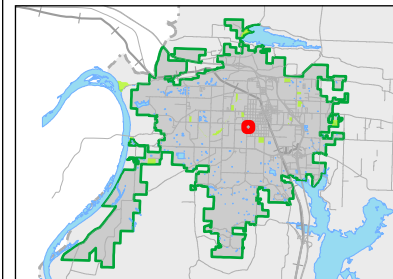
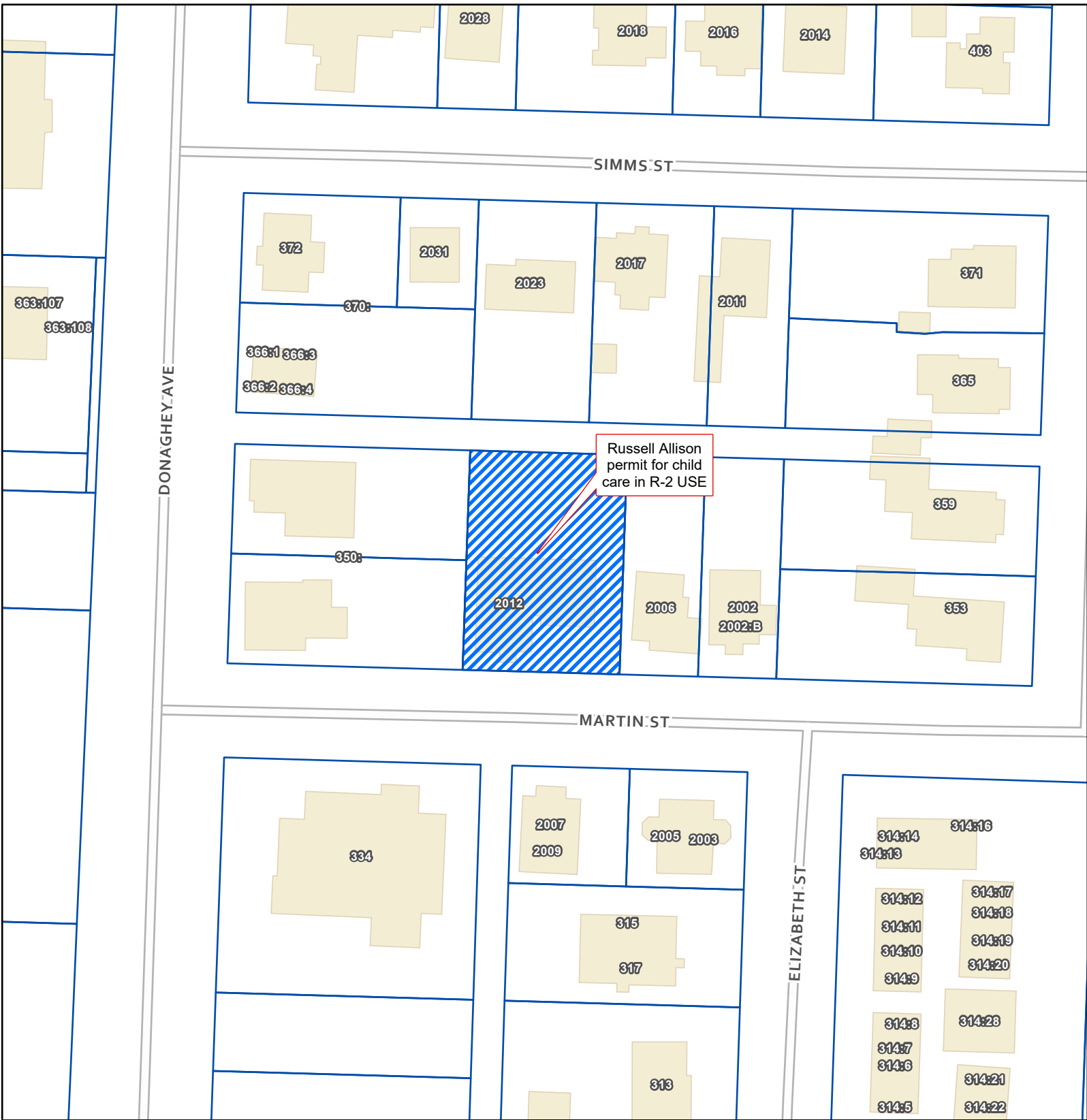
Lots 16 and 17, Block 61, Boulevard Addition

The applicant is requesting the conditional use permit for the purpose of operating a childcare facility.

The Planning Commission reviewed the request at its regular meeting on September 16, 2019 and voted 8-0 that the request be forwarded to the City Council with a recommendation for approval with the following conditions:

1. The use shall be subject to Development Review prior to being commenced due to unauthorized construction occurring onsite.
2. The applicant shall submit traffic management plan for drop-off and pick-up as part of the Development Review process.
3. All off-street parking shall meet the standards set forth in Articles 501 and 1101 of the Zoning Code.
4. Any expansions or additions to the structure as well as any changes to the use shall require an amended or new conditional use permit.

Please advise if you have any questions.



**DESCRIPTION**

Planning Commission Review

**USE2019AUG04**

0.321393 ac.

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

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**AUG 2019**





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## MEMO

To: Mayor Bart Castleberry  
 cc: City Council Members

From: Justin Brown, 2019 Planning Commission Chairman  
 Date: September 17, 2019

Re: Request for conditional use permit to allow cellular transmission tower in C-3 zoning district

---

B+T Group has requested a conditional use permit to allow a cellular transmission tower in the C-3 zoning district for property located at 3800 Prince Street with the legal description:

### LESSEE'S PREMISES

BEING A PART OF THE NW1/4, NE1/4, SECTION 9, T-5-N, R-14-W, FAULKNER COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF THE SAID NW1/4, NE1/4; THENCE S01°22'25"W 50.66 FEET; THENCE N88°37'35"W 20.71 FEET TO THE TRUE POINT OF BEGINNING; THENCE S01°22'25"W 60.00 FEET; THENCE N88°37'35"W 60.00 FEET; THENCE N01°22'25"E 60.00 FEET; THENCE S88°37'35"E 60.00 FEET TO THE POINT OF BEGINNING CONTAINING 3600 SQUARE FEET, 0.08 ACRES, MORE OR LESS.

### LESSEE'S ACCESS/UTILITY/FIBER EASEMENT

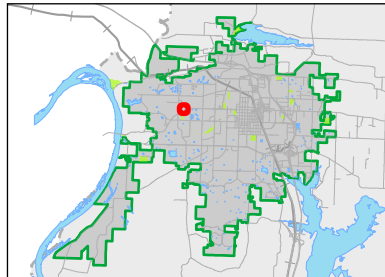
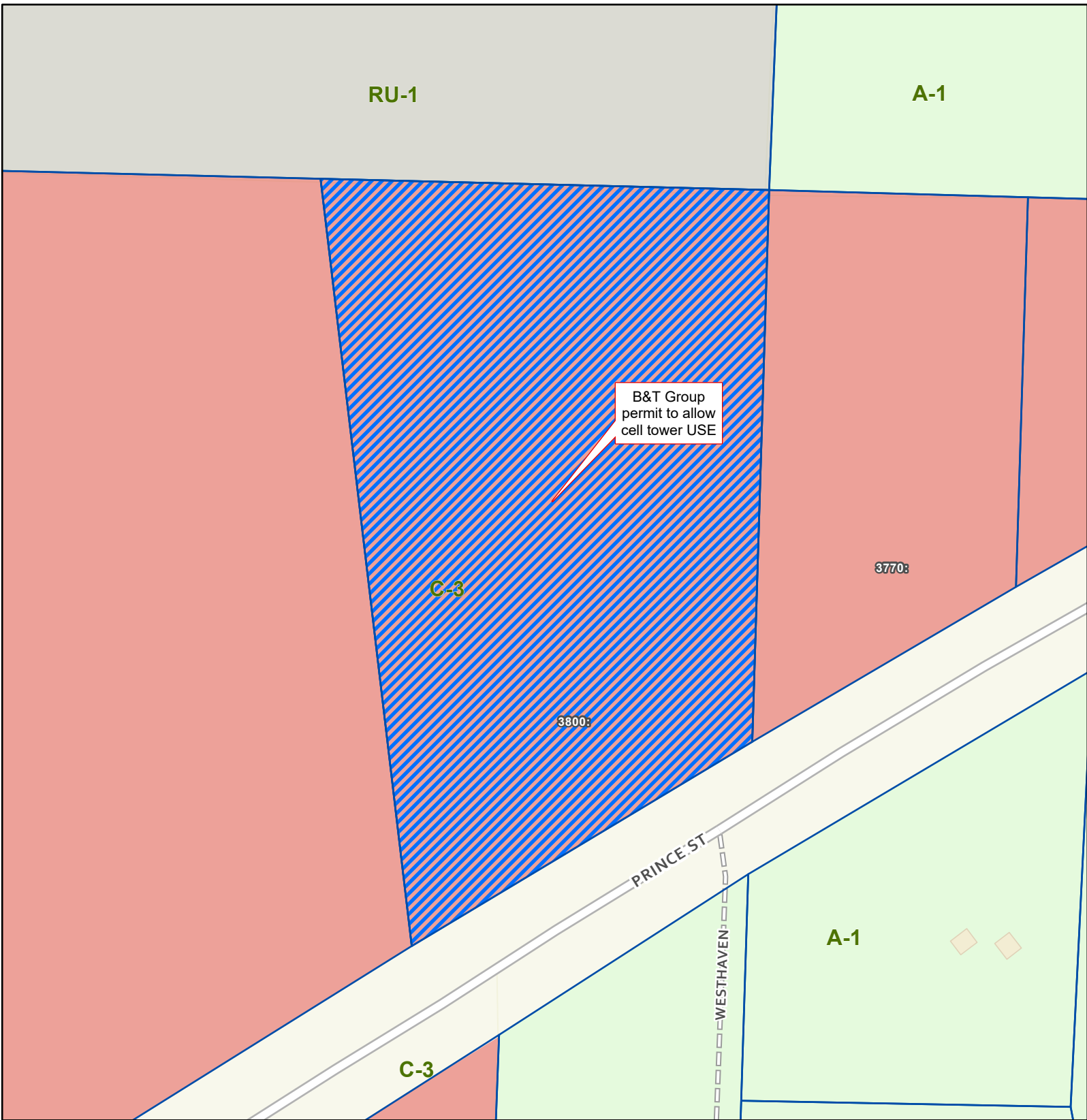
BEING A PART OF THE NW1/4, NE1/4, SECTION 9, T-5-N, R-14-W, FAULKNER COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF THE SAID NW1/4, NE1/4; THENCE S01°22'25"W 50.66 FEET; THENCE N88°37'35"W 20.71 FEET; THENCE S01°22'25"W 60.00 FEET; THENCE N88°37'35"W 60.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING N88°37'35"W 30.00 FEET; THENCE N01°22'25"E 25.00 FEET; THENCE N88°37'35"W 65.96 FEET; THENCE S16°51'39"W 85.64 FEET; THENCE S02°01'29"W 83.60 FEET; THENCE S31°10'42"E 103.96 FEET; THENCE S76°47'29"E 39.23 FEET; THENCE 47.12 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET AND A CHORD S54°17'29"E 45.92 FEET; THENCE S31°47'29"E 9.56 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF WEST PRINCE STREET; THENCE ALONG SAID RIGHT OF WAY S57°53'28"W 20.00 FEET; THENCE LEAVING THE SAID RIGHT OF WAY N31°47'29"W 9.67 FEET; THENCE 31.42 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET AND A CHORD N54°17'29"W 30.61 FEET; THENCE N76°47'29"W 62.48 FEET; THENCE S28°03'19"E 82.65 FEET TO THE SAID NORTHWESTERLY RIGHT OF WAY LINE OF WEST PRINCE STREET; THENCE ALONG THE SAID RIGHT OF WAY LINE S57°53'28"W 10.03 FEET; THENCE LEAVING THE SAID RIGHT OF WAY LINE N28°03'19"W 196.27 FEET; THENCE N02°01'29"E 97.56 FEET; THENCE N16°51'39"E 116.82 FEET; THENCE S88°37'35"E 122.58 FEET; THENCE S01°22'25"W 35.00 FEET TO THE POINT OF BEGINNING.

The applicant is requesting the conditional use permit to allow a 150 foot tall, monopole ("stealth") tower enclosed by a 50' x 50' brick privacy fence.

The Planning Commission reviewed the request at its regular meeting on September 16, 2019 and voted 8-0 that the request be forwarded to the City Council with a recommendation for approval with the following conditions:

1. Obtain proper floodplain permit prior to construction.
2. Concrete paving of the driveway is required.
3. The transmission tower shall be constructed per the submitted plans. Changes to the plans shall require reapproval by the Planning Commission.

Please advise if you have any questions.



**DESCRIPTION**

Planning Commission Review

**USE2019AUG02**

2.459936 ac.

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

**City of Conway  
Planning & Development**

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**SEP 2019**



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## MEMO

To: Mayor Bart Castleberry  
cc: City Council Members

From: Justin Brown, 2019 Planning Commission Chairman  
Date: September 17, 2019

Re: Request to amend the Master Street and Trail Plan

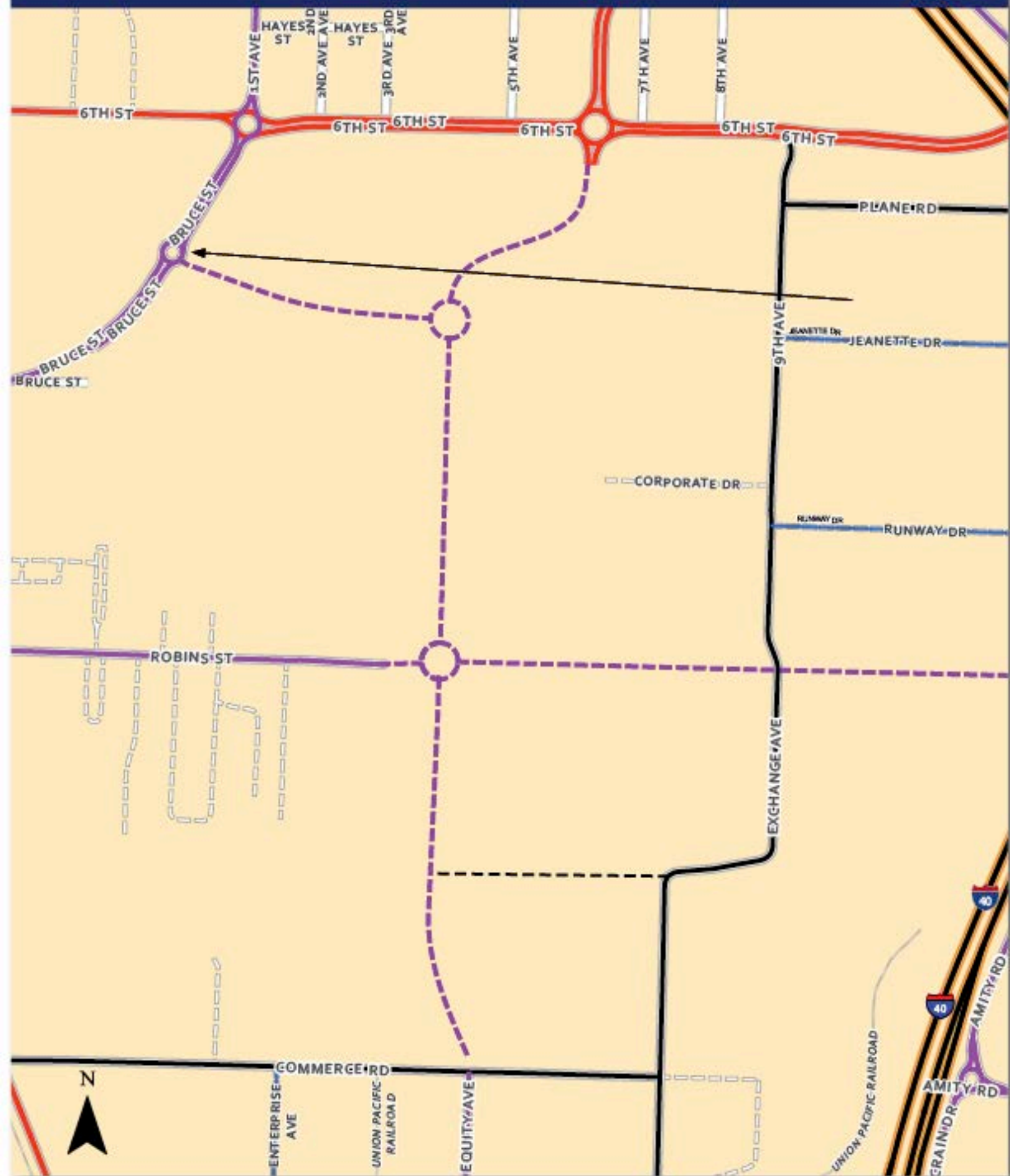
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The Planning and Development Department is requesting approval of an amendment to the Master Street and Trail Plan. Specifically, the request would include the realignment of a planned north/south minor arterial street and the extension of a planned east/west minor arterial street within the boundaries of Central Landing. The purpose of the amendment is to ensure adequate connectivity through the area by securing connections from Equity Avenue to Central Landing Boulevard. The request is an amendment to planned streets only and will not impact any existing streets or traffic flows.

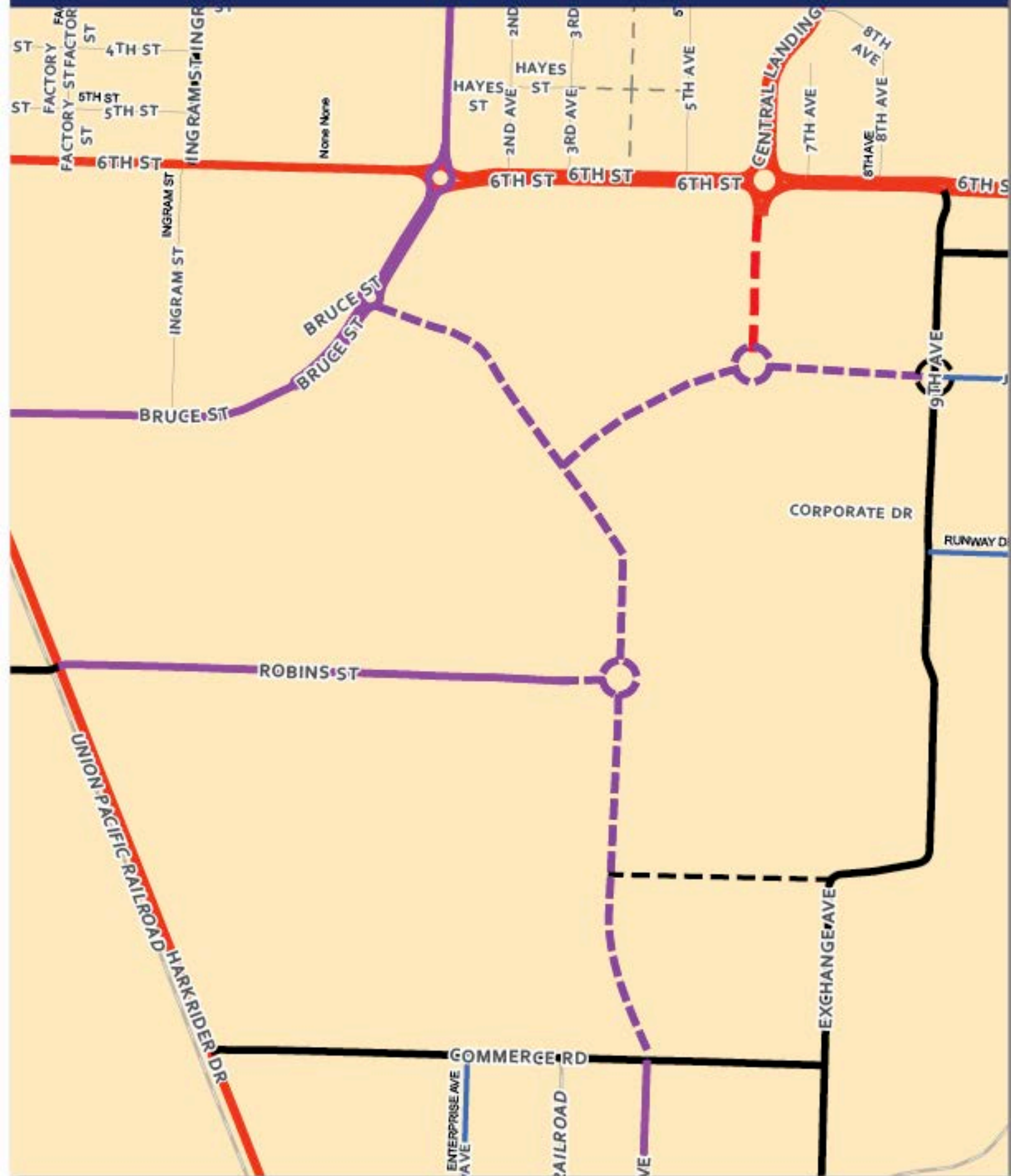
The Planning Commission reviewed the request at its regular meeting on September 16, 2019 and voted 8-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

# CITY OF CONWAY • MASTER STREET PLAN CURRENT



# CITY OF CONWAY • MASTER STREET PLAN PROPOSED







# City of Conway

**Finance Department**

*1201 Oak Street*

*Conway, AR 72032*

Date: September 24, 2019

To: City Council

From: Tyler Winningham, CFO, on behalf of the Employees' Defined Benefit Pension Plan Administrative Committee

Re: Pension plan changes

---

The Administrative Committee requests that you approve changes to the plan as follows:

- 1) Strike language in Article 3 Eligibility, Section 3.03 that declares participant contributions to be excluded from federal income tax.
- 2) Clarification of Article 7 Normal Form of Retirement Benefit, Section 7.01; and clarification of Article 8 Death Benefits, Sections 8.01, 8.02; and the addition of Section 8.07.

Language highlighted in yellow on the attached excerpts from the plan document represent the changes as requested.

## **ARTICLE 3.**

### **ELIGIBILITY**

#### **3.01. ELIGIBILITY REQUIREMENTS.**

(a) Any Employee who is employed as of the Effective Date and who is not excluded below shall become a Participant in this Plan on the Effective Date. Each Employee hired after the Effective Date who is not excluded below shall become a Participant on the Participant's Entry Date.

(b) Notwithstanding the above requirements, the following shall be excluded from the Plan:

(i) All Employees who are not full-time Employees are not eligible for this Plan. A full-time Employee is an Employee whose job responsibilities require that he regularly devote forty (40) hours per week. Part-time and temporary Employees are excluded from the Plan.

(ii) All uniformed Employees are excluded from this Plan (police and fire).

(iii) Police cadets are excluded from this Plan.

(iv) All employees of outside agencies are excluded from this Plan unless the Board of such agency adopts this Plan with the consent of the Employer.

(v) All employees employed as of the Effective Date who have chosen not to participate in the Pension Plan by opting out at the time of hire.

(vi) Leased Employees shall be excluded from this Plan.

Any City Attorney, City Clerk, Deputy City Clerk, City Treasurer, Clerk-Treasurer, or Mayor who is entitled to a retirement benefit under Ark. Code Ann. § 24-12-120 through 24-12-125, and who participates in this Plan shall be entitled, before the time retirement benefits are to commence, to receive either the benefit under this Plan or the benefit as set forth in such statute, respect to service in such capacity. The City Council may modify by ordinance, and not to conflict with State law, time of service applicability towards benefit eligibility.

If a Participant becomes a member of an excluded class of Employees, for purposes of this Plan, the Participant shall cease to receive credit for Years of Service for vesting or accrual purposes or determination of Average Monthly Compensation. If an Employee who is excluded becomes eligible for participation in the Plan, the Employee shall become a Participant on the date the Employee becomes eligible for participation in this Plan.



**3.02. PARTICIPATION.** Participation in the Plan by an eligible Employee is a condition of employment, subject to elections for certain Employees under section 3.01.

**3.03. REQUIRED PARTICIPANT CONTRIBUTIONS.** As a condition of employment with the Employer, each Participant must agree to have his Compensation reduced on a payroll deduction basis as set forth in this section. The payroll deduction shall be (1) for Grandfathered Employees, six percent (6%) of Compensation and (2) for Non-grandfathered Employees, ten percent (10%) of Compensation. The required Employee contribution rate may be increased (or decreased) from time to time by the City Council for either Grandfathered Employees or Non-grandfathered Employees, provided that Employees shall be given at least 60 days advance notice of any change in the Employee contribution rate. Once amounts are deducted from Employee's paychecks, the Employer shall assume the obligation for such amounts and shall pay such amounts to the Plan as Participant Contributions. Participant Contributions shall be considered "picked up" for federal tax purposes and therefore shall not be subject to federal income tax.

Except as provided in sections 6.01, 6.02 and 6.03, the Participant shall not receive a refund of the Participant Contributions, but shall instead receive the benefit to which the Participant is otherwise entitled under this Plan.

**3.04. ACCEPTANCE.** No provisions of the Plan shall be construed as abridging or limiting any managerial right of the Employer, or giving an Employee or Participant the right to be retained in employment with the Employer, or interfering with the right of the Employer to discharge any Employee or Participant at any time, subject to applicable law, regardless of the effect which such discharge may have upon him as a Participant.

## ARTICLE 7.

### FORM OF BENEFITS

#### **7.01. NORMAL FORM OF RETIREMENT BENEFIT.**

The benefit payable to a Participant at the Participant's Normal Retirement Age shall be payable in equal monthly installments as follows:

(a) Grandfathered Employee. The benefit payable to a Participant who is married on the date the Participant's benefit commences shall be payable for the lifetime of the Participant. After the commencement of benefits as outlined herein and upon the death of the Participant, continued payments, if any, will be paid in accordance with Section 8.01.

(b) Non-Grandfathered Employee. The benefit payable to a Participant who is married on the date the Participant's benefit commences shall be payable for the lifetime of the Participant. After the commencement of benefits as outlined herein and upon the death of the Participant, continued payments, if any, will be paid in accordance with Section 8.02. The amount of the benefit shall be the Actuarial Equivalent as determined under section 1.02 of the Participant's Normal Retirement Benefit under section 5.01 or 5.04. However, such Participant may elect to waive the joint and survivor form of benefit payable and elect to receive an annuity for the lifetime of the Participant only with no survivor benefit. The Participant may revoke any such election at any time prior to commencement of benefits. Once a Participant has commenced receipt of benefits, any election is irrevocable. Such election shall not take effect unless

(i) the spouse, if any, of the Participant irrevocably consents in writing to such election, and the spouse's consent is witnessed by a notary public, or

(ii) it is established to the satisfaction of the Administrative Committee that the Participant has no spouse or that the spouse cannot be located.

Any consent (or establishment that no consent may be obtained) shall be effective only with respect to such spouse.

(c) The benefit payable to any Participant who does not have a spouse on the date the Participant's benefit commences shall be a benefit payable only for the lifetime of the Participant, and shall be in the amount of the Participant's Normal Retirement Benefit payable under section 5.01 or 5.04.

#### **7.02 REQUIRED DISTRIBUTIONS.**

(a) Requirements of Treasury Regulations Incorporated. All distributions under the Plan will meet the requirements of Treas. Reg. 1.401(a)(9)-2 through 1.401(a)(9)-9, including the incidental benefit requirements of IRC section 401(a)(9)(G).



## ARTICLE 8.

### DEATH BENEFITS

#### **8.01. DEATH BENEFITS-GRANDFATHERED EMPLOYEES**

If a Grandfathered Employee dies while employed, or after having terminated employment, with a vested benefit but before the Participant's Normal Retirement Age, and is survived by a spouse, there shall be paid to the spouse after what would have been the Participant's Normal Retirement Age, for as long as the spouse remains unmarried, a monthly amount of fifty dollars (\$50.00); if such a Participant is not married, or if the Participant is married but the spouse remarries, and the Participant has minor children under the age of sixteen (16), there shall be paid to the guardian of the minor children, until the youngest of the children attains the age of 16, a monthly amount of fifty dollars (\$50.00); if such a Participant is not married and has no minor children under the age of 16 at the time of the Participant's death, but the Participant has a single parent solely dependent on the Participant for the parent's support, there shall be paid to the Participant's parent, until the parent's death or remarriage, the monthly amount of fifty dollars (\$50.00).

#### **8.02. DEATH BENEFITS-NONGRANDFATHERED EMPLOYEES**

If a Non-Grandfathered Employee dies while employed, or the Non-Grandfathered Employee dies after termination from Employment, with a vested benefit but before the Participant's Normal Retirement Age, if such Participant has a surviving spouse, a monthly benefit shall be provided to such surviving spouse for the life of the spouse, commencing on the first day of month after what would have been the Participant's Normal Retirement Age, and shall be in the amount which is the Actuarial Equivalent of fifty percent (50%) of the benefit that would have been payable to the Participant had the Participant survived to the Participant's Normal Retirement Age. Such benefit shall not be provided unless the Participant and his spouse had been married throughout the 1-year period ending on the Participant's death.

#### **8.03. DEATH BENEFITS UNDER USERRA-QUALIFIED MILITARY SERVICE.**

If a non-vested Participant dies while performing Qualified Military Service (as defined in Code section 414(u)), the death benefit under this Plan shall be determined as if the Participant resumed service with the Employer and then terminated employment on account of death. The additional benefits shall not include benefit accruals relating to the period of Qualified Military Service.

**8.04. PARTICIPANT CONTRIBUTIONS IN THE EVENT OF DEATH PRIOR TO ANNUITY STARTING DATE.** In the event that a Participant dies before the Annuity Starting Date, and the Participant Contributions is greater than the present value of the benefit provided under section 8.01 or 8.02, as applicable, determined using the actuarial assumptions of section 1.02, the excess of the Participant Contributions over such present value shall be paid to the Beneficiary or Beneficiaries designated by the Participant in accordance with this section. Such designation shall be made in the form prescribed by the Administrative Committee and shall be effective for all purposes upon the delivery thereof to the Administrative Committee. The Participant shall have the right to change or revoke any such designation from time to time by filing a new designation or notice of

**8.07 PARTICIPANT CONTRIBUTIONS.** In the event of death of the Participant, whether Grandfathered or Non-Grandfathered, while still in the employment of the employer or after termination of employment and whether vested or not, Participant's Beneficiary shall have the election to take a lump sum of all Participant's contributions in lieu of any other distribution outlined in this section. If a lump sum contribution is selected by the Beneficiary a written request will have to be made to the Administrative Committee. If approved by the Administrative Committee Beneficiary will not be eligible for any other funds, payments, claims, distributions or benefits under this Plan.