
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
September 9, 2014

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members being a quorum were present and acting: Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy, and City Clerk Michael Garrett.

Call to Order: Mayor Tab Townsell

Roll Call: City Clerk/Michael O. Garrett

Minutes Approval: August 26th, 2014 and Special City Council Meeting August 28, 2014

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

1. Public Hearing

- A. Public Hearing/Ordinance to close a portion of a 10 foot utility easement and all of a 13.5 foot utility easement located at 621 Oak Street.**

O-14-70

Mayor Townsell opened the public hearing. Robert Brown, Development Consultants speaking on behalf of Arvest Bank, explained the easement closures are necessary for placement of the building and drive-thru canopy; these are also in coordination with the new Historic District requirements to build closer to the property lines. Mayor Townsell closed the public hearing. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Grimes seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones. The motion passed 7-0-1. Alderwoman Whitmore abstained.

2. Report of Standing Committees:

- A. Economic Development Committee (Airport, Conway Corporation, Conway Development, Chamber of Commerce)**

1. Consideration to remove inventory from the fixed assets listings for the Conway Municipal Airport.

Josh Zylks, Airport Manager, stated he requests removal of a 1993 Model 6300 John Deere tractor which will be traded in for a new tractor in order to maintain the grounds at the new airport. Alderwoman Whitmore motioned to approve the removal from inventory. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

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- 2. Ordinance to accept a donated metal hangar located at Dennis F. Cantrell Field to the City of Conway.**

O-14-71

Josh Zylks, Airport Manager, explained this is a donation to the city from Allison Leasing Company, since the implementation of new hangar standards council passed, this hangar no longer meets our standards. Mr. Zylks explained we have had several parties interested in disposing of the hangars at the old airport as a whole, and believes there is some value in this donation to the city, whether we utilize it for our purpose, or dispose of it through a bid process. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. After some discussion the clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

- 3. Ordinance transferring airport activity out of the general fund and into an enterprise fund account.**

O-14-72

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderwoman Mehl asked if we will also be transferring the loan proceeds, current debt, and the operational funds. Mayor Townsell stated it will only be the operations; there will be many things that will stay in the General Fund and hopefully we can wrap these loose ends up soon. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

- B. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, and Conway Housing Authority)**

- 1. Resolution requesting the Faulkner County Tax Collector place a certified lien on property located at 24 Rolling Hills as a result of incurred expenses by the City.**

R-14-30

Alderman Hawkins stated the property address is 24 Rolling Hills; the cost of cleanup was \$276.74 (\$224.31 + Penalty \$22.43 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 2. Resolution setting a public hearing to discuss the closing of a 15 foot utility easement located along the South side of Lots 1-4 in Fulmer Subdivision.**

R-14-31

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Alderman Whitmore motioned to adopt the resolution setting the public hearing for Tuesday September 23, 2014 at 6:30 pm. Alderman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- 3. Ordinance appropriating funds for engineering services for adaptive signal control for the Conway Street Department.**

O-14-73

Finely Vinson, City Engineer, explained we discussed at length at the last regular council meeting and stated we were notified of this opportunity this year and were unable to budget for it. Mr. Vinson stated there is enough money in fund balance to cover these expenses and explained we do not expect to receive any billing on this project until 2015; this expense is the only one we should incur this calendar year. Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 8-0. Alderman Whitmore motioned to adopt the ordinance. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, and Alderman Jones, and Alderman Whitmore. The motion passed 8-0.

- 4. Ordinance accepting the annexation of certain lands compromised of 146.73 acres located on the East side of Mill Pond Road, North of Mountain Park Estates with an R-1 zoning.**

O-14-74

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell explained the County Judge has signed the order releasing the property. Alderman Whitmore motioned to adopt the ordinance and the emergency clause. Alderman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, and Alderman Jones, and Alderman Whitmore. The motion passed 8-0.

- 5. Consideration of approval for annexation of the 142 acres known as The Orchard on Round Mountain into Water District 11.**

City Attorney Michael Murphy stated the only thing we will need is a legal description of the 142 acres that states Water Improvement District #11 agrees to take in this property. Marcie Garis, Water Improvement District # 11 Chairperson, stated the legal description will be the same as the annexing ordinance O-14-74 which is 146.73. Mr. Murphy stated the owners will do a simple petition and the council enacts an ordinance; Water Improvement District #11 has already indicated they approve of this property being a part of the district. Mr. Murphy stated a letter from property owners requesting to become a part of this district will be sufficient to move forward with an ordinance. Alderman Jones motioned to hold this item in committee. Alderman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- 6. Ordinance to rezone property known as Old Cantrell Field located South of Sixth Street, West of I-40, and East of Harkrider Street from I-3 to PUD.**

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O-14-75

Bryan Patrick, Planning & Development Director, explained this is of course the old airport proposed rezoning in order to build a new shopping center which was unanimously approved by the Planning Commission. Mr. Patrick read the 3 additional conditions, being suggested, to council and explained that all parties are in agreement of these. Mayor Townsell stated we want our East/West and North/South connectivity to flow as smoothly as possible, with roundabouts, but not traffic signals. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Mayor Townsell asked for a motion to amend the ordinance to include the additional conditions. Alderwoman Whitmore motioned to amend the ordinance to include the 3 additional conditions introduced by Mr. Patrick. Alderwoman Smith seconded the motion. There was no discussion. The motion to amend the ordinance passed 8-0. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The main motion passed 8-0. The conditions are as follows:

- A. The requirements for impervious surface contained in the ordinance, including Section 1101.7 may be met in part by inclusion of sidewalks and impervious areas within the City rights of way provided that such landscaped areas are to be maintained by applicant, its successors and assigns or a landowners association.
- B. Bike lanes and/or paths shall only be required where indicated on Exhibit "G".
- C. Signage will be addressed as a regional scale development and Petitioner will work with Planning and Development Department on applicable signage regulations.
- D. The streets shown on the attached exhibits are still conceptual. Petitioner will work with the City to finalize the location of all streets.
- E. Building setbacks will be 20 feet from front lot lines and 10 feet from side and rear lot lines. Any variances shall be addressed at platting of the various parcels.
- F. The use of the term "retail" shall be deemed to include but not be limited to all establishments conducting sales or providing services to the public provided those uses listed on Exhibit "J" shall not be permitted.
- G. Until such time as the airport is decommissioned and closed, the airport shall be entitled to continue to operate under this zoning.
- H. This zoning shall revert to I-3, Intensive Industrial District in the event that applicant or its successors and assigns do not close the purchase of the Property described in Exhibit A but only as to any parcel not so purchased.
- I. North South Traffic Movement: North/South movement from Equity to Ingram when such connections are made to Equity and Ingram, shall not be signalized or stop controlled and shall have no more than 2 major intersections.
- J. Robins to Equity Avenue: A right of way from Robins Street to the future Equity Avenue shall be provided in a reasonable, mutually agreed upon location to ensure additional East/West connectivity.
- K. Oak Grove Cemetery: The City shall accept the offer made by Jim Wilson and Associates of the extension of the 100 foot by 800 foot cemetery parcel west to the future Bruce Street. Future Equity Avenue alignment shall be developed to create cemetery viewsheds where practical and appropriate.
- L. Exhibits "B"-"J" consist of pages showing the following:
 - b. Development Phasing Plan
 - c. Overall Master Plan
 - d. Overall P.U.D. Master Plan-uses of each parcel are noted thereon
 - e. Overall P.U.D. Master Plan-uses and proposed allowable unit counts and square footages are noted thereon
 - f. Retail Site Plan
 - g. Connectivity Master Plan
 - h. City Area Zoning Map
 - i. Aerial View
 - j. Prohibited Uses

7. Ordinance to rezone property located at the Northeast corner of Factory and Monroe Streets from R-2A to O-2.

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O-14-76

Alderswoman Whitmore motioned to waive the readings of the ordinance. Alderswoman Smith seconded the motion. The motion passed 8-0. Alderswoman Whitmore motioned to adopt the ordinance. Alderswoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderswoman Mehl, Alderman Ledbetter, Alderswoman Smith, and Alderman Jones, and Alderswoman Whitmore. The motion passed 8-0.

8. Consideration of a conditional use permit for temporary bank building for property located at the northeast corner of Factory and Monroe.

Bryan Patrick, Planning & Development Director, explained that conditional use request covered 2 pieces of property containing 9 duplex units; we are eliminating 6 units, or 2 triplexes and retains the 1 triplex agreed upon. Mr. Patrick stated the Planning Commission had stricken condition 2, hours of operation, and requested condition 2 be removed from the request. Alderswoman Smith motioned to grant the conditional use request with the elimination of condition 2. Alderswoman Mehl seconded the motion. There was no discussion. The motion passed 7-0-1. Alderswoman Whitmore abstained. The conditions are as follows:

1. The conditional use permit is applicable to Scott Hayes and Arvest Bank only to allow a temporary bank building and will lapse sixty (60) days after opening of the new Arvest Bank structure to be built at Oak and Factory Streets, and all structures to include signage and temporary bank building shall be removed from the property during those sixty (60) days.
2. Conditional Use Permit 1337 shall be amended to only allow one triplex at the southeast corner of Monroe and Factory Streets.

9. Ordinance to rezone property located at 1755 Meadowlake Road from R-2 to O-3.

O-14-77

Alderswoman Whitmore motioned to waive the readings of the ordinance. Alderswoman Smith seconded the motion. The motion passed 8-0. Alderswoman Whitmore motioned to adopt the ordinance. Alderswoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderswoman Mehl, Alderman Ledbetter, Alderswoman Smith, and Alderman Jones, and Alderswoman Whitmore. The motion passed 8-0.

10. Ordinance to rezone property located at 2595 Nutters Chapel Road from R-1 to PUD.

O-14-78

Alderswoman Whitmore motioned to waive the readings of the ordinance. Alderswoman Smith seconded the motion. The motion passed 8-0. Alderswoman Smith motioned to adopt the ordinance. Alderswoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderswoman Mehl, Alderman Ledbetter, Alderswoman Smith, and Alderman Jones, and Alderswoman Whitmore. The motion passed 8-0. The conditions are as follows:

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- PUD shall be generally developed as shown on submitted site plan. Minor variations from the submitted site plan. Minor variations from the submitted plan shall be allowed for technical reasons.
- Platting shall be required. Any additional right of way, sidewalks, etc., as required by the Subdivision Ordinance shall be dedicated and constructed.
- Setbacks. Building setbacks must be established and shown on the plat. The front setback shall be allowed at 15 feet instead of the typical 25 feet.
- Lot Sizes. Lots 4-6, 8, 11-15, and 17 shall be allowed at 0.16+ acre.
- A brick wall shall be constructed along Nutters Chapel Road.
- Residences shall be a minimum of 1800 square feet heated and cooled.

11. Ordinance to rezone property located at 2215 Dave Ward Drive from O-1 to RU-1.

O-14-79- Failed

Beau Wilcox, Attorney at Law representing the applicant, explained a mini-storage company may not be appealing but is a necessity for the community and the design of this particular development is state of the art and will redefine how the general public perceives public storage. Mr. Wilcox explained he, and his clients, would like to help eliminate any concerns, and explained his client operates a mini-storage facility, similar to this one, in Maumelle at the old Kroger site. Mr. Wilcox explained Mayor Mike Watson of Maumelle has endorsed this project because that facility has had a positive impact on their city, including increasing the property value and property taxes, on that parcel of land. Mr. Wilcox stated one distinction between the Dave Ward site and the Maumelle site is the significant amount of parking and acreage in Maumelle, which is not applicable here. Mr. Wilcox stated this is a 2 acre parcel of land that will not be used for RV parking or boat storage; if any U-Haul rental is available, it will be on a small scale and the visibility will be shielded. Mr. Wilcox stated this type of development does not raise a lot of sales tax revenue and the property had been listed for sale since 2008, until his client purchased the property, which has occurred since the Planning Commission meeting. Mr. Wilcox stated this development will continue to have a retail component, if moving supplies are sold moving trucks are occasionally rented; the property value will increase, as will property taxes. Lastly Mr. Wilcox stated mini-warehouse storage is characterized as retail high impact under the Conway Zoning Ordinance; when looking at that definition it states "high impact retail establishments are located generally along major highways and designed to serve people in automobiles" and stated the need for mini-storage facilities on this side of town are not met. Bruce Jordan, President of Jordan Architects, stated this industry started in industrial zones but over the past 15-20 years it has been brought into the commercial zones; the predominant zoning theory today is that you will find these on major boulevards, mixed with retail and other land uses because they are a normal everyday fabric of a community, just like laundromats, pharmacy, or retail. Mr. Jordan stated we consult for many cities across the United States regarding the preparation of ordinances for self-storage, we have studied the land use characteristics, the traffic, and impact on crime to name a few. Mr. Jordan stated we have found that self-storage is the quietest and most peaceful use you can be locate next to residential or retail. Mr. Jordan explained in this case, the Planning Commission points out the traffic difference for self-storage would drop from 1500 vehicle trips per day to 100 trips per day over an office use. Mr. Jordan explained our reason for the RU zoning was so the conditions could be applied, all issues have been discussed with staff and we feel the project is designed to be a good neighbor, screen out internal use of the project, and will relate well to the surrounding neighbors. Mr. Jordan shared graphics with council and explained the front elevation does not look like any other self-storage facility in Conway, it is designed to look like an office building, it is high end state of the art, has computer

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controlled security, and is the future of self-storage. Mr. Jordan stated the current zoning allows a 15 foot rear setback, we are proposing 40 foot, a 10 foot side setback, we are proposing 30 foot, and a 25 foot front setback, we are proposing 50; we have exceeded all the current standards in order to work with the city and develop a project that would fit in, and work well with the community, which is why we went through the conditional use process. Mr. Jordan stated this property would be closed at night and if retail were to be built here there would more impact on the apartments; this is a well-designed project and would be a good neighbor to the surrounding area. Alderman Pruitt stated he feels that less traffic would take away from the existing retail. Mr. Jordan explained that high traffic counts can have a negative effect. Alderman Hawkins asked if the ingress is far enough back to not cause congestion when pulling into the facility. Mr. Jordan stated the gate is far enough back to eliminate this issue. Alderman Hawkins asked the hours of operation. Mr. Jordan stated 8 am – 6 pm Monday through Saturday and closed on Sunday. Alderman Hawkins if one wanted to get into their unit on Sunday would this be allowed. Mr. Jordan stated there are limited access to a few individuals who are granted a gate code to enter the facility. Rory Thompson, 1540 Haley Lane, explained they are excited about this opportunity, and being a part of this great neighborhood and stated we are a very quiet business with no police or fire calls within the last year. Mr. Thompson stated we currently lease a retail office from Trinity Development at 2850 Prince Street and many of our neighbors have written letters on our behalf, and stated we have not harmed their business in any way. Mr. Thompson stated the design proposed is state of the art and Mr. Jordan has won many awards for self-storage facilities across the country. Mr. Thompson addressed concerns over fencing, and stated the fence we are proposing a wrought iron fence with landscaping behind, but they are open to suggestions. Mr. Thompson stated the reason for asking for RU-1, instead of C-3 is that C-3 is typical for storage, and the city suggested that we seek RU-1 with conditional use permit, in order for the city to be able to have input. Mr. Thompson stated we serve a wide variety of individuals who are going through a variety of life changes and we want to build a facility to serve more people, and he does not feel this development will hurt the area or the businesses, but will actually compliment them. Alderwoman Mehl asked where visitors to the management office will park. Mr. Jordan pointed out that there are 6 parking spaces to be used for the business office and pointed them out to council from the site plan. Alderwoman Mehl asked if parking corresponds with the Planning Departments parking regulations. Bryan Patrick, Planning & Development Director, stated an RU-1 zone requires the setback that they are showing. Alderwoman Smith asked if an onsite manger would live on site. Mr. Thompson stated there will be an onsite manger, but they will not reside there. Joseph Beard, DT Real Estate, stated we want to build a great facility and how we operate is equally amazing as we put customer service first and create innovative solutions, product offerings, and professional and secure facilities for every customer we serve no matter what their needs are. Resident of 109 Morris (name inaudible) explained he helped open the facility in Maumelle where there was also opposition, but after the facility was opened even individuals who were opposed to the facility have been very pleased with the outcome of the project. Brian Britton, Fredrick Place Subdivision, stated it appears when individuals come into the facility there is the possibility of vehicles being lined into the street which could cause traffic issues at some point and time. Mr. Jordan stated this was designed with the existing traffic counts on Dave Ward Drive in mind when we provided the more than required stacking distance. Mr. Britton stated as a police officer one of his main concerns is if he were to patrol the area, it would be difficult to see behind the buildings from Dave Ward Drive, explaining there has been an increase in storage building break-ins, however I am here to speak for my neighborhood. Mr. Britton stated he is the President of the POA for Fredrick Place Subdivision and explained they are fearful the

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development could impact their home values and encourage other rezoning's in the area and increase crime in the area. Jack Sotallaro, 2510 Fredrick Place, is concerned about the traffic impact of longer base trucks or trailers turning in and out of the facility being driven by individuals who may not know how to handle these types of vehicles. Mr. Sotallaro would also like to know where U-Hauls will be parked at the facility and feels this development is not a good idea at this location. An unnamed resident stated he supports the proposed rezoning as he is a customer of Conway U-Storage, as it was the closest facility to Windstorm Drive (Southwind Subdivision); the unnamed individual asked which is more dangerous, entering and exiting a storage facility, or leaving a private club after possibly having too much to drink; an argument regarding for slowing down to enter a business or exiting a business into heavy traffic can be made for any establishment along Dave Ward Drive. Tracy Tidwell, 1510 Chinook, explained when we they moved to Conway we also needed a storage facility late in the day and it would have been nice to have had this type of facility closer to her home. Ms. Tidwell does not feel like this type of facility will cause a decline in property values especially if it is a secure facility, nor does she feel it will have a negative effect on the area, actually she feels it will be a benefit to the area, as this service is not provided. Delores Reed, 92 Roden Mill Rd, stated being a single female some storage facilities are alarming to go to but believes she and others would feel more secure at this type of facility. Ms. Reed stated she does not think the facility would cause an increase in crime as it is already an issue at other establishments along Dave Ward Drive. Ms. Reed stated her office is down the street and have individuals and professionals moving move in or out of town, and this would be nice service to provide them whatever their situation may be. Tony Brider, current POA President of Catherine's Place Subdivision, stated storage facilities are great but does not like that it is so close to upper scale homes, and he feels it will cause problems long term; yes it will look great at first but what about 10 years down the road. David Smith, Smith Family Pharmacy, stated the current zoning has been in place for some time and it is appropriate for that particular location. Mr. Smith stated it is his understanding that it was zoned this way at the time with the agreement of the property owners; between Donaghey and Nutters Chapel we have several excellent business and professional establishments that anchor that block and they set the tone for that section of the corridor. Mr. Smith stated he needs traffic count, a decline in traffic count will impact his business, and this facility just does not fit the location. Felix Moix Jr, concurs with others who have spoken and asked council to consider areas around Moix Blvd and areas to the west, as these have not been developed either. Brent Salter, 5330 Bay Town, spoke in opposition of the proposed redevelopment and stated the Maumelle facility is on a side road, not Maumelle Blvd; the design is attractive but it still is a storage facility that will have rental trucks etc. Mr. Salter spoke to the amount of prepared food and beverage taxes that are paid to the city, from The Plaza at Centerstone over the last 12 months and does not feel this is a good site for this type of facility and asked council to take this into consideration. Mr. Salter stated he polled the Centerstone Apartments and collected 287 signatures of residents who are opposed to the development. Gene Salter, 2915 St Charles Drive, stated storage facilities are needed but not in this location. Mr. Jordan stated he worked with a number of police departments where we use and volunteer our self-storage facilities for K-9 training etc. and we are a big part of what police training is all about, and he is sure Mr. Thompson could do the same here in your community. Mr. Jordan stated storage facilities are open during the day and predominate traffic is cars and trucks, there may be 1 or 2 U-Haul trucks but a space has been designed for them and they will be screened. Mr. Jordan stated making a 90 degree turn into a commercial facility is done every day across the country and we have more than ample required width for fire turning radius and the like; we have exceed all the city ordinances and stated the traffic hazards are not there. Mr. Jordan stated the facility is layered with security

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features and statistics show police and fire calls are very, very low; problems usually occur at older types of storage units. Mr. Jordan stated the concerns about needing high impact retail are somewhat exaggerated as there are vacancies at The Plaza at Centerstone as well as other nearby lots that have yet to be developed further; many of the concerns are myths. Mr. Jordan stated and the design of the building was to keep from intruding on neighbors, explaining the facility at Maumelle is completely different from the being proposed here tonight, as much so I would ask council to restrict RV's that are not inside the structure as no RV's, trailers etc. will be at this location. Mr. Wilcox endorse Mr. Jordan's rebuttal and explained he is not going to dignify the issue of 300 plus residential and or commercial tenants signing a so called petition, at the behest of their landlord, because of the inordinate pressure they must feel to do that being subject to a lease. Mr. Wilcox this comes down to them wanting to protect their property values and we want to protect our investment and council is left with the task of making the decision. Mr. Wilcox stated the notion of a plan there has been zoning for O-1 and zoning is made to be changed as it has been here tonight and there has not been a plan, in place publicly, with regard to this 2 acres since 2008. Mr. Wilcox stated at that time an option that existed on this property was released by an LLC that is now dissolved so there is no legal issues that exist now on this property and we can talk extensively about how a storage unit may not be appropriate here but this is a mixed use district and it cannot be characterized as anything but that. Mr. Wilcox stated since 2008 Mona Heath's property has been for sale and no one has purchased it and 6 years later my client has seen the value of the property, has purchased the property, and committed untold resources to these plans. Mr. Wilcox went onto say there is not a single study provided here tonight by the opposition that shows the property value will decline if this passes and this is a positive for the area, maybe not exactly what you would like to have, but it is not a negative. Alderman Hawkins asked about the number of units and their sizes. Mr. Jordan stated 450 and the sizes are 5x5 to 10x25. Alderman Hawkins disclosed that he owns a storage facility that is not nearby and if Mr. Wilcox and his applicant chose, he will abstain from voting. Mr. Wilcox stated they do not have an issue with that and encourage full council participation. Alderman Hawkins reiterated that this property has sold and been closed on. Alderman Grimes stated he can see both sides of this issue but feels like we wanted to see something that would be open here at night, a more active neighbor to have more synergy with what is there and may not be fair at this point to change the design of what was planned for the area, and he will be voting no. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Pruitt motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Alderwoman Smith stated she feels the design is nice and would fit in well and realizes the property has sat for sale for many years until now. Alderman Ledbetter and Alderman Pruitt feel the facility would be a better fit in a different location. There was no further discussion. The motion failed 1-7. Alderwoman Smith voted in favor of.

12. Consideration of a conditional use permit request for property located at 2215 Dave Ward Drive.

This item cannot be considered due to failure of Item 2B-11 above.

C. Public Services Committee (Sanitation, Parks & Recreation, and Physical Plant)

1. Ordinance amending the 2013 budget and appropriating funds associated with Rogers Plaza for the Conway Parks & Recreation Department.

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O-14-80

Mayor Townsell stated we have discussed and approved this and the A&P Commission has agreed to pay for this, but this bookkeeping transaction did not occur and this ordinance will amend the 2013 budget to show the \$257,162.00 from the A&P Commission. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

2. Ordinance appropriating funds for the purchase of equipment for the Parks & Recreation Department.

O-14-81

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell stated the amount for this purchase is \$15,000.00. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

D. Public Safety Committee (Police, Fire, District Court, CEOC, Information Technology, City Attorney, and Animal Welfare)

1. Ordinance appropriating reimbursement funds from various entities for the Conway Animal Welfare Unit.

O-14-82

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0. The total reimbursements for this ordinance are \$3,771.80.

2. Ordinance appropriating reimbursement funds from various entities for the Conway Police Department.

O-14-83

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes,

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Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0. The total reimbursements for this ordinance are \$42,300.95.

Adjournment

PASSED this 9th day of September 2014

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett