
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
December 13, 2016

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, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. Also, present and acting: Mayor Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson.

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett

Minutes: November 22, 2016 City Council Meeting

Alderwoman Smith motioned to approve the November 22, 2016 minutes as submitted. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

Mayor Townsell recognized Boy Scout Troop 78, who was in attendance.

Mayor Townsell stated our next council meeting is scheduled for Tuesday December 27, 2016 and many of our council members will be out of town and asked if council wished to move the meeting to Tuesday December 20, 2016. Council concurred. Alderman Jones motioned to move the next meeting to December 27th. Alderwoman Smith seconded the motion. Mayor Townsell stated due to scheduling conflicts Alderman Ledbetter has asked that we forgo a committee meeting on December 27th and move the council meeting up to 5:30. Council concurred. Alderman Jones and Alderwoman Smith added this to their main motion. There was no further discussion. The motion passed 8-0.

1. Report of Standing Committees:

A. Community Development Committee (Airport, Planning & Development, Street & Engineering, Permits & Inspections, Code Enforcement, & Community Development)

- 1. Resolution to set a public hearing to discuss the closing of a sewer and utility easement in Lot 1 and Lot 2 A1 of the Ramada Inn Lot 2A Re-plat, 811 and 813 East Oak Street.**

R-16-60

Alderwoman Smith motioned to adopt the resolution. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0. The public hearing will be held Tuesday January 10, 2017 at 6:30 pm.

Resolution to set a public hearing to discuss the creation of the stormwater utility and stormwater utility fund for the Street & Engineering Department.

R-16-61

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Aldерwoman Smith motioned to adopt the resolution. Aldерwoman Isby seconded the motion. There was no discussion. The motion passed 8-0. The public hearing will be held Tuesday January 24, 2017 at 6:30 pm.

2. Resolutions requesting the Faulkner County Tax Collector place a certified liens on certain properties as a result of incurred expenses by the City.

R-16-62

Alderman Hawkins stated the address is 1824 South Blvd and the cost of cleanup was \$163.64 (\$121.49 + Penalty \$12.15 + filing fee \$30.00). There was no one present to speak to this issue. Aldерwoman Isby motioned to adopt the resolution. Aldерwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-16-63

Alderman Hawkins stated the address is 14 Mockingbird Lane and the cost of cleanup was \$229.78 (\$181.62 + Penalty \$18.16 + filing fee \$30.00). There was no one present to speak to this issue. Aldерwoman Isby motioned to adopt the resolution. Aldерwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-16-64

Alderman Hawkins stated the address is 229 Mitchell Street and the cost of cleanup was \$235.35 (\$186.68 + Penalty \$18.67 + filing fee \$30.00). There was no one present to speak to this issue. Aldерwoman Smith motioned to adopt the resolution. Aldерwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

3. Consideration to approve the nominations for the annual boards and commissions: Historic District Commission, Oak Grove Cemetery, Airport Advisory Board, and Planning Commission.

Alderman Hawkins explained the city would like to approve the following nominations for the boards which are outlined below:

Planning Commission:

- Arthur Ingram - 5 year term
- Brandon Ruhl - 5 year term

Historic District Commission:

- Gerald Tosh - 3 year term
- George Covington - 3 year term
- Steve Hurd - 3 year term

Oak Grove Cemetery:

- John Courtway - 5 year term
- Ellen Gordy - 5 year term

Airport Advisory Committee:

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

- William Hegeman – 3 year term
- Brad Teague – 3 year term
- Bill Adkisson – 3 year term

Alderwoman Smith motioned to approve all the nominations. Alderman Jones seconded the motion. Alderman Hawkins stated there is a thought process among the real estate community that they are excluded from being on this particular commission and asked Planning Director Bryan Patrick to address this issue. Mr. Patrick stated from previous selections they have felt that real estate agents have a conflict of interest by serving on the Planning Commission due to rezoning's that could sway a monetary decision. Alderman Hawkins asked if we think they would not be able to recuse themselves from a vote. Mr. Patrick stated maybe but there are so many cases that come before the city and the real estate community is so interconnected, they could come together on pieces of property and they have felt in the past that there is too much conflict of interest. Alderman Hawkins stated he has no problem with the nominees that were chosen and asked when the last time a realtor was on this commission. Mr. Patrick stated Pam McDowell served many years ago, but there is a lack of records on this commission prior to 1984 but there could be more on a list he has, he is not aware of the names. Alderman Hawkins stated he does not recall a realtor being on the commission during his tenure. Mayor Townsell stated when he was on the Planning Commission in 1993 it was a standing policy that we did not place individuals who had a potential vested interest because the recusal requirements of state law are only if you have an actual monetary interest in a piece of property. Mayor Townsell stated just because you had a relationship with someone who may be bringing a request, was not enough to kick in the automatic recusal requirements. Mayor Townsell stated it's the relationship, not necessarily the monetary reasons why we kept those in place and these probably date back to the Blue Ribbon Commission of late the late 1980's and it likely dates back 25 years or more. Dalencia Hervey stated for this particular round of nominees we gave everyone fair consideration and did not consider the personal gain for realtors and stated we did select an architect; we interviewed with pretty much the same questions, we split the committees up and then brought them back together with our top selections and it just so happened that the realtors did not make it to the top picks. It was also explained that one of the committees looked more at what ward the nominees resided in, not necessarily their occupation to make sure each ward was represented. Mayor Townsell stated he feels that having the arm's length distance is appropriate and explained that Conway Corp. used to sit on the Planning Commission and they certainly have an interest in it, but they were removed at the same time and we have maintained a degree of integrity with the Planning Commission and he feels we have begun to chip away at if we allow individuals that benefit from a development industry onto the Planning Commission. There was no further discussion. The motion passed 8-0.

4. Ordinance appropriating grant funds received from the EPA for the Spencer Street Brownfield Cleanup project.

O-16-134

The amount of grant funds received was \$4,521.66. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Isby motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

“Aye”: Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

5. Ordinance amending the Conway zoning ordinance in regards to various zoning amendments.

O-16-135

Bryan Patrick, Planning Director, stated these are various things in the zoning ordinance that could be improved upon; we wish to remove C-4 and S-2 zoning districts from the zoning ordinance. Mr. Patrick stated we have been looking at the possibility of putting in a smaller lot for the single family residential zoning district, and by removing these zones it would allow us to add additional zones. Mr. Patrick stated the area around Superior Dodge is the only example of a C-4, which was tailored for an indoor shopping mall; this area would change to a C-3 zone. Mr. Patrick stated we do not have any S-2 zoning in Conway and explained this zone was created for Conway Regional to put in a hotel and retail, but this never came about but there are other zones to meet those needs. Mr. Patrick stated next we would like to increase the height allowance in the C-3 zone to accommodate requests from hotels to build beyond three stories to four and from a planning perspective, we do not see an issue with allowing one more story. Mr. Patrick stated we now allow duplexes by right in an O-3 zone (restricted office) and we feel this should only be a house or a restricted office and we would like to eliminate duplexes from the O-3 zone. Mr. Patrick stated the last thing we want to do is to remove some institutional development criteria, and explained these changes would help our department in getting developments through our requirements process easier. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Isby motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Mayor Townsell stated council may want to rethink the height regulations listed on page 1 of the ordinance, as you can see 35 is stricken which would allow someone to construct a structure of any height in Downtown Conway. Mr. Patrick stated they can't here and one would have to go to the Historic Commission and their current maximum is six stories, but they should correlate. Mayor Townsell concurred and stated we do want to make sure there is a cap because you do not want a singular structure dominating all developmental pressures in an area. Mr. Patrick stated we could add that tonight. Mayor Townsell asked if Mr. Patrick has a number in mind. Mr. Patrick stated six stories would correlate with what we currently have in the Old Conway Overlay District. Mayor Townsell stated if you want to amend it you should add the language “maximum number of feet or number of stories” and you could have 6 stories, which would fit the flow. Alderman Jones stated he would rather have a number listed. Mr. Patrick stated 75 and 6 stories, would be adequate. Mayor Townsell asked Alderwoman Isby if this amendment is okay with her motion. Alderwoman Isby stated yes. Alderwoman Smith also concurred. Mayor Townsell stated we will add that amendment in by acclimation. Alderman Ledbetter asked if we have talked to the Fire Dept. regarding the height amendment. Mr. Patrick stated currently our S-1 allows 100 ft. Fire Chief Mike Winter stated 75 feet is our maximum. 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, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

6. Ordinance amending the Conway zoning ordinance development review regulations relating to building façade appearance and materials.

O-16-136

Bryan Patrick, Planning Director, explained we have certain parties who have not liked certain developments that have happened recently in Conway and stated certain blank facades have happened in town which did meet our ordinance development review, but in order to prevent certain blank facades from occurring in the future, we have added a mechanism to try to encourage horizontal elements in large blank walls and structures. Mr. Patrick stated over the past years we have gone with a pilaster method where you have a long blank wall every so many feet. Mr. Patrick stated the pilaster is okay but there are better examples around town such as masonry materials; here we are looking adding horizontal elements such as differed textured masonry materials and or coursing bonds required, where you can make a nice horizontal feature but paint alone does not count to provide this horizontal differences in your walls. Mr. Patrick stated we are limiting some of the materials you can use such as split face and rustic block to more of a banding feature, not an entire wall of this; we are suggesting 51% masonry but 10% can be precision concrete block and then it only has to be used as a decorative feature and you would have to use a certain percentage of split face etc. Mayor Townsell stated the difference between the two versions of the ordinance is added clarity on the use of color and allowing the use of high value masonry such as brick, stone, and cast stone; this can be done without color changes. Mayor Townsell stated if it is a lowered value masonry such as split face block or precision block you have to add an element of color with that, this is really the only difference between the two versions of the ordinance, other than that they are complimentary. Mr. Patrick stated we are also adding a \$250.00 fee to look at post approved plans and to re-do some of these plans in the field, which we do not want to continue to do. Alderman Hawkins asked if this was for future construction. Mayor Townsell stated totally for future. Alderman Hawkins motioned to approve version II. Alderman Grimes seconded the motion. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the version II ordinance. Alderwoman Isby 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, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

7. Discussion of a request for a proposed amendment to the subdivision ordinance as related to allowing a waiver in the fire code section.

Bill Adkisson, Attorney at Law, explained he purchased property in the late 1990's that is over Cadron Ridge and it comes down to the south right of way of Hwy 319 and he purchased it because it adjoined property he already owned on the south side of the hill; he then filed an annexation and had it brought into the city. Mayor Townsell stated because of that annexation the city annexed Cadron Settlement Park which is Federal property that we manage as a city park. Mr. Adkisson stated his plan was to develop the property and in 2005 he divided the property into 5-6 acre tracts by survey, it was not platted and within a matter of days of doing this, the city council amended the subdivision ordinance to incorporate the state fire code which requires a fire hydrant within 600 ft. of the farthest point of any residential lot, and within 400 ft. from the farthest point of any commercial lot.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Mr. Adkisson stated due to the ordinance amendment, an applicant for a building permit cannot get the permit if the fire hydrants are not within this distance. Mr. Adkisson stated he has looked at this many ways with Conway Corp. to bring water to the area and the first quote he received was \$400,000.00 and the second quote was \$500,000.00 and explained none of the landowners in the area are not interested in developing so he would be unable to share this cost with anyone and he is requesting council to consider further amending the subdivision ordinance to provide for exceptions, one would be to allow for fire officials to make modifications to the code, if the practical applications would be impractical in situations like his. Mr. Adkisson is also requesting council to consider amending the subdivision ordinance to exclude tracts of 5 acres and more which would affect his property because there are so few land owners that would be affected by this he does not think that there would be any negative impact to the city that he can see, however the fire officials may have other comments. Mayor Townsell stated there is nothing on the agenda to act upon tonight this is something we would want to bring forward for further discussion. Mayor Townsell stated there are a few things that could be impacted by this in other areas of the city, and stated we are at a strange crossroads in terms of city utilities because of our old ordinances. Mayor Townsell stated we have a code terminus relationship with Conway Corp and how far the city and Conway Corp extends services. Mayor Townsell stated we do not generally annex much beyond that but we have in certain places such as Beaverfork Lake, but we have never been able to push a line over the hill to serve this area. Mayor Townsell stated this area is under the same type of situation and it may not meet our flow, even though it is served by Beaverfork water. Mayor Townsell stated if we ever annex and decide to break our code terminus relationship with Conway Corp for whatever reason, then this is probably going to come up more often and may happen sooner rather than later if we annex to the south and pick up the new interchange. Mayor Townsell stated more than likely Conway Corp will not extend water lines to places that are served by Mayflower Water. Mayor Townsell stated they will not have water service in certain areas that Conway or Mayflower will not address, and then there is the issue of fire flow where Mayflower has water lines and we may not be able to attach to existing fire hydrants that are there. Mayor Townsell stated this issue is not narrow and it's probable if we do annex to a larger area to the south to include the interchange and if we do not, we should quit spending money three quarters of a mile outside of the our city limits. Mayor Townsell stated if we do annex in that area we will probably have to fight fires with equipment we used to have where you could drop a mechanism into a body of water and pump water for firefighting, which is how it is done in rural areas. Alderwoman Smith stated she would like to hear from our Fire Chief. Fire Chief Mike Winter stated after looking into this issue and discussions with Mr. Adkisson and Chief Wiedower, the bottom line is this is a life safety issue, not just for property owners but for our firefighters. Chief Winter stated the closest hydrant is 2.1 miles away and we carry 750 gallons of water on each engine; our typical initial deployment is 2 hand lines flowing 125 gallons per minute, so in 3 minutes we are empty. Chief Winter stated as the Mayor eluded to rural fire departments have equipment capable of fighting fires in their jurisdiction because they have lack of water; they have tanker trucks, equipment, and suction hoses that they can draft water from stagnant water sources, and we do not have this equipment and the cost would be astronomical in equipment, staffing, etc.; the initial budget for this was \$18 million. Mayor Townsell pointed out that this is state law and he read: *"do not lessen health, life, and fire safety requirements"*; the question is how do you get around that, and the Mayor stated you can get around this by going outside the city. Alderman Hawkins stated then in Mr. Adkisson's case it would be better for him to de-annex his property and asked if it can be done. Mayor Townsell stated yes. Mayor

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Townsell stated imagine what kind of city regulations we would have if we only regulate inside the city and do not annex areas that are not served by water because there are implications to zonings, land use, and subdivisions; if we are never going to bring this in because of the issue water, then we should not ever regulate it in any fashion. Alderman Hawkins asked if this is a Conway Corp issue. Mayor Townsell stated that is an economic issue, they do not serve water to Mr. Adkisson because the cost of development cannot be offset into the cost of a lot. Alderman Hawkins stated as they Mayor mentioned, we are getting ready to build a large road outside of our boundaries that this same problem is going to occur. Alderman Grimes stated the study that showed the cost being upwards toward \$18 million, so that pretty much answered this question for him. Alderman Grimes asked if a piece of property is in the city limits but does not have fire flow, the fire department crews would be required to go and do the best they could, but if it is not in the city limits our fire department does not show up, and asked if this was an accurate depiction. Chief Winter stated yes. Alderman Grimes stated if we allow something in the city that is not properly covered then we put our firefighters at risk. Mayor Townsell stated so you have limited your city to where you can provide fire flow on this one issue. Alderman Grimes stated Mr. Adkisson pays \$500,000.00 or the city pays \$500,000.00 to purchase a pumper truck, and stated this is a complex issue. After some discussion Mayor Townsell stated if Conway Corp extends the water lines every rate payer pays for that extension, not just the ones who will benefit and asked if that is everyone's burden, or if the burden should fall on the people who will benefit from that line. Alderwoman Mehl stated there is water over the ridge, because she has Conway Corp water. Mayor Townsell stated his area is well west of you. Alderwoman Smith asked if Mr. Adkisson would want to de-annex. Mr. Adkisson stated probably, if that is my only alternative. Alderman Pruitt asked if you have a house/lot in Conway and the house sits 750 ft. from the road, do they have to install a fire hydrant. Kenny Wiedower, Fire Marshall, stated it is the farthest point of the house to a hydrant that has to be 600 ft. Mr. Wiedower asked what the possibility of de-annexing and then building these homes and then annexing back, as you will have different property owners that will purchase these lots. Mayor Townsell stated years ago Jack Bell remembers dealing with issues where one did not de-annex and constructed a duplex in variance because we were not going to let them do what they wanted while they were annexing, so they stopped the annexation process, built what they wanted to build and we allowed them to be annexed anyway. Mr. Wiedower stated when your outside the city NFPA kicks in and allows rural fire fighting capabilities and all the rural volunteer fire departments have those capabilities but the City of Conway does not, and this is why construction does not stop in Vilonia and Greenbrier. Alderman Jones asked how far a rural fire station will be from this land. Mr. Wiedower stated either Wescon or Beaverfork which is a long way. Mayor Townsell stated part of the problem is there is no way to get there directly from west Tyler, you have to go all the way around to Hogan, out 64 West, and then down to 319. Mr. Wiedower stated you are allowed to have wells which can attach to sprinkler systems, but we do not have the capabilities. Mayor Townsell stated of the \$18 million mentioned earlier, \$11 million of that included a fire station, a third ladder truck, a pumper truck, and the additional pay for additional personnel and eventually we would need to build a fire station in that area to cover the population. Mr. Wiedower stated he spoke to make sure if this area is de-annexed what will be the plan so it does not get annexed back. Alderman Pruitt asked what will we do as we move to the south. Mayor Townsell stated just remember you have created a new exit with possible commercial developments, and the sales tax will not go to the city of Conway. Alderman Jones stated insurance will be high as well. Mr. Wiedower stated what is going to happen if you de-

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

annex this property and it is no longer an ISO rating of 2, and stated he does not know which volunteer department that would fall under or what their rating is. Alderman Pruitt asked if the rating will be affected if we annex property that is currently like that. Alderman Pruitt stated so we will have to put in the infrastructure to get the fire hydrants down there. Mayor Townsell stated what will happen is you will get your ISO rating split; now we are monolithic for the whole city and we would have a split rating because if you do not have good access, hydrants, response times etc. that area will go to the ISO rating it needs to be, and the other areas that are satisfactory will maintain their current rating, and we are nursing a monolithic class 2 rating which may not hold based on annexations etc. Alderman Pruitt asked if we allowed Mr. Adkisson to de-annex and then not let him annex back, would be setting precedence and not annex the area going toward the south interchange. Mayor Townsell yes, he thinks you would have set precedence. Alderman Pruitt asked what becomes of our investment in the south interchange. Mayor Townsell stated it will be the counties property. Mayor Townsell stated we would need some connection out there, we cannot have a segment of the city in the city limits that is completely detached, unless we can maintain it and we may have to de-annex it with Mr. Adkisson's property, if there is no other connection. Alderman Grimes stated as Alderman Hawkins pointed out next year Conway Corp is getting a new CEO and the city will have a new mayor and stated this is not a new problem and just like the drainage issue, this is not going away and it comes down to who is going to pay, the developer, homeowner, city, or Conway Corp and at some point, we will have to keep doing nothing or figure it out. Mayor Townsell stated you need to give Mr. Adkisson some direction. Alderman Hawkins stated our fire officials have clarified that it does not sound good. Alderman Pruitt stated he is concerned about the bigger issue. Alderman Jones stated there are areas who have gotten water via a water district improvement. Alderman Hawkins stated he suggests that Mr. Adkisson hold off for a bit and see what comes in the New Year.

8. Ordinance to rezone property located at 260 Hwy 65 North from A-1 to C-2.

O-16-137

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Isby 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, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

9. Consideration to approve the conditional use permit to allow a jewelry store in an I-3 zoning district for property located at 655 Dave Ward Drive, Suite 102.

Alderman Hawkins motioned to approve the conditional use permit request with the listed conditions. Alderwoman Smith seconded the motion. Mayor Townsell stated you may consider the limitation to Suite 102 in commercial properties which seems a little small, as you know there might be commercial tenants leasing other places and if we are going to approve it you may want to apply it to the building, not just the one suite. Mayor Townsell stated the main thing he wants to point out this is in a section of roadway that has 5 lanes and is beyond the limits of the median just to the west, but is in an area that is likely going to be commercial and suggested to maintain traffic flow in an already congested area, and

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

recommended council consider constructing a median in the future for traffic purposes, and possibly taking back eastward to the railroad bridge. Mayor Townsell stated medians are problematic as businesses tend to think they break access of their customers to their facility, and stated he would add a condition that the permittee is accepting this condition, and accepts the ultimate placement of a median on Dave Ward Drive adjacent to and in front of this location. Mayor Townsell stated if we do construct a median and if it ever gets adjudicated, they have agreed to it and the city attorney does not have to fight the battle protecting it. Mayor Townsell stated if they are going to ask us for a condition to allow a commercial business in an industrial zone, then we can at least claim that as a possibility. Alderman Grimes stated that is a good point and to further that people travel even faster in this type of area and can cause traffic accidents. Alderman Jones asked if this will affect the people who own the building. Mayor Townsell stated it only makes sense to do it for the whole building. Alderman Grimes stated it is for the Covington's not the jewelry store. Jason Covington, applicant, stated he likes the medians but he cannot say that his tenants will not complain. Alderwoman Isby motioned to add a condition that will have the permittee accepts the ultimate placement of a median on Dave Ward Drive adjacent to and in front of this location. Alderwoman Smith seconded the motion. The motion passed 8-0. There was no further discussion. The motion passed 8-0. The conditions are as follows:

- Use is limited to a jewelry store and jewelry fabrication (business expansion is allowed).
- Conditional Use Permit only applies to Suite 102 of the building located at 655 Dave Ward Drive.
- Permit holder accepts placement of possible future median adjacent to and in front of the subject property.

10. Consideration to approve the request for conditional use permit to allow non-residential uses in the territorial jurisdiction for property located at 294 Hwy 65 North.

Alderman Hawkins motioned to approve the conditional use permit request with the listed conditions. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0. The conditions are as follows:

- Hours of operation for commercial uses are limited to 6 am to 6 pm, Monday through Friday and 8 am to 6 pm on Saturdays except in cases of emergencies. Church hours are not limited.
- Lighting must be inward, downward, and shrouded with cut off fixtures meeting development review standards. No lights shall intrude on abutting residential property.
- Uses are limited to those requested; church, bucket truck assembly; and environmental services, incorporating attached Exhibit C.
- Allowed uses shall be in specified areas as shown on submitted lease area map.
- Church entity may change. Commercial business entities may not change without amending conditional use permit.

11. Consideration to amend the Hart Place PUD Final Development Plan.

Mitch Hart, speaking on behalf of Toby Hart the applicant, stated Ms. Hart began with approximately 20 acres fronted by E. German Lane to the east and Middle Rd. to the south, which are 2 minor arterial roads. Mr. Hart stated currently we are under contract to sell her dance ranch to Ozark Mountain Trading Co. who sells kayaks and outdoor equipment; they seem like a reputable company and they currently have three locations, two in Missouri and one and they are looking to locate here. Mr. Hart stated while going through the rezoning

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

process he felt it would be an opportunity to look at the property as a whole and see what would be appropriate for that area and he has been trying to market the property since 2009 as a residential area and have only sold the house. Mr. Hart stated it is currently under a PUD which allows agriculture, residential, and her horseback riding academy and dance studio, which is the current use of the property. Mr. Hart stated he wanted council to look at the property as it exists today and to make some recommendations as to what council thinks might work for this property from a marketing standpoint because once you get past residential, multi-family zonings you run out of zonings quickly. Mr. Hart stated one person spoke in opposition at the Planning Commission meeting; his original request was for C-2 or I-1 and he asked the opposing party what they "did not" want to be placed on this property and he informed them he would try to accommodate, since a PUD has so much flexibility. Mr. Hart stated the list he provided to council tonight is an amended list of businesses he would not want and they are: gas station, car wash, no drive thru restaurant allowed (only with approval of a conditional use), no hotel/motel allowed (only with approval of a conditional use), businesses requiring 24-hour store operating hours (only allowed with a conditional use), and no high impact grocery stores. Mr. Hart stated this is a revised request and council may be able to make some improvements as well; the area feels like light industrial and there is not enough traffic for high impact retail, which we do not want. Mr. Hart stated this is a large parcel of land but you can see that there is a creek that comes through it and a much of the property is undevelopable; 9 acres are in the 100 year flood plain and 1 acre of this is "high and dry", and part of it has a gas easement through it. Mayor Townsell asked if he wanted these other stipulations added to the request before council. Mr. Hart stated yes. Bryan Patrick, Planning Director, stated the request seems appropriate and we had given a recommendation along these lines and because of some of the complaints that he has addressed they backed it off to allow the most immediate; they need the kayak and canoe sales so they basically limited it down but with these stipulations he does not foresee any problems with that area. Mr. Patrick stated it would be best to tag these uses to the allowed uses that are already in place, and stated we added #43 Paddle sports and related trailer retail sales; the others Mr. Hart provided can be added as well. Mr. Patrick stated part of the original final development plan for the PUD also talks about lot, yard, and height requirements and it says "*all construction must comply with A-1 zoning district lot, yard, and height regulations*" and if we are going to allow him to do some form of I-1 zoning these uses we have listed will not work well because A-1 requires lots at least 1 acre and 150 ft. and some of the setbacks; this is an agricultural zone so the setbacks are bigger and deeper, and recommended that this gets changed to I-1 with zoning standards for the lot, yard, and height regulations. Mr. Patrick stated there was also another part of the final development plan that discussed studio building and parking and says "*studio will be a one story building and may be constructed in phases and will occupy no more than area shown on the final development plan; parking will be located within the potential parking area at a minimum of one parking space to be allowed for each 400 sq. ft. of building area; without amendment no other new buildings or parking will be constructed outside its designated area, however other recreational facilities may be constructed to accommodate allowed uses*" and Mr. Patrick recommended striking this entire section out because it does not work here anymore and we have new parking regulations that likely contradict that. Alderwoman Isby motioned to amend the PUD with Mr. Hart's added items. Mayor Townsell stated this will change the lot, yard, and height requirements from A-1 to I-1 and will strike the section regarding studio building and parking. Alderman Jones seconded the motion. Mayor Townsell stated we do need a motion and second on the full amendment. Alderwoman Smith motioned to amend the PUD. Alderwoman Isby seconded the motion. Mayor Townsell stated as amended the

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

conditional use to include the various prohibited and restricted sections, I-1 zoning, and the lot, yard, and height requirements changing to I-1 and striking the studio building and parking. There was no further discussion. The motion passed 8-0.

B. Public Service Committee (Sanitation, Parks & Recreation, & Physical Plant)

1. Ordinance authorizing personnel changes within the Sanitation Department.

O-16-138

Joe Hopper, Sanitation Director, explained over the last 12 months we have evaluated and adjusting our work processes and found that the position of collector has been utilized for a multitude of duties; some were classified as collectors when they were doing the same job duties as another employee such as office clerk or custodian and we are requesting to reclassify positions, and he feels these will provide a more clear expectation for our employees and we will be more fair and equitable across the board. Mayor Townsell stated this is clarifying what is on the ground in forms of duties that are already being performed. Mr. Hopper stated that is correct, we are not asking for any additional full time positions, these are strictly reclassifications of existing positions and the only one that is a major change would be our shop supervisor; it is the only division in our department that does not have a supervisor and we implemented some work order/inventory systems which requires more oversight and we want to tighten down our internal controls. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Isby seconded the motion. Mayor Townsell stated the impact to the budget will be \$39,770.00 annually. 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, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

C. Public Safety Committee (Police, AWU, CEOC, Fire, District Court, Information Technology, & City Attorney)

1. Ordinance accepting & appropriating grant proceeds awarded from the Arkansas Department of Emergency Management to the Conway Fire Department Bomb Squad.

O-16-139

Mike Winter, Fire Chief, stated we are asking you to receive grant funds from Homeland Security in the amount of \$83,825.00; these funds are 100% reimbursable. Chief Winter stated we are also requesting to waive competitive bids and utilize ICOR as a sole source vendor to purchase the MK# flip bar, MK3 telescoping PTZ mast, and MK3 PTZ camera assembly. Chief Winter stated we currently have an ICOR robot and this grant will help fund updates and these can only be purchased from ICOR. Alderwoman Isby 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. Alderman Ledbetter seconded the motion. Mayor Townsell asked if this needs to be in the 2016 or 2017 budget. Chief Winter stated 2017. Mayor Townsell stated we will make note of that. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

2. Ordinance accepting & appropriating grant funds from the Arkansas Department of Emergency Management to the Conway Police Department.

O-16-140

Jody Spradlin, Chief of Police, stated this too is a Homeland Security grant we have received in the amount of \$116,000.00 to be used for our SWAT team; the grant is used to combat terrorism. Chief Spradlin stated the funds will be used to purchase enhanced SWAT equipment but no weapons or their attachments can be purchased with these funds. Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Isby seconded the motion. 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, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

3. Consideration to approve a donation received from the U.S. Marshal's Service to the Conway Police Department.

Jody Spradlin, Chief of Police, stated we are asking to accept the donation of a 2017 Ford F150 Crew Cab 4 X 4 (VIN - 1FTEW1E88HKC00990); the total value of the donated truck is \$28,328.48. Chief Spradlin stated we have had an officer assigned to the Violent Offender Fugitive Taskforce with the U.S. Marshal's office for over a year; the taskforce is comprised of different Central Arkansas agencies and their main goal is to pursue violent offenders and to date we have cleared 30 Conway cases. Chief Spradlin stated this taskforce also provides each taskforce officer with a vehicle; this will become permanent property of the city, even if we were to pull out of the taskforce. Alderwoman Smith motioned to accept this donation. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

Adjournment

PASSED this 13th day of December 2016

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett