

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:00 pm
April 22, 2025

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: Councilman Hawkins, Councilman Grimes, Councilman Spurgers, Councilwoman Mehl, Councilman Ledbetter, Councilman Hawks, Councilman Jones, and Councilwoman Isby. Also, present and acting: City Clerk Denise Hurd, and City Attorney Charles Finkenbinder. Mayor Bart Castleberry was absent.

Call to Order: Councilman Hawkins

Roll Call: Denise Hurd, City Clerk

Minutes: April 8, 2025

Councilwoman Mehl made a motion to approve the minutes of the City Council meeting on April 8, 2025, as submitted. Councilwoman Isby seconded the motion. The motion carried 8-0.

Monthly Financial Report ending February 28 and March 31, 2025

Tyler Winningham addressed the Council stating that he is seeing a downward trend in sales tax revenues this year. He said revenues were down 9% in January, which he felt was more of a correction, but with February being down 1% and March down 1.8% he stated that it looked like the economy is seeing a slowdown. He added that the City is about \$400,000 below this time last year in sales tax revenues, with roughly \$300,000 of that in the general fund. He gave them the results of a study he conducted on state tax reports which substantiated the downward trend. He reported that the general fund as of March showed a net expense of 2.2 million dollars. He added while sales tax was part of that, the City spent just under 1.5 million dollars on the Community Center because of bills coming in to finish up the facility. He said another factor that affected March expenditures is that the payments for the fire trucks that the City has financed were paid. He told them that while departments depend somewhat on sales tax revenues, other department funds were not as affected, although expenses will become a factor later in the year for the Street department. He concluded by saying that he would closely monitor and keep them informed. Councilwoman Isby made a motion to approve the monthly financials and Councilwoman Mehl seconded it. A vote was called and the motion to approve carried 8-0.

Report of Standing Committees:

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

1. Consideration to approve waiving all three readings for the ordinances on the April 22, 2025 City Council Agenda.

Councilman Hawkins presented Item A1 to the Council. Councilman Spurgers made a motion to approve waiving all three readings on the Agenda and Councilman Ledbetter seconded the motion. The motion carried 8-0.

2. Ordinance to approve entering into an agreement with White Bluff and Independence Steam Electric Stations for the City of Conway and Conway Corporation.

O-25-34

Councilman Hawkins presented Item A2 to the Council. Brett Carroll of Conway Corporation reminded the Council that the City has co-ownership in two coal electric plants: White Bluff and Independence. He told them that the plants will cease burning coal in 2028 and 2030

respectively and that this transaction is the City's, and the other co-owner's response to that eventuality. He thanked Jason Carter, the attorney who worked on this project as well as Bill Bethea and Aaron Brown. Mr. Carroll told the Council that the Conway Corp and the City has not considered this type of project since 1974. He gave the Council some background information and history of the stations. Councilman Spurgers made a motion to adopt the Ordinance with the emergency clause and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilman Hawks, Councilman Grimes, Councilman Ledbetter, Councilman Spurgers, Councilman Hawkins, and Councilwoman Isby. The Ordinance and the emergency clause passed 8-0.

B. Community Development Committee (Airport, Community Development, Code Enforcement, Permits & Inspections, Transportation, & Planning & Development)

1. Ordinance to approve the amendment of the Municipal Code as it relates to EV Parking.

O-25-35

Councilman Hawkins presented Item B1 to the Council. Felicia Rogers asked the Council to approve adding the EV charging stations to the parking code. She said that Conway Corp has added two spots on Front Street with charging stations for electric vehicles. Councilman Spurgers confirmed that individuals who park there and charge their vehicles would pay for the service and that the process would not cost the City. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawks, Councilwoman Mehl, Councilman Hawkins, Councilman Spurgers, Councilwoman Isby, Councilman Ledbetter, Councilman Jones and Councilman Grimes. The Ordinance passed 8-0.

2. Ordinance to approve the private club permit location for GFH Corporation dba: Faby's Mexican and Italian Restaurant, Inc., located at 1023 Front Street.

O-25-36

Councilman Hawkins presented Item B2 to the Council. Councilman Ledbetter made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Ledbetter, Councilman Jones, Councilwoman Isby, Councilman Hawks, Councilwoman Mehl, Councilman Spurgers, and Councilman Grimes. The Ordinance passed 8-0.

3. Ordinance to approve the annexation of +/- 296.21 acres located approximately east of Lollie Road into the City of Conway.

O-25-37

Councilman Hawkins presented Item B3 to the Council. Anne Tucker showed the Council a map designating the properties to be annexed into the City in Item A3 and A4. She said the Planning Commission passed the request unanimously at their meeting, adding that there was one gentleman present who spoke in opposition. Jamie Gates, with the Conway Development Corporation, addressed the Council. He told the Council that after the Planning Commission meeting, he had met with some of the residents of the area that were concerned about the development and felt that there had been a good conversation. He said that there would be many steps to the project, but that annexation is the first. He told the Council that if the property is not annexed, it offers no protection in the matter of public safety or development to the landowners or future owner of this property. He gave them a brief history of the CDC's participation in the development of the Lollie Road area, and how the parcels came to the present zoning and why the request is for I-3 zoning. He said by annexing and rezoning it would eliminate the A-1 island and create a contiguous I-3 development to site plan around which would create

control over the entire development of the area. He said that while the area appears very large and covers close to 100 acres, much of the land is not developable but would create a large buffer between development and neighboring properties. Councilman Hawkins opened the floor for comments. Alan Rice addressed the Council and spoke in opposition to the matter of annexation and rezoning, in representation of his son, Jeremy Rice who is a property owner in the area. His main concern was noise and a disturbance to the quality of life in the area if a data center was to be built on the property in question. Jamie Gates responded to the issues raised by Mr. Rice. Councilwoman Mehl confirmed with Ms. Tucker that if the property was annexed and rezoned that there were many more steps that a developer must go through and much oversight of what is put on the property. Councilman Spurgers reiterated that much of the property in question is undevelopable and would create a large buffer for neighboring properties. Councilman Grimes re-stated that as the property is over 300 acres there are options as to where a development could be placed on it. Councilman Spurgers confirmed that if the annexation and rezoning were passed, but the developer did not follow through, the City would not be financially obligated for any future costs. Tony Salter addressed the Council and asked if the project did not go through, after the land is rezoned, could it be divided into smaller properties. Ms. Tucker confirmed that it could but would require replating of the property. Councilman Spurgers made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilman Grimes, Councilman Spurgers, Councilman Jones, Councilman Hawkins, Councilman Hawks, Councilwoman Isby, Councilman Ledbetter, and Councilwoman Mehl. The Ordinance passed 8-0.

4. Ordinance to approve the annexation of +/- 39.50 acres located approximately east of Lollie Road and abutting to the east 1300, 1320, and 1350 Lollie Road into the City of Conway.

O-25-38

Councilman Hawkins presented Item B4 to the Council. Councilman Spurgers made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Spurgers, Councilman Hawkins, Councilwoman Isby, Councilwoman Mehl, Councilman Grimes, Councilman Hawks, and Councilman Jones. The Ordinance passed 8-0.

5. Ordinance to rezone property located on the northeast corner of Lollie Road and Donnell Ridge Road from A-1 to I-3.

O-25-39

Councilman Hawkins presented Item B5 to the Council. Anne Tucker showed the Council a map and pointed out the designated parcels to be rezoned, and the current zoning of surrounding parcels. Councilwoman Isby made a motion to adopt the Ordinance and Councilman Jones seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Ledbetter, Councilman Grimes, Councilman Spurgers, Councilman Jones, Councilwoman Isby, Councilman Hawks, and Councilman Hawkins. The Ordinance passed 8-0.

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

1. Resolution to approve entering into an agreement with Best Friends Animal Society for the Animal Welfare Services Department.

R-25-11

Councilman Hawkins presented Item C1 to the Council. Spencer Clawson told the Council that David Mitchell, Director of Animal Welfare, had been working with the Best Friends Animal Society to bring the community cat and kitten intake diversion program to Conway. He said that this grant would provide \$20,000 to the Conway Animal Welfare Unit for cat surgeries/vaccines, equipment

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and supplies to implement the program to trap, neuter, vaccinate and return cats to their location. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called and the Resolution passed 8-0.

2. Ordinance to approve repealing Ordinance O-25-06 regulating natural landscaping for the Public Works Department.

O-25-40

Councilman Hawkins presented Item C2 to the Council. Spencer Clawson explained to the Council the original intent of the Ordinance O-25-06, adding that he believes it to be a necessary regulation for protection of all citizens of Conway. Councilman Spurgers said that while he supports a natural landscaping ordinance, he would like to have more public input and more clarification as to what enforcement would look like, as he felt that there was misconception about the original ordinance. Mr. Clawson acknowledged that there have been misconceptions due to the misunderstanding of the purpose of the Ordinance. He said he supported public input. Councilman Grimes stated that he didn't feel it necessary to repeal the Ordinance, but he thought that education was the issue, and explaining what the Ordinance actually does. There was some discussion among the Council as to what kind of adjustments to the Ordinance might need to be made and whether it should be repealed, amended or if there needs to be more education after the fact. Councilman Spurgers made a motion to adopt the Ordinance repealing Ordinance O-25-06 with the emergency clause and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilwoman Mehl, Councilman Jones, Councilman Hawks, Councilman Spurgers, Councilman Hawkins, and Councilman Ledbetter. The Ordinance with the emergency clause passed 7-1 with Councilman Grimes voting "No".

Adjournment-----

PASSED this 22nd day of April 2025

APPROVED:

Mayor, Bart Castleberry

City Clerk, Denise Hurd