

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Monday, 6:30 pm
July 6, 2020

On this date the City Council of the City of Conway, Arkansas met in a special session. ***Due to restrictions imposed because of the COVID-19 pandemic, the City Council meeting was held via Facebook Live on the City of Conway, Arkansas Facebook page.*** The following members being a quorum were present online and acting: Councilman Hawkins, Councilman Grimes, Councilwoman Mehl, Councilman Jones, Councilwoman Isby, Councilman Pruitt, Councilwoman Smith, and Councilman Ledbetter. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett and City Attorney Chuck Clawson.

Call to Order: Mayor Bart Castleberry

A. New Business

1. An Ordinance regarding the use of masks in relation to the Covid-19 Pandemic.

O-20-35

Mayor Castleberry addressed the Council regarding the use of masks in the City in an effort to curb the spread of Coronavirus. The Mayor introduced individuals also present online to participate in the discussion: Neldia Dycus, Arkansas Department of Health, Tim Bowman, Baptist Health, Erica Speer, Conway Regional, Ty Ledbetter, Conway Fire Department, Jamie Gates, Conway Chamber of Commerce, A.J. Gary, Director of Arkansas Department of Emergency Management, Mike Winter, Conway Fire Department and William Tapley, Conway Police Department.

Mayor Castleberry explained that Governor Hutchinson has allowed cities to adopt an ordinance concerning the wearing of facemasks. He opened the discussion by asking Mr. Ledbetter of the Fire Department to present the current numbers regarding the virus. Mr. Ledbetter said that there was an increase of 19 new cases in the City with 234 active cases. He added that this indicated a large spike in cases in Conway and Faulkner County. Jamie Gates shared concerns from businesses in the City. Chief William Tapley said that the Ordinance as it reads doesn't change much with regards to enforcement by the Police Department. He added that it allows for support by Police to business owners in the event they have a customer that refuses to wear a mask. He said that police officers can ask customers to comply but it is up to the business owner to decide if they want to serve the customer or ask them to leave the premises. Councilwoman Smith asked for clarification as to whether businesses in the City would be required under the Ordinance to require customers to wear masks when entering the business. City Attorney Chuck Clawson clarified that the Ordinance requires all businesses in the City of Conway to abide by the guidelines and directives that have been handed down by the Department of Health and the City would provide support to the businesses for enforcement. Mayor Castleberry added that the mask requirement extends to Conway businesses only, not individuals on the street or other public places. Councilwoman Smith asked if the City would be providing facemasks for businesses to distribute. Mayor Castleberry said that he was aware of other cities that have done this and it would be something for the Council to discuss. Councilman Grimes asked for clarification that there was no ticket or fine to be issued if someone did not comply with the mask requirement. Chuck Clawson confirmed that there would be no criminal penalty or enforcement. He also stated that there was no criminal enforcement by the City for businesses who do not comply. He added that the ADH could step in and require the business to comply. Mr. Clawson also confirmed that this Ordinance was developed and handed down by the Governor's Office in concert with the Arkansas Municipal League, and enables Cities to state their support and encourage the use of face masks. Neldia Dycus stated that this Ordinance would be a City-wide guidance and would apply to all businesses. Chuck Clawson clarified that for schools, each Superintendent would be able to decide for their schools how the guidelines and directives would be adhered to. The Mayor clarified that if a person goes into a business without a mask, the person can be asked to leave. If they do not leave the business can call for a police assistance to have the person removed, but no fine or ticket would be issued. Chuck Clawson added that this is actually a right that any business owner in

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Conway has currently without this Ordinance. Erica Speer stated that the City should encourage the use of masks because science shows that this can help slow the spread of Covid-19. Jim Bowman added that Baptist Health is seeing an increase in cases in our area and individual cases requiring hospitalization are increasing as well. He said that Baptist is well-prepared with PPE but the upward trend is concerning. Director Gary stated that the State has worked hard to acquire the PPE needed to treat these cases and get the necessary PPE distributed. There was discussion among the Council members as to how wearing a mask protects others from exposure to individuals who may be contagious but asymptomatic. Nelda Dycus clarified that churches fall under separate guidelines than businesses and are not subject to the Ordinance under discussion.

City Attorney Chuck Clawson to read the Ordinance. Councilwoman Smith made a motion to waive the remaining two readings and Councilman Hawkins seconded it. The motion carried 8-0. There was no further discussion. Councilwoman Smith made a motion to adopt the Ordinance with the emergency clause and Councilwoman Isby seconded the motion. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilman Grimes, Councilman Ledbetter, Councilman Pruitt, Councilman Hawkins and Councilwoman Isby. The Ordinance with the emergency clause passed 8-0.

As there was no further business, the meeting was adjourned.

Adjournment-----

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett