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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
February 24<sup>th</sup>, 2015

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

**Call to Order: Mayor Townsell**  
**Roll Call: Michael O. Garrett**

**Minutes Approval: February 10<sup>th</sup>, 2015**

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

**1. Report of Standing Committees:**

**A. Public Hearings:**

**1. Public Hearing - Utility Easement Closing North 90 feet utility easement in N.F. Ward Subdivision**

- a. Ordinance discuss the closing of the north 90 feet of the utility easement between Lots 1, 2, 17, and 18, Block 5, N.F. Ward Subdivision.**

**O-15-20**

Mayor Townsell opened the public hearing. Mr. Kenneth New stated his father used to own this property with a shop on the easement and he is now trying to close the easement in order to do something else with the property. Mayor Townsell stated Centerpoint Entergy, Conway Corp, and AT&T have concurred with the vacation of this easement. Mayor Townsell closed the public hearing. Alderwoman Smith motioned to waive the readings. Alderwoman Whitmore seconded the motion. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

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

- 1. Resolution setting a public hearing to discuss closing of a utility easement located between Lots 5 & 6 and Lots 6 & 7 in the Centerstone Subdivision Phase IV.**

**R-15-14**

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Alderman Smith motioned to adopt the resolution. Alderman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell stated the public hearing will be March 10<sup>th</sup>, 2015 at 6:30 p.m.

**2. Consideration to accept bids for the hangar building at the old Cantrell Field Airport. (2 buildings)**

Jack Bell, Chief of Staff, stated after studying the 2 buildings, the Airport Dept. decided to use new buildings and recycle these 2 buildings to Don Adamson. Alderman Hawkins stated there are 2 bids; building 1 a bid of \$10,000.00 from Don Adamson, and building 2 a bid of \$25,000.00 from Don Adamson. Alderman Hawkins motioned to approve the bids. Alderman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**3. Consideration to remove fixed asset (airport property) from the inventory listing for the City.**

Alderman Hawkins stated this is requesting the approval to remove the 2 buildings we sold to Don Adamson. Alderman Hawkins motioned to remove the 2 buildings from the fixed asset inventory list. Alderman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**4. Consideration to amend the purchase and sale agreement for the old airport property located at 425 E. Sixth Street.**

Mayor Townsell explained this request extends the needed to complete the requirements of the purchase and sale agreement. Alderman Whitmore motioned to approve the amended purchase and sale agreement. Alderman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**5. Resolution expressing the willingness of the City to coordinate with the Arkansas State Highway and Transportation Department for the East 6<sup>th</sup> Street/I-40 Overpass.**

**R-15-15**

Alderman Whitmore motioned to adopt the resolution. Alderman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**6. Resolution expressing the intent to annexation certain land located immediately west of Chapel Creek Subdivision North of Prince Street.**

**R-15-16**

Alderman Hawkins stated the annexation includes approximately 15 acres of land. Alderman Whitmore motioned to adopt the resolution. Alderman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**7. Consideration to approve a conditional use permit request to allow a restricted office for a private mental health services practice at property located at 1312 Donaghey Avenue.**

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Alderman Hawkins stated the private mental health services is requesting approval with the conditions as follows:

1. Hours of operation, 7 am – 7 pm Monday through Friday
2. Will not exceed more than 4 employees.
3. The Conditional Use Permit is limited to Ayisha Miller/Business Entity, once formally established.
4. The existing structure shall be used for the restricted office. The character of the structure shall remain residential.
5. Parking is limited to the existing driveway and the rear of the structure.
6. Signage is limited to a 2 foot, non-illuminated sign attached to the structure as defined by the Conway Sign Ordinance (O-96-60). No freestanding signage or banners may be used.

Alderman Hawkins motioned to approve the Conditional Use Permit. Alderwoman Smith seconded the motion. Ayisha Miller stated she is the one requesting the Conditional Use Permit for the private mental health practice. There was no discussion. The motion passed 8-0.

**8. Ordinance rezoning property located at 2200 W. Tyler Street from A-1 to R-1.**

**O-15-21**

Alderman Hawkins stated the rezoning property includes approximately 14  $\frac{3}{4}$  acres. Alderwoman Whitmore motioned to waive the readings. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Ronnie Jones, 1615 Summer Brook Dr., stated he is the current president of the Summer Brook Subdivision and we support opening Daffodil Street as a connector street from Summer Brook Dr. to Winter Brook Subdivision, which is being developed by Hal Crafton. Mr. Jones stated there are 2 options; keep Daffodil Street closed until the 2 North/South streets in Winter Brook Subdivision are connected to Irby, which will allow traffic to go from Tyler to Irby without going through Summer Brook Dr. Mr. Jones stated at some point Mr. Crafton will develop this remaining property that will connect to Irby Street. Mr. Jones stated the second option is to close Daffodil Street until all construction is completed in Winter Brook. Mr. Jones explained Mr. Crafton has assured us that he will keep Daffodil Street closed for construction purposes as long as he has control of the situation but once the city assumes ownership of the street, he will no longer have any control. Mr. Jones explained there are many concerns raised with construction type vehicles being allowed through Summer Brook Subdivision and we are trying to avoid Summer Brook Dr. as a path for traffic going from Winter Brook subdivision as an outlet to Irby Dr., as this would cause safety problems for walkers and bicycle riders, since Summer Brook Dr. does not have sidewalks. Mr. Jones explained we feel it would diminish the property value in Summer Brook Subdivision. Mr. Jones explained Police and Fire vehicles can easily get into Winter Brook without use Daffodil since there are 2 North/South streets coming off Tyler into Winter Brook. Mr. Jones stated what we are asking tonight is to keep Daffodil Street closed until either options 1 or 2 are satisfied. Mayor Townsell explained this request is not a part of this ordinance but it is something that council can put forward for another agenda to address 1 of those 2 options. Alderman Hawkins asked how many homes are in Mr. Crafton's proposed subdivision. Mr.

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Jones replied 33, and 47 currently in Summer Brook. There was no further discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

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

1. **Ordinance amending Title 12(Parks & Recreation) of the Conway Municipal Code in regards to activity on and Lake Beaverfork.**

Mayor Townsell stated there has been some question as to the necessity of this ordinance and we are investigating to see if this was a clerical error or if it was not included on an ordinance that we previously passed. Mayor Townsell asked council to hold this ordinance in committee. Alderwoman Smith motioned to hold this ordinance in committee. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

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

1. **Ordinance appropriating & accepting funds for the travel of the District Court DWI team from the Arkansas State Police Highway Safety Program Grant.**

**O-15-22**

Judge David Reynolds, District Court Judge, was present to answer any questions. Alderwoman Whitmore motioned to waive the readings. Alderwoman Smith 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 roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

2. **Ordinance authorizing the reclassification of certain positions within District Court.**

**O-15-23**

Judge David Reynolds, District Court Judge, stated this is in order to have our personnel in line with the state statute. Judge Reynolds explained this does not change the employee's salary; it will only change their title. Alderwoman Smith motioned to waive the readings. Alderwoman Whitmore 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 roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

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Mayor Townsell asked council to suspend the rules and move the other 3 items up on the agenda and item E. 1. Ordinance for last. Alderwoman Whitmore motioned to suspend the rules. Alderwoman Smith seconded the motion. The motion passed 8-0.

**E. Personnel**

**1. Ordinance amending the employee handbook and personnel policy for the City of Conway.**

**O-15-24**

Mayor Townsell stated this is an ordinance that is already practiced as a city and amends only our employee handbook as an internal document to include a few classes of people covered by the terms sexual orientation, gender identity or expression, and genetic information. Mayor Townsell stated this is not the ordinance that was passed in Fayetteville, AR or in Eureka Springs, AR, this is strictly for the city government employees of Conway. Mayor Townsell explained this is not in violation of the recently passed SB202 which was an Act as of Monday at the close of business and will go into effect July 1<sup>st</sup> 2015; it has a specific exemption for the political subdivisions to allow them to govern their employees. Alderman Grimes stated this has nothing to do with restrooms. Mayor Townsell stated there will still be a men's restroom and women's restroom. Mayor Townsell stated we are building 3 restrooms in public facilities now, men's, women's, and family. Alderwoman Whitmore motioned to waive the readings. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance. Alderman Pruitt seconded the motion. Mayor Townsell opened the floor for public comment. Mark Elsinger, 2905 Antelope, asked why we need this now because as far as he knows there is nothing in state or federal law that is requiring this. Mr. Elsinger stated it seems coincidental this is an issue, with the current state law, that was set in place. Mayor Townsell replied it is not coincidental, it does deal with the timing of the State, as we want to show that we want to protect our citizens, even those identified in a new way in this change. Mr. Elsinger stated his understanding is that council was supposed to represent the citizens, and not their own personal agendas. Alderman Hawkins asked council to address the difference in what is new to the employee handbook. Chuck Clawson, City Attorney, stated the only new item being added is certain classes of people the city will not discriminate against. Cheryl Maples, Attorney at Law representing Conway citizens, stated she was asked to speak for some of her clients in support of the proposed ordinance. Ms. Maples stated on February 3<sup>rd</sup>, 2015 the Equal Employment Opportunity Commission (E.E.O.C.) issued a memorandum that announced that as of that date the Federal Government will be under the E.E.O.C. regulations and will be investigating claims of discrimination based upon sexual identity, gender identity, and all of the classifications that are of concern to the Lesbian, Gay, Bisexual, Transgender (L.G.B.T.) community. State Senator, Jason Rapert, stated the 57 House members, which were elected by the approximately 3 million citizens in the state of Arkansas voted for SB202 and 24 of the 25 senators voted for SB202; they represent every district and community in the entirety of the State. Senator Rapert stated he is here as State Senator for Conway District 35 and wants to speak to some issues he would like council to consider and for the council to please pause on this ordinance. Senator Rapert stated this ordinance is a policy that is fundamentally stepping outside of what is covered in civil rights,

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Federal, and State law. Senator Rapert stated other public employers in our nation have already had some unintended consequences that have harmed people that did not agree with policies like what you stated. Senator Rapert stated just a few weeks ago in Atlanta, GA, a fire chief was terminated, by the mayor of the city, because he taught a Bible study. Senator Rapert explained the fire chief was not terminated because of any type of misconduct with the Fire Dept., nor was he terminated for taking any type of action for discriminating against anyone; he spoke from a faith prospective. Senator Rapert asked council to table this issue, and if it must be voted on vote it down and give more time and reflection to it. John Shank, founder of Conway Pride, stated he founded the first gay pride parade here in Conway and he is proud the council is considering this and hopes it will be passed. Mr. Shank stated Senator Rapert supposedly represents himself, but feels that he does not. Catherine Spinks, stated she believes that the Aldermen and Alderwomen were elected by the majority of the citizens of Conway and supports passing this ordinance. Ms. Spinks stated she has never had anyone of any gender come in front of her exposed in the restroom. Kevin McKay, 605 Watkins St., stated he wants to congratulate the council for this ordinance and he asks council to please pass it as he is in full support of it. Mr. McKay stated he would like to lift up Mayor Townsell's post that was published in the Arkansas Democrat Cazette and that he fully endorses and applauds it and finds it to be ample support for passing this ordinance. Zandra Fiffer, Conway resident, stated she wants the freedom to pursue life, liberty, and pursuit of happiness and as a trans-gender person. Linda Tyler, Richland Hills, has lived in Conway since 1969, stated she applauds the council for taking up this ordinance and would whole heartedly support it and personally does not support SB202. Ms. Tyler stated she believes that all employees who do their job well, who are qualified to do their job well, have the right to do any government job well and to not be discriminated against. Ms. Tyler stated there were in our history when we decided that we would have separate restrooms and drinking fountains for African Americans and white people. Ms. Tyler stated laws have been in place for a long time that discriminated against African Americans, women, and many others. Ms. Tyler stated she believes we will continue to lead the state as a very progressive city. Margaret Jones, asked what does sex cover or what does it mean. Ms. Jones asked if council is going to redefine one word in the policy, does that not lead to redefining all of the other words in the policy because each of those words cover a broad spectrum. Ms. Jones stated we need to be tolerant, fair, and legally appropriate for every one of those words. Glen Crockett, 11 year resident of Conway, stated he works for the University of Central Arkansas (UCA) which is one of the largest city employers in Conway and as a professor to all different kinds of students, he wants the council to consider the impact this has symbolically on their lives and how much this means to them. Mr. Crockett stated this is symbolic, important, and real because he has seen devastating effects of homophobia and prejudice on people's lives. Reverend Paul Hudson, 2440 Oak Creek, pastor of One Church 1073 Front Street, stated he comes before council as a father and a husband and as a Christ follower; God has called him to love all people which he does, but as a husband and father this is concerning. Reverend Hudson stated he respects the fact that the council prayed before the meeting, understanding council has a huge weight on their shoulders, the burdens of many people, knowing that council would like to make the right decision for all people. Reverend Hudson asked how this is a right decision for all people. Reverend Hudson stated he does not understand how voting yes to this makes any of the issues that were spoken on better; he

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believes it will make those issues much worse. Reverend Hudson stated such as the issues of which bathrooms to use. Reverend Hudson stated he appreciates the fact that everyone has an opinion but this is a matter of conviction upon morality. Reverend Hudson stated he is all for economic growth but believes the council should not make a decision solely based on that. Reverend Hudson stated at the bare minimum he would ask that this would be tabled. Reverend Hudson stated one of those concerns is council wanting to show the world who Conway really is and that is absolutely right, we will show the world what Conway will look like, who we will be, what families will be, and what life will be. Reverend Hudson stated he wanted to thank Lisa Williams, Human Resources Director, for a copy of the handbook, because it was not on the website. Reverend Hudson asked Ms. Williams has she ever received any such complaint about sexual orientation or anything else related that is being discussed, and her response was no. Reverend Hudson stated this is something he is passionate about because he is a Christ follower who loves this city and believes this is the greatest city in Arkansas, and council has a chance to show the world that. Morris Tragolin, 2835 Gulf Shore Dr., asked if this does get passed tonight, is the city going to be safer tomorrow and why this is a safety concern for public peace, health, and safety. Mr. Tragolin stated he does not understand why this has to be voted on tonight and why can it not wait until the next committee meeting to consider everyone's response, because the council is supposed to answer to the citizens and not to themselves. Jessica, student at UCA, stated some items that were stated earlier about traditional family values, and about the changing of the definition of sex, bothered her because introducing the idea of marriage equality in the L.G.B.T. community will not affect traditional family values, it will allow diversity in marriage. Jessica stated gender and sex are completely different; sex is biological while gender is completely social. Jessica stated as an ally to the L.G.B.T. community she stands very strongly with her friends who deserve their freedom. Jessica stated people who do have their traditional family values, traditional ideas about sex, and gender, these ideas do not progress and do not allow for diversity. Larry White, 3110 Baxter, stated he did not find out about this until yesterday and believes the citizens did not have an adequate enough time to respond to this on either side. Mr. White stated he would urge council to think this through and he is opposed to this, not because he is anti-discriminatory, because he believes the previous handbook covers all of the issues adequately. Mr. White stated to either pause on this or just vote no for now and let it come up another time. Dave McClellan, 2580 Blaney Hill Rd., stated when our city gets sued it comes from himself as a tax payer and we already have a lawyer here from out of state, all it takes is one person to sue. Mr. McClellan stated he believes there will be a law suit and it will come out of his pocket. Mike Borgaser, 133 Mitchell, stated he supports this ordinance as it is a matter of civil rights and everyone as a citizen has an equal right to have a job with the city. Mr. Borgaser stated he is not a member of the L.G.B.T. community but has friends of all kinds and they have a right, just like he has a right, and cannot be denied on this basis. Mr. Borgaser stated most opposition comes from the basis of religious objection and stated no one is stating the requirement to support same-sex marriage or to be social with the L.G.B.T. community, but it is a matter of community as they are citizens and should have human rights. Jim Harris, 1803 Clifton St., stated he has seen so many opponents say stop, do not do this now, just give us a week, or give us 2 weeks. Mr. Harris asked when the right time to do the right thing is and stated now is the right time to do the right thing. Mr. Harris stated this is a human rights

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issue and asked the council to please pass the ordinance. Jim Mosely, 1260 Gunther, stated he believes there will be a law suit if this ordinance is not passed. Phillip Fletcher, 2652 Bruce St., stated he does a lot in the city, he is a pastor, a private director, and works with the board and be clear he sees homosexuality and lesbianism as behavior based off of his biblical stance but also understands larger than that they are all humans. Mr. Fletcher stated before we go to any of our diversities, we need to look at this intrinsically as we are all equal because we have all been made in the likeness of God. Mr. Fletcher stated there is this presupposition that we think that we can end discrimination, but we all discriminate. Mr. Fletcher stated even tonight we will discriminate on this ordinance in voting yes or no to this. Mr. Fletcher stated we need a larger discussion about what human rights actually is. Mr. Fletcher stated for anybody to be discharged other than lack of duties on their job is wrong. Mr. Fletcher asked in regards to not discriminating against the 3 new classes, what about the economically poor, they are not included. Mr. Fletcher asked does that mean we are discriminating against the economically poor in our city. Mr. Fletcher asked what if the ordinance simply read we do not discriminate against people. Mr. Fletcher stated we continue to divide ourselves and we continue to hear to progress, but to progress to what. Richard Henley, president and CEO of Conway Christian Schools, stated he is against this ordinance. Mr. Henley stated the last time there was a big outgoing from the Christian community of Conway, was the issue of alcohol, and there were a lot of promises and statements made and now there are bars in Conway and it is apparent that this is a statement being made. Mr. Henley stated he is all for freedom of speech as individuals, but when any government of any nature makes a statement, council needs to be sure that a decision is being made that the citizens support, but he does not think that is the case. Tyler Pearson, 2620 Bruce St., asked if this is already happening in the city of Conway. Mayor Townsell replied to an extent, yes. Mayor Townsell stated it does include employment and discipline termination and this gives certain assuredness to our employees it does codify that and puts it in writing. Mayor Townsell stated it gives us a reason to manage our managers. Mr. Pearson stated he is for the ordinance passing and hopes that the council does votes yes on it. Mr. Pearson stated he has had family and friends who have worked for the city and would never want to see anyone discriminated against; this is a message and he supports it. Linn Burley, president of Green Gables since 1998, the city of Conway is attempting to add categories to the non- discrimination which not only includes L.G.B.T. but age, and genetic discrimination, and several points have been brought up tonight that this has a fiscal impact, on businesses coming to or staying in Conway perhaps, and also law suits. Ms. Burley stated one concern was if we add more categories, which opens the city up for more law suits, such that happened in Atlanta, GA. Ms. Burley stated she hopes that is not a consideration, thinking these categories are not worth protecting, simply because it might cost money to allow people the freedom of their job security. Gary Tomilson, Conway resident, stated from a personal story, he feels that if this is passed there will be law suits and wants to encourage council to vote against this. Mr. Tomilson stated gay people are citizens that already have all of the protections that all other citizens have and would like to ask council to allow for more public input before passing the ordinance. James Quinn, 33 Rolling Hills Dr., asked why does council represent this is only about city employees. Mr. Quinn stated this ordinance specifically states work conditions, and to his knowledge, labor laws state work conditions extend anywhere employees are required or allowed to go, and that would impact anybody else that goes to

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those places including parks, city buildings, government buildings, etc. Mr. Quinn asked if the handbook has always been discriminatory then why the change now and not before. Mr. Quinn stated there has not been enough time for public input, as this has been public knowledge for 2 business days and asked why council feels they need to rush on this. David Meeks, State Representative, stated he cannot add anything that has not already been said and stated he is against this and is asking council to vote against it. Chance Norman, 706 Donaghey, stated these kind of policies enforce no bullying for our city employees and believes there is no place for SB202 anywhere in this country and if we allow the majority to vote down the rights of minorities we will be back in time. Mr. Norman stated he stands for this for his neighbor to be any way they would like to be because you are supposed to love your neighbor as yourself. Christy Jones, Conway resident, stated she stands here as a wife, a mother, and a human being, and she hopes that she will be able to tell her 2 daughters the council made a great decision in passing this ordinance to show that the city of Conway is moving forward and not backward. Darren Delaune, 4080 Zachery Trail, stated this is a very important topic to discuss this generation in terms of where we are going as a nation and as a small community. Mr. Delaune stated a progressive community by definition is being open to all people and he agrees to be open to all people. Mr. Delaune asked why council would want to throw this at the community giving the community enough time to respond to whether or not they would like to vote for this. Mr. Delaune stated many council members have already stated how they would vote and asked if the council has talked to the citizens and suggested we table this. Curby Richardson, UCA student, stated he speaks on behalf of all of the allies and all of the members of the L.G.B.T. community here that we take exception to the idea that we need to take more time to think about this, because if we want to just talk on a movement in a sense, we have been thinking about this since June 28<sup>th</sup>, 1969. Mr. Richardson stated we are tired of thinking about this because it should not be an issue, but it is and stated a statement needs to be made because in the history of the United States we have continually affirmed that some people matter less than others. Mr. Richardson stated this is a statement for positive change for inclusion and he supports it. Don Shandron, Cutter Ridge, stated this is dividing your city and wise men do not do that. Steve Shackelford, resident of Conway, stated this comes down to 2 items, inclusivity and to make a point. Mr. Shackelford stated if council really wants to make a point and be inclusive take all of this out of your handbook and say we will not discriminate to anyone based upon any reason. Mr. Shackelford asked why we have to put categories in. Christopher Cline, Conway resident, stated in regards to people stating there has not been enough time to hear about this, there are a lot of people here speaking on this issue and a lot of people have been thinking about this issue for a long time because this is an issue of human rights and asked council to pass this ordinance. Dorothy Tragolin, 2835 Gulf Shore Dr., stated there are a population of 60,000 people that live in this city that do not know about this ordinance and we need to give them a chance to voice their opinion. Judy Barons, Conway resident, stated it seems the way the handbook is already written out, it already covers what needs to be covered and if you are going to get specific about the issue of sex then be specific about the issue of age or religion. Ms. Baron stated if council is going to list everything under the sex, then list everything under the other categories. Joe Taylor, Conway resident, stated this is an ordinance that goes into the city of Conway handbook to protect the rights of city employees, which as a city employee he applauds it greatly. Mr. Taylor stated as it pertains

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to the city of Conway employee handbook he supports it and hopes it passes. Mr. Taylor stated it would be unfortunate if others did not get the same type of protection he gets every day. Mayor Townsell closed public comment. Alderman Grimes stated he appreciates everyone keeping their comments simple and brief and it is a great example of why we live in the great country where we can all speak our mind. Alderman Grimes stated there should not be discrimination in the hearts and minds of anyone who truly follows the word of Jesus Christ and it is not right for the city to discriminate against this. Alderman Ledbetter stated he is against the ordinance because he believes everyone is already covered in the handbook. Alderwoman Smith stated she feels she has not been given enough time or has heard enough public comment from people to actually vote on it. Alderwoman Smith suggested tabling the ordinance and allow more discussion, or she will not be voting for it. Alderwoman Whitmore stated at some point there is going to be some type of discrimination between any of us. Alderwoman Whitmore stated this addresses city employees and believes there has been a lot of other issues that have been brought up that have somehow gotten away from the point that we are making here. Alderwoman Whitmore stated this is being addressed in this form because we are a city and this is an ordinance. Alderwoman Whitmore stated she does believe since we do have some people here who have spoken their mind, as a city representative and a city official, she feels that she owes it to the citizens to offer some additional input. Alderman Hawkins asked if this ordinance was crafted based on the ordinances in Little Rock and North Little Rock. Mayor Townsell replied this ordinance is almost verbatim from the Little Rock ordinance and North Little Rock's ordinance has similar language. Mayor Townsell stated Little Rock already has this policy in their handbook. Alderman Hawkins stated this is a human rights issue and supports it. Alderwoman Mehl stated she has received more input on this issue than anything else since she has been on the council and she feels very strongly about this as it is an important issue, a statement, a civil rights issue, and a human issue. Alderwoman Mehl stated when she first saw the ordinance, she was for it and believes there has been a good amount of input. Alderwoman Mehl stated this is an example of civic engagement at work. Alderman Jones stated he is pro equality and this is about the handbook and not telling citizens what they should do or how they should feel. Alderman Pruitt stated he assumed this was already in the handbook and this is about civil rights. Mayor Townsell stated he will vote yes in the event of a tie and he fully supports this as it is a human rights issue. Mayor Townsell stated, "The time is now, and this is a statement to the world." There was no further discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Jones, and Alderwoman Whitmore. The motion passed 6-2. Alderman Ledbetter and Alderwoman Smith voted in opposition. The clerk called roll for the emergency clause with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Jones, and Alderwoman Whitmore. The motion passed 6-2. Alderman Ledbetter and Alderwoman Smith voted in opposition.

### **F. Finance**

- 1. Consideration to remove items (vehicles) from the City's fixed asset inventory record.**

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Tyler Winningham, Chief Financial Officer, stated these 2 vehicles were traded in for a new vehicle and in following state statutes, council is required to give approval to remove any items from the inventory record. Mayor Townsell stated this is for the removal of the 1996 Jeep Cherokee and the 2006 Jeep Liberty. Alderman Jones motioned to approve the removal of the vehicles from the fixed asset inventory record. Alderwoman Smith seconded the motion. The motioned passed 8-0.

### **2. Consideration to approve the monthly financial report ending January 31, 2015.**

Tyler Winningham, Chief Financial Officer, stated in the revenue section in the general fund sales tax for this month, received in January for November 2014 sales, was up by 1.2 % from the same month last year, year to date, that put us up 5% for 2014. Mr. Winningham explained in the revenue section of the general fund, under the Loan Proceeds category, there was a withdrawal from the airport loan to help with some contractor expenses. Mayor Townsell stated since we had to borrow from our reserve fund we are stringent on our operating cash, and we will not come out of that quickly. Mayor Townsell stated a part of that is because we are having to bridge the gap between the federal funding and state funding that changed after we launched into the airport project. Mayor Townsell explained the Federal Government changed their pay back to approximately 90% to 95% of the cost, and the state only cover 5% which leaves us with the other 5%, which was not a part of the original budget. Mayor Townsell explained the city must front grant proceeds and then we are reimbursed, which means we are expecting to receive \$3.1 million, but all the grants must be closed. Mr. Winningham explained to be clear we are out \$3.1 million as of right now and should receive most of that back. Mayor Townsell explained the 5% comes close to \$800,000.00 and there is another \$300,000.00 that we decided to use to make the runways thicker. Mayor Townsell stated of the \$3.1 million we will not get back \$1.1 million of that, but the \$2 million we will receive will help our cash flow. Alderwoman Smith motioned to approve the monthly financial report. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

### **G. New Business**

#### **1. Discussion/review of the ordinance to license door to door solicitors and peddlers within the City of Conway.**

A.J. Gary, Chief of Police, stated there are amendments to this ordinance that did not get added to this draft. Chief Gary stated the Police Dept. receives a lot of complaints about the door to door sales; we have many groups that we do not know, as far as criminal background, who come in from out of state, being dropped off in our neighborhoods. Chief Gary stated based off of those complaints, we want to create this ordinance. Chief Gary explained last time we discussed those over 18 should be required to wear a badge, but after some discussion, we agreed that it would probably would be best if they did not have name badges on. Chief Gary stated the other change was the requirement for the Police Dept. to make the identification badges for solicitors but we believe they can come with their own badges. Alderman Grimes asked what the ordinance will and will not allow. Chief Gary stated one of then previous concerns were what the requirements would be for certain school groups, church groups, and girl scouts, etc. Chief Gary explained if it is for commercial use, then you would be required to register with the Police Dept.; this also applies to groups who have sponsors. Alderman Grimes asked what is a citizen supposed to do, and how will they know if the solicitor is not in compliance. Chief Gary replied any citizen can call the Police Dept. if they are questioning whether or not the solicitor has a permit. Chief Gary stated for example if a solicitor does not know they need a permit, and gets reported for not having a permit, the officer would give

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them a warning and inform them of the process to get a permit; if we have problems with a solicitor, their permit can be revoked. Chuck Clawson, City Attorney, stated the Police Dept. can only arrest or give a citation if the harassment happens in the presence of an officer, and if the citizen were to be harassed, trespassed on their property, etc., they would have to go through the affidavit process at the City Attorney's office; this will allow action such as revoking permits. Mr. Clawson explained there still needs to be a process the person will need to go through for criminal charges. Mr. Clawson stated if you do not want a solicitor at your door then post a "no soliciting" sign. Mr. Clawson stated this ordinance will clarify to the solicitors that the citizens have the right to control who can and cannot come to their door. Alderman Grimes asked if this will be the same as someone speeding, if the police do not witness the harassing, there is not much they can do. Alderman Grimes stated we will pass this letting the solicitors know that we are serious. Chief Gary stated there is not much the police are capable of doing, but with this ordinance, for example, if we are receiving numerous complaints with a particular organization, then we can address that organization and revoke their permits. Mayor Townsell stated this does not rise to the level of a 911 emergency call. Chief Gary stated that is correct. Mayor Townsell asked what would happen in a situation on a Saturday or Sunday afternoon when the call center for Police Dept. is closed. Chief Gary stated there is a non-emergency number on the weekends, that goes into dispatch and an officer will be dispatched to the location. Mayor Townsell stated in this case a police officer can go through the process of either revoking the permit or giving the solicitor the process of receiving a permit on Monday. Mr. Clawson explained most new door to door vendors do call and ask what is required of them from the city. Chief Gary stated it is common for most cities to have ordinances to cover that and that is why when vendors do come here, they call and ask what is required of them and as of right now our answer is nothing. Alderwoman Whitmore asked what about a subdivision who has posted no soliciting. Mr. Clawson replied a subdivision as a whole cannot put a sign out for no soliciting, it can only be for individual residents and the sign must be clearly visible. Alderwoman Smith asked if religious groups are considered peddlers. Mr. Clawson replied they are under canvassing and they are exempt from section 2. Alderman Grimes asked if anyone who comes to your door and threatens you, you can call the police and file an affidavit. Mr. Clawson replied yes, if someone feels threatened in any way, they can contact the Police Dept., fill out a report, and bring that report to the City Attorney's office and file an affidavit from there. Alderman Ledbetter asked whether or not the solicitor will register their I.D. or badge. Chief Gary replied they will have the permit from the Police Dept. and the solicitors are supposed to carry a copy of that permit showing they registered with the Police Dept. Mr. Clawson stated we may need to work this out with another discussion later, as the Police Dept. will not be issuing the badges, they may need to register their badges with some kind of proof with the city. Mayor Townsell stated we may need to insure that requirement is in there. Mr. Clawson stated that may be something that is done with a permit fee. Alderwoman Whitmore motioned to suspend the rules to allow public comment. Alderwoman Smith seconded the motion. The motion passed 8-0. Scott Robinett, Ottawa Place, explained approximately 3 weeks ago people came up to his front yard and he felt threatened for himself and his family. Mr. Robinett stated in his opinion the no solicitation sign is not efficient enough. Mr. Robinett asked what it will take to keep solicitors away as many have criminal records, when he has called the Police Dept. about them. Mr. Robinett stated in his opinion it has not escalated to 911 situation yet but there could be one in the future. Bill Burley, Green Gables Subdivision, stated he speaks for most of the residents in the subdivision, we have put 2 no soliciting signs in front of the subdivision and we still endure solicitors. Mr. Burley stated he has a no soliciting sign on his front porch as well, and solicitors still approach his house. Mr. Clawson stated an ordinance and a sign will unfortunately not keep solicitors from approaching a home but the proposed ordinance will put officers and citizens in a different legal place where you could file charges. Mr. Burley stated he has called

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the Police Dept. when he has felt threatened by a solicitor and one particular time he called the Police Dept. because a solicitor would not identify himself, and could not give him any personal information. Mr. Burley stated that he told him to get off of his property or he was going to call the police and the solicitor argued the point that he had every right to be on his property. Mr. Burley stated while he was calling the police, the solicitor threatened him. Mr. Burley stated the solicitor was found and charged. Mr. Burley explained the solicitor had an extended criminal background. Mayor Townsell stated your testimony confirms the system worked the way it is supposed to. Mr. Burley stated he is in support of the proposed ordinance even if it has to be modified, but his main concern is solicitors would still be allowed to solicit after dark. James Quinn, 33 Rolling Hills Dr., stated although he is not speaking against the proposed ordinance, there are some issues that are unclear. Mr. Quinn stated the exception for canvassers is in the section relating to people who are 18 years of age or older. Mr. Quinn asked what the right is for people under 18 years of age for political or religious purposes and should we change the wording so their rights are protected as well. Mr. Quinn stated the other issue he has is the way it is written, if someone lives just outside of the city limits, but goes to school in the county, for example, Vilonia Schools, this law makes it illegal for them to sell door to door in Conway unless they get a permit. Mr. Quinn asked is that the intent and why. Mr. Quinn stated his suggestion would be to make it schools within the county. Mr. Quinn asked would a church youth group selling items need to get a permit because there is an exception for school groups and social groups. Mr. Quinn asked why it is necessary for a church youth group to be required to follow labor laws when having their sales. Mayor Townsell closed the public comment on this issue. Mayor Townsell requested to review the proposed ordinance thoroughly and it will be posted on the website. Mayor Townsell stated to forward any comments or concerns to the Mayor's office or the City Attorney's office. Alderman Grimes asked if we will be able to regulate certain time limits for door to door sales, for example, a certain a.m. to a certain p.m. or 30 minutes before sunset. Alderwoman Whitmore stated the hours of solicitation that are not permitted are between 8:00 p.m. and 8:00 a.m. Alderman Grimes stated it gets dark different times of the year so could we amend that to daylight. Mayor Townsell replied yes. There was no further discussion. There was no action taken.

*Adjournment*

**PASSED this 24<sup>th</sup> day of February 2015**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**