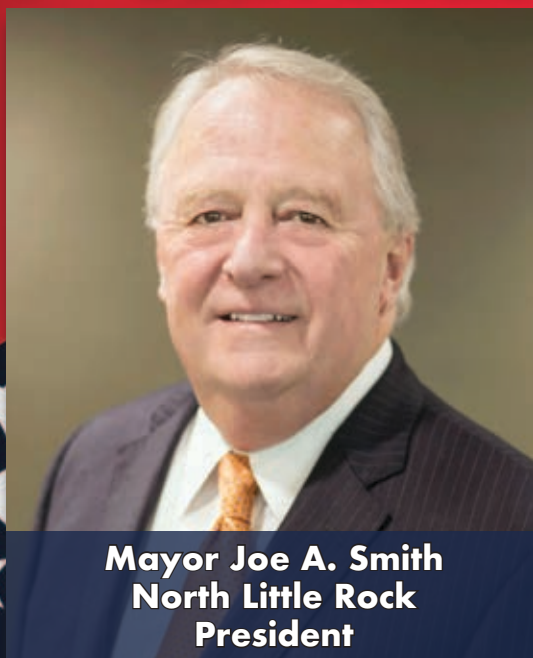


City & Town

AUGUST 2018 VOL. 74, NO. 08

THE OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE

New leaders named during 84th Convention



Mayor Joe A. Smith
North Little Rock
President



Mayor Harold Perrin
Jonesboro
First Vice President



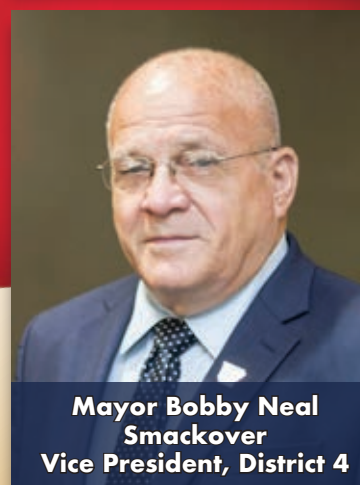
Mayor Darrell Kirby
Bay
Vice President, District 1



Mayor Allen Lipsmeyer
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Cover photos by Mark R. Potter.



ON THE COVER—The League welcomes its new slate of officers for 2018-2019. They began their terms on June 15, the final day of a successful 84th Convention in Little Rock. Starting in September, *City & Town* will visit with our new officers and see what’s happening in their home-towns. The League also adopted its statement of policy and numerous resolutions during the 84th Convention. The resulting *2018-2019 Policies and Goals* is included with this issue as an insert. In this issue, read tips on building consensus through better communication, an overview of what retiring U.S. Supreme Court Justice Anthony Kennedy has meant for cities, and more.—atm

Features

6 Meet your 2018-2019 League officers
The League’s new slate of officers, elected at the 84th Convention in June, will help implement our policies and goals and advocate for cities and towns as we prepare for the upcoming general session of the Arkansas Legislature.

8 Build consensus with better communication
When faced with skeptical or even hostile audiences, good leaders can learn to build consensus by connecting with the audience as peers and collaborators.

10 Justice Kennedy and cities
Through numerous opinions and decisions over the years, including most recently in *South Dakota v. Wayfair*, retiring U.S. Supreme Court Justice Anthony Kennedy has had a lasting effect on the nation’s cities and towns.

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Dear friends and fellow public servants,
First of all, thank you for the honor and privilege of serving as your 2018-2019 League president. I am humbled to have been chosen for this important position. I would like to thank our immediate past president, Springdale Mayor Doug Sprouse, for his leadership and close friendship over the past year. I learned much from his hard work and dedication and hope to build upon his success. I truly look forward to my time as president and pledge my very best efforts in furthering our League's mission and goals.



Our 84th Convention was a great success. We learned from each other, strengthened friendships, and will carry new ideas back to our residents. We honored some longtime staff members for their service and welcomed new members to our ranks. We are dealing with a great loss to our family with Don Zimmerman's passing, but we will make sure his legacy is continued and nurtured as we transition to the League's next era under the leadership of Interim Director Mark Hayes.

With that transition in mind, we are focusing on preparations for the League's annual planning meeting Aug. 21-23 here in North Little Rock. We have much to discuss with the aforementioned transition and the upcoming legislative session.

As mayor of North Little Rock for the past six years, and with more than two decades of municipal service prior to that, I have a broad understanding of how important our local governments are to our residents and the impact we have on their daily lives. I know all of you share my commitment to providing the best service, protection, and quality of life amenities possible to those we serve.

I look forward to working with all of you as we strive to move every Arkansas city and town forward. If I can be of assistance to you, please call my office at (501) 975-8601 or email jsmith@nlr.ar.gov.

Sincerely,

Joe A. Smith
Mayor, North Little Rock
President, Arkansas Municipal League

ARKANSAS MUNICIPAL LEAGUE OFFICERS

Mayor Joe Smith, North Little Rock	President
Mayor Harold Perrin, Jonesboro	First Vice President
Mayor Darrell Kirby, Bay	Vice President, District 1
Mayor Allen Lipsmeyer, Morrilton	Vice President, District 2
Mayor Greg Hines, Rogers	Vice President, District 3
Mayor Bobby Neal, Smackover	Vice President, District 4
Mark R. Hayes	Interim Executive Director

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NOTE: Names submitted for positions on committees, councils and boards received after the issue printer date will appear in the next issue of *City & Town*.

MEET YOUR 2018-2019 LEAGUE LEADERS

Each year the Arkansas Municipal League welcomes a new slate of officers who will implement the League's policies and goals for the year and advocate for cities and towns at the state and federal level. Delegates to the League's 84th Convention elected new officers for 2018-2019 during the annual business meeting on June 15.

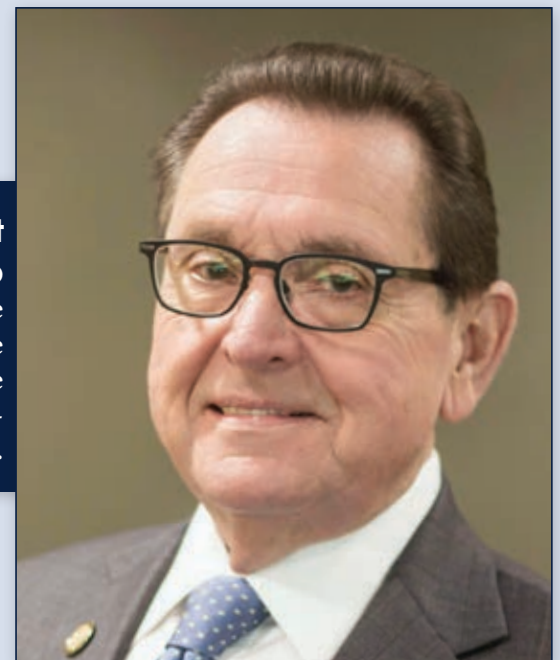
Beginning with the September issue of *City & Town*, we will visit with our new officers, starting with a profile of our new League president, North Little Rock Mayor Joe Smith, and his city. Below is a brief overview of each of the new officers' service to the League during their terms.



President

Mayor Joe A. Smith, North Little Rock

North Little Rock Mayor Joe Smith has served the League on the Executive Committee since 2014, and he served on the Large First Class Cities Advisory Council from 2012 to 2014. He was the League's District 2 vice president in 2015-2016 and for the past year served as first vice president.



First Vice President

Mayor Harold Perrin, Jonesboro

Jonesboro Mayor Harold Perrin served on the Executive Committee from 2009-2012 and again from 2015 to 2017. He served on the Large First Class Cities Advisory Council from 2008-2009 and chaired the Economic Development Advisory Council from 2013-2015 and 2017-2018. Perrin was the League's District 1 vice president in 2012-2013.



District 1 Vice President
Mayor Darrell Kirby, Bay

Bay Mayor Darrell Kirby has served on the Executive Committee since 2017, and he served on the Second Class Cities Advisory Council from 2008-2017.



District 2 Vice President
Mayor Allen Lipsmeyer, Morrilton

Morrilton Mayor Allen Lipsmeyer has served on the Economic Development Advisory Council from 2014-2015 and again from 2017 to the present, and he served on the Large First Class Cities Advisory Council from 2016-2017.



District 3 Vice President
Mayor Greg Hines, Rogers

Rogers Mayor Greg Hines has served on the Executive Committee since 2017, and he served on the Large First Class Cities Advisory Council from 2014-2015. He also served on the Public Safety Advisory Council from 2012-2013 and on the Economic Development Advisory Council from 2013-2014.



District 4 Vice President
Mayor Bobby Neal, Smackover

Smackover Mayor Bobby Neal has served on the Second Class Cities Advisory Council since 2007.



Communicating respect: Give a little to get a lot

By Dean Brenner

As a speaker, it's always important to project authority. Whether through a mastery of detail, a clear understanding of your audience's needs, a strong speaking voice, or a poised stance at the front of the room, showing that you have expertise and confidence can go a long way toward persuading your audience.

But there's another strategy that can be just as useful and can sometimes work when authority doesn't, such as when you are facing a skeptical or even hostile audience. That's to connect with your audience as peers and collaborators—to negotiate and find consensus.

This isn't always an easy strategy. Some fear that negotiating or asking an audience for their buy-in will look like weakness. The key is in the execution. When done correctly, negotiating and finding consensus will allow your audience to feel good (without requiring you to sacrifice anything of importance) and create a sense of ownership on both sides.

There are a few important rules to keep in mind:

- Respect and listen to your audience. If they react in a way you didn't expect, don't assume that they are ignorant or irrational. Instead, assume that they are being motivated by something you don't yet know, and work to figure it out. Listen to what they have to say and try to understand where they are coming from.

- Be willing to give in, but be smart about it. My dad was a master negotiator. He taught me a valuable strategy: Decide ahead of time what you are willing to give up, but go in holding firm to those particular items. As the negotiation proceeds, you can reluctantly give them up, making the other side feel like they've won something without actually sacrificing what matters.
- Be strong but not aggressive. Remember, you might have different goals, but everybody in the room is just trying to get what they need to succeed. Negotiations don't have to be win-or-lose—ideally, every negotiation will be win-win. When the other person walks away feeling good about what happened, even if you've "undressed" them, they'll be more likely to come in good faith to future meetings.

What about consensus? This can be a tricky concept because, in many ways, it looks like persuasion. After all, they are both about getting an audience to do what you want them to do. But persuasion is about outcomes: getting the audience to buy your product or take on your initiative.

Maybe I'm your boss, and you have to do what I'm asking. Or maybe I'm offering you a price that's too good to pass up. In any case, I might persuade you to do something without convincing you that I have your best

interests in mind. You'll do it, but you won't necessarily feel good about it.

Consensus, on the other hand, is all about making your audience feel good, connected and even inspired by what you've persuaded them to do. If a speaker builds consensus, her audience will feel ownership over the decision. They'll want to make this new product or initiative succeed.

As you seek to build consensus, keep these points in mind:

- Know your audience. The better you understand your audience, the easier it will be to connect your message to their wants, needs, and fears. And if they feel heard and respected, they will be more likely to trust your words and come to an agreement.
- Be clear about your goal. It seems obvious, but this is an often-overlooked element of building consensus. Make sure that what you want is crystal clear. Can you distill your goal into a single, powerful sentence? If your audience can't clearly articulate what you want, they won't be able to agree to it.
- Seek alignment but not at the expense of your goals. When you set out to build consensus,

positivity and inclusion are key. But be careful not to get bogged down in a quest for universal approval. Sometimes you can't build consensus—you just need a decision. Sometimes you can build consensus with a majority, but a minority will be left unhappy. Don't let one negative opinion derail the conversation. Practice acknowledging an opposing opinion and then moving on.

Do you always want to negotiate and build consensus? No. Sometimes communication is about delivering an already determined course of action, and persuasion is about making clear the how and why, not whether. But negotiation and consensus building can be powerful tools that make an audience feel connected, respected, and energized. Used correctly, they can not only help you accomplish your goals, but they can build your reputation and credibility and give you even more authority the next time you need to persuade an audience.

Dean Brenner is an expert in persuasive communication and is president and founder of The Latimer Group (thelatimergroup.com). This article was originally published with the Forbes Coaches Council at forbes.com in June 2018 and is reprinted with permission.

The must-have reference for every city hall in Arkansas

The new 2017-2018 edition of the *Handbook for Arkansas Municipal Officials* has arrived. The Handbook compiles state laws affecting Arkansas municipalities, including the newest laws from the 2017 legislative session.

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What Justice Kennedy meant to cities

By Lisa Soronen

As of July 30, the last day of this year's historic Supreme Court session, Justice Anthony Kennedy is retired. For states and local governments, he will be forever remembered—not least as the justice who championed allowing online sales tax collection.

In March 2015, Justice Kennedy wrote that the “legal system should find an appropriate case for this Court to reexamine *Quill*,” which held that businesses without a physical presence in the state did not have to collect sales tax. In his last majority opinion on the bench, *South Dakota v. Wayfair*, the Supreme Court overturned *Quill*.

Justice Kennedy was a pivotal justice for most of his 30-year tenure on the Supreme Court. He often provided the court's crucial fifth vote on hot-button national issues. In *Planned Parenthood v. Casey*, Justice Kennedy blazed a middle path, writing part of the opinion that moved the court slightly to the right while declining to overrule *Roe v. Wade*. In LGBTQ cases Justice Kennedy played a much more progressive role, writing for the majority to strike down a law allowing for same-sex discrimination and eventually striking down gay marriage bans in *Obergefell v. Hodges*.

Justice Kennedy has been widely described as a moderate conservative. Most of the time he was skeptical of race-based classifications, but in 2016 he voted in favor of an affirmative action plan in *Fisher v. University of Texas at Austin*. On many other issues Kennedy voted in lockstep with fellow Republican appointees, writing the court's controversial opinion in *Citizens United v. FEC* and joining *Bush v. Gore* and *D.C. v. Heller* (involving gun rights).

Similar to Justice Kennedy's legacy as a whole, his votes on state and local issues were often decisive and did not always fall along conventional ideological lines. As one of the court's foremost champions of free speech, Justice Kennedy voted to strike down union “fair share” dues (with conservatives) and a ban on flag burning (with liberals) alike.

When it came to autonomy for the states, however, Justice Kennedy was often a proponent of federalism. In *Bond v. United States*, Justice Kennedy wrote that “[f]ederalism secures the freedom of the individual...by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions.” Kennedy also sided with the conservative majority in cases involving the anti-commandeering doctrine, which

prohibits the federal government from directing what states may and may not do.

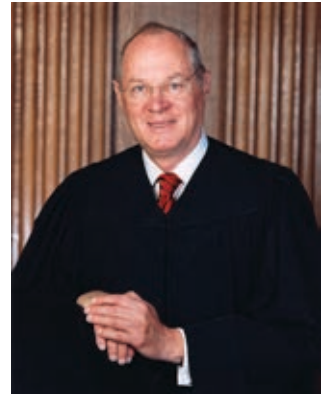
In the criminal justice and law enforcement context, Justice Kennedy's view of state power was tempered by his belief in the dignity of individuals. He joined the court in most opinions granting police officers qualified immunity, as well as decisions granting officers more leeway in searches and seizures.

However, Justice Kennedy was more liberal-leaning on the death penalty, authoring opinions striking down its use on offenders with intellectual disabilities and minors. Kennedy also sided with liberal justices in holding certain bodily searches unconstitutional and arguing for leniency in sentencing, often to accommodate the same dignitary interests that he argued for in other cases.

Outside of the law enforcement context, Justice Kennedy was also willing to grant states and local governments breathing room. For example, in *Kelo v. New London*, the court's controversial eminent domain case, Justice Kennedy authored a concurrence describing the seizure of property for private development as permissible in certain circumstances. Likewise, Justice Kennedy authored the most significant public employment case of the Roberts' Court tenure thus far. In *Garcetti v. Ceballos*, the court held public employee speech related to their job duties isn't protected by the First Amendment.

For a lot of people—including state and local government officials—Justice Kennedy left much unfinished business. Would he have voted to expand gun rights, rights for LGBTQ employees, and finally agree to a standard for unconstitutional partisan gerrymandering? We will never know.

While the fate of Judge Kavanaugh (and his potential impact on the court) remains uncertain, there is no denying that Justice Kennedy's tenure was both unique and influential both for states and local governments and for the country as a whole.



Lisa Soronen is the executive director of the State and Local Legal Center and a regular contributor to the National League of Cities' CitiesSpeak blog (citiesspeak.org). This article appeared originally on CitiesSpeak and is reprinted with permission.

MHBF Health Tip: Chiropractic services

One of the most common inquiries that the Municipal Health Benefit Fund receives is in regard to chiropractic services, which are part of a “combined annual benefit.” What is a combined annual benefit? It may sound confusing, but let me explain.

Outpatient occupational, physical, speech, habilitative (learning or improving skills and functions for daily living) therapies and chiropractic services are included in the MHBF’s combined benefit that allows 40 visits per year. These can be mixed and matched as long as the total visits annually equal 40 or less. For example, a person may use 15 physical therapy visits, five speech therapy visits, and 20 chiropractic visits for a total of 40 annually. It’s not as complicated as “combined benefit” sounds.

The \$20 copayment for an office visit does not apply to the services included in the combined benefit described above. In most instances, the men and women that provide occupational, physical, speech, habilitative therapy, and chiropractic services are licensed practitioners or hold specialized degrees but are not medical

doctors. This does not lessen their importance, and they must obtain a license to practice by taking an exam.

However, it does change the way they bill for services. For example, a chiropractor will bill for a manipulation or an adjustment—not an office visit. A member’s deductible and 20 percent coinsurance will apply to claims for services offered under the combined benefit.

If you have questions regarding any of the benefits offered by the Municipal Health Benefit Fund, please contact customer service by calling (501) 978-6137. If we are unable to answer your call, please leave a message and we will return the call as quickly as possible. The Fund Booklet can also be found online at www.arml.org/mhbf. We look forward to assisting you! 🏛️



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Rarely are urban limits this well defined.

Now that it's annexed, what's its best use?

By Jim von Tungeln

Much discussion at the municipal level centers on annexation by one of the four methods permissible to our cities. The two dealing with annexation by petition are very similar. The other two involve annexation by election and the annexation of enclaves by municipal ordinance. Different statutes govern how the methods annex property into a city.

No matter which method governs, it is important that planning commissions and elected bodies coordinate the planning and zoning of newly annexed land. Failure to do so can create problems and a lack of trust.

Additionally, there could be some advantage gained in any annexation by publicizing land-use policy within the proposed area. Disclosure and truth can be allies.

Traditionally, many cities have simply allocated a specific zone to all areas brought in through annexation. Often, this would be the most restrictive residential zoning district. In the Internet age, this took on the title of “the default zone.”

As an alternative, some cities create a separate and distinct zoning district for newly annexed areas as well as areas beyond the urban limits. Several names, such as “urban transitional,” or “non-urban,” are used to describe such zoning districts. Labeling areas non-urban doesn't mean that they fail to meet the state's standards for annexation. Instead, they denote areas that are suitable for urban development but have not yet made the transition. The areas exist in a holding pattern in which specific land-use policies would apply as urban levels of service expand.

In all these cases, the stashing of lands into holding or default zones can result in problems later on.

The first potential problem involves what might be termed the “Assumption of Prior Wisdom” syndrome. Years after an annexation, development may reach an area held within a holding zone, designated as, say, the most restrictive residential district in the city's zoning code. The zoning designation has existed for years.

The planners at the time of annexation may have spent little time actually considering what might be

the most appropriate land use in the future. The ease of simply assigning the newly annexed land into the default zoning may have proven irresistible. Now comes pressure for a more productive development pattern, one that meets the demands of the modern market. Further, the proposed new zoning may satisfy many, or all, of the city's land-use policies.

Existing residents may, for any of several reasons, choose to resist changing the zoning. "The original planners," they argue, "thought the situation through and, in their wisdom, proposed low-density development as the highest and best use for all newly annexed land." In all likelihood, this is far from the truth of what actually happened.

A second problem exists in the possibility of requests for so-called "spot zoning." These are requests for rezoning sometimes-isolated parcels that don't accord with the future land-use plan. If the land-use plan wasn't well constructed originally, the planning commission may find itself in the troublesome position of handling rezoning requests in a piecemeal fashion.

There is also the problem of "out of sight, out of mind" parcels that simply suffer from being forgotten. In an actual case in our state, a city annexed property, assigned the default zoning to it all, and forgot about it. What went unnoticed was that a convenience store sat on a small section of the newly annexed property. The city was a small one at the time and the planning commission fulfilled the task of approving building permits. Since the convenience store existed when the annexation occurred, there was no building permit to alert the planning commission. Time passed and the owners thought they had sold the building. They went to the closing of the sale expecting to leave with a check for over \$200,000. Instead, a title clerk had discovered that the new owners couldn't receive financing for a commercial building located in a residential zoning district. It took the property owners nearly two months to straighten out the matter. In its defense, the city hasn't allowed that to happen again.

Since it is much more desirable to avoid unpleasantness than to deal with it, some advice is suggested. First, recall that annexation of land can occur in one of four ways. Two of these differ only in the percentage of property owners wishing to become part of the city. Thus, the elected body only faces three methods. In one, the electorate makes the final decision involving annexation. In another, the elected body makes the decision. In the other two, the county court authorizes the removal of land from the county into the city.

In each approach, a 30-day waiting period exists during which someone may challenge the annexation. This is a good time for the planning commission to make decisions as to the zoning of the annexed land.

Newly annexed land sometimes falls within the city's planning area boundary but outside the city limits. For these areas, the future land-use policy should already be generally established. Land annexed from beyond the planning area boundary will require an update of the future land-use plan.

At any rate, actual zoning decisions may require a more detailed analysis of the highest and best use of annexed properties. The real estate community considers the highest and best use of a property that use which is physically possible, maximally profitable, and legally permissible. The latter standard includes zoning.

Urban planners must add to these a consideration of what zoning pattern would best serve the health, safety, welfare, and morals of the community. Any city government would wish for all property owners to enjoy maximum use of their property. Some uses, however, while promising great monetary return, may severely and drastically threaten the welfare of the community at large. Consider the storage of hazardous materials next to residential districts.

As a further consideration, many annexations absorb existing uses that don't meet the policies or needs of the community in the long run. These enter the urban fabric as nonconforming uses or non-conforming structures.

The general policy concept is that these will benefit from the so-called privilege of "grandfathering." The owner may enjoy the continued use of the property. The city's long-term intent is that the nonconforming use will eventually disappear. Sometimes they don't. Avoiding them when possible is the best policy.

Nothing in this should be taken to mean that municipalities annex for no reason. Annexing for future development allows cities to plan and seek resources for providing municipal services. It allows orderly development of land that is intrinsically suitable to the environment, existing development, and transportation systems. It may allow development at urban densities that place less stress on the environment. And it allows the city to avoid being ringed and shut-in by uses that are not compatible with modern standards like the Arkansas State Fire Code.

In the final analysis, there is the simple truth that the city's future land-use policies and plans, and the consideration of them, should figure strongly into annexation considerations.



Jim von Tungeln is staff planning consultant and available for consultation as a service of the Arkansas Municipal League. He is a member of the American Institute of Certified Planners. Persons having comments or questions may reach him at (501) 944-3649. His email is uplan@swbell.net.

Arkansas strengthens Ghana connection at 84th Convention

By Sherman Banks

The League's 84th Convention was a historic one for the continuing relationships between Arkansas municipalities and the West African nation of Ghana. During the June 14 awards luncheon, the Honorable Hajia Alima Mahama, Ghana's minister for local government and rural development speaking on behalf of President Nana Addo Dankwa Akufo-Addo, addressed the Convention. She addressed the sustainable ways Ghana can collaboratively develop business relationships with Arkansas, particularly the Delta region.

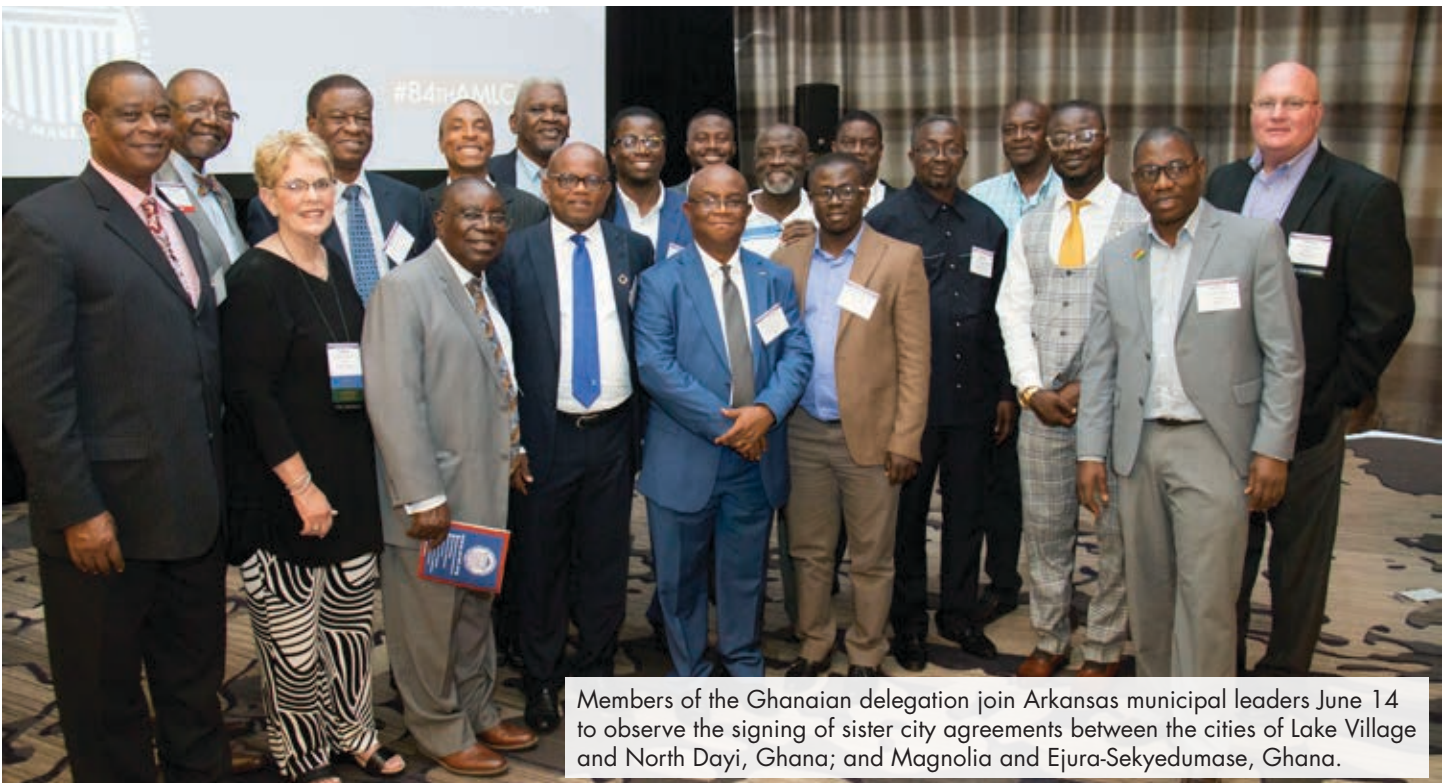
The Minister spoke on such issues as strategic industries and pillars to develop new ways for economic transformation. She spoke about revitalization programs that would build competitiveness with existing industries by facilitating access to medium and long-term financing. Mahama also spoke to the importance of public-private partnerships in achieving these goals.

Building sister city relationships is a key way Arkansas cities and towns can help implement these initiatives by building trust, establishing the appropriate policy framework, the right business environment, and the required investment drive needed to attract investor interest and boost the "Ghana Beyond Aid" agenda. As President Nana Akufo-Addo has stated, "We want to



Ghana's Minister for Local Government and Rural Development Hajia Alima Mahama addresses the League's 84th Convention.

build a Ghana Beyond Aid; a Ghana which looks to the use of its own resources. We want to build an economy that is not dependent on charity and handouts, but an



Members of the Ghanaian delegation join Arkansas municipal leaders June 14 to observe the signing of sister city agreements between the cities of Lake Village and North Dayi, Ghana; and Magnolia and Ejura-Sekyedumase, Ghana.

economy that will look at the proper management of its resources as the way to engineer social and economic growth in our country.”

Two Arkansas cities sign sister city agreements

Another milestone was reached at the 84th Convention during the sister cities workshop that followed the awards luncheon. Two sister city agreements/partnerships were signed. The city of Lake Village signed an agreement with the city of North Dayi in Ghana’s Volta Region. Lake Village Mayor JoAnne Bush and the Honorable Dr. Archibald Letsa, governor of the Volta Region acting on behalf of the mayor of North Dayi signed the agreement.

The second sister city agreement/partnership reached June 14 was between the city of Magnolia and the city of Ejura-Sekyedumase Assembly in the Ashanti Region. Magnolia Mayor Parnell Vann and Ing. Dr. Nana Ato Arthur, head of local government services acting on behalf of the mayor of Ejura signed the agreement.

As with most sister city agreements, the primary goal is to develop trust. It was agreed that this could best be accomplished by first focusing on establishing educational and cultural exchanges with the ultimate goal of

making social improvements and creating agricultural, technical, and economic growth. Each city agreed to develop programs to improve public health and safety through the exchange of information and resources to enhance the quality of life in the Ejura and North Dayi municipalities, particularly in the areas of environmental sustainability, technology, and affordable housing.

At the state level, Gov. Asa Hutchinson has signed a memorandum of understanding on behalf Arkansas with the Republic of Ghana as a sister state, and Secretary of Agriculture Wes Ward has signed a memorandum of understanding pledging to work together for reciprocal agricultural partnerships with our farmers and related businesses.

As leaders in your respective cities and towns, please consider extending your resources in order to make a difference in the lives of others through sister cities, “one individual, one community at a time.”



For more information contact Sherman Banks at (501) 786-2639; email sbanks@aristotle.net; or write to P.O. Box 165920, Little Rock, AR 72216.

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Summaries of Attorney General Opinions

Recent opinions that affect municipal government in Arkansas

From the Office of Attorney General Leslie Rutledge

Spending sales tax revenue limited by ordinance language and ballot title

Opinion: 2018-040

Requestor: Dwight Tosh, state representative

Is it permissible for a fire department in Independence County to use the revenues derived from the taxes designated for the purpose according to the approved ballot measure for Ordinance 2012-39 to purchase five (5) acres of land to build a new fire department building? Q2) Is it permissible for a fire department in Independence County to use the revenues derived from the taxes designated for the purpose according to the approved ballot measure for Ordinance 2012-39 to purchase thirty-two (32) acres of land, sell the thirty-two (32) acres of land and deposit the proceeds of the sale in an account to improve the fire department's ISO rating?

RESPONSE: The answers to these questions will depend upon the language of the ordinance by which the sales and use tax was levied and the ballot title by which it was presented to the electorate. I lack the resources and the authority to undertake the necessary review in this regard. These matters are local in nature and must be resolved on the local level. I have, however, provided a brief analytical framework to apply to your questions.

Laws passed during fiscal session effective as of June 12

Opinion: 2018-073

Requestor: Mark Martin, secretary of state

What is the effective date of legislation passed during the Fiscal Session of the 91st General Assembly that did not have an emergency clause or specified effective date? **RESPONSE:** The Fiscal Session of the 91st General Assembly adjourned sine die on March 12, 2018. Therefore, legislation from that session that did not contain an emergency clause or specified effective date became effective June 12, 2018.

Laws passed during special session effective as of June 14

Opinion: 2018-074

Requestor: Mark Martin, secretary of state

What is the effective date of legislation passed during the Second Extraordinary Session of the 91st General Assembly that did not have an emergency clause or specified effective date? **RESPONSE:** The Second Extraordinary Session of the 91st General Assembly adjourned sine die on March 15, 2018. Therefore, legislation from that session that did not contain an emergency clause or specified effective date became effective June 14, 2018.

To find and read full Attorney General opinions online, go to www.arkansasag.gov/arkansas-lawyer/opinions-department/opinions-search.

Time to levy property taxes

City and town councils may levy general property taxes of up to five mills on the dollar (Ark. Const. art. 12 § 4; A.C.A. §§ 26-25-102 and 103). In order to implement this millage, the governing body of the city or town must certify the rate of taxation levied to the county clerk. (A.C.A. § 26-73-202). This must be done prior to the time fixed by law for the Quorum Court to levy county taxes. *Id.* Arkansas Code section 14-14-904(b) establishes the November or December meeting of the Quorum Court as the time to levy those taxes.

Accordingly, municipal officials should check with the Quorum Court to determine whether its levying meeting will be in November or December. It is important also to bear in mind that the city council must levy and certify its taxes annually, as failure to levy by the required date will result in a millage of zero for the following year (*See* Ark. Ops. Atty. Gen. No. 91-044 and 85-5).

The bottom line: If your city or town wishes to collect property taxes for the following year, make sure that council approval and certification to the county clerk occur prior to the meeting of the Quorum Court at which county taxes are levied.

FAIRS & FESTIVALS

Aug. 31-Sept. 1

34th Frisco Festival

Rogers

(479) 936-5487

Sept. 7-8

75th White River Carnival

Batesville

(870) 793-2378; mybatesville.com

Aug. 31-Sept. 2

45th Cotton Plant Days

Cotton Plant

(870) 459-2121

Sept. 14-15

7th Beatles at the Ridge Festival

Walnut Ridge

(870) 886-3232; beatlesattheridge.com

Sept. 1

34th Leachville Harvest Festival

Leachville

(870) 530-4333

Sept. 15

4th Bayfest Street Festival

Fairfield Bay

(501) 884-6010

MEETING CALENDAR

November 7-10, 2018

National League of Cities

City Summit

Los Angeles, CA

January 16-18, 2019

Arkansas Municipal League

2019 Winter Conference


Statehouse Convention Center

Little Rock, AR

Nominations open for 2018 Volunteer Community of the Year Awards

The Arkansas Department of Human Services Office of Communications and Community Engagement is now accepting nominations for the 2018 Arkansas Volunteer Community of the Year Awards. The deadline to apply is Oct. 12.

Each year DHS partners with the Governor's Office and the Arkansas Municipal League to recognize cities and towns that seek to address the greatest needs within their communities through volunteerism. A panel of judges from across the state will select 12 communities to be honored at the League's Winter Conference in Little Rock in January 2019. Winners will also receive two signs donated by the Arkansas Highway Commission designating the city as a Voluntary Community of the Year.

For more information, support materials, and to complete a nomination form online, visit www.volunteerar.org/COY-nomination. 



State Rep. Ken Bragg, center, joins his constituents at Hot Spring County Conversations, an initiative to assess regional community development opportunities.

Build on community strengths for economic development

By Amy Whitehead

Conducting an assessment of your community is one of the first steps you need to take as you lay the groundwork for local economic development efforts. Perform a SWOT (strengths, weaknesses, opportunities, and threats) analysis and you will have a better understanding of what opportunities you can seize and challenges you can work to overcome.

During the assessment process, many community leaders and residents get stuck in a deficient mindset constantly focused on disadvantages their city faces. While it is important to mitigate any weaknesses and to be aware of your strategic position, effective leaders will mobilize assets for economic gain. An asset-based approach has the potential to launch your community into a positive, forward-focused discussion about the future.

Every community has assets that can serve as the foundation for community and economic development. Assets can be described as positive attributes of a community that you want to grow or leverage. The Community Capitals Framework, developed by Cornelia and Jan Flora, provides a useful overview of the various assets that can be found in a community:

- **Built assets:** buildings, infrastructure, schools, roads, water and sewer systems, main streets.

- **Financial assets:** money, charitable giving, grants, access to funding and wealth.
- **Political assets:** connections to people in power, access to resources, leverage, influence to achieve goals.
- **Social assets:** groups, organizations, networks, sense of belonging, bonds between citizens.
- **Human assets:** skills and abilities of people, leadership, knowledge, ability to access resources.
- **Cultural assets:** generations, stories and traditions, festivals, spirituality, heritage, historic preservation.
- **Natural assets:** the environment, natural beauty, lakes, rivers and streams, forests, wildlife, soil, local landscape.

An initial assessment might ask the following questions:

- In what area do we have an abundance of assets?
- In what area do we need to focus additional attention to shore up existing assets or develop new assets?
- Are there assets in our community that are underutilized?

Mapping out community assets is also an excellent way to engage citizens, businesses, and key stakeholders in a discussion about the community's future and where growth opportunities might exist. During this process, don't forget to communicate regularly with your regional planning and development district, relevant state agencies such as the Arkansas Economic Development Commission, congressional and legislative officials, and other elected officials and influencers that may want to join your efforts.

Recently, communities in Hot Spring County have started working together on a regional level to identify assets and opportunities for the county as a whole, as well as the individual cities and towns in the county. Known as Hot Spring County Conversations, communities and school districts are holding a series of town hall meetings and community surveys to gather input on local needs and opportunities. The tagline of the initiative is "a future-focused, positive community development initiative."

State Rep. Ken Bragg, who represents Hot Spring County, participated in one of the initial community forums for the initiative.

"I think the effort Hot Spring County is making through the County Conversations initiative is going to make a significant difference in the future growth and development of the county," Bragg said. "The process of bringing local communities together to work in unison encourages a wider input of ideas and encourages engagement from interests that might not otherwise be involved in shaping the future of economic development in the county."

In addition to bringing together all the cities in the county, the effort has also engaged electric provider Entergy Arkansas, College of the Ouachitas, Hot Spring County Economic Development, West Central Arkansas Planning and Development District, Malvern Chamber of Commerce, University of Central Arkansas, local school districts, and other key organizations.

To learn more about Hot Spring County Conversations, visit facebook.com/HSCconversations. For more information on conducting an asset-based assessment of your community, contact UCA's Center for Community and Economic Development at (501) 852-2930 or amyw@uca.edu.

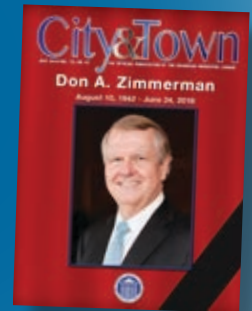


Amy Whitehead is the director of the Center for Community and Economic Development at the University of Central Arkansas.

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AEDC has resources for cities large and small

By Chad Gallagher

With the ongoing daily demands municipal leaders face, it can seem hard to make economic development a priority. City leaders are busy delivering the municipal services their citizens expect. It's a job that requires the ability to pivot from one thing to another, and often the things we want to do slip down the priority list. Items that make the most noise tend to jump to the front of the list.

Economic development may be one of those items that too often slips down the priority list, but it shouldn't be neglected, even when the daily tasks seem to drown everything else out. Fortunately, help is available.

Future success for cities will be found in making them attractive and appealing to employers and job seekers alike by focusing on quality of place. Think of a vibrant, cute downtown versus a dilapidated one. Think trails, indoor recreation facilities, great parks, dining, and entertainment.

The new economy is knowledge based, generally made up of smaller employers instead of a few large employers within a city, and it is very mobile. It's the last of these features that should be music to the ears of municipal leaders. Today's economy is intricately wired into the web of e-commerce. Businesses can function from anywhere and reach customers everywhere in the world. This is good for both businesses who are selling a product and for those who are delivering a service that can be performed remotely. I recently read of a woman in a small town in Montana who started a virtual assistant company. They provide busy small business owners who cannot afford a full-time assistant with a virtual secretary for a few hours a week. This concept may not be new, but it is thriving all over the world. The 20 jobs she has created in her small town are a big deal.

Jobs matter. Municipal leaders should do all they can to learn about economic development, become experts in their community's economic data, and get active in economic development circles in the state. The good news for Arkansas municipal leaders is that the Arkansas Economic Development Commission (AEDC) is a strong, willing partner for communities.

I've worked on major economic development projects between cities and the state as a mayor, a member of the governor's staff, and now as a consultant. I've watched the department for more than 20 years and can

tell you that never have I seen it running such a strong and proactive effort to partner with Arkansas cities. Our governor has made economic development a high priority and Mike Preston's team at the commission is executing the vision with gusto. Most encouraging is that these job gains are not limited to large urban areas. We've seen the administration work closely with small towns to land big projects. Forrest City, Glenwood, and Arkadelphia are examples of job announcements in the last year that could change the economic landscape in those cities.

In the last year the commission has unveiled a new "Competitive Communities Initiative" and announced 85 new "opportunity zones." [See the April 2018 issue of *City & Town* for more on opportunity zones—Ed.] AEDC is offering impressive services to cities and towns in strategic planning, marketing, business retention and expansion efforts, and new business development. They are also offering cities and towns grants in economic development and incentives for new projects and expansions. Both add up to serious investments in our communities.

The AEDC has also assigned regional managers across the state to help focus on your community, in your area, with your unique set of circumstances. They also provide an elected officials orientation designed to help familiarize local leaders with current trends in economic development and available programs and services. Cities can also enroll in a training program to prepare for site visits from prospective new businesses.

One would be hard pressed to find another state that is doing a better job than Arkansas to create an effective partnership between the state and local leaders to build a strong new economy. It's no wonder we have record low unemployment.

To learn more about all the great programs offered to local leaders through the AEDC, arkansasedc.com. For help with one of their grant programs or any other project you are working on, please don't hesitate to call on us. We'd love to work with you.



Chad Gallagher is principal of Legacy Consulting and a former mayor of De Queen. Contact him at (501) 246-8842 or email chad.gallagher@legacymail.org.

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Little Rock receives \$139,000 NLC anti-hunger grant

The National League of Cities (NLC) has chosen Little Rock as one of six member cities to receive grants totaling \$750,000 along with technical assistance to launch mayor-led anti-hunger campaigns through its CHAMPS: Cities Combating Hunger program. Little Rock will receive \$139,000 to work with key local partners to carry out the initiative. CHAMPS partners include the Central Arkansas Library System, the Little Rock School District, the Arkansas Hunger Relief Alliance, and the American Advertising Federation Little Rock (The Ad Club).

Little Rock Mayor Mark Stodola, who is this year's NLC president, and representatives from the partnership agencies made the announcement at an Aug. 6 press conference at the Hillary Rodham Clinton Children's Library in Little Rock.



Little Rock Mayor Mark Stodola.

Other cities selected by the NLC include Allentown, Pa.; Durham, N.C.; Jackson, Miss.; Miami Gardens, Fla.; and Winston-Salem, N.C. During the competitive selection progress, the cities' applications demonstrated a commitment by their mayors to lead citywide anti-hunger campaigns and to strengthen and expand programs that bring federal nutrition dollars into cities, such as afterschool and summer meal programs. The selected cities plan to work across their city departments and through local partnerships to address hunger.

"The issue of proper nutrition is so critical to the issue of education and the potential to make sure that our young people's minds are ready for the learning that goes on in our schools," Stodola said.

Continuing access to nutritious food after school is a key goal of the grant program. More than 200,000 children in the Little Rock area qualify for access to free and reduced-price school lunch during the school year,

said SiKia Brown, the out-of-school programs director with the Arkansas Hunger Relief Alliance.



Arkansas Hunger Relief Alliance Out-of-School Programs Director SiKia Brown.

"During the summer and after school, we want to ensure that those same children have access to healthy, nutritious meals when school is out," Brown said.

The nonprofit is a lead partner in Arkansas for the No Kid Hungry campaign, which helps children and families access federal nutrition programs.

The city's broad commitment to fighting hunger is the reason Little Rock was chosen as one of the six recipients, Vice-Mayor Kathy Webb said.

"We were chosen because of the commitment of city leadership to reduce hunger for families, the ability of city partners to strengthen programs, and the ability of the city to develop a strong campaign that encourages the entire community to get involved," Webb said.



Little Rock Vice-Mayor Kathy Webb.

The NLC, with continued support from the Walmart Foundation and in partnership with the Food Research and Action Center (FRAC), will work with the selected cities through 2019 on their anti-hunger campaigns. 🍌

Great Arkansas Cleanup soon underway

Each fall, thousands of Arkansans remove tons of trash from our state's roadways, shorelines, parks, and public areas during the Great Arkansas Cleanup, Keep Arkansas Beautiful's fall state-wide community improvement campaign. Communities large and small show their commitment to the Great Arkansas Cleanup campaign by recruiting volunteers of all ages and taking on a variety of community cleanup and environmental improvement projects. The Great Arkansas Cleanup runs from September through October.


During the 2017 Great Arkansas Cleanup, more than 6,000 volunteers worked almost 45,000 hours in communities across the state. The community improvement effort involved 215 events, with volunteers collecting 42,029 pounds of litter from 1,117 miles of roadways, 727 miles of waterways, and 7,633 acres of parks and public areas.



The total economic value of the 2017 Great Arkansas Cleanup to Arkansas communities was more than \$1.6 million.

The Great Arkansas Cleanup began more than 40 years ago as the Greers Ferry Lake and Little Red River Cleanup. In 1985, then-U.S. Sen. Dale Bumpers guided legislation requiring an annual pickup event during the weekend after Labor Day on all federal lands. This law, the Carl Garner Federal Lands

Cleanup Act, honors the founder of the event. Mr. Garner continued his advocacy for a clean and litter-free environment until his death in 2014.

Visit keeparkansasbeautiful.com/get-involved/cleanups for a list of cleanups scheduled near you and resources to help get a cleanup started in your city, including video tutorials, downloadable planning materials, cleanup safety tips, customizable fliers and media materials, and more. 



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Batesville Community Center

Let's make Arkansas a leader in heart health

By Cam Patterson, M.D., MBA

The building blocks of heart disease are well known. Smoking, obesity, high blood pressure, diabetes, diet, and genetics are all risk factors that can increase the risk of developing heart disease.

Here in Arkansas, heart disease is the leading cause of death for men and women. And no matter gender, age, race, ethnicity, residence, education, or income, Arkansans are more likely to have heart disease than the average American.

Knowing the risk factors and its impact on our heart health, the time for action is now.

It starts with clinical care

Immediate change can occur in the clinic. As doctors, nurses, and health care professionals, that means exploring medications to treat high blood pressure or diabetes, encouraging more regular exercise, and screening for heart disease to identify it at earlier stages.

Patients have a responsibility as well. Always make sure you communicate with your health care provider openly and honestly. Stay focused on what is bothering you and describe it in clear, concise terms. Don't leave your doctor's appointment with unanswered questions. It is your physician's responsibility to make sure you are fully informed, so speak up and ask questions.

Because Arkansas is a rural state, we have an added responsibility to reach out and meet Arkansans near their homes. Where you live shouldn't decide the level of care you receive. Placing more health care providers and professionals in small, rural communities would benefit all involved. UAMS is devoted to this goal, both through educating health professionals and caring for patients in the clinic.

A complication of heart disease is stroke, and like heart disease, it is prevalent in Arkansas. Telemedicine programs like AR SAVES provide immediate, life-saving treatments to stroke patients around the clock through a high-speed video communications system. The video communication enables a stroke neurologist at UAMS to evaluate whether emergency room physicians should use a clot-busting blood thinner within the critical time period following the first signs of stroke.

Because of AR SAVES, 84 percent of Arkansans live within 30 minutes of a partner hospital and 99 percent live within an hour. It has helped improve the rate of stroke deaths in Arkansas and shows proper action can have an impact.

Research for the future

Research is a main reason we now understand the role high blood pressure, diabetes, diet, genetics, and other risk factors play in developing heart disease. Continued research will only broaden our knowledge and improve our standing in identifying, treating, and preventing heart disease.

Recently, we've learned more about how nutrition during pregnancy and early childhood can have an impact on long-term health, including heart disease. It has helped us understand the way we feed our children and that the amount of physical activity they have while they're young can have a lasting effect.

No one has a better understanding about the type of research that would benefit Arkansas than those in the state, which is why UAMS is dedicated to providing this discovery research.

Promote healthy living in our communities

The decisions we make at the community level need to consider the health and well being of our residents as well. Maybe it is increasing the amount of parks and trails around town, organizing a downtown farmer's market stocked with fresh fruit and veggies, or hosting free health screenings. Diet and exercise are two behaviors we can modify to lower the risk of obesity, diabetes, high blood pressure, and ultimately, heart disease.

The Natural State moonshot

It seemed like more than a long shot when President John F. Kennedy stood before Congress on May 25, 1961, just weeks after the first American had even reached outer space, and proclaimed the United States would land a man on the moon within the decade.

But Kennedy's declaration focused our sights on the skies. It took nearly a decade of grit, determination, and dedication, but the goal was accomplished.

What if Arkansas could achieve its own moonshot in the next decade and become a national leader in heart health? The impact heart disease has on Arkansas can be eased, but it will take a determined effort from the entire state on multiple fronts to see real change.



Cam Patterson, M.D., MBA, is chancellor of the University of Arkansas for Medical Sciences.

Changes to the Directory, Arkansas Municipal Officials

Submit changes to Tricia Zello, tzello@arml.org.

Allport

- Delete M Randy Dolphin
- Add M Ivory Gaston
- Add CM Gloria Armstrong

Beaver

- Delete E-Mail mayor@beavertownarkansas.com
- Add E-Mail townofbeaverarkansas@gmail.com

Cherokee Village

- Delete CEO Donnie Dawson
- Add CEO (Vacant)

Felsenthal

- Delete DPW Mickey Parker
- Add DPW David Culp

Gassville

- Delete FC Christy Dewey
- Add FC Michael Glotzl

Horseshoe Bend

- Delete CM Joe Moser
- Add CM Jeannett Hilliker

Jacksonville

- Delete PC (Vacant)
- Add PC John Franklin

Mayflower

- Delete CA Terry Ballard
- Add CA David Hogue

Nimmons

- Delete CM Eugene Broadway
- Add CM Ella Turner
- Add CM William Banks

Norfolk

- Delete CM Jimmy Mincey
- Add CM (Vacant)
- Delete PC Jim Griffin
- Add PC Dempsey Thompson

Tollette

- Delete PRD Ronnie Green
- Add PRD Martha Tollette-Forte

Vilonia

- Add FC K.C. Williams



Pine Bluff Wastewater honored for 100 percent compliance

Pine Bluff Wastewater Utility's Boyd Point Treatment Plant has earned a Platinum Peak Performance Award for nine years of 100 percent compliance with its National Pollutant Discharge Elimination System (NPDES) permit, the city has announced. The "Platinum 9" award was presented to the city at the National Association of Clean Water Agencies' 48th annual meeting in July in Boston.





Mini roundabouts, like this one recently completed on the University of Arkansas campus in Fayetteville, keep traffic moving smoothly and safely.

Mini roundabouts keep traffic moving

By Leah Tomlinson

Civil engineers and designers are always looking for ways to effectively and more safely move traffic, especially at intersections. Increasingly, alternatives to signalized intersections are being used in place of the more traditional intersection treatments. Large, multilane roundabouts work great for safely moving multiple lanes of traffic through an intersection. However, for smaller, single-lane intersections that would traditionally be treated with stop signs or simple signals, mini roundabouts are proving to be very effective at improving delays, calming traffic, and increasing safety. They also offer most of the benefits of traditional roundabouts, with the additional benefit of having a smaller footprint.

Small diameters and traversable splitter and center islands characterize mini roundabouts. A splitter island is a channelized island that separates traffic in opposing directions of travel, as opposed to islands that separate merging or diverging traffic in the same direction. The inscribed circle of a mini roundabout is usually about 50 to 80 feet in diameter with the center circular island being about 16 to 45 feet in diameter. Because they are relatively small, they can be very cost effective, as they will often fit within the existing travel boundaries. By having all aspects, including the splitter and central islands be mountable/traversable, mini roundabouts can

still handle bus and truck traffic without having to increase the size of the roundabout. However, intersections that do not see heavy truck and bus traffic are generally better locations for mini roundabouts.

There are several factors that need to be taken into consideration prior to making the decision to install a mini roundabout. The following design criteria should be met, at a minimum, in order for a mini roundabout to be applied successfully:

- The speed limit should be 35 mph or less;
- Total vehicles per day entering the intersection should be less than 15,000; and
- It should only be installed at the junctions of two-lane roads.

Conversely, less than ideal locations for a mini roundabout include:

- Locations that experience a heavy amount of truck traffic, as this will significantly reduce the effectiveness of the roundabout;
- Locations where U-turn truck or bus traffic is high; and
- Locations where the major street traffic is significantly higher than the minor street traffic, as major street traffic tends to become accustomed to ignoring the conditions of the intersection.



Clear signage and markings can help drivers easily navigate roundabouts.

As with regular roundabouts, mini roundabouts are most successful when users are forced to enter at low speeds and the entrances and exits are intuitive for the driver. It is also important that they are properly lit for all users. This can be achieved using standard street and/or pedestrian lighting, in-pavement reflective devices, or via the installation of other measures to ensure that the mini roundabout is adequately lit.

As with all intersection designs, attention should be given not only to the motorist, but also to pedestrians, cyclists, and emergency vehicles that will be using the intersection through thoughtful design that includes pavement markings and signage.

Mini roundabouts in Arkansas


The University of Arkansas in Fayetteville made the decision to realign Stadium Drive from Martin Luther King Jr. Boulevard to Meadow Street, as it runs through both the University of Arkansas and Fayetteville High School campuses. A large portion of the project area was originally designated as residential. However, the University decided to replace the numerous single-family residences with student housing. For two of the intersections along this route, the University accepted recommendations to install two mini roundabouts to replace the stop sign controlled intersections. While mini roundabouts are generally not used in high truck or bus traffic areas, by making the diameter of the mini

roundabout somewhat larger, the University wound up with a system that can serve multiple bus routes per day.

Since the construction of the two mini roundabouts and the associated roadway improvements to Stadium Drive, this corridor has seen immediate increases in the efficiency with which traffic moves as well as gained an alternative entrance to the University campus. Overall, these mini roundabouts are providing for a more compact footprint that is accessible to cars as well as truck traffic and buses. The mini roundabouts also incorporate some important new driver aids to further improve safety in this area including recessed reflectors, collapsible illuminated bollards that direct traffic flow, and textured/colored court stone paving to delineate areas of pavement for use only by truck traffic and buses. These brand new mini roundabouts, the first of their kind in the state, really shine during high-traffic-volume events like Razorback sporting events. They are not only aesthetically pleasing, they are significantly improving the flow of traffic in the area.




Leah Tomlinson is a project designer with MCE's Transportation Department. Contact Leah at (479) 443-2377 or email ltomlinson@mce.us.com.



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Fingernail drug testing

Fingernails are highly stable, simple to collect, and easy to ship and store. Because of these advantages, fingernails provide a test sample that is at the cutting edge of drug testing. At this time, fingernail testing is not approved by the U. S. Department of Transportation for drug testing, but it is widely used in non-federally mandated programs.

Fingernails are made up of keratin, the same material that hair is made of. As the nail grows, substances can pass from the blood vessels below the nail into the keratin fibers where they become trapped. Fingernails are four times thicker than the typical strand of hair and often capture more of a substance than hair can.

Biomarkers become locked in keratin fibers along the entire length of the nail, and can be detected up to three to six months after drug or alcohol abuse. Environmental exposure to illicit substances can be detected immediately in nail samples. When drugs are ingested, biomarkers can be found in nails as early as one to two weeks after. The time period during which drug ingestion can be detected depends on the substance used, the amount used, and personal metabolism.

Fingernail samples are clipped and collected by the donor in front of a trained collection staff member. A clipping of 2-3 mm long (about the width of a quarter)

from all 10 fingernails will give about 100 mg of sample, the ideal amount for screening and confirmation. The turn-around time for processing of fingernail samples is 24 hours before a negative screen is reportable. An additional 24-48 hours will be required for confirmation of a positive result.

There are 17 drug-testing panels available. Drugs that make up the various panels include: amphetamines, cannabinoids, cocaine, opiates, phencyclidine, benzodiazepines, barbiturates, methadone, propoxyphene, oxycodone, meperidine, tramadol, fentanyl, sufentanil, ketamine, buprenorphine, and zolpidem. For alcohol testing, an EtG test is done, which is a direct biomarker.

The a'TEST staff has been trained in collecting fingernail samples and fingernail testing is currently being used by a number of courts as their preferred testing method. The cost of fingernail testing is comparable to hair testing, with both of these methods being more expensive than traditional urine drug testing.

a'TEST CONSULTANTS, Inc., provides drug and alcohol testing as a service of the Arkansas Municipal League Legal Defense Program. The program helps cities and towns comply with the U. S. Department of Transportation's required drug testing for all holders of commercial drivers' licenses.



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PHOTOS BY KRISTA QUINN.



Known for its mulched shells, Hendrix's "Pecan Court" is often used as an outdoor classroom since it has plenty of shade and benches.

Tree inventory helps Hendrix plan for the future

By Krista Quinn

Hendrix College in Conway is well known for its lovely 175-acre campus with an abundance of trees that provide both shade and beauty. The college has worked to establish its campus as an arboretum with a diverse collection of trees, many of which are native to Arkansas and the southeastern United States. Because the trees are an essential part of the Hendrix campus, the college recently began work on a long-term tree management plan that will ensure the arboretum is maintained even as the college grows and develops.

Conducting a tree inventory

The first stage in developing a tree management plan is conducting a tree inventory. Dr. Joyce Hardin, a professor in the Biology Department at Hendrix, along



Small metal markers helped identify campus trees during the inventory.

with some of the Hendrix Grounds Department staff spearheaded efforts to catalogue the number and types of trees currently present on the campus. The college's last tree inventory was completed in 1995 and was no longer useful or accurate.

“The last inventory was done before we really had computers to manage the data,” Hardin said. “We wanted to bring it into the 21st Century and make it more usable for both the grounds department and the public.”

A tree inventory is an essential tool for communities or campuses to use if they want to manage their trees efficiently. Conducting a complete inventory can be a daunting task, but once the data is in electronic form, it is much easier to understand what tree work needs to be done and where. An inventory that is kept up to date by tracking tree removals and plantings, tree maintenance work, and tree health and condition can also reduce tree hazards and limit liability for damage or injury from trees.

Hendrix hired certified arborist Pete Rausch of Pinnacle Arborist Supplies in Little Rock to assist with the inventory. They attached a small metal marker to each tree as an identifier and then recorded the GPS location, species, trunk diameter, and an assessment of the health and condition of each tree. A group of three people were able to collect data on 800 campus trees over a three-day period. Two hundred additional smaller trees were later added to the inventory.

With this information, the grounds department can identify trees that may be hazardous or those that appear to be declining in health and may need additional care and maintenance. Since Hendrix is interested in maintaining a diverse population of trees, they can also use the inventory to help make decisions about what types of trees should be planted in the future. The college will be able to develop a campus tree management plan based on the tree inventory that includes maintenance priorities, maintenance scheduling, planting plans, and budgeting needs. They also plan to keep track of work that is done to each tree to help determine when a tree is nearing the end of its useful life and should be removed.

“Trees provide many valuable services on our campus,” Hardin said. “We want to make sure that we’re planning for the future and taking care of the plants in an organized and thoughtful way.”

Establishing a tree management committee

Dr. Hardin also worked to re-establish the Hendrix Arboretum Committee. There had been a committee many years before, but it had become inactive. They now have several faculty members, staff, and students on the committee to help guide their tree-care activities. The committee will work to analyze the data collected during the inventory and advocate for proper tree care and planting. They also want to make sure that the campus arboretum has an educational focus.



Hendrix College is known for the beautiful trees that make up its arboretum.

“Many of our faculty from a lot of different departments use the outdoor spaces on campus in their classes,” Hardin said. “There are a lot of educational benefits to having a campus arboretum.”

The Arboretum Committee plans to create an online map and guide to all the trees on campus that can be used by students and the public to learn about tree identification. They also want to develop an organized legacy tree program for the campus that would allow donations of campus trees to honor individuals, groups, or events. Additionally, the committee is considering working toward becoming certified as a Tree Campus USA.

Having a tree inventory will allow Hendrix to fully understand the makeup and condition of their campus tree population. With this knowledge, the college will be able to make informed decisions about their campus trees, develop an organized and efficient tree management plan, and budget appropriately for tree care. These efforts will ensure that Hendrix’s campus will continue to have many beautiful and healthy trees for years to come.



Krista Quinn is the urban forestry partnership coordinator with the Arkansas Forestry Commission. Contact Krista at (479) 228-7929 or Krista.Quinn@arkansas.gov.

2018 State Turnback Funds

Actual Totals Per Capita						
MONTH	STREET		SEVERANCE TAX		GENERAL	
	2017	2018	2017	2018	2017	2018
January	\$5.3276	\$5.3807	\$0.3041	\$0.2314	\$2.1473	\$2.1460
February	\$5.5378	\$5.7121	\$0.1894	\$0.2181	\$1.0884	\$1.0867
March	\$4.7222	\$4.9583	\$0.3450	\$0.2452	\$1.0886	\$1.0870
April	\$5.3517	\$5.3609	\$0.3611	\$0.2342	\$1.0886	\$1.0854
May	\$5.4824	\$5.6871	\$0.2602	\$0.2369	\$1.0864	\$1.0859
June	\$5.5686	\$5.6422	\$0.1858	\$0.1786	\$1.0881	\$1.0872
July	\$5.5610	\$5.9048	\$0.2628	\$0.1625	\$2.9480	\$2.9589
August	\$5.5557		\$0.2711		\$0.9499	
September	\$5.4801		\$0.2230		\$1.0881	
October	\$5.5047		\$0.2508		\$1.0888	
November	\$5.1475		\$0.2377		\$1.0875	
December	\$5.1764		\$0.1561		\$1.0882	
Total Year	\$64.4157	\$38.6461	\$3.0472	\$1.5069	\$15.8379	\$10.5372

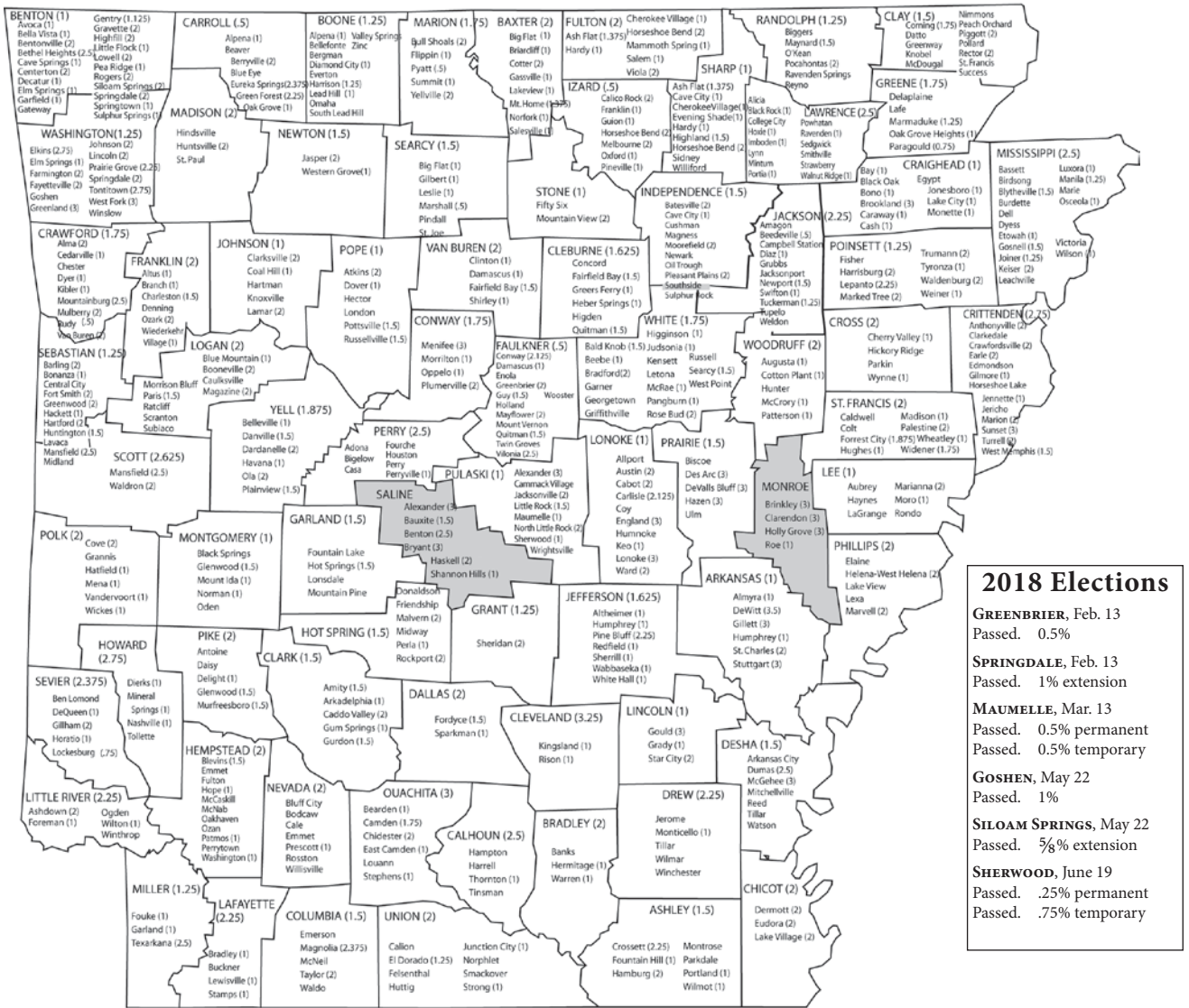
Actual Totals Per Month						
MONTH	STREET		SEVERANCE TAX		GENERAL	
	2017	2018	2017	2018	2017	2018
January	\$10,065,525.00	\$10,171,403.10	\$574,575.98	\$437,461.72	*\$4,056,819.92	*\$4,056,771.18
February	\$10,462,690.50	\$10,797,904.69	\$357,751.63	\$412,277.48	\$2,056,417.62	\$2,054,332.65
March	\$8,921,686.11	\$9,372,912.56	\$651,783.55	\$463,496.06	\$2,056,718.50	\$2,054,888.05
April	\$10,110,987.00	\$10,133,933.55	\$682,243.26	\$442,746.74	\$2,056,718.50	\$2,051,743.46
May	\$10,363,642.30	\$10,750,634.53	\$491,893.79	\$447,755.63	\$2,053,761.87	\$2,052,679.36
June	\$10,526,632.40	\$10,665,832.80	\$351,199.83	\$337,582.28	2,056,937.75	\$2,055,168.34
July	\$10,512,280.90	\$11,162,170.00	\$496,864.92	\$307,247.09	** \$5,572,710.46	*** \$5,593,456.00
August	\$10,502,217.40		\$512,555.17		\$1,795,649.71	
September	\$10,359,333.50		\$421,562.72		\$2,056,885.50	
October	\$10,405,765.80		\$474,027.01		\$2,058,156.39	
November	\$9,730,523.28		\$449,423.80		\$2,055,750.30	
December	\$9,785,275.08		\$295,172.64		\$2,056,989.97	
Total Year	\$121,746,559.27	\$73,054,791.23	\$5,759,054.30	\$2,848,567.00	\$29,933,516.49	\$19,919,039.04

* Includes \$2 million appropriation from the Property Tax Relief Fund

** Includes \$3,515,747.46 supplemental for July 2017

***Includes \$3,514,066.32 supplemental for July 2018

Local Option Sales and Use Tax in Arkansas



KEY: Counties not collecting sales tax

Source: Rachel Garrett, Office of State Treasurer

See also: www.dfa.arkansas.gov

Sales and Use Tax Year-to-Date 2018 with 2017 Comparison (shaded gray)								
Month	Municipal Tax		County Tax		Total Tax		Interest	
January	\$59,272,899	\$51,749,675	\$50,925,990	\$46,139,133	\$110,198,889	\$97,888,807	\$68,417	\$15,903
February	\$63,961,892	\$51,749,675	\$56,034,012	\$52,583,090	\$119,995,904	\$104,332,765	\$76,180	\$17,386
March	\$51,260,662	\$51,749,675	\$44,932,987	\$42,723,485	\$96,193,649	\$94,473,160	\$79,235	\$18,863
April	\$51,354,831	\$51,749,675	\$45,689,403	\$44,591,728	\$97,044,234	\$96,341,403	\$79,564	\$15,747
May	\$60,844,519	\$51,749,675	\$53,613,192	\$48,861,910	\$114,457,712	\$100,611,585	\$75,253	\$17,059
June	\$56,373,987	\$51,749,675	\$48,955,855	\$45,261,893	\$105,329,842	\$97,011,568	\$71,501	\$17,534
July	\$59,973,977	\$51,749,675	\$52,379,093	\$49,248,601	\$112,353,069	\$100,998,276	\$84,551	\$18,995
August		\$51,749,675		\$49,357,901		\$101,107,576		\$15,982
September		\$51,749,675		\$48,991,616		\$100,741,291		\$45,866
October		\$51,749,675		\$49,299,660		\$101,049,335		\$79,279
November		\$51,749,675		\$49,290,527		\$101,040,201		\$78,491
December		\$51,749,675		\$48,086,258		\$99,835,933		\$72,999
Total	\$403,042,767	\$51,749,675	\$352,530,532	\$574,435,802	\$755,573,299	\$1,195,431,899	\$534,701	\$414,105
Averages	\$57,577,538	\$51,749,675	\$50,361,505	\$47,869,650	\$107,939,043	\$99,619,325	\$76,386	\$34,509

July 2018 Municipal Levy Receipts and July 2018 Municipal/County Levy Receipts with 2017 Comparison (shaded gray)

CITY SALES AND USE	AMOUNT	LAST YEAR	Franklin	Garfield	Garland	Gassville	Gentry	Gilbert	Gillett	Gillham	Gilmore	Glenwood	Gosnell	Gould	Grady	Gravette	Green Forest	Greenbrier	Greenland	Greenwood	Greers Ferry	Guion	Gum Springs	Curdon	Guy	Hackett	Hamburg	Hardy	Harrisburg	Harrison	Hartford	Haskell	Hatfield	Havana	Hazen	Heber Springs	Helena-West Helena	Hermitage	Higginson	Highfill	Highland	Holly Grove	Hope	Horatio	Horseshoe Bend	Hot Springs	Hoxie	Hughes	Humphrey	Huntington	Huntsville	Camden	Caraway	Carroll	Cash	Cave City	Cave Springs	Cedarville	Centerton	Charleston	Cherokee Village	Cherry Valley	Chidester	Clarendon	Clarksville	Clinton	Coal Hill	Co Witt	Corning	Cotter	Cotton Plant	Cove	Crawfordsville	Crossett	Damascus	Danville	Dardanelle	Delator	DeLurg	DeQueen	Dermott	Des Arc	DeValls Bluff	DeWitt	Diamond City	Diaz	Dierks	Dover	Dumas	Dyer	Earle	East Camden	El Dorado	Elkins	Elm Springs	England	Etowah	Eudora	Eureka Springs	Evening Shade	Fairfield Bay	Farmington	Fayetteville	Flippin	Fordyce	Foreman	Forest City	Fort Smith	Fouke	Fountain Hill	Mountainburg	Mulberry	Murfreesboro	Nashville	Newport	Norfork	Norman	North Little Rock	Oak Grove	Oak Grove Heights	Ola	Oppelo	Osceola	Oxford	Ozark	Palestine	Pangburn	Paragould	Paris	Patmos	Patterson	Pea Ridge	Perla	Perryville	Piggott	Pine Bluff	Pineville	Plainview	Pleasant Plains	Plumerville	Pocahontas	Portia	Portland	Pottsville	Prairie Grove	Prescott	Pyatt	Quitman	Ravenden	Rector	Redfield	Rison	Rockport	Roe	Rogers	Rose Bud	Rudy	Russellville	Salem	Salesville	Searcy	Shannon Hills	Sheridan	Sherill	Sherwood	Shirley	Siloam Springs	Sparkman	Springdale	Springtown	St. Charles	Stamps	Star City	Stephens	Strong	Stuttgart	Sulphur Springs	Sunmit	Sunset	Swifton	Taylor	Texarkana	Texarkana Special	Thornton	Tontitown	Trumann	Tuckerman	Turrell	Tyrone	Van Buren	Vandervoort	Vilonia	Viola	Wabbaseka	Waldenburg	Waldron	Walnut Ridge	Ward	Warren	Washington	Weiner	West Fork	West Memphis	Western Grove	Wheatley	White Hall	Wickes	Widener	Wiederkehr Village	Wilmot	Wilton	Wilton	Wynne	Yellville	Crossett	Fountain Hill	Hamburg	Montrose	Parkdale	Portland	Wilmot	Baxter County	Big Flat	Briarcliff	Ola	Gassville	Lakeview	Mountain Home	Norfork	Salesville	Benton County	Avoca	Bella Vista	Bentonville	Bethel Heights	Cave Springs	Centerton	Decatur	Elm Springs	Garfield	Gateway	Gentry	Gravette	Highfill	Little Flock	Lowell	Pea Ridge	Rogers	Siloam Springs	Springdale	Springtown	Sulphur Springs	Boone County	Alpena	Bellefonte	Bergman	Diamond City	Everton	Harrison	Lead Hill	Omaha	South Lead Hill	Valley Springs	Zinc	Bradley County	Banks	Hermitage	Warren	Calhoun County	Hampton	Harrell	Thornton	Tinsman	Carroll County	Beaver	Blue Eye	Chicot County	Dermott	Eudora	Lake Village	Clark County	Clay County	Corning	Datto	Greenway	Knobel	McDougal	Nimmons	Peach Orchard	Piggott	Pollard	Rector	St. Francis	Success	Cleburne County	Concord	Fairfield Bay	Greers Ferry	Heber Springs	Higden	Quitman	Cleveland County	Kingsland	Rison	Columbia County	Emerson	Magnolia	McNeil	Taylor	Waldo	Conway County	Menifee	Morrilton	Oppelo	Plumerville	Craighead County	Bay	Black Oak	Bono	Brookland	Caraway	Cash
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Pine Bluff tops state in Stamp Out Hunger donations

During this May's National Association of Letter Carriers' Stamp Out Hunger Food Drive Day, Pine Bluff residents donated more than 89,000 items of non-perishable food items, surpassing all of the organization's Arkansas counterparts, the *Pine Bluff Commercial* reported July 11.

Launched as a pilot program in October 1991, the National Association of Letter Carriers (NALC) created a specific day of the year dedicated to collecting non-perishable food items that would be sorted and distributed to a food bank in the area.

This year Hot Springs pulled in 66,400 and Little Rock raised 84,991 donations, according to the NALC.

During the pilot program in 1991, mail carriers in 10 cities were allotted the task of picking up these food donations that were left in or near mailboxes while they completed their normal routes in the neighborhood. After its initial success, the NALC made it an annual event. Over the course of the food drive's 25 years in operation, it has become the largest one-day food drive in the nation, operating the second Saturday in May with some 10,000 cities and towns from all 50 states currently participating. Efforts surrounding the NALC Stamp Out Hunger Food Drive have resulted in the deliverance of one billion pounds of food to needy families across the country and earned the organization two Presidential Certificates of Achievement.

For those interested in volunteering to sort donations during the food drive, visit NALC.org or USPS.com for more information about the program.

Conway launches open checkbook

Conway Mayor Bart Castleberry has announced the launch of an "open checkbook" for the city. The checkbook displays date, vendor name, amount of payment, and the source of funding.

"We want to be transparent to the public about how their tax dollars are spent, and this is a big step in that direction," Castleberry said.

The open checkbook is viewable on the city's website and is modeled after state law that requires the publishing of expenditures by state agencies.

The Department of Information Systems and Technology, with assistance from the chief financial officer and communications coordinator, developed the system.

"We hope this new tool will answer many of the common questions people have," said CFO Tyler Winningham. "It's a great first step."

"Conway is proud to lead the way with this initiative, and we think we might be one of the first cities in Arkansas to implement an open checkbook system," Castleberry said.

"Mayor Castleberry has been crystal clear, since day one, that the citizen's of Conway come first and we have been pleased to assist in the effort to make this financial data available," said Aaron Knight, information systems and technology director.

The open checkbook will be updated monthly and is viewable at cityofconway.org/transparency.



Obituaries

LOUIE "CHAD" MCLAIN, 41, chief of the Wheatley Volunteer Fire Department, died July 11.

JIMMY WAYNE MINCEY, 76, a Norfolk council member, died June 18. 

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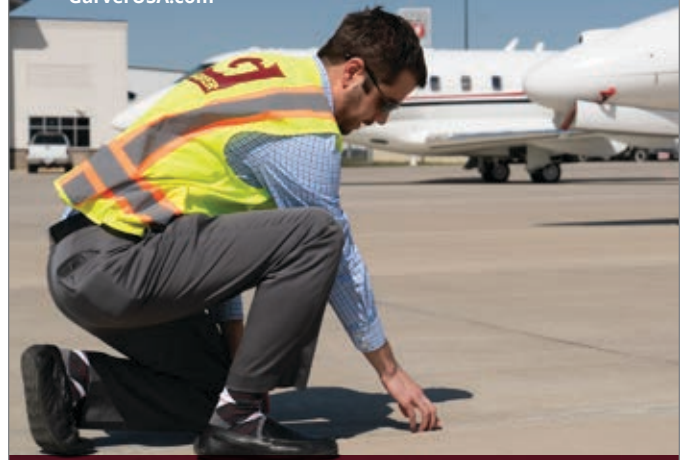


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To date, 429 of Arkansas's 500 cities and towns have received a State Aid Street grant. Are you one of the 71 cities and towns that haven't applied? If so, the time to apply is now.



The State Aid Street Committee will soon be awarding grants for street projects in 2020. Since inception, this program has awarded 507 projects for a total of \$116.4 million in project funding. Additionally, improvements have been made to 635.3 miles of streets in the cities and towns across Arkansas.

Apply today to improve your hometown's street at citystreet.arkansas.gov.

MUNICIPAL MART

To place a classified ad in City & Town, please email the League at citytown@arml.org or call (501) 374-3484. Ads are FREE to League members and available at the low rate of \$.70 per word to non-members. For members, ads will run for two consecutive months from the date of receipt unless we are notified to continue or discontinue. For non-members, ads will run for one month only unless otherwise notified.

POLICE OFFICER—The City Of Cotton Plant is accepting applications for F/T police officer. Contact the Cotton Plant Police Department or City Hall at (870) 459-2121 or wrylandcpmayor@gmail.com for application and job description. Applications for this position may also be picked up at the police station, 226 West Main Street, or City Hall 8 a.m. to 4:30 p.m. M-F. Mail applications to the attention of Mayor Willard C. Ryland, P.O. Box 220, Cotton Plant, AR 72036. Open until filled. EOE.

CITY MANAGER—The City of Lockhart, Texas, seeks qualified applicants for new city manager. Lockhart is a home rule municipality operating under a council-manager form of government. The city council is composed of seven members, including the mayor. The council hires a professional city manager to manage the day-to-day operations of the city. The city manager reports directly to the council. The city has a 4a/4b economic development corporation for which the city manager serves as president. The city has a budget of \$25.8 million and 145 employees. The city seeks a strong, energetic, and visionary leader with an outgoing personality and highly advanced interpersonal skills to be its next city manager. The ideal candidate will be an ethical, transparent, disciplined, and steadfastly strategic municipal manager who inspires and motivates others by example. An open-minded individual who can provide creative, outside-the-box ideas and solutions will be successful in this position. The selected candidate must hold a Bachelor's Degree in Public Administration, Business Administration, or a related field. A master's degree is preferred. A minimum of five years of progressively responsible municipal supervisory experience, preferably as a city manager or assistant city manager, is required. To apply online go to www.governmentresource.com/CurrentSearches.

HR DIRECTOR—The City of Sherwood is accepting applications for the position of human resources director. This position develops policy and directs and coordinates human resource activities, such as employment, compensation, labor relations, benefits, training, and employee services. Completion of a Bachelor's Degree in Personnel Administration, Industrial/Organizational Psychology or Sociology, Public Administration or a related area or any equivalent combination of education and experience is required. Master's Degree preferred. Preference for human resources professional certification (SHRM or IPMA). Extensive knowledge in the practices, terminology and understanding of municipal government functions. Must possess interpersonal skills to communicate with the public, employees and city officials. Salary DOE. Applications and resume can be submitted online at www.cityofsherwood.net. If you have any questions, please contact (501) 833-3703.

POLICE CHIEF—The City of Harrisburg is accepting applications for the position of police chief. Ideal applicant will have at least 5 years of direct law enforcement with experience in criminology and strong leadership skills, will be ALETA certified, and have experience in a supervisory position in the law enforcement field. Starting salary \$52,000. Resumes may be sent to Harrisburg City Hall, 200 East Jackson Street, Harrisburg, AR 72432, or email mayorhbg@gmail.com. For more information call (870) 578-5467.

POLICE OFFICER—The city of Gravette is accepting applications for a full-time patrol officer. Benefits include: good salary, vacation, holiday pay, paid sick leave, medical, vision, and dental insurance. Applicant must meet all Arkansas law enforcement standards. Applications accepted until Aug. 17 and may be picked up at the Gravette Police Department or visiting the city's website, www.gravettear.com.

UTILITIES DIRECTOR—Located in northeast Oklahoma, Broken Arrow is the fourth largest city in the state, with an estimated population of 112,000 people spread out over 55 square miles. Under management of the utilities director, the Utilities Department is responsible for the maintenance and repair of water lines, sewer lines, and the City's water plant and wastewater plant. The Utilities Department includes the divisions for the water system, the sanitary system, the water plant, and the wastewater plant. The city seeks an energetic, dedicated manager and self-motivated leader who can maintain a collaborative and supportive work environment to serve as its new utilities director. The director will be responsible for developing and monitoring the department's operational goals and will work harmoniously with department team members to carry out the organization's assigned duties. The selected candidate must hold a Bachelor's Degree in Environmental Science, Chemical Engineering, or a related field from an accredited college or university and have three to five years of experience sufficient to thoroughly understand the diverse objectives and functions of the subunits in the division/department. Possession of an "A" water and wastewater license or the ability to obtain licensing within the first six months of employment is required. A Master's Degree and Professional Engineer (PE) certification are preferred qualifications. The salary range is \$92,457 - \$137,400. Please apply online at: bit.ly/SGRCurrentSearches.

FOR SALE—2011 Dodge Charger Police Package, 75,000 miles, Hemi V-8, Silver in color. Department-to-department sale only. \$10,200 OBO. (870) 878-6792.



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