

City & Town

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THE OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE



How do you think new money becomes old money?



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Cover photo by Ben Cline.



ON THE COVER—Northwest Arkansas-based, multi-disciplinary artist Octavio Logo, who is originally from Mexico City, created the art for one of three WaterStop towers that make up part of The Railyard in downtown Rogers. Read about this transformational park inside beginning on page 22. Read also about Argenta’s Main Street Forward award, Central Arkansas Water’s new solar array in Cabot, and the League’s overview of the 93rd General Assembly from a municipal perspective. And check out the tentative agenda for the League’s 87th Annual Virtual Convention, which will be held online June 16-18. Once again, there is no cost to municipal officials and personnel for this essential event, so register now.—atm

Features

18 93rd General Assembly calls it a day
The 2021 regular session of the Arkansas legislature was long and often contentious, and while some of the legislation passed will likely prove challenging for local governments, there were bright spots for cities and towns.

22 Rogers’ Railyard honors past, looks to future
Rogers’ historic downtown is making history with the completion of The Railyard, a multi-use park, performance venue, play area and gathering space, the design of which artistically incorporates elements of the city’s railroading past while creating an atmosphere that the city hopes will attract residents and businesses for years to come.

28 Cabot, CAW break ground on solar plant
Cabot will soon be the home of a 4.8-megawatt solar plant, a project resulting from a partnership between Central Arkansas Water and Arkansas’ Scenic Hill Solar, which has worked with several cities, utilities and nonprofits over the past several years to generate renewable and cost-saving energy.

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May greetings to my fellow municipal officials,
Prepare, prepare, prepare and then prepare some more. Train, train, train and then train some more. Prepare and train for the unexpected, because the unexpected very well may come. During my 27 years of active duty in the military, we were continually preparing and training. Always be ready!



The month of May makes me think about the flood of May 2019 and how we can prepare and train for the unexpected. From May 18 to June 14, 2019, most Arkansas cities and towns near the Arkansas River experienced severe flooding that may still be affecting their area today. Repairs are still under way and preparations are being made to mitigate future flooding events. I do not want to have to pump sewage out of manholes for two weeks, like we did back then, just to keep it from backing up into houses while the wastewater lagoons were flooded with over five feet of river water. We have been preparing by raising the height of equipment and electrical panels, and we are better positioning resources based on that flood experience. One of the ways that we prepare for disasters, whatever kind they may be, is to ensure that we have the proper insurance protection on our properties, vehicles and employees. During my tenure as League president, I have made it a priority to promote the League's five major benefit programs each month in my letter for *City & Town*. I cannot stress enough the value of our benefit programs. Please be prepared by participating in all five benefit programs.

The Arkansas Municipal League's 87th Annual Virtual Convention is June 16-18. You will have the opportunity, at no charge to municipal officials and personnel, to hear and learn about "Great Challenges, Greater Cities." This is a must-attend event. I encourage you to register early. Block out these dates on your calendars right now if you have not already done so.

I would be remiss if I did not brag on our League staff. Our Executive Director Mark Hayes has brought together a tremendous team of unequalled professionals who are extremely dedicated to serving Arkansas cities and towns. Some individuals and programs may get more visibility than others, but outstanding accomplishments are being made every day by all of the behind-the-scenes personnel. League staff, you deserve a "job well done."

With warm regards until next month, may God bless you and bless you indeed.

Gary D. Baxter
Mayor, Mulberry
President, Arkansas Municipal League

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From the Desk of the Executive Director

Take THE shot

Fair warning, good reader. A great many sports memories are referenced in this month's column. No doubt many of you will have your own that may well differ from my opinions regarding the games and plays I reference. Like art, sports are beauty to the beholder...even if the beholder is a Dallas Cowboys fan.¹ How many times have you watched a game and urged your favorite player to step up and take the shot? After all, you can't score if you don't take the shot. No score and your team will have a long bus ride home. In no particular order—and I have many more—here are some of my favorite “shots” from the sports world:



- Game one of the 1988 World Series between the Los Angeles Dodgers and the Oakland Athletics. The cast of participants alone is a who's who of Major League Baseball. Baseball and TV royalty: Vin Scully² and Joe Garagiola.³ The Bash Brothers: Mark McGwire⁴ (before that other thing happened) and Jose Canseco.⁵ Two of the best managers to ever lead baseball teams: Tommy Lasorda⁶ and Tony La Russa.⁷ LA blew Oakland out of the series four games to one. The first game, however, remains legend. LA's Kirk Gibson⁸ stepped up to the plate at the bottom of the 9th with two strikes against one of the best closers to ever pitch in the majors, Dennis Eckersley.⁹ Gibson had been injured, so he wasn't introduced at the beginning of the game. His left hamstring was a mess and his right knee badly swollen. The game was tied. Gibson fought through the pitches and with a full count he launched an epic homerun into right field! His running gait was terribly hobbled but as he rounded first, he pumped his right arm back and forth with a clinched fist. He took a shot. He took THE shot.
- In the 1992 regional final of the Final Four, No. 1 seed Duke took on No. 2 Kentucky. It was a gripping game with both teams trading the lead too often to count. With 2.1 seconds on the clock and Kentucky leading 103 to 102, Duke guard Grant Hill¹⁰ took the ball out at the baseline and passed full court over the heads of everyone into the waiting hands of Christian Laettner¹¹ at the top of the key. With the clock approaching zero, Laettner hit nothing but net to win the game. Hill and Laettner took a shot. They took THE shot.
- Of course, I cannot let this opportunity go by without mentioning the world's greatest football team, the Green Bay Packers. Oh wait, I already did that. On December 3, 2015, the Packers traveled to Detroit to play one of their division opponents, the Lions. As is often the case when playing at Ford Field, the Lions

¹ As you know, I unabashedly support the greatest football program in the land, The Green Bay Packers! The local controller loves the “Star” as does a dear friend of mine who taught my then three-year-old son, Franz, to say “Yay Cowboys! Boo Packers!” He and his wife also bought Franz Cowboy PJs. I feel certain Franz carries emotional scars from those days. I know I do.

² https://en.wikipedia.org/wiki/Vin_Scully If you ever heard him call a game, you'd never forget it. Superb.

³ https://en.wikipedia.org/wiki/Joe_Garagiola_Sr. One of the most likeable players and TV personalities you'd ever want to come across.

⁴ https://en.wikipedia.org/wiki/Mark_McGwire A tainted legacy due to steroid use.

⁵ https://en.wikipedia.org/wiki/Jose_Canseco Same tainted legacy as McGwire.

⁶ https://en.wikipedia.org/wiki/Tommy_Lasorda Very outgoing, fiery and prone to say some outrageous and occasionally funny things. One of the best in the business for decades.

⁷ https://en.wikipedia.org/wiki/Tony_La_Russa Too many traits to list here but a great manager is certainly among them.

⁸ https://en.wikipedia.org/wiki/Kirk_Gibson Nicknamed “Gibby” and an avid deer hunter. Who knew?!

⁹ https://en.wikipedia.org/wiki/Dennis_Eckersley My favorite relief pitcher behind “The Mad Hungarian,” Al Hrabosky. Both of them had awesome mustaches while playing!

¹⁰ https://en.wikipedia.org/wiki/Grant_Hill A classy and intelligent man who played so smoothly it appeared he wasn't really trying. Amazing!

¹¹ https://en.wikipedia.org/wiki/Christian_Laettner One of the most polarizing players to ever walk onto a basketball court. I loved the guy! If you want to watch a really wonderful piece about him from ESPN's series 30 on 30, titled “I Hate Christian Laettner.” https://en.wikipedia.org/wiki/I_Hate_Christian_Laettner

gave the Packers fits and appeared to have won the game. As the clock expired, the Lions' defense stopped the Packers from scoring. At the end of the play, a penalty flag flew. A face mask penalty against the Lions, and the Packers were back in business albeit for only one play with no time on the clock and over 60 yards to the goal line. The ball was snapped and Aaron Rodgers¹² was immediately chased out of the pocket. He reversed his course running for his life toward the right sideline. He planted his right foot and let fly a Hail Mary pass that seemed to linger in the atmosphere for an eternity. Sixty-one yards later the ball fell into the outstretched hands of Packer tight end Richard Rodgers II¹³ in the end zone for a walk-off TD and win for the Packers! The Miracle in Motown! Rodgers and Rodgers took a shot. Rodgers and Rodgers took THE shot.

- The movie *Hoosiers*¹⁴ is loosely based upon a true story regarding the 1954 state champion high school basketball team from tiny Milan,¹⁵ Indiana. The movie stars one of my favorite actors, Gene Hackman.¹⁶ He plays the somewhat shamed coach fallen from grace from a big program because of his bad decisions. His coaching method is tough and unforgiving. Needless to say, his players aren't happy and when the losses pile up the town folk want him gone. There are two subplots that I find fascinating. One is a player's father who is a habitual drunk.¹⁷ With help from the coach he dries out and becomes the assistant coach. That only lasts for a short while, but there is a healing between the dad and son. The other subplot involves the best player in town, Jimmy Chitwood. Jimmy isn't playing because his family wants him to focus on education and getting out of Hickory. A town meeting is held, and a vote is taken to fire the coach. Jimmy makes a dramatic entrance and says its time for him to play but he qualifies his decision saying: "I play, coach stays. He goes, I go." Vote's reversed and the wins pile up. The championship game goes to the very last few seconds. A timeout is taken by Hackman and he tells the players to use Jimmy as a decoy and another player will take the final shot. All the players stare at him in disbelief. After the coach inquires about what their problem is, they all look at Jimmy and he says, "I'll make it." He does of course and Hickory wins! The team took a shot. The team took THE shot.

The local controller is growing weary with me and my sports stories. She is "strongly encouraging me" to move on. Move on I shall. Happy wife, happy life. So, let's talk about taking a shot, let's discuss *the shot*. The COVID shot. You know the one, or two depending on the manufacturer. I'm proud to say at Casa Hayes we are 100-percent vaccinated. The local controller got the Pfizer vaccine and I got Moderna. In typical fashion she had no adverse reaction to either shot, only a sore arm. I, on the other hand, got whooped for 24 hours post second shot. Felt like I had been beaten with a baseball bat but all good the following day. Here's a little information you might get a chuckle from. The local controller believes me to be a dramatic patient. So much so that she bought me a pair of socks that say: I thought I was dying but then realized it was only a cold. She's funny that way.

¹² https://en.wikipedia.org/wiki/Aaron_Rodgers I make no comment only reverence for his skill, intellect and persona. Well, I guess I did make a comment. Did you expect me to do otherwise?!

¹³ https://en.wikipedia.org/wiki/Richard_Rodgers_II For all of you football trivia peeps, his father Richard, Sr., played at Cal and was part of "The Play" that you'll recall was played with the band on the field. Now that's a film clip worth watching.

¹⁴ <https://www.imdb.com/title/tt0091217/> One of my all-time favorite movies! Great fun. Great story. Great acting. Well, it's great.

¹⁵ Id. The town's name is Hickory in the movie.

¹⁶ https://en.wikipedia.org/wiki/Gene_Hackman Hackman was a very durable actor for over five decades perhaps as a result of his service with the U.S. Marines.

¹⁷ <https://www.imdb.com/title/tt0091217/> Dennis Hopper plays the drunken father and goes by the nickname Shooter. He's really good in the role. Hackman's character gets tossed from a game for berating an official and assistant coach Shooter has to finish the game. There's very little time but he calms down and reels off a great little speech to the players: "Alright, boys, this is the last shot we got! We're gonna run the picket fence at 'em! Merle, you're the swingman...Jimmy, you're solo right! Everett, Merle should be open on the other side of that fence! Now, boys, don't get caught watchin' the paint dry!"

Let's take a look at Arkansas and who is and who isn't taking the shot.¹⁸ At press time, 1,737,538 vaccine doses were given in our state. Of that, 732,746—or only 24.5 percent—of our state's population were fully vaccinated. That's less than a quarter of our fellow Arkansans who have been fully inoculated, and I find that frightening. Let's look a little deeper. Here's a breakdown of our 75 counties by population percentage that have been fully vaccinated:

- 12 counties under 17 percent
- 18 counties between 17 percent and 19.99 percent
- 35 counties between 20 percent and 24.99 percent
- 10 counties 25 percent or higher

That's not the Arkansas I know and love. We are well below the national average. According to the CDC, 29.1 percent of all Americans have been fully vaccinated and over 42 percent have received at least one dose.¹⁹ Most experts agree that we need between 70-90 percent of the population to be vaccinated in order to reach herd immunity.²⁰ As a whole, the United States isn't close to those numbers. Arkansas is even further behind.

Why is there so much hesitancy? It appears there is a general mistrust of any of the COVID vaccines, and over the past decade vaccine hesitancy as a whole has been rising.²¹ Various reasons for distrust are routinely cited by medical experts and surveys. Some people think it will make them sick, others that vaccines may be related to autism, and others believe the COVID vaccines were completed too quickly.²² We know that in communities of color there is a very legitimate reason for being wary of this vaccine or any other being promulgated by the government. The Tuskegee Study done by the U.S. Public Health Service is the primary culprit. If you read about it, you'll discover our federal government engaged in a heinous and horrible medical study.²³

What else is causing us to lag behind and keeping us from herd immunity? I went to what I consider to be the most objective source on the subject, the CDC. They've produced two very helpful online documents, "Frequently Asked Questions about COVID-19 Vaccination" and "Myths and Facts about COVID-19 Vaccines."²⁴ Based upon conversations that I've had with friends, colleagues and various others around the state, I've picked out the most common things I've heard and the CDC's responses. I don't know about you, but I like to hear Dr. Fauci's voice when I read the answers. Too much information? Sorry about that. Here we go:

- **What are the most common side effects after getting vaccinated?** Side effects are normal signs that your body is building protection against the virus. Common side effects are pain/redness/swelling at the injection site as well as tiredness, headache, muscle pain, chills, fever and nausea through out your body. These typically go away within a few days.²⁵
- **If I am pregnant, can I get a COVID-19 vaccine?** Yes, although it is recommended that you consult with your health care provider before proceeding to help you decide if you should or shouldn't be vaccinated.²⁶

¹⁸ <https://data.news-leader.com/covid-19-vaccine-tracker/arkansas/05/>

¹⁹ <https://covid.cdc.gov/covid-data-tracker/#vaccinations> For a deep dive into Arkansas covid statistics click here: <https://healthdata.gov/Community/COVID-19-State-Profile-Report-Arkansas/cdsu-kww8> The report does not paint a great picture of our state.

²⁰ <https://www.healthline.com/health-news/how-vaccine-hesitancy-could-prolong-the-pandemic#Fighting-misinformation-with-facts>

²¹ <https://www.goodrx.com/blog/distrust-of-the-covid-19-vaccine/>

²² <https://www.goodrx.com/blog/distrust-of-the-covid-19-vaccine/>

²³ Id

²⁴ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html> and https://www.cdc.gov/coronavirus/2019-ncov/vaccines/facts.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fvaccines%2Fvaccine-benefits%2Ffacts.html

²⁵ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html>

²⁶ Id

- **Will a COVID-19 vaccine alter my DNA?** No. The vaccines do not change or interact with your DNA. There are two types of vaccines available in the U.S.: messenger RNA (mRNA) and viral vector vaccine. Both types deliver instructions (genetic material) to our cells to start building protections against the virus. That material does not ever enter the nucleus of the cell where DNA is stored.²⁷
- **Can a COVID-19 vaccine make me sick with COVID-19?** No. The vaccines being used in the U.S. do not contain the live virus, thus you cannot get COVID-19 from the shot.²⁸

Johns Hopkins Medicine has also produced a publication debunking Covid myths.²⁹ The article addresses many of the same issues the CDC addressed above. However, Johns Hopkins goes to great lengths to debunk the myth that the vaccines were rushed into development and their effectiveness and safety cannot be trusted. They list eight reasons these assertions are incorrect. I won't repeat all of them but here's a couple that hit home for me:

- The methodology used by Pfizer/BioNTech and Moderna has been in development for many years in preparation for a possible and now very real pandemic.
- No testing steps were skipped. Rather, some of the steps were done on an overlapping schedule to gather data faster.
- Vaccine projects had plenty of resources as governments invested in and/or paid for vaccines in advance.
- Because COVID-19 is so infectious, it didn't take very long to see if the vaccines worked for those who volunteered to be inoculated.

Where does that leave us? I hope we all learn that to score and to stay healthy, we must take a shot. We must take THE shot. Like the sports stories noted earlier and the many others you no doubt thought of, we municipal leaders need to coach people to take the shot. Or in some cases two shots! Regardless, this is our chance to shine. To win the game, the championship and to win life. There are abundant doses available. Let's educate, cajole and even drag our friends, family and constituents to a clinic. Okay, don't drag anybody. I meant that euphemistically. And no, I didn't spell that correctly the first time I typed it. I digress. We need to lead. Now is our time to make difference.

Please take THE shot. Please be an advocate for taking THE shot. Please lead. Our state needs you more than ever. Life and death quite literally hang in the balance.

Until next month, Peace.



Mark R. Hayes
Executive Director
Arkansas Municipal League

²⁷ https://www.cdc.gov/coronavirus/2019-ncov/vaccines/facts.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fvaccines%2Fvaccine-benefits%2Ffacts.html

²⁸ Id

²⁹ <https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/covid-19-vaccines-myth-versus-fact>

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Siloam Springs' Ellis receives CMC designation

Siloam Springs City Clerk Renea Ellis has earned the prestigious Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC), the organization has announced. CMC is one of two professional designations granted by IIMC and is designed to enhance the job performance of the clerk in small and large municipalities. To earn the CMC designation, a municipal clerk must attend extensive education programs often totaling more than 120 educational hours. The CMC designation also requires pertinent experience in a municipality. The CMC program prepares the applicants to meet the challenges of the complex role of the municipal clerk by providing them with quality education in partnership with institutions of higher learning, as well as state/provincial/national associations. The CMC program has been assisting clerks to excel since 1970.

Founded in 1947, IIMC is a professional association with more than 14,000 members in the US, Canada and 15 other countries. IIMC's primary goal is to actively promote the continuing education and professional development of municipal clerks through extensive education programs, certification, publications, networking, annual conferences and research. IIMC also engages in municipal research administration, enhances critical professional skill development and fosters a spirit of mutual assistance and good fellowship among municipal clerks around the globe. For more information please visit www.iimc.com.


Trendsetter City Awards 2021 now accepting applications

Presented by Arkansas Business Publishing Group and Crews & Associates in partnership with the Arkansas Municipal League, the Arkansas State Chamber of Commerce, Associated Industries of Arkansas and Crafton Tull, the Trendsetter City program is designed to honor cities that are leaders in innovative programs and initiatives for improvement and growth. Award recipients are recognized at the League's annual Winter Conference.

The competition is divided into three population categories: cities less than 5,000 population, 5,000-20,000 population and more than 20,000. Trendsetter City Award winners will be recognized in the following categories:

- **Public Safety:** Recognizes cities and towns being proactive and innovative to improve public safety.
- **Infrastructure/Water:** Recognizes cities and towns that have found innovative ways to preserve existing infrastructure and minimize repair costs for utilities, streets, public waterways, wastewater treatment and more.
- **Education/Workforce Development:** Recognizes unique public programs and public-private partnerships that are improving graduation rates, raising the education standards in K-12 or developing a more-qualified work-force for employers.
- **Wellness and Fitness:** Recognizes city-led programs to improve the wellness of city employees and/or its citizens.
- **Tourism Development/Creative Culture:** Recognizes cities and towns that are building unique venues, attractions, museums and more to not only attract tourism but also improve the quality of life of citizens.
- **Environmental/Green Management Practices:** Recognizes cities and towns for their efforts to preserve or improve their environment.

Cities and towns can submit one application in each award category, and each entry must describe programs or projects brought to conclusion or showing significant results between July 2017 and July 2021. An official entry application must be submitted for each project. Applications must be received in the Arkansas Business office by 5 p.m. August 31 or be postmarked on or before that date. Winners will be notified in September. Entry forms can be submitted to: C/O Kelli Roy, Arkansas Business Publishing Group, 114 Scott Street, Little Rock, AR 72201. Applications may also be emailed to kroy@abpg.com or faxed to 501-375-7933.

Applications for the Trendsetter City Awards can be downloaded at www.arkansasbusiness.com/trendsetter. 

Obituaries

KENNETH DREW RILEY, 83, who in 1966 became the first director of the Northwest Arkansas Regional Planning Commission, served for many years as a volunteer firefighter in Springdale, and as fire chief for the city of Rogers from 1982 to 1999, died April 11.

Meeting Calendar

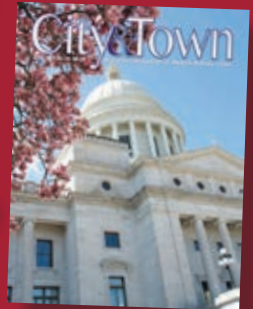
June 16-18, 2021, Arkansas Municipal League's 87th Annual Virtual Convention

November 18-20, 2021, National League of Cities City Summit, Salt Lake City, Utah

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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

City not required by law to recover funds wrongly expended

Opinion: 2020-058

Requestor: Kim D. Hammer, State Senator

Does a city council have the discretion to not legally pursue collection of a debt obligation against an individual or entity if the city council has articulated reasons for not doing so, even if the debt arose from an unlawful payment of taxpayer funds? Q2) Should a city council determine that a debt obligation from an unlawful payment should not be pursued for collection for reasons it has articulated, is that determination a defense in an illegal exaction lawsuit brought over the City's underlying unlawful payment? In other words, who has the ultimate decision-making authority to determine whether or not the collection of a city debt matter should be pursued, the courts or the legislative branch of city government? **RESPONSE:** Q1) A city is not required by law to seek recovery of an overpayment of city funds such as this. The city, therefore, has "discretion" in the sense that it can decide on a course of action, ideally in consultation with its own legal counsel. Q2) A taxpayer has the right to seek recovery of funds wrongly expended, regardless of whether the city has decided to pursue collection. The court in that case will make a determination based upon the particular facts and circumstances and will effect appropriate remedies.

Unlike firefighter provisions, EMS employee policies not outlined in state law

Opinion: 2021-015

Requestor: Gayla H. McKenzie, State Representative

Do county emergency medical service (EMS) agencies adhere to and follow the same provisions of state law as local municipal fire departments? Q2) What is the correct interpretation of state law that dictates the proper pay structure for EMS departments? Q3) Is there any difference in state law regarding hours policy for a county operated ambulance service that does not provide fire suppression? **RESPONSE:** Q) No. State law provisions specifically addresses "annual vacation" and "accumulated sick leave" for city firefighters (14-53-107 and -108). There are no similar provisions applicable to county EMS agencies. Q2) State law provides that counties may enact legislation dealing with general employee policy and practices, including vacation and sick leave policies. State law does not dictate those policies. To the extent this question is also asking about wage and hour (overtime) law, reference must be made to the Arkansas Minimum Wage Act and the federal Fair

Labor Standards Act. There are provisions in these laws concerning overtime that can apply to EMS personnel. But the application of these provisions depends upon a number of factors and requires a factual inquiry that is outside the scope of an opinion from this office. Q3) See response to Q2 regarding the application of the wage and hour law exemption for employees in "fire protection activities."

Personnel files, with exemptions, releasable under FOIA

Opinion: 2021-021

Requestor: Tina Searan-Thayil, FOIA coordinator, Little Rock Human Resources

Is the decision of the custodian of records to release personnel files for all City of Little Rock employees hired on or after 06-23-2020, in response to a Freedom of Information Act (FOIA) request, consistent with provisions of the FOIA? **RESPONSE:** Although I have not seen any records that would be responsive to the instant FOIA request, it appears, based on the face of a City of Little Rock memorandum that was provided, that the custodian's decision as to what information is releasable and what information is exempt is generally consistent with the FOIA.

Retired officer may carry concealed weapon if eligibility met

Opinion: 2020-034

Requestor: Keith Slape, State Representative

Q1) Pursuant to Ark. Code §§ 5-73-304 and 12-15-202, may a retired law enforcement officer carry a concealed handgun in the State of Arkansas? If the response is in the affirmative, are the retired officers subject to any restrictions or other requirements of or for eligibility? Q2) Pursuant to the previous question, may a retired law enforcement officer carry a concealed handgun in the State of Arkansas without having to comply with either statute, either individually or collectively? **RESPONSE:** Q1) The answer is a qualified "yes." As explained in the opinion, a retired law enforcement officer who meets all of the eligibility criteria set forth in Arkansas Code §§ 5-73-304 and 12-15-202 may carry a concealed handgun in the State of Arkansas, subject to certain restrictions. Q2) A retired law enforcement officer who does not meet this eligibility criteria may still carry a concealed handgun if he or she fulfills the concealed-carry licensing requirements of subchapter 3 of Title 5, Chapter 73 and obtains a license to carry a concealed handgun.

City's retroactive emergency declaration OK

Opinion: 2021-017

Requestor: Larry Teague, State Senator

In July of 2019, the City of Nashville had a flash flood that seriously damaged the spillway at their lake as well as their water plant. Repairs were needed as the excessive amount of rain in a short time period undermined the foundation under the spillway. The city applied for a grant from the Arkansas Department of Emergency Management to assist with repairing the spillway. They thought they had complied with all guidelines to receive the funding and that the county's emergency

declaration was sufficient. Once the city was made aware an ordinance was needed, the city council approved an ordinance stating an emergency existed and made it retroactive to July 2019. A copy of Ordinance 963 is attached. Q1) Can a city pass an ordinance retroactively in this situation? Q2) Would Ark. Code Ann. § 14-55-704 apply in this matter? **RESPONSE:** The answer to your first question is "yes," and the answer to your second question is "no." 🏛️

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ACMA talks best practices, elects new officers at 2021 virtual spring conference

The Arkansas City Management Association (ACMA) held its spring conference and annual business meeting virtually April 22-23, which brought together city managers, city administrators, their staff members and other municipal officials to discuss issues important to cities and their governance. The event was hosted online by the Arkansas Municipal League at its North Little Rock headquarters.

The conference drew 44 participants who, over the course of the two-day event, covered a variety of topics including utilizing Opportunity Zones and the Opportunity Arkansas program, zoning challenges like short-term rentals, property condemnations and nuisance abatements, public relations strategies, and improving equity and inclusion. League General Counsel John Wilkerson provided an update on the 93rd General Assembly, focusing on legislation that will affect local government. Diane Stoddard, assistant city manager for the city of Lawrence, Kansas, and vice president of the International City Management Association, joined the conference to provide an update on national issues affecting cities.

During the annual business meeting on Friday, April 23, the ACMA elected new officers for 2021-2022. The new officers are: Arkadelphia City Manager Gary Brinkley, president; Little Rock Intergovernmental Relations Manager Emily Cox, vice president; and Fort Smith Deputy City Administrator Jeff Dingman, treasurer.

League Deputy Director Whitnee V. Bullerwell presented outgoing ACMA President Bill Burrough, city manager of Hot Springs, with a plaque and thanked him



Hot Springs City Manager and 2019-2021 ACMA President Bill Burrough conducts the association's virtual spring conference and annual business meeting from League headquarters.

for his service during what ended up being a two-year term due to the pandemic. "He is a super champion for the city of Hot Springs, and he is incredibly dedicated," Bullerwell said.

Three of the ACMA's student members were presented with Henry Alexander Scholarship awards in the amount of \$1,000: Angela Harvey, Arkansas State University; Gray Norton, University of Arkansas; and Dylan Wright, UA Little Rock.

The ACMA's 2021 fall conference will be held in Arkadelphia, hopefully in person Burrough said. "It'd be great to see everybody and spend some time with you outside of just the meeting, being able to network and talk about things that old friends talk about."

The ACMA offers support and training opportunities for city manager and city administrator forms of municipal government, but membership is open to other Arkansas city officials regardless of the form of government. In Arkansas, eight cities—Arkadelphia, Barling, Fort Smith, Hope, Hot Springs, Little Rock, Texarkana and Siloam Springs—operate under the city manager or city administrator form of government. The ACMA offers associate memberships to administrative staff and managerial staff in cities with the mayor-council form of government. The ACMA also offers student memberships for full-time students enrolled in an institution of higher learning in Arkansas who intend to pursue a career in local government, and it offers affiliate memberships for any person interested in the ACMA's objectives.

For more information, visit www.arml.org/acma. 



League Deputy Director Whitnee Bullerwell presents outgoing ACMA President Bill Burrough with a plaque for his service. Burrough and the other officers spent a "bonus" year in their positions when the 2020 conference was delayed due to the COVID-19 pandemic.



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PHOTOS BY BEN CLINE

League General Counsel John Wilkerson, at mic, and Executive Director Mark Hayes, at his right, address the House City, County and Local Affairs Committee during the 93rd General Assembly.

The 2021 legislative session in review: Some positives for cities and towns amid challenges

By John L. Wilkerson, League staff

The 93rd General Assembly of the Arkansas legislature will likely go down as one of the most memorable in Arkansas history. I suppose that shouldn't be a surprise considering this session began just after one of the most memorable years in American history. But, despite it all, the cities and towns of Arkansas had a successful session. While there were low points, there were many more high points for the League's legislative team over the past four months.

That success is in large part due to your efforts. Jack Critcher, Blake Gary, Lanny Richmond and I could count on you to reach out to your senators and representatives and express concerns about or support for a bill. And, day in day out, we felt your efforts and your presence. So, on behalf of all of us on the League's legislative team, thank you!

Simply too much happened this session to give a comprehensive summary, so I'll touch on a few broad areas and a few of the most important bills. And, as usual, please do not hesitate to contact me with any questions. I'm always happy to help.

Guns, guns and more guns

If one thing is for certain, it is that guns and the 2nd Amendment dominated a lot of the 2021 legislative session. Three bills in particular expanded locations where guns could be carried on municipally controlled property. It started with SB306 (Act 638), which allowed someone with a concealed carry license to carry a concealed handgun in municipal parks. The reasoning behind this bill was twofold: to provide consistency with state and federal parks (you may carry a firearm in

state and federal parks) and to allow for people to not be criminally charged for carrying a concealed firearm when visiting parks at night.

Next was HB1598 (Act 693), which went a step further than SB306 to allow for the open carry of loaded firearms at any municipally owned or maintained park, football field, baseball field, soccer field or another similar municipally owned or maintained recreational structure or property. We made sure to express our concerns about openly carrying loaded weapons during Little League baseball games, but the legislature made it clear that open carry in Arkansas needed expanding.

While the previous gun bills focus on the outdoor areas of a municipality, SB573 brings firearms into public buildings. With its passage, it is no longer criminal for those with an enhanced concealed carry license to carry a concealed handgun in a place owned, controlled or operated by a local unit of government. There are a few exceptions, but city hall is not one of them.

Bidding and financing

While the new gun bills may prove challenging, the 2021 session was an absolute stellar one for municipal financing, starting with increases to our bidding statutes. SB305 (Act 440) increases the bid threshold for public improvement contracts from \$25,000 to \$50,000 and SB456 (Act 435) increases the bid threshold for commodities from \$25,000 to \$35,000. Just as important as the bid increases, Act 435 also grants municipalities the same exemptions to the commodities bidding that counties have.

On the financing side, there are two bills that will help municipalities moving forward in budget planning and economic development. SB528 (Act 776) will require the Arkansas Department of Finance and Administration (DF&A) to send a report of awarded amounts of credit or rebate of sales and use tax to each municipality that may have their sales tax revenue impacted by such credits and rebates. This will provide municipalities a heads up of incoming rebates to allow the municipality time to adjust budgets accordingly. HB1868, on the other hand, will allow a municipality to receive a monthly report from DF&A that will show: (1) the total number of holders of gross receipts tax permits that remitted gross receipts or compensating use tax in a city; (2) the amount of tax revenue generated by reference to the NAICS four-digit codes; and (3) the total number of holders of a gross receipts tax permit for each four-digit code number.

Elections

The legislature had a lot of concerns this session regarding how elections were handled in the 2020 general election, and while there were many elections bills focused on issues seen or in reference to 2020, a few bills introduced this session sought to change aspects of municipal elections. Starting with the only bill under this section that passed this session, SB496 (Act 610) amends the law to only allow special elections of any kind to be held on four set dates a year. Under the current law, so far as we follow the current guidelines of state statute, a municipality could hold a special election any time of the year. Under Act 610, a municipality would only be able to hold a special election on one of the four dates set out in the law. Act 610 is the result of a compromise among all stakeholders after a similar special election bill barely failed to get off the House floor that would have only allowed special elections to occur on two set dates a year, with two of the dates being on primary and general election dates in the years those occurred.

Two other pieces of legislation that sought to change municipal elections failed multiple times to get out of committee. HB1252 sought to mandate that municipalities have primaries, meaning municipal officials would have to choose to run as a Republican, Democrat, Independent or some other party affiliation. SB452 would have forced municipalities to relinquish all control over the drawing of city wards to the county election commission, who would then have had the authority to bill the cities for all expenses occurred in drawing the wards.

Local issues

Besides legislation discussed above, a handful of bills changed or sought to change mechanisms by which municipalities conduct local business and deal with local issues. Two such bills that passed this session were HB1704 (Act 751) and HB1416 (Act 659). Act 751 prohibits municipalities and counties from restricting, taxing, prohibiting or otherwise regulating the use of “auxiliary containers,” which is described in the bill, but includes bags, cups, packages, bottles, etc., made of cloth, paper, plastic, aluminum, glass, etc. This bill really came from other states that have been taxing (or putting a fee) on plastic bags at grocery stores. However, this bill does specifically offer many exclusions, such as regulations for entertainment districts, regulations on property owned or maintained by the municipality, or regulations

regarding littering. Act 659 places limits on municipal authority to regulate “home-based businesses,” which are defined as occupations performed or businesses conducted by a resident within a residence. In essence, Act 659 allows cities to regulate home-based businesses to ensure that business does not negatively impact the residential character of the neighborhood.

Police and fire

Last but certainly not least, multiple pieces of legislation dealt specifically with municipal police and fire departments. There was an emphasis on the mental health of our police officers and firefighters this session. Both HB1680 (concerning police officers) and HB1877 (concerning firefighters) require departments to adopt a policy requiring the department to assist the police officer or firefighter who has been involved in a critical incident in obtaining additional services that may assist in recovering from any psychological effects resulting from the critical incident.

While on the topic of law enforcement officers, HB1865 (Act 792) requires law enforcement officers to complete annual training related to the officer’s duty to intervene if the officer observes the use of excessive force by another law enforcement officer. Act 792 does not establish a duty to intervene; that duty already exists under case law. This simply requires officers to actually be trained on the duty to intervene.

SB346 (Act 778) combines law enforcement and municipal finances. One of the biggest barriers for municipalities to incorporate body cameras is the cost. Not only is there a cost up front to purchase the equipment, but there is the ongoing cost of storing the information, redacting the information, and personnel time in reviewing, redacting and providing the information to someone who has submitted a FOIA request. Act 778 allows a municipality to charge for a request for audio media, visual media and audiovisual media that requires more than three hours of personnel or equipment time to fulfill the request at a rate that does not exceed \$20 per hour on a prorated basis for each hour of running time of the audio, visual or audiovisual media provided to the requestor. While this won’t necessarily help with the up-front cost, this may alleviate the burden of storing and redacting body camera footage in the future.

There’s lots more to discuss, and rest assured we will make sure y’all know about all the 50 or so bills passed impacting the cities and towns of Arkansas. The vast majority of those bills were good for us. Again, if you have any questions, please do not hesitate to contact me. 🏛️



John L. Wilkerson is general counsel for the Arkansas Municipal League. Contact John at 501-374-3484, ext. 128, or email jwilkerson@arml.org.



The League’s legislative team advocated for city and town issues and stressed the importance of local control throughout the 2021 session.



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PHOTOS BY BEN CLINE

Once complete, the Butterfield Stage will be home to live music and events throughout the year.

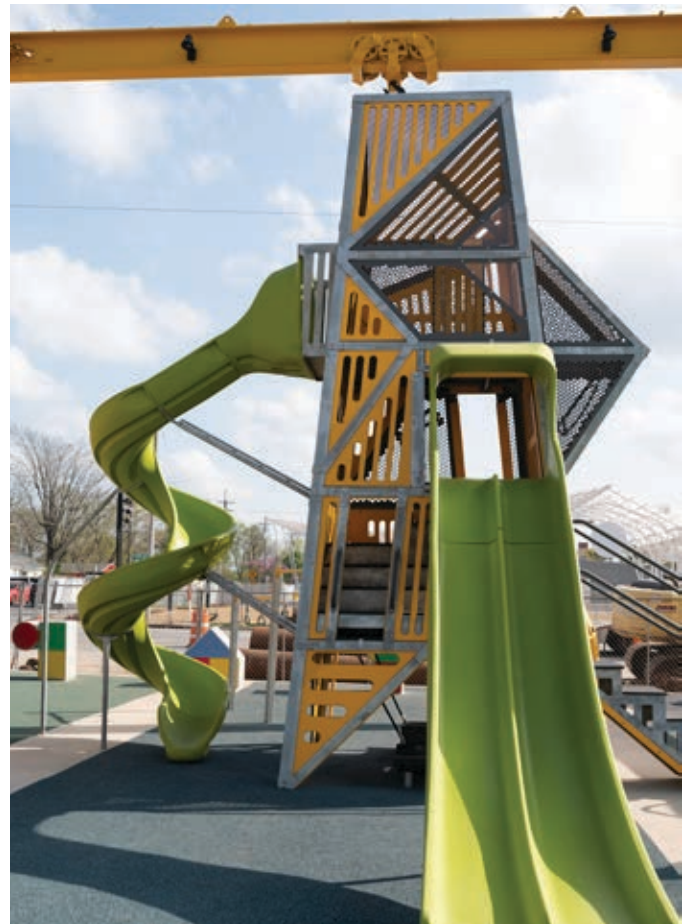
A project for the future: Rogers' Railyard park is set to dramatically transform the city's downtown

By Andrew Morgan, League staff

The city of Rogers is on the threshold of completing the Railyard, a new park on the east side of its historic downtown that officials expect will enhance economic development, act as a hub for its entire parks and trails system, honor the city's history, and set the stage for their future. It's a bold set of expectations, and the years-long planning and communitywide engagement that has gone into the project reflect the city's ambitions.

The four-acre Railyard is a transformative moment in Rogers' history, Mayor Greg Hines told *City & Town*. "The planning that's gone into this park has been probably the largest public conversation in the history of our city."

Hines grew up in Rogers and has seen downtown revitalization efforts come and go several times over, he said. The Railyard project is unique, however. It's the biggest downtown revitalization project in 100 years, he said. "This timing and the type of project and the scope of projects is tantamount to when these streets became brick streets laid by one guy and a couple of helpers and transformed it from dirt roads."



In a nod to the city's history, the play area incorporates a crane structure often found in a railyard.

The park has taken parking lots and derelict areas adjacent to downtown and transformed them into a series of plazas that feature an interconnected string of amenities, including a Water Stop splash pad, Play Yard for the kids, picnic tables, benches and shade structures. The park also features the Butterfield Stage, a venue that will host music and events throughout the year. Frisco Plaza will be the new home of the DTR Market, the downtown Rogers farmers market, which runs from May through October. All of this new public gathering space is accessible from the storefronts of downtown shops, restaurants and bars.

Winning over hearts and minds for such a dramatic transformation to its historic downtown didn't come about without some pushback, the mayor said. "It'll get you three opinions out of every two people you talk to." But this project is for the future, not the past, he said, and ultimately the park represents what the residents want for their city, Hines said. "The process has really taken on a life of its own to make sure that we're appropriately adding to the way and the lifestyle of where Rogers is going."

The approximately \$7 million dollar project is funded by two 2018 bond issues, one for parks and recreation and one for transportation, along with an \$805,668 Walton Foundation grant through its Northwest



Positioned along the old train tracks, the picnic area allows visitors to move tables together for larger gatherings.

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The Rogers Public Art Commission chose three artists—Octavio Logo of Fayetteville, Mantra of France and Lakwena of London—to create the colorful artwork for the three towers of the Railyard’s “WaterStop” feature.

Arkansas Design Excellence Program. The east side of the Railyard will open in time for the inaugural farmers market on May 1. The west side will be open in time for the first concert on June 5.

Fantastic parks and unique public spaces like the Railyard are proving crucial in both maintaining existing businesses and attracting new businesses and residents, which grow the local economy, Hines said. “The folks that we’re trying to employ and that we’re trying to recruit to be our neighbors, they live in communities that have venues like this. We’re not competing with Fayetteville. We’re not competing with Springdale. We’re not competing with Tulsa. We’re competing with the world to bring people here.”

When the city began seeking public input for the park’s vision, one of the earliest and most prominent

requests was that the project express authenticity of place, said John McCurdy, Rogers’ director of community development. Thus, from its name to its various design elements, the park incorporates the historic and contemporary culture of Rogers, particularly the “constant thread of the role of the railroad and transportation in our history,” he said.

In 1881, the St. Louis and San Francisco Railway line, known as The Frisco, first ran through what is now downtown, and Rogers was known as a water stop along that line. Within the Railyard, the pavement design resembles a switchyard. A play area features a crane structure typical of a railyard. Three water towers, each adorned with public art, harken to the city’s water-stop days. “Every element of this park has something to do with that history.” From those design elements down to

the landscaping that features native plants, every part has been created to “help us to sustain the sense of authenticity,” McCurdy said. The city’s trail system also connects to the Railyard, which in turn connects to the 36-mile Razorback Regional Greenway.

As the park preps for hosting its first farmers market and the coming warmer weather brings more people outside to enjoy the Railyard, excitement is building for everyone who has worked on this project, McCurdy said. “When it all comes together, and the people come out and they’re walking around with a hot dog and a Coke in their hand and they’re listening to live music and kids are playing in the splash area and it all works, it’s just gonna be a tremendous experience. It’ll be elation and relief at the same time.” 🏛️



Mayor Greg Hines, a Rogers native, calls the Railyard one of the city’s most transformational achievements.



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PHOTO COURTESY NORTH LITTLE ROCK CONVENTION AND VISITORS BUREAU

Warm weather allows diners to gather safely outdoors in Argenta's entertainment district in downtown North Little Rock, which in turn helps the local restaurants, bars and other businesses stay afloat during the pandemic.

Argenta earns one of six inaugural Main Street Forward Awards

North Little Rock's Argenta Downtown Council (ADC) is one of six winners of the nationwide Main Street Forward Awards, Main Street Arkansas has announced. The awards recognize communities that have shown exemplary recovery and resilience efforts amid the multiple crises of 2020. Selected by a national jury of economic development experts, ADC is being recognized for its efforts to create the Argenta Outdoor Dining District, a designated outdoor seating area that has helped local restaurants stay in business despite the pandemic.

"ADC took a difficult situation and applied an innovative and forward-thinking approach," said Main Street America's President and CEO Patrice Frey. "Their creative solution not only helped restaurants survive in the short term, but also positively reinvented the area's image for the long term."

While the Argenta Arts District has long been known for its eclectic mix of art galleries, music venues and theaters, the neighborhood's wide range of bars and restaurants have sometimes been a second thought. These businesses became top of mind, however, when the pandemic restrictions made it almost impossible for them to operate.

The spark of a solution came from a meeting with Flyway Brewing Company, which approached ADC for help when indoor dining was prohibited. The nonprofit loaned Flyway 12 tents, 12 tables and 72 chairs to set up

outdoor seating in the brewery's parking lot. Known as "Tent City," the new dining area was a hit, and soon the number of tables jumped to 18.

Other restaurants wanted to replicate the concept—but without a parking lot like Flyway's, they were at a disadvantage. ADC stepped in to help, crafting a plan for a shared outdoor seating area, based on a law passed in 2019 by the Arkansas legislature that allows a municipality to create an "entertainment district." In these districts, alcohol can be purchased in a permitted establishment, carried outside and consumed within certain boundaries.

While the city had previously been uninterested in creating such a district, the ADC worked with the city attorney to propose local legislation that would be more appealing. The new plan limited hours from 10 a.m. to 10 p.m. and positioned the district as a fun, safe place for friends and families to share a meal—not simply to drink outside. That pitch was enough to win over the city council, and ADC worked with the mayor to create an executive order closing two blocks of Main Street to vehicles from 6 p.m. Friday until midnight Saturday.

Under ADC's guidance, a coalition of eight participating restaurants met every Tuesday to discuss previous weeks and plan for the upcoming weeks of operation. ADC also used a Main Street Arkansas Downtown Revitalization Grant to purchase more tents, tables and chairs and solicited sponsors to help with some of the

overhead costs, including signage and marketing, trash cans, barricades and hand sanitizer.

Like Flyway's Tent City, the outdoor dining district was a near-instant success. During the first week of operation, the ADC added 24 tents on Main Street. By the second week, another 36 tents were necessary and, at its peak, the outdoor dining district featured 108 tents, 108 tables and 540 chairs. On weekend nights the restaurants even hired live music for each block.


"The Argenta Outdoor Dining District gave people hope during a tough time," said ADC Executive Director Chris Kent. "The restaurants stayed open, hired more employees and provided a space for the community to gather safely. It helped people come together and changed the perception of Argenta from an aggregate of restaurants to a dining destination."

After an initial 16 weeks of operation and taking a break during the winter, the district is open again with the arrival of spring. Given its success, city leaders want to keep the district going even after the pandemic recedes, and Argenta's restaurants are inspired to continue regular meetings to ensure the neighborhood's future as a culinary destination.

"One of the things I admire about the Argenta Downtown Council and the businesses in the district is their ability to work together for the greater good, and

the Argenta Outdoor Dining District is a perfect example of that," said Greg Phillips, director of Main Street Arkansas. "As Chris [Kent] and I recently visited with restaurant and business owners along Main Street, they constantly credited Chris and the Argenta Downtown Council for their leadership in pulling people together and rolling up their sleeves to make things happen for their community."

Main Street America has been helping revitalize older and historic commercial districts for 40 years and each year selects the country's best examples of comprehensive commercial district revitalization. Given the events of 2020—including the converging impacts of COVID-19, a national and local reckoning related to racial justice and equity, and cascading climate crises—Main Street America decided to take a different approach, introducing the Main Street Forward Awards, which honor six communities that serve as examples for the network—and for the country at large—of the power and perseverance of Main Street. For more information, visit mainstreet.org.

The Argenta Downtown Council was established in 2008 and promotes businesses, supports tourism and ensures quality of place in the Argenta Arts District of North Little Rock. For more information, visit www.argentaartsdistrict.org/about-adc. 

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Brett Peters is a Principal at HW and has served as its President & Chief Executive Officer since 2012. Under his leadership, HW has grown from a single office in Van Buren to include offices in Little Rock, Fayetteville, and Fort Smith, expanding its services to the entire State of Arkansas and eastern Oklahoma. He received his BSCE degree from the University of Arkansas, and is a licensed Professional Engineer in Arkansas and Oklahoma. His broad range of experience includes all facets of wet infrastructure, structural design, planning, and project management. Above all in his career, Brett values the relationships he has developed with his clients and the trust they place in him and in HW.

The son of a former utility water treatment plant supervisor, Brett is a lifelong resident of Crawford County, Arkansas where he lives with his wife Audra on their family farm near Mountainburg. They have three daughters, and enjoy spending time together as a family. His hobbies revolve around the great outdoors – hunting, camping, and hiking. Brett is an avid Arkansas baseball fan and he also enjoys turkey hunting in the Spring and deer hunting in the Fall.

Brett D. Peters, RE, President & CEO

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PHOTOS BY ANDREW MORGAN

By the end of this year, drivers along Highway 167 at Cabot will see a vast array of solar panels in this field instead of haybales.

Cabot, Central Arkansas Water break ground on 4.8-megawatt solar plant

By Andrew Morgan, League staff

Central Arkansas Water (CAW), in partnership with Scenic Hill Solar, broke ground on April 14 in Cabot at the site of its new 30-acre, 4.8-megawatt solar plant, a project that has been two years in the making. CAW purchased the property in 2019 and will lease it to Scenic Hill Solar for construction and operation of the plant.

“This is a big day for Cabot,” said Mayor Ken Kincade. “It shows everyone that we want green energy in our city. We want alternative ways of saving the environment and doing better things, and that’s what Cabot’s about.”

Cabot and CAW join several other Arkansas municipalities and utilities that have partnered with Scenic Hill Solar on solar plant projects over the past two years, including Clarksville, Forrest City, Stuttgart and the Stuttgart School District, North Little Rock Wastewater and Ozark Mountain Regional Public Water Authority.

CAW uses a substantial amount of power annually and will see immediate cost savings in its annual power use. It is estimated that CAW



Kincade

will save more than \$7 million in energy costs over 30 years. Under the agreement, Scenic Hill Solar will sell power generated at the plant back to CAW at 5.1 cents per kilowatt hour. The contract between Scenic Hill Solar and CAW includes an initial 20-year agreement, followed by two five-year options to extend. CAW has the option to purchase the solar power plant after five years.

That option is one of several unique elements of the new solar plant, said Bill Halter, CEO of Scenic Hill Solar. That includes the location of the plant, which he called “no accident.” It is right on Highway 167 near Exit 19. “That ‘Welcome to Cabot’ sign right over there that you see? Right before you see that you’re going to see one of Arkansas’ largest solar power plants,” Halter said.

The solar plant at Cabot is also the first project that exceeds 1 megawatt in capacity approved by the Arkansas Public Service Commission. It will be a 4.8-megawatt plant with 30 acres of modules. The project is on schedule to be operational by the end of this year, Halter said.



Halter

According to CAW and Scenic Hill Solar, the plant will produce more than 8.2 million kWh of electricity in the first year of operation and nearly 229 million kWh of electricity over the next 30 years, producing enough clean electricity to satisfy approximately 20 percent of CAW’s current energy expenses. The environmental benefits are expected to be equal to the removal of 400-million passenger-car miles from the highway, and will produce enough electricity to power almost 1,000 homes annually.

CAW CEO Tad Bohannon thanked Scenic Hill Solar for the partnership and the CAW commission, who approved the project. “They had the vision to say yes, this is something we should move forward on, and this is something that is good for the rate payers of central Arkansas as well as good for the environment.”



Bohannon



Cabot city leaders and representatives from CAW and Scenic Hill Solar break ground April 14.

He also thanked the city of Cabot, whose city council agreed to the proposal. “We’re looking forward to the day we can flip the switch and turn on the solar,” Bohannon said. “And we look forward to a long relationship with Cabot, not just in our solar field, but also on the water side, because our primary business isn’t generating power. Our primary business is selling water, and we look forward to that partnership with Cabot for many decades to come.”

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87th Annual Virtual Convention

June 16-18, 2021

Register online at www.arml.org/reg.

RESOLUTIONS

Suggested resolutions for consideration at the 87th Annual Virtual Convention should be mailed to:
 87th Convention Resolutions
 Arkansas Municipal League
 P.O. Box 38
 North Little Rock, AR 72115-0038

The deadline for resolution submission is Friday, May 14.

Resolutions may be drafted by an official of any member city or town and can relate to any matter of municipal concern. See your **2020-2021 Policies and Goals** for resolutions adopted at the 86th Convention.

WANTED: Elected City officials with 25 years of service

Were you elected and began serving your city or town in 1996? The League would like to know.

The League will give special recognition to **elected city and town officials** who are in their 25th year of municipal service at the 87th Annual Virtual Convention, June 16-18.

Names must be submitted to the League by May 14.

Call Whitnee Bullerwell at 501-978-6105; Sheila Boyd, 501-537-3785; or write to P.O. Box 38, North Little Rock, AR 72115-0038.

NOTICE TO EXHIBITORS

At the 87th Annual Virtual Convention, a special Virtual Exhibit Hall is available for businesses, companies and manufacturers to display their products and services that are available to Arkansas municipalities. In addition to contact information, web and social links, and company descriptions, exhibitors will also be able to include videos and other materials in their virtual exhibit booths.

The early bird price for a virtual exhibitor booth is \$300; after June 1 the price increases to \$350. Contact Tricia Zello at tzello@arml.org or 501-374-3484, ext. 285, for more information or to reserve your virtual exhibitor booth.



**87th ANNUAL
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87th Annual Virtual Convention

Wednesday, June 16, 2021

<p>1:00 P.M.</p>	<p>WELCOME TO LEAGUE'S VOLUNTARY CERTIFICATION PROGRAM WORKSHOPS</p> <p><i>The 87th Annual Virtual Convention offers three hours of continuing certification credit during this time. This afternoon is filled with speakers availing you of timely, helpful and much-needed information in your various municipal positions.</i></p> <p>Presiding: Mayor Gary Baxter, Mulberry President, Arkansas Municipal League</p> <p>Speaker: Whitnee V. Bullerwell, Deputy Director Arkansas Municipal League</p>
<p>1:00 P.M. to 2:00 P.M.</p>	<p>ACHIEVING EQUITY AND INCLUSION IN YOUR HOMETOWN</p> <p>Presiding: Mayor Gary Baxter, Mulberry President, Arkansas Municipal League</p> <p>Speaker: Malcolm Glover, Ph.D. APAC Trainer University of Arkansas at Little Rock</p>
<p>2:00 P.M. to 2:15 P.M.</p>	<p>BREAK</p>
<p>2:15 P.M. to 3:15 P.M.</p>	<p>COPING SKILLS DURING A PANDEMIC—AVOIDING BURNOUT</p> <p>Presiding: Mayor Tim McKinney, Berryville First Vice President, Arkansas Municipal League</p> <p>Speakers: Sacha McBain, Ph.D., Clinical Psychologist and Assistant Professor Department of Psychiatry and Behavioral Sciences University of Arkansas for Medical Sciences</p> <p>Dr. Joe Thompson, President & CEO Arkansas Center for Health Improvement University of Arkansas for Medical Sciences</p>
<p>3:15 P.M. to 3:30 P.M.</p>	<p>BREAK</p>
<p>3:30 P.M. to 4:30 P.M.</p>	<p>REVIEW OF THE 93RD GENERAL ASSEMBLY AND ITS IMPACT ON ARKANSAS CITIES AND TOWNS</p> <p>Presiding: Mayor Gary Baxter, Mulberry President, Arkansas Municipal League</p> <p>Speakers: Mark R. Hayes, Executive Director Arkansas Municipal League</p> <p>John L. Wilkerson, General Counsel Arkansas Municipal League</p> <p>Jack Critcher, Legislative Liaison Arkansas Municipal League</p> <p>Chris Villines, Executive Director Association of Arkansas Counties</p> <p>Gary Sipes, Executive Director Arkansas Association of Chiefs of Police</p>
<p>4:30 P.M. to 5:00 P.M.</p>	<p>RESOLUTIONS COMMITTEE</p> <p><i>Each municipality has a designated representative who will vote on legislative matters to be included in the League's Policies and Goals for the coming year.</i></p> <p>Presiding: Mayor Tim McKinney, Berryville First Vice President, Arkansas Municipal League</p>
<p>5:00 P.M.</p>	<p>WRAP UP AND RUN DOWN OF NEXT DAY'S AGENDA</p> <p>Presiding: Mayor Gary Baxter, Mulberry President, Arkansas Municipal League</p>

Tentative Agenda

Thursday, June 17, 2021

<p>9:00 A.M. to 10:30 A.M.</p>	<p>OPENING GENERAL SESSION</p> <p><i>The Opening General Session begins with the Posting of the Colors and the singing of The National Anthem, followed by a Host City Welcome from Little Rock Mayor Frank D. Scott, Jr., and North Little Rock Mayor Terry C. Hartwick. Mike Lee, our keynote speaker, is going to equip you with amazing tools to become an effective leader and keep you motivated during challenging times.</i></p> <p>Presiding: Mayor Gary Baxter, Mulberry President, Arkansas Municipal League</p> <p>Posting of Colors: Little Rock Fire Department</p> <p>Singing of National Anthem: Sergeant Allison Walton</p> <p>Speakers: Mayor Frank D. Scott, Jr., Little Rock Mayor Terry C. Hartwick, North Little Rock</p> <p>Keynote: Mike Lee, President MindShift Lab</p>
<p>10:30 A.M. to 10:45 A.M.</p>	<p>BREAK</p>
<p>10:45 A.M. to 11:45 A.M.</p>	<p>GENERAL SESSION II: OPPORTUNITY ARKANSAS</p> <p>Presiding: Mayor Tim McKinney, Berryville First Vice President, Arkansas Municipal League</p> <p>Speakers: Adam D. Reid, Attorney Gill Ragon Owen, P.A. Michelle Perez, Program Officer, U.S. Programs Winrock International</p>
<p>11:45 A.M. to 12:15 P.M.</p>	<p>87TH ANNUAL VIRTUAL CONVENTION AWARDS RECOGNITION, PART I</p> <p><i>Welcome to the Awards Recognition Ceremony. We will recognize individuals who have made significant contributions to the cities and towns of Arkansas.</i></p> <p>Presiding: Mayor Gary Baxter, Mulberry President, Arkansas Municipal League</p>
<p>12:15 P.M. to 1:00 P.M.</p>	<p>LUNCH BREAK</p>
<p>THURSDAY CONCURRENT WORKSHOPS Round 1</p>	
<p>1:00 P.M. to 1:45 P.M.</p>	<p>1. ARKANSAS DEPARTMENT OF EMERGENCY MANAGEMENT</p> <p><i>Broadcast from the Arkansas Municipal League Assembly Hall</i></p>
<p>1:00 P.M. to 1:45 P.M.</p>	<p>2. CRITICAL EDGE AND ACEONE TECHNOLOGIES</p> <p><i>Broadcast from the Arkansas Municipal League Memorial Boardroom</i></p>
<p>1:00 P.M. to 1:45 P.M.</p>	<p>3. BEST PRACTICES ON LOSS CONTROL FOR CITIES AND TOWNS</p> <p><i>Broadcast from the Arkansas Municipal League Legal Conference Room</i></p>
<p>1:45 P.M. to 2:00 P.M.</p>	<p>BREAK</p>

87th Annual Virtual Convention

THURSDAY CONCURRENT WORKSHOPS Round 2

2:00 P.M. to 2:45 P.M.	1. BEST PRACTICES ON HOW TO ATTRACT BUSINESSES AND INDUSTRIES <i>Broadcast from the Arkansas Municipal League Assembly Hall</i>
2:00 P.M. to 2:45 P.M.	2. HUMAN RESOURCES BEST PRACTICES <i>Broadcast from the Arkansas Municipal League Memorial Boardroom</i>
2:00 P.M. to 2:45 P.M.	3. MUNICIPAL FINANCE BEST PRACTICES <i>Broadcast from the Arkansas Municipal League Legal Conference Room</i>
2:45 P.M. to 3:00 P.M.	BREAK

THURSDAY CONCURRENT WORKSHOPS Round 3

3:00 P.M. to 3:45 P.M.	1. OVERVIEW OF THE FREEDOM OF INFORMATION ACT <i>Broadcast from the Arkansas Municipal League Assembly Hall</i>
3:00 P.M. to 3:45 P.M.	2. LATEST INFORMATION ON GRANTS <i>Broadcast from the Arkansas Municipal League Memorial Boardroom</i>
3:00 P.M. to 3:45 P.M.	3. STRONG SOUTHERN CITIES INITIATIVE <i>Broadcast from the Arkansas Municipal League Legal Conference Room</i>
3:45 P.M. to 4:00 P.M.	BREAK
4:00 P.M. to 5:00 P.M.	RESOLUTIONS COMMITTEE <i>Each municipality has a designated representative who will vote on legislative matters to be included in the League's Policies and Goals for the coming year.</i> Presiding: Mayor Tim McKinney, Berryville First Vice President, Arkansas Municipal League
5:00 P.M.	WRAP UP AND RUN DOWN OF NEXT DAY'S AGENDA Presiding: Mayor Gary Baxter, Mulberry President, Arkansas Municipal League

Tentative Agenda

Friday, June 18, 2021

<p>9:00 A.M. to 10:00 A.M.</p>	<p>GENERAL SESSION I: ANNUAL BUSINESS MEETING</p> <p><i>During this session, Executive Director Mark Hayes will present his annual report, The State of the League. During the business meeting, attendees are presented with the League's Policies and Goals and voting is involved. The nominating committee presents their recommended slate of new officers for 2021-2022. Business meetings will then begin for the following League programs: Municipal League Workers' Compensation Program, Municipal Property Program, Municipal Vehicle Program and the Municipal Health Benefit Program.</i></p> <p>Presiding: Mayor Gary Baxter, Mulberry President, Arkansas Municipal League</p> <p>Speaker: Mark R. Hayes, Executive Director Arkansas Municipal League</p>
<p>10:00 A.M. to 10:15 A.M.</p>	<p>BREAK</p>
<p>10:15 A.M. to 11:15 A.M.</p>	<p>GENERAL SESSION II: UNRAVELING THE AMERICAN RESCUE PLAN</p> <p><i>The American Rescue Plan (ARP) contains many unknowns. This session will cover all that you need to know about ARP including information you must remember as you appropriately use this direct funding over the next three years.</i></p> <p>Speakers: John L. Wilkerson, General Counsel Arkansas Municipal League Caran Curry, Grants Attorney Arkansas Municipal League Blake Gary, Legal Counsel Arkansas Municipal League</p>
<p>11:15 A.M. to 12:15 P.M.</p>	<p>87TH ANNUAL VIRTUAL CONVENTION AWARDS RECOGNITION, PART II</p> <p><i>Welcome to the Awards Recognition Ceremony. We will recognize individuals who have made significant contributions to the cities and towns of Arkansas. League President and Mulberry Mayor Gary Baxter will give his Farewell Presidential Address. The introduction of the 2021-2022 officers will be announced. We will conclude the Awards Recognition session with an Incoming Presidential Address by Berryville Mayor Tim McKinney as our new League President.</i></p> <p>Presiding: Mayor Gary Baxter, Mulberry Past President, Arkansas Municipal League</p>
<p>12:15 P.M.</p>	<p>87TH ANNUAL VIRTUAL CONVENTION VIRTUAL CONVENTION WRAP-UP</p> <p>Presiding: Mayor Tim McKinney, Berryville President, Arkansas Municipal League</p>





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Meet Allen Green, loss control liaison for the Arkansas Municipal League.

City & Town: What are your duties and responsibilities at the Arkansas Municipal League?

Allen Green: My focus is on working with our cities and towns to reduce claims through the prevention of workplace injuries and incidents. As I like to say, my job is to help municipal employees work safer! This includes making on-site visits with mayors, clerks, public works directors and others to review and analyze claims, provide safety training, conduct facility inspections and review safety program components.



How long have you been working at the League?

I started with the League in August of 2020 after spending the previous 30 years in various safety/loss control positions in manufacturing, mining, and oil and gas. I was working in Louisiana at the time and looking for an opportunity to get back home to Arkansas when I heard about the job opening at the League. We have two young grandsons in Little Rock and it was a blessing to be able to get back home.

How has the League changed since you started?

Since I'm still relatively new here, I can't really say what has changed. What I do know is that it is a great place to work, well managed, and full of dedicated professionals with a singular goal of serving the great cities and towns of Arkansas.

What advice would you have for someone just getting into public service?

Be patient, persistent and prepared to work hard. But also realize that the results are very gratifying.

Where did you grow up? How has it changed?

I was born and raised in North Little Rock, where I graduated in 1981 from Northeast High School (yes, there once were two high schools) and later from UALR. I met my wife, Tina, in college and we raised our two kids, Luke and Lacy, in Cabot, where we lived for over 20 years. We also lived in Conway for a while, and we now reside in Mayflower on Lake Conway. In most ways, NLR has stayed the same, at least for me. My parents still live in the same house I grew up in and most of our immediate and extended family members still live in the area. Most of the places I remember in NLR are still around and active. The biggest changes are the new ballpark and renovation of downtown Argenta.

What is your favorite spot in your hometown? I have fond memories of playing baseball at Burns Park and Lakewood, Friday night football, fishing on Lakewood Lake #2, cruising Camp Robinson and hanging out at McCain Mall.

What is your favorite part about working for the League and the cities and towns of Arkansas?

I enjoy traveling across our beautiful state and meeting with the good folks who keep our cities and towns working. Providing them with loss control services, conducting safety training and helping them implement an effective safety program is very satisfying. 🏠



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Meet Melissa Logan, HR director and assistant to the mayor for the city of Blytheville.

City & Town: Why did you choose your profession? Did it choose you?

Melissa Logan: I chose my profession initially then, as reciprocity has it, it chose me. I am an Army veteran and personnel services was one of my specialties. I have degrees in behavioral science and business administration with a political science and accounting minor, and a master's in nonprofit law. I'm currently working on my Ph.D. in public administration and human resources.



What's your favorite aspect of your job? The biggest challenge? People are my favorite aspect and people are my biggest challenge. I am here to serve the people. They are our most valuable asset.

What's your favorite spot in Blytheville? The new Chickasaw Arena. As a Blytheville High School alum, it sparks excitement and pride when I walk into the new gymnasium.

What is the public perception of your job versus the reality of your job? The public perception is usually in the form of a question: "What does HR really do?" HR is a constant balancing act of being an employee advocate, maintaining compliance and acting in the best interest of the organization. I have a poster in my office that says "Human Resources (noun): unofficial lawyer psychologist, event planner, teacher, peace-maker, career planner and detective!"

In what season does Blytheville shine the most? Honestly, we shine in all seasons. Our city is a hidden jewel. There is so much richness here. We have some of the largest industries in the world right here, beautiful educational institutions, historic landmarks and some of the best people you could ever encounter anywhere in the universe.

What's the biggest lesson you've learned working for a city government? If we want a smarter, safer, more sustainable city, we have to do the hard work of solving issues as they come up and prepare for those to come, one conversation, ordinance and resolution at a time. Done right, it's about people. It's about making lives better for as many of them as we can.

What advice do you have for someone who would like to follow your footsteps into this job? HR must definitely be your passion. It is not a place for timid, complacent or passive attitudes. Working in human resources, you don't only see what is, but what could be!

What are three "can't miss" things that someone can do if they visit Blytheville? One, most definitely the food: Dixie Pig, Mae's Grill, Yank's BBQ, McAdoo's, Olympia, Benny Bob's, Grecian, King's Back Yard BBQ, Kream Kastle, Kastle Fish, Bistro Eleven 21, OMG That's Sweet and Melissa's Jeri-Lin Donuts just to name a few. Two, Arkansas Northeastern College, which is one of the most state-of-the-art campuses in our state. And three, our sportsplex and golf course, Thunder Bayou, located on the Aeroplex. 🏟️

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Fax 501-978-6562

Analyzing the 7 critical components on an effective safety program: Training and education

By Allen Green, League staff

Since February, we have been reviewing the seven critical components of an effective safety program. They include: management commitment, training and education, injury analysis, audits and inspections, injury investigation, program review, and recordkeeping. Thus far, we have covered the management component and incident investigation. This month we will dive into training and education.

An effective safety program must include a robust training component. A good training program should accomplish the following:

- Address required safety and health training topics and materials required by federal, state or local regulation;
- Address applicable task-specific safety topics employees need to do the job safely;
- Provide both initial (orientation) and refresher training; and
- Provide training that is effective, retained and utilized by employees.

Make a commitment to provide safety and health training for all employees, then decide what training should be provided. This determination should be based on a training needs analysis and internal knowledge of the operations.

A training needs analysis or assessment typically involves the following. First, determine any mandatory training requirements. OSHA has a free publication available at www.osha.gov that lists all standards that include a mandate for training. The Arkansas Department of Labor Occupational Safety and Health Division (www.labor.arkansas.gov) can assist in identifying training needs and requirements set forth by the state. They also offer formal training classes, most of which are free of charge.

Next, assess training needs based on operational hazards identified and equipment utilized. Reviewing past injury and claims data can help with this step. A working knowledge of the operations, processes, chemicals, tools and equipment involved is very beneficial. Utilize a team approach to develop your training task list.

Training should be applicable to the type of work being performed and potential hazards encountered. At a minimum, workplace safety training should include an initial orientation for new employees that covers safety rules, regulations, equipment and process operating procedures, and potential hazards encountered. Employees transferring or being reassigned to different departments with new job responsibilities should also receive orientation training that covers new or additional hazards they may be exposed to in the new work environment.

In addition to formal, classroom-style training, employees should receive hands-on, on-the-job instruction regarding safe operating practices and procedures for each task they perform. This is typically conducted by a front-line supervisor or through a mentoring program, where a new employee is paired with an experienced, safety-conscious employee. Periodic (typically annual) refresher training is also important to review rules, procedures, pertinent safety topics and any changes in the work environment.

Repetition is one of the keys to learning. For training to be effective, follow this basic sequence when planning your presentation:

- 1. Introduction**—Tell the audience what you are going to cover, why it's important and how it's applicable.
- 2. Cover the topic material**—Be thorough but succinct. Use stories and real-life examples to support your material and drive home the desired message.
- 3. Conclusion**—Review the key points, takeaways and any action items.
- 4. Evaluate comprehension**—Quiz, test or question participants for retention during the class, or schedule observation or proficiency testing to take place later.
- 5. Documentation**—Document the training for recordkeeping purposes.
- 6. Feedback**—Solicit feedback and implement for continuous improvement.

When planning your training presentation, keep in mind that adult learners are typically looking for three

takeaways from a training session: First, how will this information help me in my job performance or overall success? Second, how does this topic/material directly affect me? And third, give me what I need to know without clutter. In other words, spend less time talking about theory and more on reality or activity. For the trainer, this means making the training relevant to the task to be performed and showing the participants how it is relevant through demonstration. Examples could be potential equipment failures or personal injury if procedures are not followed, increased uptime or downtime. Lastly, allow time for hands-on activities that directly pertain to the topic, procedure or equipment in question.

Remember: Training is only effective when it is retained and used on the job. Studies show that adult learners' retention effectiveness follows this hierarchy, from the least to the greatest retention:

- 10 percent retained if seeing the material only (for example, reading a chapter in a textbook or handout).
- 30-40 percent retained if seeing and hearing the material (attending a lecture with notes, materials or a video provided). Focus on key points and avoid fluff. Use visual aids.
- 90 percent retained if they see, hear and do! Plan hands-on activities involving the topic material. Utilize interactive group breakout sessions during classroom training. Teaching others about the subject matter is by far the most effective. Have participants research, prepare and present material on a selected topic to the class.

Make training personal—tell a story. Throughout history, man has learned through storytelling. Incorporate real-life stories and examples to tell a story that your audience can relate to. For example, share how someone you know was injured because they didn't follow the procedure you are covering. Or even better, have a participant themselves tell how they were injured or how they used the information to avoid injury.

Use props. Give the audience things to see and touch. If training on PPE (personal protective equipment), have gear available for employees to practice with.

If the topic is hazard communication, have SDS (safety data sheets) on hand to reference. Hands-on training on the specific process or equipment in question is always a plus. Avoid showing too many videos or videos that are too long.

No training is complete without measuring or evaluating the students' comprehension of the material. This can be done in several ways, including administering a post-training test or quiz. Hands-on proficiency/demonstration testing should be considered for more technical-based trainings. Another effective method is employee observation. Observe employees in the work environment to determine if the desired behavior or outcome has been achieved.

Don't forget to document the training session for recordkeeping purposes. Be sure to include the core topics covered, the participants and instructors, as well as the date and location of the training. Some OSHA standards require that training be signed by the employee and that a certificate be issued.

Finally, solicit feedback from participants as part of your continuous improvement effort. This can be accomplished with a simple questionnaire completed at the end of the training session or submitted online later. General information on topic selection and material as well as more specific feedback on items such as room arrangement, presentation style and length/timing of the session are all important. Utilize the data collected to evaluate and improve your next training opportunity.

At the end of the day, a training and education program is more than just a component in your safety plan. It is an investment in your most valuable asset, the employee, and an important piece in the growth and development of your personnel. You will only get out of it what you put into it. 🏠



Allen Green is the League's loss control liaison. Contact Allen at 501-374-3484, ext. 122, or email him at agreen@arml.org.



PHOTO BY JIM VON TUNGELN

Setback lines set required distances. They do not always result in visual continuity.

Say someone is confused by zoning regulations...

By Jim von Tungeln

Things that were always assumed to be clear in our land-use regulations aren't so these days. Defining terms and clarifying concepts takes more of our time with each passing day.

Consider for example the concern centering on the issues of yards and setbacks in the zoning code. Seasoned planners can remember when their mothers told them, "Go play in the yard." We knew exactly what she meant by "yard."

In planning, the term may not be so clear. Confusion stems from today's educated and experienced enforcement personnel. They ask us to be specific with our language. Heavens, shall planning involve clarity? How do things become unclear?

Using common terms from today's zoning codes, we can see how focused thinking can create confusion and questions. Such inquiries are close relatives to what our attorney friends call "say someone" questions. For example, "Say someone can't account for a hundred grand or so in the general fund." Such questions are cousins to the modern "asking for a friend" type.

Let us examine the zoning term "setback." It is commonly referred to as the required distance between every structure and any lot line on the lot on which it is located. The first question about setbacks might be: Why do we have them?

The origins and purposes of zoning setbacks are murky. A law school journal article, generally critical of the concept (Thomas D. Horne, "Zoning: Setback Lines: A Reappraisal," 10 Wm. & Mary L. Rev. 739 [1969], <https://scholarship.law.wm.edu/wmlr/vol10/iss3/14>), claims that the pre-zoning purpose of setbacks was "primarily to provide for future street widening." After the courts approved setbacks as a legitimate zoning tool, the concept changed to one of promoting public health, safety and welfare.

The author states that "municipalities may provide a yard space for lawns and trees, thus keeping dwellings safe from the dust, noise and fumes of the street and adding to the general attractiveness of the property. Such a yard space creates a better home environment, reduces fire hazards by providing a greater distance between homes, provides for adequate light and air, reduces

hazards at street corners resulting from obstructions to the motorist's view, relieves street congestion, and by limiting the size of buildings avoids an overtaxing of sewage facilities. These have all been upheld as valid ends for regulation." (Footnotes omitted.)

Our state's planning statutes support this. They even list, as a purpose of planning, "good civic design and arrangement." See: A.C.A § 14-56-403 (b) (7). Thus, today we have setback lines as a valid purpose of our city's police power in zoning.

Say someone was to call them "building lines." Would that be wrong? That is exactly how many subdivision plats describe them. The zoning code then must state that the building line and the setback line mean the same thing. This line sets the minimum distance that a structure, such as a home, can approach a fixed point such as a lot (property) line. Due to the cost of land, the building lands precisely on the setback or building line of most conventional subdivisions.

Say someone was to have additions to the façade of the structure. To which spot do we measure? This requires more words to determine exactly what parts of the structure must meet the setback requirements. Do porches, steps, eaves or bay windows count? Some zoning codes clarify this in detail. In addition to the front-yard setback, zoning codes prescribe side-yard and rear-yard setbacks.

Say someone owns a corner lot in a residential district. How does this affect the setback requirements? This question has resulted in staff discussions covering multiple hours and many heated conversations. The result can be regulations involving multiple complex paragraphs. An easy answer evades us. In some such cases, one street frontage meets the front-yard setback while one meets the side-yard setback requirements or a line somewhere between the two. Requiring both to meet front-yard setbacks borders on the onerous.

In most cases, no development is allowed in the area defined by the front-yard setback line. In addition, fences fall under the restrictions. Regulations may prohibit them or mandate reduced height in the front-yard setback.

Say someone has a lot of extended depth. Does this automatically extend the restrictions imposed on the front-yard setback? This would probably be a local option. Some municipalities might say yes. Others might say no. Still others might say that another level of restriction would govern the extra yardage. Legal advice would help. It might be that too much regulation beyond the stated setback line would take the idea of the setback out of the realm of police power. It could then place it in the realm of the uncompensated taking of property rights.

Few things are simple these days. Ask any attorney. Feel free to say you're asking for a friend.

Required front-yard setbacks in modern residential subdivisions vary. Twenty feet is common, but setbacks may vary according to parking provisions and local choices.

Say someone owns a lot fronting on two public streets, "fore and aft" in nautical terms. Does that mean there are two front-yard setbacks? It could. These constitute "through" or "double-fronted" lots and must be considered. If the regulations prohibit access to one of the streets, a typical rear-yard setback may suffice. This, in turn, involves questions of exactly how to prevent access and how to enforce regulations prohibiting such access. Private restrictions might help, but cities avoid enforcing those.

Again, simple solutions evade us. Even the measurement of setback lines can pose problems. Setbacks are measured from the lot line, street right of way or street centerline, depending on lot configuration conditions. In most cases, they run parallel to one of those. In others they don't.

Say someone has a large or irregularly shaped lot. How would one determine appropriate setback lines? There probably is not a pat answer. A city might treat this within the "special provisions" of its zoning code. The provision might allow the owner and the city to establish a recorded plot plan showing where setback lines lie.

The above does not represent a method of treating setbacks. It simply shows that, with this one segment of the zoning code, things can get more complicated with deeper analysis. Also, as each city is unique, solutions are unique. As with all segments of planning, the overarching concern is that any policy, plan or supporting regulation supports the public health, safety and welfare of the city's residents.

Say someone wanted to stretch that requirement and test the limits of validity. Say planners have their own ideas concerning the look of a city and threaten to evolve into the role of "the pretty police." It might be best to seek legal advice from the city attorney or the Arkansas Municipal League's legal staff.

You could always say you are asking for a friend.



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.

Walking with a purpose: Walk audits reveal opportunities for change

By Marquette Stricklen

Take a moment to walk around your community—you might start your journey in your residential neighborhood or a local park. You see flowerbeds, benches, a bike lane and a walking trail that leads to the town square. During the walk you see neighbors, shop owners, and children playing. Ask yourself: What does your environment say about your community? If what you see isn't pleasant, can you think of ways it could be improved? If you've done this, you've completed an informal version of a community walk audit.

Walk audits are assessments conducted on foot to assess the built environment, infrastructure, and to find opportunities to improve the aesthetics and accessibility of a specific area within a community. Walk audits also assess walkability, which includes the quality of pedestrian facilities such as clean and clear sidewalks, appropriately placed and defined crosswalks, bicycle lanes, roadway conditions, parking, safety, wayfinding and beautification. The types of businesses located downtown, the ease of access to downtown from surrounding areas, and quality and accessibility of curb cuts also influence a community's walkability.

Walk audits are conducted by professional planners, elected officials, city engineers, park directors, public work directors, business owners and community advocates. Typically, the group conducting the walk audit focuses on a community's downtown or main square.

During a walk audit, a community is given a walk score. A walk score analyzes the routes to nearby amenities and produces a score based on the aforementioned factors. Places with beautiful landscaping and multiple mobility choices get higher walk scores. Once the area is observed, those conducting the walk audit develop a strategic plan for improvement, working with urban



Lonoke Council Member Ryan Biles asks a question during a recent walk audit of his hometown conducted by community leaders, UCA and Crafton Tull.

planners and contractors to bring new life to the area and sometimes to create a new community identity.

Walk audits can also be a tool to create a long-term plan for a community's infrastructure. For example, the University of Central Arkansas (UCA) Center for Community and Economic Development (CCED) and Crafton Tull conducted a walk audit in Lonoke in 2020



Crafton Tull's Dave Roberts leads the Lonoke walk audit through the city's historic downtown.

PHOTOS COURTESY UCA CENTER FOR COMMUNITY AND ECONOMIC DEVELOPMENT

that has spurred momentum in the city. Valerie Turner, a citizen and leader for Lonoke 2022, said, “The walk audit pointed out some legal concerns and helped us develop a vision for the future.”

A diverse group of local leaders and citizens participated in Lonoke’s walk audit. Council Member Ryan Biles shared that it helped to create a common vocabulary regarding pedestrian access and a shared understanding of Lonoke’s existing infrastructure conditions. The walk audit was also beneficial because it gave citizens the opportunity to walk around their town, discuss the changes they wanted to see and create a plan of action to implement those changes. After the walk audit, Lonoke leaders used the feedback and next-step suggestions from Crafton Tull and UCA to begin to make improvements. “Lonoke has proceeded to engage with Crafton Tull planners and engineers to undertake a Bicycle Pedestrian Master Plan as a direct outgrowth of the walk audit,” Biles said.

Lake Village and Bryant have also seen success in conducting walk audits. Leesa Freasier, the State Physical Activity and Nutrition (SPAN) program’s physical activity coordinator at the University of Arkansas for Medical Sciences, conducted the walk audits in Lake Village and Bryant alongside community leaders. Based on recommendations in Lake Village, Freasier shared

that a pocket park was created downtown and students from the local high school developed crosswalk art for safe crossing.

In Bryant, a walk audit was conducted on Reynolds Road. There were no sidewalks or bike lanes, and access management was poor. SPAN worked with the city engineer to add sidewalks, bike lanes and open the area for improved accessibility. Freasier also worked with the city to develop form-based code, which was formally adopted by Bryant City Council.

Walk audits have the potential to take a community from desolate to thriving. They are a great tool to develop a foundation to begin moving in the right direction. If you think your city or town could benefit from a walk audit, contact the UCA Center for Community and Economic Development at 501-450-5269 or email Shelby Fiegel at sfiegel@uca.edu. 🏠



Marquette Stricklen is a 2021 spring intern for the Center for Community and Economic Development (CCED). Marquette is from Forrester City and a senior at the University of Central Arkansas. She is seeking a bachelor’s in public administration with hopes of one day starting a nonprofit organization that gives back to small communities like her hometown.



As life returns to ‘normal,’ take time to focus on mental health

By Sacha McBain, Ph.D.

As we all begin to consider our “return to normal,” now is the perfect time to take a moment to ask ourselves what it is exactly we want to return to. When we face adversity, it is a very human response to try to shield ourselves from the emotional discomfort and to “get over it.” Sometimes our aversion to processing our experiences interferes with our ability to truly move forward. This is especially true with traumatic events or chronic stress.

During the pandemic, we’ve seen increased awareness of self-care and less mental health stigma. However, as the pandemic prolongs and we get used to our new routines, those old expectations and mindsets can start to take hold again. In the face of pressures of productivity and getting back to full speed, it will take a conscious effort to remember to take stock of your mental health and well-being.

In honor of Mental Health Awareness Month, I offer you some strategies to help prioritize your mental health.

Being flexible

Have you ever stopped to ask yourself how you process stress? If you don’t know what your stress looks like, it’s hard to heal it. That’s when reflex kicks in. If we don’t recognize we’re getting stressed, we don’t stop to consider how we’re responding to it. When that happens, we lose a degree of flexibility in how we think and act.

To remain flexible, explore what stress looks like and feels like for you. Then, when it happens, you can stop and take a deep breath. Don’t just feel frustrated—ask yourself what’s causing it and what you can do to take care of yourself or remedy the situation.

To each their own

It’s also important to understand that, while we’ve all been through the same pandemic, we’ve all experienced it differently. As a result, the return to normal—whether it’s a new or old normal—will be a different transition for everyone. Be patient with those around you as they navigate their own transition. You might find it helps you to be a little bit more patient with yourself.

Know that it’s OK to have some uncertainty as things begin to change. And it’s OK to feel conflicted about it. For example, maybe life during the pandemic has worked better for you in some ways and you dread going back to old routines. This experience may have changed what you value, your goals or your priorities. Know you’re not the only person feeling that way.

Your experience is valid. But don’t forget to ask yourself why. If you enjoyed spending more time at home and are a little anxious about a return to the office, ask yourself what parts of being at home provided that comfort and how you might retain those emotional elements as you transition to post-pandemic life.

Defining your behavior

We can all be a bit hard on ourselves at times. We self-criticize because we think we’re not doing enough in some area of our lives. We also tend to behave in ways to control or avoid those anxieties.

However, instead of avoiding things that make us anxious, there’s value in asking whether it might be better to face that short-term anxiety for long-term gains. For example, do you really need to work longer hours to get work done? Ask yourself this: Are you doing your best if you’re stretched too thin? If not, then perhaps it’s worth tolerating a little anxiety to simply stop checking work emails at night or on the weekends. And that goes double for organizational leaders, who set the tone for the workplace. If the result is a workplace with happier, healthier people, what’s the harm of a less hectic pace? After all, if the pandemic has taught us anything it’s that we can’t control what’s going to happen, only how we react to it. 🧘



Sacha McBain, Ph.D., is a clinical psychologist and assistant professor in the Division of Trauma & Acute Care Surgery in the Department of Surgery and the associate director of the Center for Trauma Prevention, Recovery & Innovation in the Department of Psychiatry & Behavioral Sciences at the University of Arkansas for Medical Sciences.

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April showers bring May... stormwater runoff issues?

By Krissy Kimbro

Historians and literary experts attribute the origin of the springtime rhyme, “April showers bring May flowers,” to Thomas Tusser, and his 1557 poem “A Hundred Good Points of Husbandry.” Geoffrey Chaucer in the 14th century penned a similar sentiment in *The Canterbury Tales*. Mathilde Blind waxed poetic about the topic in her poem “April Rain,” and George Latimer Apperson included the phrase in *The Dictionary of Proverbs* in 1886. It is an artistic way of promoting patience to endure dreary bouts in life, knowing that more pleasant times will follow. In the urban landscape, however, April showers can sometimes result in unpleasant results due to stormwater runoff issues.

What is stormwater runoff?

The Center for Watershed Protection (www.cwp.org) explains clearly what stormwater runoff is and why it a problem for cities:

Stormwater runoff is rainfall that flows over the ground surface. It is created when rain falls on roads, driveways, parking lots, rooftops and other paved surfaces that do not allow water to soak into the ground. Stormwater runoff is the number one cause of stream impairment in urban areas. Where rain falls on paved surfaces, a much greater amount of runoff is generated compared to runoff from the same storm falling over a forested area. These large volumes of water are swiftly carried to local streams, lakes, wetlands and rivers and can cause flooding and erosion, and can also wash away important habitat for critters that live in the stream. Stormwater runoff...picks up and carries with it many different pollutants that are found on paved surfaces such as sediment, nitrogen, phosphorus, bacteria, oil and grease, trash, pesticides and metals. These pollutants come from a variety of sources, including pet waste, lawn fertilization, cars, construction sites, illegal dumping and spills, and pesticide application. Researchers have found that as the amount of paved surfaces in the watershed increases, stream health declines accordingly.

Impervious surfaces are paved surfaces that do not allow water to pass through them into the ground. Permeable surfaces, such as the natural forest floor,



PHOTOS BY KRISSY KIMBRO

The Fayetteville Public Library is completing a renovation that features green infrastructure components. Work on this slope addresses stormwater runoff that would otherwise cascade down and create flooding issues for residents below and deposit high amounts of sediment in the nearby stream.

lawns and man-made materials designed to function in a similar fashion to natural surfaces, allow water to pass through them and to be absorbed into the soil below, where it is then available for use by plants. Excess water not utilized by plant roots percolates down through the soil and subsoil structures below, where contaminants are naturally filtered. In cities, impervious surfaces typically make up the majority of the landscape, so strategies to manage the excess runoff must be designed to mitigate both the negative effects on the watershed and to prevent damage to the hardscape and inconvenience for the citizens.

How do cities manage stormwater runoff?

Stormwater management is the use of specific practices designed to reduce, temporarily detain, slow down and/or remove pollutants from stormwater runoff. Stormwater management practices can be natural or man-made and are designed to replicate the natural processes provided by trees, shrubs and other plants that were present prior to development. Most cities have enacted some type of ordinance or other regulation that requires stormwater management to be addressed whenever new development occurs.

Stormwater management practices fall into two categories: gray infrastructure and green infrastructure. Gray infrastructure includes the use of curbs, gutters, drains, pipes, ponds, vaults and outfalls to move water quickly from where it lands to a more suitable location such as a holding area or a nearby watershed. Green infrastructure is designed to protect, restore or mimic the natural water cycle through the use of vegetation, bioswales, wetlands, buffer zones and other permeable surfaces that capture, filter and slow stormwater runoff. Green infrastructure is effective, economical, and enhances community safety and quality of life.

Using trees to manage stormwater runoff

In most communities, trees are valued as landscape assets that add aesthetic value, but using trees to help manage stormwater can significantly reduce stormwater management costs, as well as provide other valuable environmental services such as improvements in air quality and reductions in carbon dioxide. For trees to be effective tools in stormwater management, the site where they are planted must be carefully planned and prepared.

Street trees require space, proper soil, drainage and irrigation. Impervious surfaces and compacted soils in urban areas create challenges because they prevent the infiltration of runoff into the ground. Tree planting areas designed to increase infiltration and limit soil compaction provide benefits to tree health and increase the amount of water the tree is able to utilize. Big trees manage the most stormwater, so planting areas should be designed to accommodate the largest tree possible and to enable the tree to grow to its full size. This requires careful planning due to the large amount of soil volume needed below-grade. Trees without adequate soil volume tend to be short-lived and to require costly care and frequent replacement.

While many factors influence a mature tree's size, there is a relationship between the volume of available soil and tree size. Generally, an urban tree with access to 1,000 cubic feet of soil will reach about 16 inches in diameter and have a 32-foot canopy at maturity, so planning for 1,000 cubic feet of soil available per tree is recommended. The larger soil volume will provide little benefit to the tree, however, if it is compacted or covered with impervious surfaces. Designers have come up with effective ways to increase the tree pit opening, and various companies have created engineered soils that increase the amount of aeration and water filtration capability. Permeable paving surfaces are on the market that allow rainfall to penetrate to the soil below without becoming runoff.

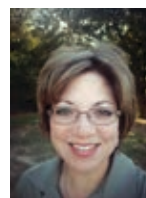


Permeable surfaces, such as this walkway at the Fayetteville Public Library, not only help mitigate the effects of stormwater runoff, but also provide benefits to landscaping and other natural vegetation.

Further resources

There are many resources available to urban planners looking to manage stormwater runoff more effectively by utilizing green infrastructure. The EPA published a guide with Davey Resource Group called “Stormwater to Street Trees” that contains helpful advice on integrating urban trees into stormwater management systems. The Georgetown Climate Center has an online toolkit that analyzes common trends in planning, implementing and funding green infrastructure projects for local governments. It can be accessed at www.georgetownclimate.org/adaptation/toolkits. Local natural resource professionals such as extension agents, county foresters, and conservation district staff are also available to provide recommendations for communities.

Springtime rains can produce stormwater runoff complications for communities without systems in place to manage them, but with careful planning and the utilization of green infrastructure practices, that excess rainfall can be directed toward helping grow the urban forest. Municipalities who strive for a combination of effective stormwater management and improved utilization of rainfall by community trees could find themselves reciting a new version of the age-old rhyme from above: “April rains result in long-term tree canopy cover gains!” 🌳



Krissy Kimbro is the urban and community forestry coordinator for Arkansas Department of Agriculture's Forestry Division. Contact Krissy at 479-228-7929 or email kristine.kimbro@agriculture.arkansas.gov.

Improving water quality: Getting back to the roots

By Adam B. Osweiler, PE

Everyone has heard the age-old phrase “April showers bring May flowers.” The dreary and wet days of April make way for sunny and beautiful days in May when we enjoy the lush and vibrant colors of the outdoors. They may seem inconvenient, but those rainy days provide us with the water we need to sustain life, and it is our responsibility to ensure that the water remains as clean and pollutant-free as possible.

Before urban development, rainwater was intercepted by streams and natural ponds that allowed the water to infiltrate the soil below, recharging natural aquifers and allowing the ground to act as a sponge and retain the life-supporting water. This allowed the earth to convert important nutrients into a food supply for plants, which would in turn supply nourishment for the wildlife.

While human infrastructure—buildings, streets, parking lots, dams and other structures that divert water from natural waterways and wetlands—has made our lives easier and more efficient, it has changed the natural hydrology of the land significantly. By displacing stormwater across all the impervious (nonporous) surfaces, we have both increased the quantity of water that ends up in the rivers and streams while decreasing the quality and cleanliness of the water. As our infrastructure grows at an increasing pace, we need to take a step back and integrate design practices that allow the water to slow down, spread, soak and nourish.

Today, much of urban and suburban land use does not allow stormwater to infiltrate the soil. Instead, these areas rely on stormwater infrastructure to carry stormwater to various ponds to reduce the flow of runoff. From there, smooth underground pipes convey stormwater quickly and forcefully to waterways downstream. The increase of flow and velocity creates erosion issues downstream. The effects of soil erosion go much further than just loss of fertile land. Erosion has led to the loss of aquatic life, soil-clogged waterways, and increased pollution and sedimentation in streams. Along with the addition of eroded soil, the heat islands created by asphalt, sidewalks and buildings reflect the sun’s heat instead of absorbing it like plants and trees do, which in turn raises the temperature of the water carried downstream, creating harmful environments for aquatic life.



The bioswales that line Main Street in downtown Little Rock collect and filter stormwater runoff, limiting the pollutants that enter the storm drains.

While reducing the flow and quantity of stormwater is a large concern for many municipalities, improving the quality of water is just as important. Water quality refers to the chemical, physical and biological characteristics of water used to express the suitability of water to sustain various uses or processes. Stormwater runoff from impervious surfaces carries many pollutants such as oil, chemicals, pesticides, heavy metals and fertilizers directly to the waterways without ever being filtered.

By allowing these pollutants to enter our waterways, we harm wildlife, pollute recreational water facilities and kill vegetation. The more pollutants that end up in the natural waterways, the more time and effort municipalities must expend cleaning the water we drink and use every day. If we could reduce the number of pollutants that end up in the waterways, we can reduce the amount of water that we eventually have to clean.

While technology advances each day, we need to get back to our roots if we want to improve the overall quality of our water sources. Low-impact design practices are starting to become the norm in urban spaces across the country. These design practices include a combination of several techniques implemented at a site to allow water to slow down, spread across a large pervious area, soak into the surrounding soil and help nourish and recharge the existing ground. Low-impact design practices include:

- Permeable pavement or pavers
- Bioretention ponds
- Rain gardens
- Bioswales
- Vegetated roofs and walls
- Constructed wetlands
- Underground sand filters

By implementing several of these features into a site, project owners are able to create a “treatment train” to improve the quality of water from the time it touches the pavement to when it reaches the river outfall. An example of this treatment train could be: Rainwater falls onto a vegetated roof, where it has a chance to reduce its volume through evaporation. The vegetated roof also increases water quality by removing pollutants typically found in water from the roof shingle material. This is the first flush of solid pollutants before it enters the next stage. Additional overflow water then flows through downspouts to a dry swale, pervious pavers, or is collected in a rainwater harvesting basin and utilized as a non-potable water source. The pervious pavers and dry swales act as additional filtration as well conveying the stormwater to its next stage, a rain garden at smaller project sites, or bioretention area for larger sites.

This treatment train gives the water ample opportunity to go through both physical and biological filtration systems before ever reaching a natural body of water. It



The grounds of Heifer International’s Little Rock headquarters feature numerous runoff-controlling, low-impact design features, including retention ponds, bioswales and porous parking spaces.



also allows the stormwater runoff to infiltrate into the ground as it would prior to any development of the land.

Technological advancements and modern infrastructure have made our daily routines quicker and more efficient. For something as essential in our lives as clean water, sometimes the best solution does not come from fancy new technology, however, but from getting back to the roots of what made water clean thousands of years ago: Slow down, spread out, soak in and nourish. 🌿



Adam Osweiler is a project manager in MCE’s land development department and works out of the Fayetteville office. Contact Adam by phone at 479-443-2377 or email him at aosweiler@mce.us.com.

2020/2021 State Turnback Funds

Actual Totals Per Capita						
	STREET		SEVERANCE TAX		GENERAL	
MONTH	2020	2021	2020	2021	2020	2021
January	\$6.789	\$6.659	\$0.083	\$0.071	\$2.145	\$1.951
February	\$6.340	\$6.607	\$0.118	\$0.163	\$1.087	\$0.893
March	\$5.758	\$5.693	\$0.101	\$0.110	\$1.087	\$0.892
April	\$6.088	\$6.135	\$0.064	\$0.162	\$0.924	\$0.889
May	\$5.943		\$0.034		\$0.924	
June	\$5.605		\$0.030		\$0.924	
July	\$6.094		\$0.022		\$2.795	
August	\$6.478		\$0		\$1.542	
September	\$6.399		\$0.014		\$0.728	
October	\$6.378		\$0.021		\$0.893	
November	\$6.340		\$0.060		\$0.893	
December	\$5.984		\$0.105		\$0.893	
Total Year	\$74.197	\$25.093	\$0.652	\$0.506	\$14.838	\$4.625


Actual Totals Per Month						
	STREET		SEVERANCE TAX		GENERAL	
MONTH	2020	2021	2020	2021	2020	2021
January	\$12,833,880.33	\$12,587,621.61	\$156,199.64	\$134,647.89	* \$4,054,970.57	* \$3,688,464.32
February	\$11,984,924.80	\$12,488,753.05	\$223,221.26	\$308,183.56	\$2,055,049.55	\$1,688,281.84
March	\$10,883,990.67	\$10,760,836.82	\$191,150.53	\$207,709.60	\$2,055,396.67	\$1,685,424.74
April	\$11,509,342.85	\$11,627,333.33	\$120,647.65	\$307,147.46	\$1,747,446.98	\$1,684,913.88
May	\$11,233,895.61		\$63,817.15		\$1,747,094.76	
June	\$10,595,347.60		\$57,224.47		\$1,747,446.98	
July	\$11,520,392.64		\$41,735.92		** \$5,284,317.00	
August	\$12,263,537.56		\$0		\$2,919,346.12	
September	\$12,097,147.76		\$26,456.51		\$1,376,535.41	
October	\$12,057,206.89		\$39,675.17		\$1,688,464.32	
November	\$11,984,780.59		\$113,060.67		\$1,688,281.98	
December	\$11,312,336.38		\$199,121.43		\$1,688,464.32	
Total Year	\$140,276,783.68	\$47,464,544.81	\$1,232,310.40	\$957,688.51	\$28,052,814.66	\$8,747,084.78

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

** Includes \$3,513,475.64 supplemental for July 2020

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 2021 with 2020 Comparison (shaded gray)

Month	Municipal Tax		County Tax	Total Tax		Interest		
January	\$68,199,990	\$62,951,910	\$59,726,912	\$54,023,046	\$127,926,902	\$116,974,957	\$14,602	\$137,620
February	\$79,611,239	\$73,128,305	\$68,300,663	\$61,276,755	\$147,911,902	\$134,405,060	\$20,412	\$151,340
March	\$66,877,931	\$57,761,974	\$57,918,592	\$49,863,364	\$124,796,523	\$107,625,338	\$13,492	\$140,860
April	\$60,600,707	\$58,720,966	\$53,282,134	\$50,676,002	\$113,882,841	\$109,396,969	\$16,537	\$173,069
May		\$64,061,809		\$55,167,274		\$118,762,027		\$51,758
June		\$61,816,632		\$54,700,218		\$120,220,830		\$37,445
July		\$66,569,122		\$58,404,198		\$127,921,569		\$27,240
August		\$69,810,263		\$61,352,447		\$132,096,586		\$22,963
September		\$69,731,104		\$62,286,322		\$132,017,426		\$14,982
October		\$67,795,513		\$60,898,642		\$128,694,156		\$13,552
November		\$70,085,468		\$62,498,473		\$132,583,941		\$12,579
December		\$67,813,178		\$60,080,515		\$127,893,693		\$14,370
Total	\$275,289,866	\$790,246,247	\$239,228,301	\$691,227,256	\$514,518,168	\$1,488,592,551	\$65,044	\$797,777
Averages	\$68,822,467	\$65,853,854	\$59,807,075	\$57,602,271	\$128,629,542	\$124,049,379	\$16,169	\$66,481

MUNICIPAL MART

To place a classified ad in City & Town, please email the League at citytown@arml.org or call 501-374-3484. Classified ads are FREE to League members and will run for two consecutive months from the date of receipt unless otherwise notified. FOR NON-MEMBERS, classifieds are available for the rate of \$0.70 per word and will run for one month unless otherwise notified. Once we receive the ad, we will send an invoice. The ad will run once payment is received.

CHIEF BUILDING INSPECTOR—The city of Bella Vista is accepting applications for the position of chief building inspector. This individual will ensure compliance with the city's zoning, subdivision and floodplain damage prevention codes and with approved plans for development. The ideal candidate will have prior experience leading a team of inspectors within a municipality. The requirements for this role include: Five-plus years of experience in a building inspection capacity or applicable building trade, completion of HS diploma or GED, current building inspection certification and state licenses as well as other certifications (see complete list at city's website), plans examining experience preferred but not required, ability to communicate clearly, ability to work independently and make sound judgments and decisions, ability to use variety of database applications. Must possess valid DL. Must pass pre-employment background check and drug screen. EOE. Apply online at: <https://bellavistaar.gov/>.

CITY MANAGER—The city of Texarkana, Arkansas, is seeking a city manager. Texarkana is located between Dallas and Little Rock on Interstate-30 and borders the Arkansas-Texas state line. Along with its thriving community, economic development, and historic downtown renovation in progress, Texarkana is nestled in some of the finest hunting, fishing and outdoor activities in the entire Midwest. The city manager plans and manages all operations of the city in accordance with policies set by the city board of directors. In collaboration with the mayor and board of directors, the city manager will be responsible for creating and leading the implementation of goals and objectives for the city. Applicant must have bachelor's degree in business administration, public administration or a related field, along with at least five years of experience of progressively responsible executive municipal work or as a private executive officer in an organization of comparable complexity. The city offers a competitive salary and total compensation DOE and also a comprehensive benefits package including health insurance and retirement options. Applicants may email applications and resumes to Heather Buster at Heather.Buster@expresspros.com. Upon receipt of email, candidates will be contacted immediately or within 24 hours.

DEPUTY CITY MANAGER—The city of Hot Springs is hiring for the administrative/management position of deputy city manager. Works under the administrative direction of the city manager, performs highly responsible and complex professional administrative work while assisting the city manager with the direction and coordination of activities of assigned city departments and/or divisions, provides leadership in policy formation and implementation, and promotes effective and efficient operations throughout the organization. Requirements: bachelor's in public admin. or related discipline, nine years related experience, seven years related management experience, or equivalent combination of education and experience. Salary: \$105,000 - \$115,000 DOQ. Position is open until filled.

DIRECTOR OF COMMUNITY DEVELOPMENT/EXECUTIVE DIRECTOR PORT AUTHORITY—Red Wing, Minnesota (population 16,572), seeks progressive, innovating and highly collaborative candidates for its next director of community development. The director of community development also serves as the executive director of Red Wing Port Authority. Red Wing is one of four cities in Minnesota with an active port. The community development director oversees a staff of seven and combined budgets of \$3M, including administration of approximately \$1.3M in a revolving loan fund. The community development department is responsible for oversight of the port, all economic development activities, land use planning, zoning, building inspections and permitting. Requires bachelor's degree in planning, public administration, urban studies, community development or a related field. Master's degree preferred. Ten years of progressive leadership experience in high level management positions in a governmental or similar organization. Five years of supervisory experience. Strong finance and budgeting skills, including familiarity with public financing tools. Salary range is \$79,602 to \$119,392 DOQ. The city of Red Wing offers an excellent and comprehensive benefits package. Interested candidates should apply online by June 4, 2021 with resume, cover letter and contact information for five work-related references at www.GovHRJobs.com to the attention of Charlene Stevens, Senior Vice President, GovHR USA, 630 Dundee Road, #225, Northbrook, IL 60062. Tel: 847-380-3240, ext. 124. EOE.

DISPATCHER—The city of Camden is accepting applications for the position of police radio dispatcher I. The police radio dispatcher I is under the general supervision and direction of the on-duty watch commander and the department superintendent and is responsible for transmitting, receiving and routing in an efficient, calm and professional manner, public requests for police services or information to the appropriate field unit or division of responsibility. Must be willing to work any shift. Must pass a thorough background investigation. No felony convictions. Must possess a valid Arkansas DL. Salary: \$24,000 plus benefits package. Full job description and applications are available at explorecamden.com/city/resources.

ELECTRIC MANAGER—Clarksville Connected Utilities is now accepting applications through April 16 for electric manager. The electric manager must be able to understand standard electrical distribution, construction and maintenance methods. Responsible for overseeing all things related to the daily operations of the electric department. Education and experience: Bachelor's degree in engineering or related field; six years of electric utility experience, three years in a managerial or supervisory role. OR: HS diploma or equivalent; 10 years of experience in electric distribution, three in managerial or supervisory role. OR: Any combination of related education, experience, certifications and licenses. CCU is locally owned and operated with excellent pay and benefits. EOE, Drug Free Workplace. Applications may be dropped off 8 a.m. to 5 p.m. at the CCU Business Office, 400 West Main Street, Clarksville, AR 72830, or email debbie.pintado@clarksvilleconnected.net.

FINANCE OFFICER—The city of Hope is accepting applications for finance officer. The finance officer oversees all aspects of accounting, including monitoring expenditures and cash flows, manages the financial software system, payroll reporting, and maintaining accounts in accordance with GAAP, GASB, and applicable ordinances, guidelines, policies and procedures. This leader also prepares and presents reports for the city manager and board of directors as well as budget forecasts, acts as the main interface with independent auditors, and monitors internal controls. Our ideal candidate will possess strong analytical and communication skills, exceptional numerical proficiency, computer literacy, and a strong knowledge of accounting principles. Requirements include a bachelor's degree in accounting, finance or business administration, proficiency in Microsoft Word and Excel, strong interpersonal skills, and the ability to multitask. The finance officer reports directly to the city manager. Salary range \$50,000-\$60,000-plus, DOQ. Generous benefit package. If interested, please contact City of Hope City Manager's Office, P.O. Box 667, Hope AR 71802-0667, 870-777-6701, or email citymanager@hopearkansas.net by May 15.

FIRE CHIEF—The city of Camden is accepting applications for the position of fire chief. Min. qualifications: completion of training at a certified state or national fire training academy and completion of college with specialization in fire service, personnel management, planning, public or business administration or civil engineering and extensive experience as a fire officer in a fire dept. or comparable fire agency. Must reside in Ouachita County at the time of employment, must possess a valid Arkansas DL, Fire Fighter II Certification, must be a Certified Instructor and Fire Officer and be in good physical and mental condition. Must pass background check with no felony convictions. \$60,000-\$68,000 per year DOE plus benefit package. Full job description and applications available at explorecamden.com/city/resources or call the Camden Fire Department at 870-836-2413. EOE.

PARKS AND RECREATION DIRECTOR—The city of Paragould is seeking an experienced, highly motivated, community-minded director to oversee the parks and recreation department. Responsible for planning, organizing and administering a comprehensive program to provide year-round leisure, recreation and parks programs within the city of Paragould including city parks, community centers, aquatics center, senior center, and various fields and open spaces. Requires bachelor's in recreation, parks management, business admin., physical education or related field, plus five years of progressively responsible experience in parks and recreation, including two years of supervisory experience, or equivalent combination of education and experience. Salary: \$50,000-\$59,527 DOE. Comprehensive benefits package, including participation in APERS. Submit an application online at www.cityofparagould.com. Please attach a resume. Open until filled. For more information please email Human Resources Director Tisha Baldwin at tisha.baldwin@paragouldcity.org. EOE.

POLICE CHIEF—The city of Hackett is accepting applications for the position of chief of police. Must be U.S. citizen, 21 years of age, HS graduate or GED, possess valid DL, no felony convictions. Must have three years of experience and have completed CLEST basic police training or equivalent. Applications available 8:30 a.m. to 3:30 p.m. M-F at Hackett City Hall. Deadline: April 15.

POLICE OFFICER—The Carlisle Police Department is accepting applications for a full-time police officer. Preference given to CLEST-certified applicants. For more information, visit www.carlislear.org/employment.htm or call 870-552-3431.

POLICE OFFICER—The Des Arc Police Department is accepting applications for a full-time certified police officer. Comes with full benefits. Applications available at Des Arc City Hall, 107 S. 3rd Street, or send resume to P.O. Box 389 Des Arc, AR 72040. For any questions, please call 870-256-3011.

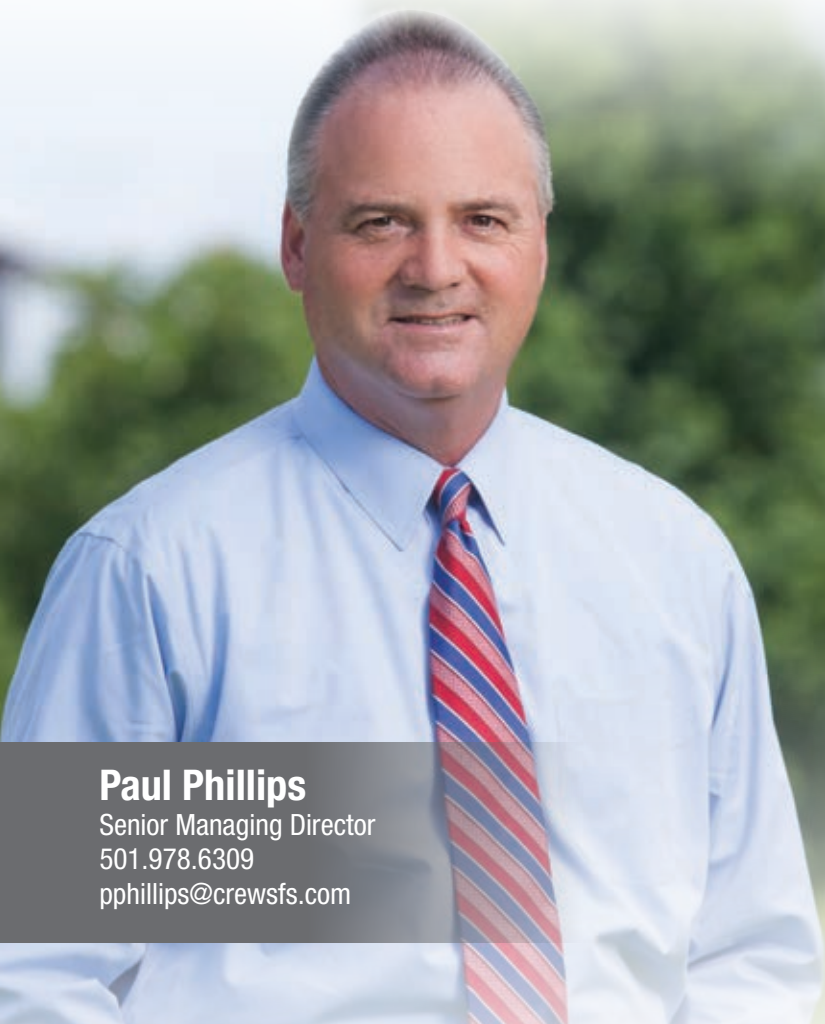
STREET DEPARTMENT DIRECTOR—The city of Greenwood has an opening for a full-time street department director. Qualifications must include a two-year college degree or technical program certificate, or three years related experience and/or training, or equivalent combination of education and experience. Applications available at www.greenwoodar.org or at Greenwood City Hall, 30 Bell Road. For more information, contact dsmith@gwark.com or call 479-357-1132. Open until filled. EOE.

TREASURER—The city of Camden is accepting applications for the position of treasurer. The city treasurer is under the administrative direction of the mayor and reports directly to the city council. The treasurer is responsible for work of unusual difficulty in performing at a high-level staff capacity, undertaking complete responsibility for the finances of the city. Requirements: bachelor's degree or higher in accounting or related field. CPA preferred. Previous experience in accounting field is required. Pay range: \$45,000-\$60,000 DOE plus full benefits package. Full job description and Applications available at explorecamden.com/city/resources. EOE.

WATER SYSTEMS TECHNICIAN—The city of Bentonville has an immediate opening for a water utilities systems technician. Hiring pay range is \$22.23 to \$28.53/hour DOE. Provides direct technical and professional civil engineering support to the water utilities dept. for new development projects within the city water and wastewater collection systems. A complete job description is available on request. Associate's degree in geography, planning, landscape architecture, civil engineering, environmental science, construction management or related field and minimum four years of direct experience working in the engineering and/or utility field, or a combination of education and experience. Sound understanding of mapping processes and CAD, cartographic and geographic. Please contact HR at ewheeler@bentonvillear.com or bthompson@bentonvillear.com.



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Standing from left: Lindsey Ollar, Leigh Ann Biernat, Kevin Faught, Dennis Hunt (Executive Vice President and Head of Public Finance), Michael McBryde, Jason Holsclaw
Seated from left: Michele Casavechia, Jack Truemper

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