Bryant City Council City Council Meeting
June 27, 2023 - 6:30 PM

Boswell Municipal Complex - City Hall Court Room
210 SW 3rd Street Bryant, Arkansas
YouTube: https://www.youtube.com/c/bryantarkansas

UNAPPROVED MINUTES

Prior to the Council Meeting, members of the Bryant Boys and Girls Club led: Invocation by Isaiah Kearney, Pledge Of Allegiance by Ollie Amis, Keelan Crist, Blaise Harris, Riley Bearded, Dondre Harris, Jr., and National Anthem by Blaise Harris.

Roll Call – Council Members Present: Jason Brown, Star Henson, Jon Martin, Lisa Meyer, Jack Moseley, Jordan O'Roark, Wade Permenter, and Rob Roedel. City Clerk Mark Smith and City Attorney Ashley Clancy were also present. Quorum Present.

Call to Order - Mayor Scott at 6:34 pm

APPROVAL OF MINUTES

1. **Approval of the May 30, 2022 Regular Council Meeting Minutes** [YT 7:30]
   Motion to approve - Council Member Meyer, Second - Council Member Henson.
   Voice Vote. Motion Passed 8-0.

DIRECTORS REPORTS

PUBLIC COMMENTS

Joseph McIntyre- Crossing Loop regarding flooding in his neighborhood [YT 7:55]
Ryan Hickman- Dickey Drive regarding second-hand marijuana smoke [YT 11:25]
Mr. Aker- Crossing Loop flooding in neighborhood [YT 14:30]
James Dock- Crossing Loop flooding in neighborhood [YT 16:55]

OLD BUSINESS

Public Works – presented by Tim Fournier, Director [YT 17:55]

2. **Amend Leak Adjustment Ordinance** - Leak Adjustment Policy Amendment
   Director Fournier explained he was presenting the Leak Adjustment Ordinance that was previously discussed at the May 30, 2023 meeting. Ordinance needs to be amended and emergency clause added.
   AN ORDINANCE AUTHORIZING IMPLEMENTATION OF A POLICY GOVERNING WATER LEAKAGE ADJUSTMENTS IN BRYANT, ARKANSAS
   See attached.
   Motion to suspend the rules and read 1st, 2nd, and 3rd reading by title only - Council Member Roedel, Second - Council Member Henson.
   Voice vote. Motion Passed 8-0. Ordinance title read by Mayor Scott.

Motion to adopt - Council Member Permenter, Second - Council Member Henson.
Roll Call Vote. YEA: Brown, Henson, Martin, Meyer, Moseley, O'Roark, Permenter, Roedel. Motion Passed 8-0.
Motion to approve Emergency Clause - Council Member Roedel, Second - Council Member Martin.
Roll Call Vote. YEA: Brown, Henson, Martin, Meyer, Moseley, O'Roark, Permenter, Roedel. Motion Passed 8-0.

- **ORDINANCE 2023-12**

NEW BUSINESS

Finance – presented by Joy Black, Director of Finance [YT 19:55]

Director Black announced the awarding of ANRC grants of $3,538,810 for the Water Meter Project and $1,500,000 for waste water projects. Also a $300,000 state grant mitigation grant was awarded for the Raintree drainage project. See attached sheet for her additional report information.

3. **May 2023 Finance Report** – Monthly Report May, 2023 [YT 20:45]
   Presentation and Approval of the May, 2023 City Financial Report.
   Motion to approve - Council Member Meyer, Second - Council Member Henson.
   Voice Vote. Motion Passed 8-0.

4. **Budget Adjustments** - Resolution to Amend City Budget [YT 23:00]
   A Resolution to amend the city budget ending December 31, 2023. See attached.
   Motion to approve - Council Member Martin, Second - Council Member Moseley.
   Voice Vote. Motion Passed 8-0.
   - **RESOLUTION 2023-14**

5. **Annual Millage Rate Decision** - Ordinance to adopt the Millage rate for real and personal property for 2024. [YT 23:50]
   5A Ordinances to adopt a millage rates for 2024 for both real property, see attached.
   A ORDINANCE LEVYING A TAX ON ALL REAL PROPERTY IN THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS, FOR THE PURPOSES AS PROVIDED BY LAW.
   Council Member Roedel made a Motion to Remove items 5A (3.8 real property millage) and 5B (3.8 personal property millage) from the Agenda. Second by Council Member Henson. Short discussion.
   Roll Call Vote. YEA: Brown, Henson, Martin, Meyer, Moseley, O'Roark, Permenter, Roedel. Motion Passed 8-0. Items Stricken.
   Council Member Roedel made a Motion to add items 5A- real property millage set at 3.0 and 5B real personal property millage set at 3.0 to the Agenda, Second by Council Member Permenter.
   Voice Vote. Motion Passed 8-0. Items Added.

Council Member Roedel made a Motion, Second by Council Member Permenter to Suspend the Rules and Read both 5A (3.0 real property millage) and 5B (3.0 personal property millage) on First Reading by Title Only.
Both Ordinances 5A Real Property millage at 3.0 and Ordinance 5B Personal Property millage at 3.0 First reading by Mayor Scott.

Note: 5B stricken and re-introduced above.

City Attorney – presented by Ashley Clancy, City Attorney

6. **Ordinance for Hyperfiber** - Non-exclusive franchise [YT 29:40]
AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO HYPERFIBER OF ARKANSAS, LLC; AND ASSIGN A NONEXCLUSIVE FRANCHISE TO PROVIDE AND MAINTAIN HIGH-BANDWIDTH, FIBER-BASED COMMUNICATIONS NETWORKS AND SERVICES WITHIN THE CITY OF BRYANT; ESTABLISHING FRANCHISE FEES TO BE PAID; AND FOR OTHER PURPOSES.
City Attorney explained that Hyperfiber is a new business and this is a ten year agreement.
Motion to suspend the rules and read 1st, 2nd, and 3rd reading by title only - Council Member Martin, Second - Council Member Moseley.
Voice vote. Motion Passed 8-0. Ordinance title read by Mayor Scott.
Motion to adopt - Council Member Permenter, Second - Council Member Meyer.
Roll Call Vote. YEA: Brown, Henson, Martin, Meyer, Moseley, O'Roark, Permenter, Roedel. Motion Passed 8-0.
   ORDINANCE 2023-13

7. **A&P Decision for Special Election November 14, 2023** - Ordinance [YT 31:50]
to allow for a special election on November 14, 2023 for an A&P Tax in the city of Bryant. See attached.
AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ESTABLISHING AN ADVERTISING AND PROMOTION COMMISSION FOR THE CITY OF BRYANT, ARKANSAS; LEVYING GROSS RECEIPTS TAX PURSUANT TO THE ARKANSAS "ADVERTISING AND PROMOTION COMMISSION ACT" IN ACA 26-75-601 THROUGH 26-75-619; AND, FOR OTHER PURPOSES WITH EMERGENCY CLAUSE.
Attorney Clancy explained a few changes in the Ordinance since the last Workshop including removing language that stated, "The Commission will follow the purchasing policy established by the City of Bryant". She went on to explain that the language would likely allow the city to be sued. Discussion followed.
Council Member Meyer made a motion to Amend the Ordinance to include "The Commission shall follow the purchasing policy established by the City of Bryant". Second by Council member Permenter.
Voice Vote. Amended Motion Passed 8-0.

Council Member Brown made a Motion to Amend the Ordinance to change the funding percentages on page four: Letter “C” from 60% to 30% and Letter “E” from 35% to 65%, Second by Council Member Henson.
Voice Vote: 7-1. Amended Motion Passed.
Motion to place on 1st Reading by Council Member Brown, Second by Council Member Henson.
First Reading by Mayor Scott.

PUBLIC WORKS – presented by Tim Fournier, Director

8. **Gov Deals** - Disposal of Equipment Resolution to sell PW Equipment on Gov Deals. [YT 39:40]
   Resolution to sell PW Equipment on Gov Deals. See attached.
   Director Fournier explained that the items to be listed on Gov. Deals is equipment that is no longer needed.
   Motion to approve - Council Member Roedel, Second - Council Member Permenter.
   Voice Vote. Motion Passed 8-0.
   - **RESOLUTION 2023-15**

9. **Hilldale Road Overlay** - Asphalt Work for Hilldale Road [YT 41:10]
   Contract over $35,000 to mill and overlay Hilldale Road from Highway 5 to Round -a- Bout. See attached. Discussion followed.
   Motion to approve - Council Member Permenter, Second - Council Member Brown.
   Voice Vote. Motion Passed 8-0.

10. **Springhill and Hilldale Road Overlays** - Re-Stripe of Springill Road [YT 43:50]
    Contract over $35,000 for thermoplastic striping of Springhill road overlay. See attached. Discussion followed.
    Motion to approve - Council Member Meyer, Second - Council Member Henson.
    Voice Vote. Motion Passed 8-0.

Council Comments [YT 44:50]

Council Member Meyer asked for City help regarding an abandon chest freezer on Kensington.

11. Council Member Roedel made a Motion to Add an Item to the Agenda. [YT 45:55]
    He explained that he had many complaints regarding solicitation in the City after dark. Second by Council Member Brown.
    Voice Vote. Motion Passed 8-0.
    Truett Smith, Director of City Planning presented the following Amended Ordinance.
    Regulation of Solicitation and Peddling – Amend Ordinance 2006-44

AN ORDINANCE AMENDING ORDINANCE 2006-44 TO DECREASE EVENING HOURS FOR DOOR-TO-DOOR SOLICITORS AND FOR OTHER PURPOSES WITH EMERGENCY CLAUSE
See attached. Ordinance Title ready by Mayor Scott.
Truett Smith explained that several changes had been made to the Ordinance including: reducing the hours for solicitation, requiring a ID badge from the City good for 120 days, Increasing the fee to $20, and violation changes. Discussion followed.
Council Member Permenter made a Motion to Amend the Ordinance to change hours for solicitation to: 9AM to 7PM, except November-March 9AM to 5PM.
Second by Council Member Brown.
Voice Vote. Motion to Amend Passed 8-0. Discussion followed.
Council Member Meyer made a Motion to Suspend the Rules and Read 1st, 2nd, 3rd reading by Title Only. Second by Wade Permenter.
Voice Vote. Motion Passed.
Motion to Adopt by Council Member Permenter, 2nd by Council Member Henson.
Roll Call Vote. YEA: Brown, Henson, Martin, Meyer, Moseley, O'Roark, Permenter, Roedel. Motion Passed 8-0.
Motion to Adopt Emergency Clause by Council Member Permenter, Second by Council Member Henson.
Roll Call Vote. YEA: Brown, Henson, Martin, Meyer, Moseley, O'Roark, Permenter, Roedel. Motion Passed 8-0.

- **ORDINANCE 2023-14**

Mayor Comments [YT 57:15]

Coffee with the Mayor on July 8 at 9AM at Bryant Farmers Market.
Have a save Fourth of July.
Fireworks are permitted in Bryant on July 3,4,5 from Noon to 10PM.

Adjournment

Motion to Adjourn by Council Member Permenter, second by Council Member Henson.
Adjourned time: 7:28 PM

STATEMENT OF THE BRYANT PARKS & RECREATION COMMITTEE
TO THE BRYANT CITY COUNCIL
JULY 25, 2023

The Bryant Parks & Recreation Committee recommends the City Council amend the A&P Special Election Ordinance to designate 70% to parks, 25% to the A&P Commission, and 5% to administrative costs.

Anything less than 70% with the 3.0 millage rate currently under consideration by the Council will effectively result in a ***dramatic reduction in*** *the parks' current budget of $3.7 million.*

In fact, the ordinance as amended at the last Council meeting allocating only 30% to parks would be a ***twenty-five percent reduction*** *from our current budget. That would a major step backward and force parks to operate at a subsistence level with no growth, no added services, and deferral of essential maintenance.*

In addition, with the 30% level of designated funds from the A&P, the parks' strategic planning process authorized by the council will become a wasted effort and a waste of $50,000 of taxpayer money paid to consultants facilitating the development of the plan.

More importantly, it will be a breach of faith with the 44 people representing a broad and diverse cross section of the community serving on the planning committee for more than 18 months, ***and*** *the more than 1,000 people responding to our survey seeking their input into how they would like to see their parks system grow and develop.*

The Council has the opportunity to see that its parks department continues to move forward and ***not*** *take a step backward by designating 70% of A&P revenues to parks. The parks' strategic plan is the* ***only comprehensive plan that lays out in specific terms projects, their projected costs, and a timeline for implementing each****. That it has been developed with the input and insights of such a broad and diverse cross section of our community makes it a wise, responsive, grassroots-oriented, financially-prudent investment for the City of Bryant and its residents.*

An added benefit of allocating 70% of A&P revenues to parks will also take some pressure off of the City budget in that city funds that might otherwise be allocated to parks could be used to fund other critical needs facing the city at a time when it is facing substantial financial pressures.

The Parks Committee was pleased that more than 30 members of the Bryant community attended its meeting earlier this month. They expressed their appreciation and support for the parks system as well as excitement about further growth and expansion of our parks system. Activities represented at the Committee meeting – and at this meeting -- include...

- *Pickleball*
- *Aquatics*
- *Baseball*
- *Basketball*
- *Boys & Girls Club*
- *Senior Center*
- *Dog Park*
- *Lacrosse*
- *Softball*
- *Soccer*
- *Tennis*

The overwhelming majority of those residents addressing the Committee during the Public Comments expressed appreciation for what the City is doing to grow our parks system and said they look forward to even more growth that will be possible with adequate funding and a vision such as reflected in the strategic planning process.

The Parks & Recreation Department has made significant progress in recent years thanks to the Council's support and the active involvement of an inclusive cross-section of our community.

Designating 70% of A&P revenues will turn the peoples' vision into reality, and help ensure passage of the A&P measure at the ballot box later this year. Anything less will fall short of meeting the wants, needs and expectations of the residents of Bryant and -- in the Committee's view – and may well put passage of the A&P measure in peril.

*The Parks & Recreation Committee is looking forward to even **more** growth and providing even **more** facilities and services to our community. The parks' strategic plan which will be presented to council in August will be a visionary and **specific blueprint** for moving forward. It is an investment that will pay dividends for the City of Bryant and in the lives of its people now and for decades to come.*

The Parks & Recreation Committee appreciates the Council's consideration of our recommendation and looks forward to your continued support for Bryant's parks and the people who use them.

ORDINANCE NO. 2023 _____

A ORDINANCE LEVYING A TAX ON ALL PERSONAL PROPERTY IN THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS, FOR THE PURPOSES AS PROVIDED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF BRYANT, SALINE COUNTY, ARKANSAS:

Section 1. That a tax of 3.0 mills on the dollar for the city purposes be and is hereby levied on all Personal property within the corporate limits of the City of Bryant, Arkansas, as per property valuations on Saline County tax books for the year 2023, see below:

1 City General Purposes: 3.0 Mills

Said tax shall be collected by the Collector of Saline County in 2024 as provided by law.

PASSED AND APPROVED BY THE CITY COUNTIL OF THE CITY OF BRYANT, ARKANSAS, on this 25th day of July, 2023.

APPROVED:

_____
Allen E. Scott, Mayor

ATTEST:

_____
Mark Smith, City Clerk

ORDINANCE NO. 2023 _____

A ORDINANCE LEVYING A TAX ON ALL REAL PROPERTY IN THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS, FOR THE PURPOSES AS PROVIDED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF BRYANT, SALINE COUNTY, ARKANSAS:

Section 1. That a tax of 3.0 mills on the dollar for the city purposes be and is hereby levied on all Real property within the corporate limits of the City of Bryant, Arkansas, as per property valuations on Saline County tax books for the year 2023, see below:

1 City General Purposes: 3.0 Mills

Said tax shall be collected by the Collector of Saline County in 2024 as provided by law.

PASSED AND APPROVED BY THE CITY COUNTIL OF THE CITY OF BRYANT, ARKANSAS, on this 25th day of July, 2023.

APPROVED:

_____
Allen E. Scott, Mayor

ATTEST:

_____
Mark Smith, City Clerk

ORDINANCE NO. 2023-_____

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ESTABLISHING AN ADVERTISING AND PROMOTION COMMISSION FOR THE CITY OF BRYANT, ARKANSAS; LEVYING GROSS RECEIPTS TAX PURSUANT TO THE ARKANSAS "ADVERTISING AND PROMOTION COMMISSION ACT" IN ACA 26-75-601 THROUGH 26-75-619; AND, FOR OTHER PURPOSES WITH EMERGENCY CLAUSE

WHEREAS, tourism is one of the largest industries in the United States; and,

WHEREAS, as part of major economic development, it is imperative that the City of Bryant, Arkansas (hereinafter the "City") has every opportunity to participate in available tourism dollars; and,

WHEREAS, the levy of a hotel and restaurant tax is essential to various tourism programs and projects of the City and will result in substantial inflow of tourism dollars and result in economic benefits to the residents of the City; and,

WHEREAS, a hotel and restaurant tax will enable the City to continue and expand its tourism promotion programs and projects to further enhance the revenues and other benefits derived from tourism and to thereby improve the quality of life of all residences of the City; and,

WHEREAS, the purpose of this Ordinance is to call a special election to establish an Advertising and Promotion Commission and levy a gross receipts tax, pursuant to the authority of the Arkansas "Advertising and Promotion Commission Act".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS:

SECTION 1: That there be and there is hereby called a special election to be held on November ____, 2023, to determine by a vote of the qualified electors of the City of Bryant, Arkansas, the question of whether to establish an Advertising and Promotion Commission for the City of Bryant, Arkansas and Levy Gross Receipts Tax pursuant to the Arkansas "Advertising and Promotion Commission Act".

SECTION 2: That the question shall be placed on the ballot for the special election in substantially the following form:

Question One:

There is submitted to the qualified electors of the City of Bryant, Arkansas, the question of the establishment of an Advertising and Promotion Commission for the City of Bryant, Arkansas and Levying Gross Receipts Tax pursuant to the Arkansas "Advertising and Promotion Commission Act:.

Tax Levied.

A. A tax in the sum of Three Percent (3%) shall be levied upon:

(1) The gross receipts or gross proceeds from renting, leasing, or otherwise furnishing a hotel, motel, house, cabin, bed and breakfast, campground, short-term condominium, or other similar rental accommodations for sleeping, meeting, or party room facilities for profit in such city or town, but such accommodations shall not include the rental or lease of such accommodations for periods of thirty (30) days or more; and

B. A tax in the sum of Two Percent (2%) shall be levied upon:

(1) The portion of the gross receipts or gross proceeds received by restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, or similar businesses as shall be defined in the levying ordinance from the sale of prepared food and beverages for on-premises or off-premises consumption, but such tax shall not apply to such gross receipts or gross proceeds of organizations qualified under 26 U.S.C. 501(c)(3).

C. The taxes levied herein shall take effect on the 91st day following the appointment of the commissioners to The City of Bryant Advertising and Promotion Commission and shall be remitted pursuant to this such rules and regulations as may be promulgated by the Commission.

Definitions.

The following definitions shall apply with respect to the interpretation of this Ordinance:

A. The words “hotel,” “motel,” “condominium,” “restaurant,” “cafes,” “cafeterias,” “delicatessens," "drive-in restaurants," "carry-out restaurants," "convenience stores," "grocery store-restaurants," and "food delivery business" shall have their commonly accepted English meanings, and shall apply to business establishments and activities affected by this Ordinance regardless of the name or characterization applied by the owner or operator of such establishment or business activity.

B. "Taxpayer" shall mean the person, firm, or corporation owning and/or operating any establishment or business activity upon which the tax levied by this Ordinance is imposed. The term "Taxpayer" shall, for purposes of this Ordinance, include any individual who actually signs any report of tax collected pursuant to this Ordinance or who signs any Arkansas or Federal withholding or gross receipts tax report for any business establishment or activity upon which the tax levied by this Ordinance is imposed.

City of Bryant Advertising and Promotion Commission Established.

The City of Bryant Advertising and Promotion Commission ("Commission") is hereby established. The said Commission shall be composed of seven (7) members, as follows:

A. Four (4) members shall be owners or managers of businesses in the tourism industry, and the owner or manager may reside outside the City of Bryant but shall reside within Saline County, at least three (3) of whom shall be owners or managers of hotels, motels, or restaurants, and who shall serve for staggered terms of four (4) years; two (2) members of the Commission shall be members of the governing body of the City of Bryant, who shall be selected by the City Council, and shall serve at the will of the City Council; and one (1) member shall be from the public at large, who shall reside in the City of Bryant, and shall serve for a term of four (4) years.

B. The initial members of the Commission shall be selected as follows:

   a. The four (4) tourism industry positions provided for in subdivision (1) of this section shall be nominated by the Mayor and approved by a majority vote of the City Council for staggered terms so that one (1) member will serve for a term of one (1) year, one (1) member will serve for a term of two (2) years; and one (1) member will serve for a term of three (3) years; and one (1) member will serve for a term of four (4) years. The industry

positions will be allocated to the 1, 2, 3, and 4-year terms based on a random drawing by the appointees.

b. The two (2) members of the Commission who are members of the governing body of the City of Bryant shall be selected by a majority vote of the City Council.
c. The at-large position provided for in subdivision (1) of this section shall be selected by the Mayor with the concurrence of a majority vote of the City Council.

C. Vacancies on the commission, whether resulting from the expiration of a regular term or otherwise, in any of the four (4) tourism industry positions or the at-large position shall be filled by appointment made by the remaining members of the Commission with the approval by a majority vote of the City Council of the City of Bryant. The City Council of the City of Bryant may remove any member of the Commission by a 2/3rds vote upon 30 days' notice of intent to take such vote and prior to such vote occurring.
D. Each member of the commission shall file the oath required by law in the State of Arkansas of public officials

Organization of Commission.

A. The Commission shall meet within two (2) weeks of its appointment and shall be organized by electing a chairman, secretary, and treasurer. Thereafter the Commission shall meet as often as may be necessary and shall also be subject to special call by the chairman of the commission. The Commission shall meet at least bi-annually.
B. The Commission shall have the authority to employ the necessary personnel to assist in the administration and operation of the City of Bryant Advertising and Promotion Fund or may contract with appropriate firms or the City of Bryant to perform functions of administration and operations.
C. The Commission shall make quarterly reports to the Mayor and City Council beginning three (3) months after taking their office, reporting in full on the operations of the Commission, including an accounting of receipts and disbursements, and shall, upon request of City Council furnish such other and further reports and data as may be required. The commissioners shall select a recognized auditing firm to submit an annual audit of the operations of the commission to the Mayor and City Council. The Commission may contract with the auditing firm that the City of Bryant retains for its audit purposes.

Collection of Tax.

A. The tax shall be paid by the Taxpayer and shall be collected by the Commission or by a designated agent of the Commission in the same manner and at the same time as the tax levied by the Arkansas Gross Receipts Act of 1941, as amended.
B. Taxpayers shall collect the applicable tax levied from the purchaser or user of the food or accommodations. Taxpayers paying the tax shall report and remit the tax collected upon forms provided by the Commission, and as directed by the Commission, but in no event later than the 20th day of the month following collection of the previous month's taxes.
C. The rules, regulations, forms of notice, assessment procedures, and the enforcement and collection of the tax under the Arkansas Gross Receipts Act of 1941, as amended, and the Arkansas Tax Procedure Act, as amended, shall, so far as practicable, be applicable with respect to the enforcement and collection of the tax levied. However, the administration and enforcement, and all actions, shall be

by, and in the name of the Commission through the proper Commission officials or agents. The Commission shall have the authority to sue and be sued in its name. The Commission shall for the purposes of collecting the tax levied, have all the power and authority stated in Arkansas Code Annotated Section 26-75-603 and as hereafter amended from time to time.

D. The Commission is authorized to pursue all remedies for tax collection and enforcement as identified in Arkansas Code Annotated Section 26-75-603 (c)-(f) and specifically meets the requirements of subsection (f) as may be amended from time to time by the Arkansas General Assembly.
E. It shall be unlawful for any person, business, or entity subject to the A&P tax to transact business within the City of Bryant prior to the issuance and receipt of an A&P tax permit from the Commission.
    a. A separate A&P tax permit must be obtained from the Commission for each location whereat the person, business, or entity conducts a business that is subject to the A&P Tax.
    b. An A&P tax permit shall have no stated term.
    c. Any person, business, or entity subject to the A&P tax transacting business in the city shall file with the Commission an application for an A&P tax permit to conduct business, the form and contents of which application shall be as prescribed by the Commission from time to time.
    d. The A&P tax permit shall not be assignable and shall be valid only for the person, business, or entity in whose name it is issued and for the location thereon designated. The A&P tax permit shall at all times be conspicuously displayed at the location thereon designated. The A&P tax permit shall expire at the time of cessation of the business of the person, business, or entity designated thereon.
F. The Commission shall promulgate rules and regulations to fulfill the purposes of enforcement and collection of the tax levied herein as it deems necessary and as allowed by Arkansas Code as may be amended from time to time by the General assembly within 60 days of formation of the commission. The grant of authority is to authorize the Commission to exercise all rights and privileges in the collection and enforcement of the tax levied herein to the greatest extent permitted by Arkansas law.

Administration of Funds.

A. There is hereby created the City of Bryant Advertising and Promotion Fund, to which fund there shall be credited all collections of the tax levied.
B. The Commission is the body that determines the use of the City of Bryant advertising and Promotion Fund that is not designated to the city parks system.
C. Thirty percent (30%) of all the funds credited to the City of Bryant Advertising and Promotion Fund shall be used for the construction, reconstruction, extension, equipment, improvement, maintenance, repair, and operation of, the city parks system, or for the payment of the principal of, interest on, and fees and expenses in connection with, bonds associated with such projects.
D. Five percent (5%) of all funds credited to the City of Bryant Advertising and Promotion Fund shall be used to cover administrative costs associated with collecting and managing the funds collected.
E. Sixty-five percent (65%) of all the funds credited to the City of Bryant Advertising and Promotion Fund shall be used for advertising and promoting the City and its environs as shall be determined by the City of Bryant Advertising and Promotion Commission.

F. Pursuant to Arkansas Code Annotated Section 26-75-606(a)(2) as may be amended from time to time, if the Commission determines that funding of the arts is necessary for or supporting of its city's advertising and promotion endeavors, it can use its funds derived from the hotel and restaurant tax.
G. The Commission may not use proceeds from the Tax for:
    a. general capital improvements within the city;
    b. the costs associated with the general operation of the city;
    c. general subsidy of any civic groups or chamber of commerce.
H. The Commission may contract with groups to provide the commission actual services that are connected with tourism events or conventions; and the authorization and limitations contained in this subsection shall be reasonably construed so as to provide funds for promoting and encouraging tourism and conventions while not allowing such special revenues to be utilized for expenditures that are normally paid from general revenues of the City.
I. The Funds collected pursuant to the taxes levied and allocated to the City of Bryant Advertising and Promotions Fund may be used for any purposes identified and authorized in Arkansas Code Annotated Section 26-75-606, as may be amended from time to time by the General Assembly of the State of Arkansas.
J. The Commission shall follow the Purchasing policy of the City of Bryant.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the establishment of an Advertising and Promotion Commission for the City of Bryant, Arkansas and Levying Gross Receipts Tax pursuant to the Arkansas "Advertising and Promotion Commission Act……☐

AGAINST the establishment of an Advertising and Promotion Commission for the City of Bryant, Arkansas and Levying Gross Receipts Tax pursuant to the Arkansas "Advertising and Promotion Commission Act……☐

SECTION 3: That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for Arkansas municipal special elections unless otherwise provided in Act 626 of 1989, and only qualified voters of the city shall have the right to vote at the election. The City Clerk is hereby directed to give notice of the special election by one advertisement in *The Saline Courier*, the publication to be not less than ten (10) days prior to the date of the election.

SECTION 4: That a copy of this Ordinance shall be given to the Saline County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

SECTION 5: That the results of the special election shall be proclaimed by the Mayor, and his proclamation shall be published one time in *The Saline Courier*. The proclamation shall advise that the results as proclaimed shall be conclusive unless challenged in the Circuit Court of Saline County within thirty (30) days after the date of publication of the proclamation.

SECTION 6: That the Mayor and the City Clerk, for and on behalf of the City, be, and they hereby are authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the establishment of an Advertising and Promotion Commission for the City of Bryant, Arkansas and Levying Gross Receipts Tax pursuant to the Arkansas "Advertising and Promotion Commission Act" is approved by the electors, to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

SECTION 7: All ordinances and resolutions, and part thereof, in conflict in whole or in part, with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8: If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 9: EMERGENCY CLAUSE. That it is hereby ascertained and declared that there is a critical need to obtain this additional funding, all in order to promote and protect the health, safety and welfare of the inhabitants of the City. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health and safety shall be in force and effective immediately from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS, on this the _____ day of _____, 2023

APPROVED:

_____
Mayor Allen E. Scott

ATTEST:

_____
Mark Smith, City Clerk

RESOLUTION NO. 2023 _____

A RESOLUTION PROVIDING FOR THE ADOPTION OF AN AMENDED BUDGET FOR THE CITY OF BRYANT FOR THE TWELVE MONTH PERIOD BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023

WHEREAS, the City of Bryant, Arkansas adopted a budget for The City of Bryant on December 13, 2022, recorded as Resolution 2022-36, and

WHEREAS, the City of Bryant, Arkansas, desires to amend said Budget for Fiscal Year 2023 as attached.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRYANT, ARKANSAS THAT:

Section 1. This resolution (with attachment) shall be known as the amended budget resolution for the City of Bryant, Arkansas, for the twelve (12) month period beginning January 1, 2023 and ending

• Animal Donation Fund	30,000
• General Fund	192,262
• Street Fund	400
• Utility Revenue Fund 500 Water	2,800
• Utility Fund WW	3,800
• Stormwater Fund	(1,360,000)

Section 2. The amended city budget for the calendar year 2023 is hereby amended and adopted to read as attached.

PASSED AND APPROVED this 25th day of July, 2023.

_____
Allen E. Scott, Mayor

ATTEST:

_____
Mark Smith, City Clerk

Account Number	Amount of the Requested Change	Description
020-0200-5580	30,000.00	Paid for with Donation Money - Cat Condos
080-0800-5120	400.00	Increasing AML Prop Ins by est. 20%+
080-0800-5810	17,000.00	reclass to create exterior office for inventory management
080-0800-5240	-7,000.00	reclass to create exterior office for inventory management
080-0800-5586	-10,000.00	reclass to create exterior office for inventory management
001-0100-4600	-33,000.00	One Time Windfall from the State Collections Lottery - Entergy
001-0100-5553	-5,000.00	Reducing Advertising to cover Prop Insurance increase with AML
001-0100-5588	-1,000.00	Reducing
001-0100-5120	864.00	Increasing AML Prop Ins by est. 20%+
001-0110-5610	30,000.00	Adjusting website amount
001-0110-5810	9,100.00	Adjusting Access Control PO amount increase in parts cost, 2022004302
001-0120-5010	-1,000.00	Reducing
001-0120-5055	-1,000.00	Reducing
001-0120-5120	80.00	Increasing AML Prop Ins by est. 20%+
001-0120-5475	-5,000.00	Reducing
001-0120-5553	-1,000.00	Reducing Advertising to cover Prop Insurance increase with AML
001-0120-5571	-24,000.00	moving to 5608 for Tyler Training/Implementation
001-0120-5600	-2,500.00	Reducing
001-0120-5608	28,500.00	Needed Training related to Tyler Conversion
001-0160-5055	-1,000.00	Reducing
001-0200-5120	194.00	Increasing AML Prop Ins by est. 20%+
001-0300-5614	-2,500.00	Reducing Copier costs to Court
001-0400-4600	-300,000.00	Moving the Amendment 78 Money for Pickleball
001-0400-5055	-1,500.00	offsetting increase to Sales Tax Expense
001-0400-5120	324.00	Increasing AML Prop Ins by est. 20%+
001-0400-5535	1,500.00	Sales Tax Expense
001-0400-5808	7,000.00	Enterprise Lease Vehicles for Parks
001-0410-5120	100.00	Increasing AML Prop Ins by est. 20%+
001-0410-5816	348,000.00	Mills Playground PO2023003917
001-0430-4300	155,000.00	Reducing to Annualized Estimate
001-0430-5120	10,200.00	Increasing AML Prop Ins by est. 20%+
001-0430-5553	-1,500.00	Reducing Advertising to cover Prop Insurance increase with AML
001-0430-5587	-25,000.00	Reducing Aerobic instructor costs
001-0500-5120	4,700.00	Increasing AML Prop Ins by est. 20%+
001-0500-5553	-500.00	Reducing Advertising to cover Prop Insurance increase with AML
001-0600-5120	2,700.00	Increasing AML Prop Ins by est. 20%+
001-0600-5553	-500.00	Reducing
500-0900-5120	2,800.00	Increasing AML Prop Ins by est. 20%+
510-0950-5120	3,800.00	Increasing AML Prop Ins by est. 20%+
515-0140-4600	-1,360,000.00	Moving the ARPA Money
515-0140-4640	-300,000.00	Grant Reimbursment Money
515-0140-5816	300,000.00	Spending the Grant Reimbursement Money on Cambridge Phase II

*Green shading denotes a revenue line, negative signs are an increase to revenue budgets

RESOLUTION No. 2023-_____

A RESOLUTION AUTHORIZING THE CITY OF BRYANT TO SELL AND/OR DISPOSE OF SURPLUS EQUIPMENT OWNED BY THE CITY OF BRYANT

WHEREAS, the City of Bryant owns certain property, that are in a state of disrepair, not used, obsolete or otherwise not needed by the City of Bryant; and

WHEREAS, the City of Bryant wishes to dispose of these items through public auction and finds that an online, public auction is the most efficient and effective way to dispose of these items; and

WHEREAS, the City of Bryant cannot guarantee that these items will be sold via this auction, needs to have an alternate method of disposal should a sale of such items not be accomplished.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS, THAT:

Section 1: That the Mayor, or his/ her duly authorized representative, may sell, exchange any municipal supplies, materials or equipment through the use of a public auction.

Section 2: If the auction is not successful, the Mayor, or his/her duly authorized representative is authorized to dispose of the following list of items, by whatever lawful means necessary, attached hereto and incorporated herein as " Exhibit A ".

PASSED AND APPROVED this ____ day of _____, _____..

APPROVED:

_____
Allen Scott, Mayor

ATTEST:

_____
Mark Smith, City Clerk

Exhibit A

3 banks of Shor-Line brand Cat “Condos” consisting of 4 enclosures and a storage base, and all the additional parts and accessories as pictured and described below:

Unit 1: Acrylic Wall



Unit 2: Solid Wall



Unit 3: Solid Wall



BISHOP AQUATIC CENTER HEAT/ENERGY BALANCE

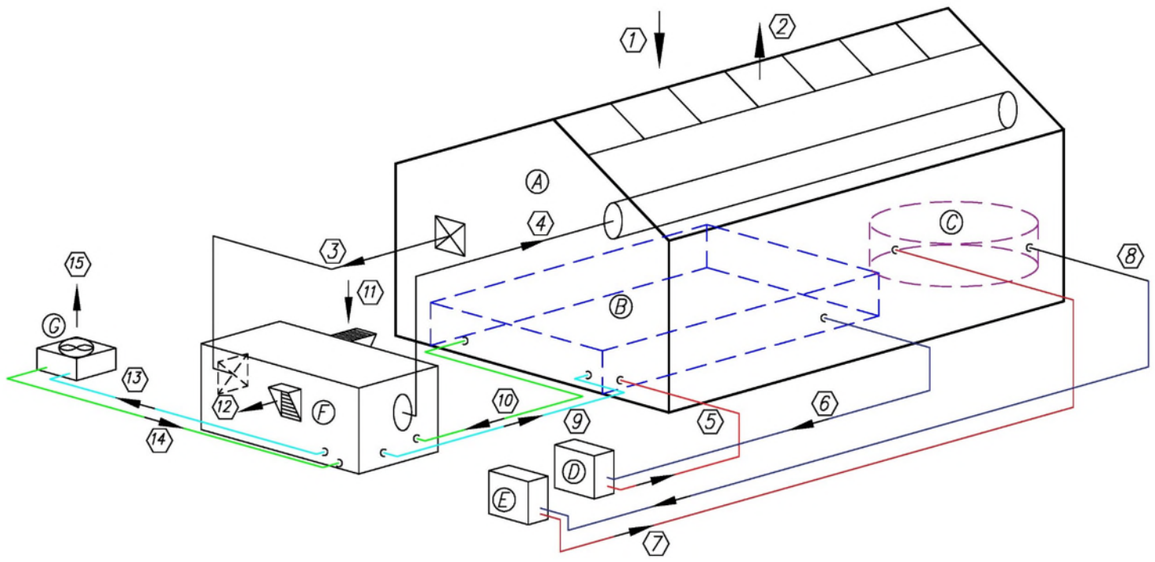
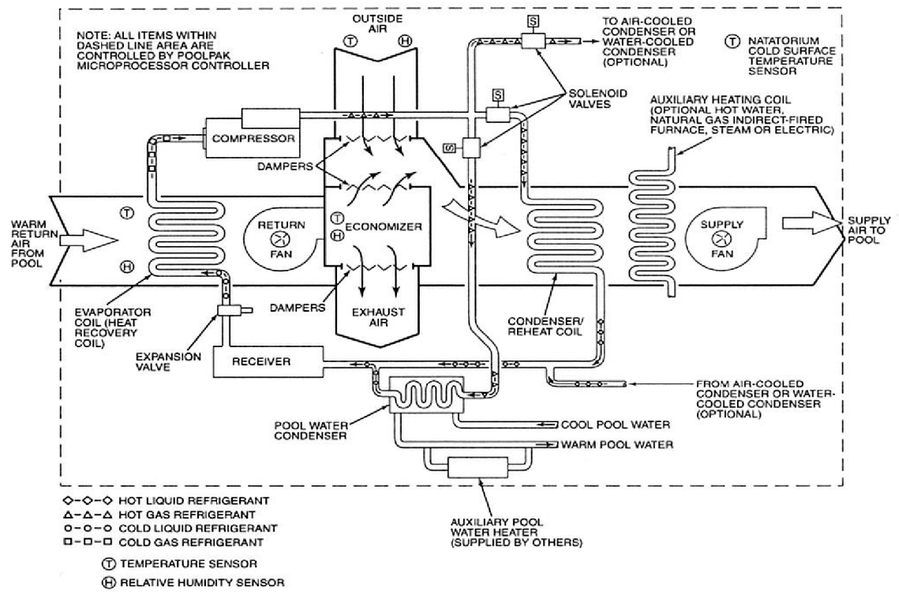


Figure 2-2. SWHP SR System Schematic



Component Parameters/Conditions

Component

	Description	Volume (cu ft)	Volume (gal)	Surface Area (sq ft)	Fluid Dens (lb/cu ft)	Total Mass (lb)	Average T (F)	Relative Hum RH
A	**Aquatic Building (Air Space)**	192000		12750	0.0753	14,458	83	0.6

Relative Humidity Calculation

Date	Time	Dry Bulb Temp (F)	Wet Bulb Temp (F)	DB (Cel) (Celsius)	WB (Cel) (Celsius)	e(d)	e(w)	RH (%)	Dew Point Temp (F)	Sat Ratio (lbw/lba)	Sat Enth (BTU/lba)	Hum Ratio (lbw/lba)	Adj Enth (Btu/lb)	Est. TOTAL Enth (BTU)	Est. Imbalance from Ideal (BTU)	Comment
Ideal Airspace Conditions according to PoolPAK																
		82	**71**	27.8	21.7	37.3	25.9	**58.2**	66.9	0.02401	45.64727	0.01397	**35.00957**	506,154	-	IDEAL (According to PoolPak)
Inside Aquatic Center																
	5/11/2022	7:05 AM	82	76	27.8	24.4	37.3	30.6	76.0	73.3	0.02401	45.64727	0.01824	39.69580	573,906	67,752	Roof Partially Open
	5/11/2022	12:25 PM	95	80	35.0	26.7	56.3	35.0	51.9	77.7	0.03706	63.86000	0.01925	44.03124	636,586	130,432	Roof Open
	5/12/2022	7:20 AM	85	76	29.4	24.4	41.1	30.6	66.2	72.8	0.02654	49.29547	0.01757	39.69961	573,961	67,807	Roof Closed
	5/12/2022	7:30 AM	80	76	26.7	24.4	35.0	30.6	83.3	74.0	0.02246	43.37491	0.01870	39.70460	574,033	67,879	Roof Partially Open
	5/12/2022	1:10 PM	95	82	35.0	27.8	56.3	37.3	57.5	79.7	0.03706	63.86000	0.02130	46.29365	669,295	163,141	Roof Open
	5/13/2022	7:10 AM	82	76	27.8	24.4	37.3	30.6	76.0	73.3	0.02401	45.64727	0.01824	39.69580	573,906	67,752	Roof Partially Open
	5/13/2022	1:00 PM	95	77	35.0	25.0	56.3	31.7	44.1	74.9	0.03706	63.86000	0.01633	40.81684	590,114	83,959	Roof Open
PoolPak Exhaust Air																
	5/13/2022	1:10 PM	80	70	26.7	21.1	35.0	25.0	60.7	65.9	0.02245703	43.37491	0.01363511	34.15117	493,744	(12,410)	**WHY ARE WE REJECTING?**

Relative Humidity Equation

$$e_d = 6.112 \cdot e^{\left(\frac{17.502 \cdot T_d}{240.97 + T_d}\right)} \quad \left(\frac{17.502 \cdot T_w}{\quad}\right)$$

	Description	Volume (cu ft)	Volume (gal)	Surface Ar (sq ft)	Ave Depth (ft)	Fluid Dens (lb/cu ft)	Total Mass (lb)	Desired Temp (F)	Measured Temp (F)	Enthalpy Change (BTU)	Enthalpy Chng (Ton)
B	Lap Pool (72L x 66W)	33,420.23	250,000	4774	7.0	62.4	2,085,422	82	86	**8,341,688**	**695.14**

C	Thera Pool (55'Dia.)	5,881.96	44,000	1185	5.0	62.4	367,034	93	93	-

	Description	Heat Rate (BTU/hr)	Heat Rate (Ton)	Water Flow (GPM)	Heat Chng Pool (F/hr)
D	Lap Pool Heater - Pentair	638,000	53.17		3.27
E	Thera Pool Heater - Pentair	638,000	53.17		0.58

	Description	Evap Coil Cap (BTU/hr)	Evap Coil (Ton)	Pool Cond (BTU/hr)	Evap Coil (Ton)	Supply Fan Flow (cfm)	Air Density (lbs/cu ft)	Air Mass Flow (lbs/n	Air Mass Flow (bs/hr)
F	PoolPak	719,000	59.92	850000	70.8	28000	0.0897	2511.6	150,696

	Description
G	PoolPak - Air Cooled Condenser

$$e_w = 6.112 * e^{(240.97 * T_w)}$$

$$\text{Relative Humidity} = \frac{e_w - N*(1+.00115*T_w)*(T_d - T_w)}{e_d} * 100$$

e = 2.71828182845904
T_d = Dry Bulb Temperature (Celsius)
T_w = Wet Bulb Temperature (Celsius)
N=.6687451584

FLOW - Heat/Mass/Entergy Balance

Line	
1	Solar Radiance into Aquatic Center Air Space

Overall Thermal Transfer

1/4" Glass Single(Horizontal Summer)	0.862068966	BTU/ft^2-F-hr
1/4" Glass Double (Horizontal Summer)	0.5	BTU/ft^2-F-hr

The instantaneous heat gain through transparent areas such as windows and skylights not in direct sunlight:
q = UA(To - Ti)

Assuming half of the roof is not in direct sunlight: 12,750 sq ft/2 =		6375	sq ft		
Air Temperature Difference (inside - Outside)		30	Delta F		
1/4" Glass Single (Farside Roof)	q =	164,871	BTU/hr =	13.74	Tons
1/4" Glass Double (Farside Roof)	q =	95,625	BTU/hr =	7.97	Tons

If the window is in direct sunlight, a portion of the incident solar radiation will be transmitted through the glass
The Instantaneous gain:
q = A(Cs Fshg +U(To - Ti))

Fshg

Table 11.11
Typical Shading Coefficients

glass type	thickness	C_s
single		
regular sheet	$\frac{3}{32}$", $\frac{1}{8}$"	1.00
regular plate	$\frac{1}{4}$"	.95
regular plate	$\frac{3}{8}$"	.91
heat absorbing sheet	$\frac{7}{32}$"	.71
heat absorbing plate*	$\frac{1}{4}$"	.67
	$\frac{3}{8}$"	.57
gray sheet	$\frac{1}{4}$"	.86
gray plate	$\frac{1}{4}$"	.70
double (up to $\frac{1}{2}$" air space)		
both regular sheet	$\frac{3}{32}$", $\frac{1}{8}$"	.90
both regular plate*	$\frac{1}{4}$"	.83

*Plate glass is sheet glass which has been ground and polished.

Table 11.12
Typical Solar Heat Gain Factors
40° North latitude, July 21
BTU/hr-ft²

time a.m.	time p.m.	a.m. orientation N	E	S	W	horizontal
5	7	0	1	0	0	0
6	6	37	137	10	10	31
7	5	30	204	20	19	88
8	4	28	216	29	26	145
9	3	32	194	52	31	194
10	2	35	146	80	35	231
11	1	37	81	102	37	255
12	12	38	41	109	41	262
		N	W	S	E	horizontal
		p.m. orientation				

Cs for Single 1/4" plate glass =	0.95	Fshg (40 deg July 21) =	216	BTU/hr-ft2
Cs for Double 1/4" plate glass =	0.83			

1/4" Glass Single (Direct side Roof)	q =	1,504,896	BTU/hr =	125.41	Tons
1/4" Glass Double (Direct side Roof)	q =	1,337,348	BTU/hr =	111.45	Tons

Expected Heat Gain through Roof (Single plate glass) =	**1,669,766**	BTU/hr =	**139.15**	Tons
Expected Heat Gain through Roof (Double plate glass) =	**1,432,973**	BTU/hr =	**119.41**	Tons

2 Roof Heat Rejection

3 Return Air to PoolPak

Description	**Flow (Max Cap) (CFM)**	**Estimated Temp (F)**	**Estimated Rel Hum**	**Calc DB Temp (F)**	**Fluid Dens (lb/cu ft)**	**Total Mass (lb)**	**Desired Temp (F)**	**Measured Temp (F)**	**Enthalpy Change (BTU)**	**Enthalpy Chng (Ton)**
Moist Air Back to PoolPak	28000	90	75							

4 Supplied Air from Pool Pak

Description	**Flow (Max Cap) (CFM)**	**Estimated Temp (F)**	**Estimated Rel Hum**	**Calc DB Temp (F)**	**Fluid Dens (lb/cu ft)**	**Total Mass (lb)**	**Desired Temp (F)**	**Measured Temp (F)**	**Enthalpy Change (BTU)**	**Enthalpy Chng (Ton)**
Dry Air to Aquatic Air Space	28000	84	60							

PROPOSAL FOR ENGINEERING SERVICES

to

The City of Bryant
BRYANT, ARKANSAS

for

Bryant Aquatic Center
Envelope and System Studies

July 17, 2023

5923

Proposed By: Marc White, PE

Batson Inc.
ENGINEERING SOLUTIONS

1300 Brookwood Drive
Little Rock, Arkansas 72202
(501) 664-3311 FAX (501) 664-3344

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Batson Inc. (the Engineer) and WDD Architects (the Architect) propose to provide the City of Bryant (the Client) with mechanical engineering and architectural schematic design services for enclosure and mechanical system modification studies for the Bryant Aquatic Center natatorium, in Bryant, Arkansas.

A. SCOPE OF WORK:

The project scope will consist of the following tasks:

1. Enclosure and Equipment Study
    a. Architectural
        i. Consider film, spandrel, re-glazing and awning design options.
        ii. Discussions with OpenAire regarding available options for upgrades to the existing roofing system.
    b. Engineering
        i. Perform cooling load calculations and preliminary mechanical equipment selections for the various architectural enclosure options.
        ii. Perform preliminary lighting calculations to account for natatorium lighting levels associated with the various enclosure options.
        iii. Explore mechanical system design options to address pool water temperature, spectator comfort and therapy pool comfort issues expressed by the Client.
    c. Budgetary Pricing
        i. Architect and Engineer will work with Baldwin and Shell Construction Company to provide budgetary pricing for the schematic narrative generated as a part of this study.

B. BASE FEE:

1. The total proposed Lum Sum fee is $31,500.00 to accomplish the scope of work defined in SECTION A.

The Base Fee EXCLUDES:

1. Detailed design, construction documents and construction phase services.

C. TO BE PROVIDED BY THE CLIENT TO THE ENGINEER:

The Client agrees to provide to the Engineer the following information and resources:

1. A primary contact for the Project.
2. Access to the existing facility.

D. ADDITIONAL SERVICES:

1. The Engineer will provide additional (or non-customary services) only if requested and pre-approved in writing by the Client. An engineering services change order form will be provided for signature to authorize additional services.

2. Additional Services are:
    a. Those services not explicitly stated as scope of work.
    b. Those services specifically excluded.
    c. Those services which are non-customary.
3. For items b thru d above, in lieu of the hourly rates, the Client may request Additional Services to be quoted on a Not-to-Exceed basis, provided adequate descriptions of the

changes in project scope and required services are available to allow such pricing.

E. SCHEDULE:

Start: Within one week of receipt of signed agreement.
Completion: Four to six weeks after starting the work.

F. INVOICING:

1. Invoices will be issued by the 15th of the month for work accomplished the previous month.
2. Invoices are payable within forty-five (45) days of the invoice date**.**

G. ADDITIONAL CLARIFICATIONS:

1. **Project Cancellation**
   In the event the project is canceled or delayed indefinitely the Engineer shall be paid, as set forth in this document, for all services and reimbursable expenses provided as of the date the Engineer receives notification of cancellation or delay.
2. **Ownership of Documents**
   All documents produced for this project shall remain the property of the Engineer until payment for all invoices are received in full. Reuse or modification of any such documents by Client, without The Engineer's written permission, shall be at Client's sole risk, and Client agrees to indemnify and hold the Engineer harmless from all claims, damages and expenses, including attorneys' fees, arising out of such reuse by Client or by others acting through client.
3. **Indemnification**
   Client and The Engineer each agree to indemnify and hold the other harmless, and their respective officers, employees, from and against liability for all claims, losses, damages and expenses, including reasonable attorneys' fees, to the extent such claims, losses, damages, or expenses are caused by the indemnifying party's negligent acts, errors or omissions. In the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of Client and The Engineer, they shall be borne by each party in proportion to its negligence.
4. **Limitation of Liability**
   To the maximum extent permitted by law, the Client agrees to limit The Engineer's liability for the Client's damages to the sum of $ 5,000.00 or The Engineer's fee, whichever is greater. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.

H. ACKNOWLEDGMENT:

1. This proposal is valid until August 15, 2023. It represents the entire understanding between the Engineer and the Client with respect to the project and may only be modified in writing and subsequently confirmed by means agreeable to both parties.
2. Please sign where indicated below to indicate acceptance of terms of this agreement.
3. If the Engineer does not receive a signed copy of this agreement, but receives verbal instructions or other authorizations from a responsible person of the Client's staff, the Engineer will proceed on the basis that the instructions also indicate approval of all conditions and terms of this Proposal.

Signatures:	
Batson Inc	**City of Bryant**
Officer Name (print): **Marc White**	*Officer Name (print):*
Officer Title: **Operating Principal**	*Officer Title:*
Signature:	*Signature:*
Date: **July 17, 2023**	*Date:*

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF

City of Bryant, Arkansas

TO UTILIZE FEDERAL-AID TRANSPORTATION PROGRAM FUNDS

Surface Transportation Block Grant and Carbon Reduction Program

WHEREAS, Metroplan has issued a call for transportation projects from member jurisdictions for federal fiscal year 2024 and the *City of Bryant* will submit the Southwest Trailer Connector project for consideration of grant funding, and

WHEREAS, the *City of Bryant* understands that, if selected, Federal-aid Surface Transportation Program and Carbon Reduction Program Funds are available at 80% federal participation and 20% local match for the Southwest Trailer Connector project, and

WHEREAS, the *City of Bryant* understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment provided prior to actual monetary reimbursement, and

WHEREAS, *Bryant's City Council* has vetted the project and supports its submittal to Metroplan, and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

NOW THEREFORE, BE IT RESOLVED BY BRYANT CITY COUNCIL THAT:

SECTION I: *Bryant City Council* agrees to include the local match requirements within its budget for FFY 2023 and subsequent years as necessary.

SECTION II: the *City of Bryant* will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION III: *Mayor Allen E. Scott* is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION IIII: *Bryant City Council* pledges its full support and hereby authorizes the Arkansas Department of Transportation and Metroplan to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2023.

Signed: _____
Mayor Allen E. Scott

ATTEST: _____
(SEAL) Bryant City Clerk; Mark Smith

PLANT LOCATIONS:

2420 EANES RD.
NORTH LITTLE ROCK, AR
PHONE: (501) 955-0338

820 GMQ DRIVE
LITTLE ROCK, AR
PHONE: (501) 490-1750

3155 SOUTH REYNOLDS RD.
BRYANT, AR
PHONE: (501) 602-5556

OFFICE
P.O. BOX 15010
PHONE: (501) 945-7176

CRANFORD CONSTRUCTION COMPANY

A DIVISION OF McGEORGE CONTRACTING CO., INC.

ASPHALT PAVING CONTRACTORS

NORTH LITTLE ROCK, ARKANSAS 72231

June 26, 2023

RE: Hurricane Garden - 2" Mill and Inlay Only

To: City of Bryant Fax:

Cranford Construction Company quotes the following unit prices for Asphalt Paving on the above referenced project:

Description	Qty	Unit	Unit Price	Extended Price
ACHM Surface Course 2"	310	TON	$ 142.47	$ 44,165.70
Full Mill	1	LS	$ 9,000.00	$ 9,000.00
Mobilization and MOT	1	LS	$ 9,000.00	$ 9,000.00
			TOTAL	**$ 62,165.70**

Notes:

** Payment shall be based upon actual tonnage laid at established unit price above.*

** Quote is based on field observation on 6.26.23 between city and contractor.*

** Concrete milling is excluded from this quote.*

** Manhole and water valve risers to be supplied by the city as needed prior to ACHM application.*

** ACHM Patching of Existing Roadway exluded from this quote.*

Morgan Garner

Morgan Garner

CRANFORD CONSTRUCTION COMPANY

Jpdated Volumetric Rate

Central Arkansas Water	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
Wholesale Rates											
Bryant Water and Sewer	$ 1.24	$ 1.24	$ 1.46	$ 1.62	$ 1.74	$ 1.88	2.02	2.12	2.22	2.34	2.46

1 CCF =748.052 Gallons

Central Arkansas Wa	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
Rate Schedule										
5/8"	$ -	$ 0.50	$ 0.75	$ 1.00	$ 1.50	$ 2.50	$ 3.50	$ 3.75	$ 4.00	$ 4.25
3/4"	-	0.75	1.13	1.50	2.25	3.75	5.25	5.63	6.00	6.38
1"	-	1.25	1.88	2.50	3.75	6.25	8.75	9.38	10.00	10.63
1.5"	-	2.50	3.75	5.00	7.50	12.50	17.50	18.75	20.00	21.25
2"	-	4.00	6.00	8.00	12.00	20.00	28.00	30.00	32.00	34.00
3"	-	8.75	13.13	17.50	26.25	43.75	61.25	65.63	70.00	74.38
4"	-	15.75	23.63	31.50	47.25	78.75	110.25	118.13	126.00	133.88
6"	-	32.50	48.75	65.00	97.50	162.50	227.50	243.75	260.00	276.25
8"	-	70.00	105.00	140.00	210.00	350.00	490.00	525.00	560.00	595.00
10"	-	105.00	157.50	210.00	315.00	525.00	735.00	787.50	840.00	892.50
12"	-	132.50	198.75	265.00	397.50	662.50	927.50	993.75	1,060.00	1,126.25

RESOLUTION NO. 2023-____

A RESOLUTION TO ALLOWING FOR PUBLIC BIDDING FOR SALE OF EQUIPMENT, VEHICLES AND OTHER ITEMS AS NAMED IN THIS RESOLUTION ON GOV DEALS

WHEREAS, The City of Bryant finds it necessary for for public bidding for sale of equipment, vehicles and other items;

WHEREAS, The City of Bryant finds it necessary to place equipment, vehicles or other items out to public bid for sale due to the aforementioned reaching its life expectancy, damage, age or being inoperable:

WHEREAS, The City of Bryant finds the following equipment, vehicles and items to be damaged, inoperable or having reached their life expectancy:

- 2006 420D Caterpillar Backhoe VIN# OFDP26304

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bryant, Arkansas:

The City of Bryant hereby allows for the public bidding for sale of all equipment, vehicles, and other items listed above on GovDeals that are deemed inoperable, aged, reaching its life expectancy, or damaged.

PASSED AND APPROVED this _____day of July, 2023.

APPROVED:

_____

Allen E. Scott, Mayor

ATTEST:

_____

Mark Smith, City Clerk

1017 SW 2nd St • Bryant, AR 72022 • 501.943.0999 • www.CityofBryant.com

City of Bryant Public Works

July 14, 2023

RE: Review of Water and Wastewater Rates for 2023, internal review as per Ordinance 2021-6 and 2021-7

Dear Mayor Scott and City Council Members,

The first half of 2023 brought the City of Bryant an exceptional amount of rainfall. Wet seasons tend to reduce the consumption of water while increasing the amount of wastewater that has to be treated. The 2023 Budgets for Water and Wastewater were developed based on similar data from 2021 and 2022.

Considering typical seasonality, projected 2023 revenues for water and wastewater are on track to meet the budgeted amounts at this time.

The 2024 Budget will be prepared basing the anticipated revenues and expenses on much the same usage and operating activities as in the 2023 budget. Exceptions are: the increase in the cost of water purchased and the implementation of the water and wastewater rates increases for 2024, CAW's 10 year "per meter infrastructure fee and water rate per CCF 10-year increase." Also, to take into consideration is the ANRC loans and their associated pay back terms.

Six months into 2023 and based on historical usage information, it appears that water and wastewater revenues will continue to support the 110% debt service requirement referenced in the bond documents and provide adequate operational expenses.
Please inquire of our offices if you have any further questions or concerns.

With Regards,

Tim Fournier, Public Works Director
Joy Black, Finance Director

AN EMERGENCY ORDINANCE ADOPTING CERTAIN RULES AND REGULATIONS CONCERNING EXTERNAL NOISE ATTENUATION OF DATA CENTERS AND TO PREVENT NOISE DISTURBANCE IN THE CITY OF BRYANT; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the equipment associated with the cooling systems and generators required to operate data centers generate broadband noise and low-frequency hums that result in noise disturbance. Noise disturbance is the cause of degradation and may produce negative impacts on public health, property, and the environment.

WHEREAS, noise attenuation should be an integral part of the design and construction of data centers in order to prevent noise pollution and noise disturbance.

WHEREAS, the city/town finds that the public interest is served by the prevention of unreasonable noise emanating externally from the Data Centers and the provisions of this Ordinance are enacted for the purpose of preserving and protecting the public health, safety, welfare and property of the citizens of Bryant, Arkansas.

THEREFORE, BE IT ORDAINED BY THE CITY/TOWN OF Bryant, ARKANSAS, AS FOLLOWS:

ARTICLE 1. Purpose and Applicability

All Data Centers constructed within this jurisdiction shall be designed and built to incorporate external noise attenuation measures in order to minimize the impact of noise disturbance on the residents of Bryant, Arkansas.

This ordinance shall apply to limit the noise disturbance originating within the municipal limits of Bryant, Arkansas.

ARTICLE 2: Definitions

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. *Ambient Noise*: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excusing the alleged offensive noise, at the locations and approximate time at which comparison with the alleged offensive noise is to be made.
2. *Data Center*: A facility constructed and operated that is engaged in storage, management, processing, and transmission of digital data, including facilities used for cryptocurrency

mining, which houses networked computer systems along with supporting equipment such as batteries, back-up power generators, HVAC and cooling systems.

3. *Decibel (dB)*: A unit for measuring the volume of a sound, equal to twenty (20) times to the base 10 (10) of the ratio of the pressure of the sound measured to the referenced pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter.)
4. *Mechanical Equipment*: The networked computer systems along with supporting equipment such as batteries, backup generators, and cooling systems housed on the Data Center's property.
5. *Noise Attenuation*: The reduction of noise levels through the use of sound-absorbing material, architectural design techniques, and/or any other suitable means.
6. *Noise Disturbance* is any sound which:
    a. Endangers or injures the safety or health of humans or animals; or
    b. Annoys or disturbs a reasonable person of normal sensitivities; or
    c. Endangers or injures person or real property.
7. *Person*: An individual, association, partnership, or corporation, including any officer, employee, department, or agency.
8. *Property Line*: An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
9. *Sound*: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
10. *Sound Level*: The weighted sound pressure level obtained by the use of s sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI SI. 4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
11. *Sound Level Meter*: An instrument which includes a microphone, an amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

ARTICLE 3: Noise Attenuation Requirements

Before a Data Center has commenced construction or operating within this jurisdiction, the property owner and operator proposing to build a Data Center shall comply with the following:

1. *Notice Requirements*
    a. The property owner and operator must notify all residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating

within the half-mile radius, that the property owner and operator intends to build and operate a Data Center on the property. The notice required in this section must be mailed to all postal addresses and homeowners' association addresses contained within a half-mile radius extending from the property line where the proposed Data Center will be built. Proof of notification shall be filed with the city clerk's office within 30 days of providing notice. The property owner and operator must notify the mayor that the property owner and operator intends to build and operate a Data Center. The notification must include the location for the proposed data center.

2. *Noise Study Requirements*
    a. The property owner of the lands upon which the Data Center is to be located shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the property line in eight locations (north, south, east, west, northeast, northwest, southeast, southwest.) The report of the study must include sound mitigation recommendations based on the results of the sound study. The property owner must provide a copy of the report of the study to the mayor and file with the city clerk within 30 days of completion of the report.
3. *Noise Attenuation Plan Requirements*
    a. The property owner must consult with a third- party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the Data Center from exceeding the sound level limitations below which will be considered a noise disturbance. The building plan is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the architectural or design firm deems adequate to be in compliance with this Ordinance. Noise attenuation measures may include but not limited to:
        i. Soundproofing walls, screens, panels, fences, or enclosures
        ii. Buffer yards
        iii. Other noise attenuation measures recommended by the third-party acoustic engineer
    b. Mechanical equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with a design, materials, details, and treatment compatible with those used on the nearest facade of the building.
    c. The property owner must provide a copy of the building plan to the mayor and file with the city clerk within 30 days of completion of the plan prior to construction.

d. Any additions, changes, or expansions of the Data Center must comply with the noise attenuation requirements of this Ordinance and must be designed and submitted to the mayor and filed with the city clerk within 30 days of completion of the report.

4. *Post Completion Noise Study Requirements*
    a. Upon the Data Center's completion, the Data Center operator must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the Data Center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the property line in the original eight locations used during the baseline study. The Data Center operator must provide a copy of the report to the mayor and file with the city clerk within 30 days of completion of the study.
    b. The Data Center shall not begin operations until the completion of the post-construction noise study and submission to the mayor and city clerk as required above. In order for the Data Center to be in compliance, the noise study results must show that its operation is in compliance with this Ordinance. If the results show that the Data Center is not in compliance with this Ordinance, the Data Center will be unable to commence operation until the required noise attenuation measures and noise limitations are met.
    c. Furthermore, the Data Center operator must conduct annual noise studies under the baseline and post-construction studies specifications in accordance with subsections (a) and (b) above. The Data Center operator must provide the results to the mayor and file with the city clerk within 30 days after the anniversary date of the first sound study report.

ARTICLE 4: Procedure for Measurement

All tests shall be conducted according to the following procedures:

1. *Complaint Driven:* When the measurement is the result of a complaint, measurements will be taken at the property line of the receiving property.
2. *Normal Monitoring:* When the measurement procedure is in the normal course of monitoring sound, the measurements will be taken at the real property line of the source of the sound.
3. *Outdoor Conditions:* No outdoor measurements must be taken while winds exceed (including gusts) 15 miles per hour; under conditions that will allow the sound level meter to become wet; or when the ambient temperature is out of range of tolerance on the sound meter.
4. *Calibration:* The sound level meter must be verified and calibrated according to the manufacturer's specifications immediately prior to taking the measurements.

5. *Meter Placement*: The sound level meter must be placed a minimum of four feet above the ground or from any reflective surface. The microphone must be pointed at the sound source.
6. *Measurements:* Measurements must include “high”, “average”, and “low” readings. If the sound level meter does not provide these multiple readings, a minimum of three separate measurements must be taken at a single location at varying time intervals. The average sound level reading shall be used to determine whether there has been a violation of this Ordinance.
7. *Monitoring Report:* The report for each measurement session must include:
    a. The day, date and time of the measurements,
    b. Date and time of recent calibration,
    c. Temperature and wind speed the time of measurement,
    d. Identification of the monitoring equipment,
    e. Location, land use, and description of the source,
    f. Location and land use of the listener, and
    g. Sound level measurements.
8. *Extraneous Sounds:* If there are extraneous sound sources that are unrelated to the measurements and increase the monitored sound level, the measurement shall be postponed until these noises subside.

ARTICLE 5: Noise Limitations

It shall be unlawful for any Data Center to make, or continue to cause or permit to be made or continued, noise levels constituting a noise disturbance. For the purposes of this section, the external noise level emanating from Data Centers shall be deemed disturbing to a person, reasonably calculated to disturb the peace, and unreasonably offensive and injurious to the public, or their property, if the sound level is:

1. 65 dBa or higher during the hours of 8 A.M. to 10 P.M. or 55 dBa or higher during the hours of 10 P.M. to 8 A.M. (as determined by a third-party acoustic engineer) measured at the property line of the receiving property.
2. The standard which may be considered in determining whether a violation of this Ordinance exists includes but is not limited to the following:
    a. The level or volume of the noise
    b. The time of day or night the noise occurs
    c. The duration of the noise
    d. Whether the noise is recurrent, intermittent or constant
    e. Whether proper and reasonable noise attenuation methods were followed and maintained

ARTICLE 6: Violations

1. Any or all of the following persons may be held responsible for noise violations:
    a. The person operating the equipment or creating the noise;
    b. The person who employs the person operating the equipment or creating the noise at the time of the violation;
    c. The person who owns or rents the property where the violation occurs.
2. The following acts, and the causing thereof, are declared to be in violation of this Ordinance:
    a. The sound level emanating from the Data Center exceeds 65 dBa or higher during the hours of 8 A.M. to 10 P.M. or 55 dBa or higher during the hours of 10 P.M. to 8 A.M. measured at the property line of the receiving property.
    b. The noise attenuation measures provided in the design plan to the mayor are not incorporated in the construction of the Data Center.
    c. Any of the required sound study results are not filed with the mayor and the city clerk within 30 days of completion of the report.
    d. The building plan is not filed with the mayor and the city clerk within 30 days of completion of the plan prior to construction.
    e. Failure to act in accordance with any other provision of this Ordinance.
3. All data centers shall be in compliance with the requirements of this Ordinance before commencing operation; failure to do so will be deemed in violation of this Ordinance and result in an injunction and/or a stay in commencing operation.

ARTICLE 7: Penalties

Penalties shall match those of the Bryant Zoning Code.

ARTICLE 8: Use

Data Centers shall be an industrial use listed in the Industrial/Mining section of the Bryant Zoning Code as a Conditional Use.

ARTICLE 9: Severability

If any provision of this Ordinance is found to be invalid by the decision of any court of competent jurisdiction, such invalidity shall not affect the remaining sections, phrases, and provisions of this Ordinance which remain valid and enforceable.

ARTICLE 10: Codification

The City of Bryant City Council does hereby direct the Community Development Director to codify and organize these adopted sections with the Zoning Code in a proper manner.

ARTICLE 11: Emergency Clause

The City of Bryant finds that the immediate implementation of this ordinance is necessary for the preservation of the public's peace, health, safety, welfare, and property, an emergency is hereby declared to exist and that this Ordinance is to be in effect immediately after its adoption.

PASSED AND APPROVED this _____day of _____, 2023.

APPROVED:_____
MAYOR

ATTEST:_____
CITY CLERK