

**REGULAR MEETING OF THE
BOARD OF DIRECTORS
OF THE CITY OF TEXARKANA, ARKANSAS
DECEMBER, 18, 2006**

MEMBERS PRESENT:

The Board of Directors of the City of Texarkana, Arkansas, convened in regular session at 7:00 PM on December 18, 2006 with the following members present: Mayor Horace G. Shipp, Assistant Mayor Londell Williams, and Directors Chad Dowd, Kathy Dunphy, Sue Johnson, and Weldon Johnson. Also present were City Manager Charles Nickerson, City Attorney Ned Stewart, and City Clerk Patti Scott Grey. Director Shirley Bradley was absent.

INVOCATION:

The invocation was given by Director Chad Dowd.

WARD 5 DIRECTOR WELDON JOHNSON'S PLAQUE:

Mayor Shipp presented a plaque of appreciation to Ward 5 Director Weldon Johnson for his service on the City Board of Directors. Mr. Johnson accepted the plaque and thanked the Mayor and Board of Directors.

CONSENT AGENDA:

Director S. Johnson moved to approve the consent agenda. The motion was seconded by Director Dunphy and carried unanimously. The items approved by consent were:

MINUTES:

The minutes approved were of the rescheduled regular meeting of December 6, 2006.

RESOLUTION NO. 5366:

Resolution No. 5366 reschedules 2007 Regular Board Meetings. The meeting scheduled for January 1 is hereby rescheduled to January 2 due to the New Year's Day holiday; the meeting scheduled for January 15 is hereby rescheduled to January 16 due to the Martin Luther King, Jr. Day holiday; the meeting scheduled for February 19 is hereby rescheduled to February 20 due to the Presidents' Day holiday; the meeting scheduled for September 3 is hereby rescheduled to September 4 due to the Labor Day holiday; and the meeting scheduled for December 3 is rescheduled to December 4 due to the Christmas Parade and Tree Lighting Ceremony.

RESOLUTION NO. 5367:

Resolution No. 5367 accepts the Texarkana Regional Airport 2007 Operating and Capital Improvement Budgets.

RESOLUTION NO. 5368:

Resolution No. 5368 authorizes the City Manager to execute a contract with the University of Arkansas at Little Rock for performance of an Economic Development Study to research the tax burden in Texarkana , Arkansas.

RESOLUTION NO. 5369:

Resolution No. 5369 declares the following Police Department vehicle surplus and authorizes its disposition in accordance with Arkansas law:

1994 Pontiac Grand Am VIN 1G2NE1538RM520618 Forfeited 12/18/00

REGULAR AGENDA:

ORDINANCE NO. L-274:

An ordinance was introduced to be entitled, "AN ORDINANCE ADOPTING THE 2007 BUDGET FOR THE GENERAL AND STREET FUNDS, AND OTHER FUNDS FOR THE CITY OF TEXARKANA, ARKANSAS; APPROPRIATING MONEY FOR

THOSE FUNDS; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES".

City Manager Charles Nickerson gave a brief summary regarding this ordinance.

Assistant Mayor Williams asked when the next Board Meeting would be held.

Mayor Shipp answered January 2, 2007.

Assistant Mayor Williams asked if the Board could wait to vote on this item until the first meeting in January, 2007, due to new board members.

Mayor Shipp said he would rather address this issue at tonight's Board meeting.

After discussion, Director S. Johnson moved to approve the budget. The motion was seconded by Director Dunphy.

Director W. Johnson asked if he could make a motion for clarification purposes before the vote on the budget. He moved to amend page 11 of the 2007 Budget (actually Roman Numeral II under Additions). He asked that the bullet stating "• 4% Cost of Living Adjustment goes into effect April 1 - December 31, 2007." be changed to "• 4% Salary Increase goes into effect April 1 - December 31, 2007.", because it was not a true cost of living adjustment. The Board agreed unanimously to include that change or amendment to the budget.

Assistant Mayor Williams made a motion to postpone budget approval until the first meeting in January, January 2, 2007. The motion failed due to a lack of a second.

Director S. Johnson moved to have the ordinance read, including the amendment by Director W. Johnson to make the change from cost of living adjustment to salary increase in the budget, in abbreviated form. The motion was seconded by Director Dowd and carried unanimously.

The ordinance was read the first time.

Director S. Johnson moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director Dowd. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Director S. Johnson then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Assistant Mayor Williams. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was then read the third and final time and the Mayor declared the ordinance open for discussion.

Assistant Mayor Williams asked when this budget could be amended. Mayor Shipp said amendments to the budget could be brought back to the board for updates and changes as the Board, City Manager or staff saw necessary.

The Mayor then put the question, "Shall the Ordinance pass?" The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the ordinance passed, as there were six ayes and no nays.

City Attorney Ned Stewart commented that current opinion on emergency clauses required a separate vote. An emergency clause was required on this ordinance; therefore, a separate, distinct vote of the board was necessary and was valid only if there was a two-thirds vote of approval by the board.

Director S. Johnson, seconded by Director W. Johnson, moved to add the emergency clause. The motion carried unanimously.

The Mayor then called for a vote on the emergency clause and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the emergency clause passed, as there were six ayes and no nays.

Assistant Mayor Williams asked if Director W. Johnson's earlier motion was included in the vote on the budget. Mayor Shipp said it was included.

FRANCHISE FEES ORDINANCE:

An ordinance was introduced to be entitled, "AN ORDINANCE INCREASING FRANCHISE FEES ON FOR RENDITION OF ELECTRIC DISTRIBUTION SYSTEM OPERATIONS OR NATURAL GAS DISTRIBUTION SYSTEM OPERATIONS WITHIN THE CITY OF TEXARKANA, ARKANSAS; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES".

City Manager Charles Nickerson explained why an increase was needed and stated the finance committee recommended the increase.

Assistant Mayor Williams asked who would be affected.

Mr. Nickerson said electric and gas utilities would be affected. He commented on a franchise fee already in place and stated that this ordinance was putting a two percent increase on that fee. Mr. Nickerson said one-half would be put in the operations fund and one-half in the capital fund.

Assistant Mayor Williams asked what amount of monies would be increased.

Finance Director Harold E. Boldt explained that based on 2005's fees of \$960,000, \$480,000 went into capital fund and \$480,000 into the operating fund. He commented on these figures being an example. Mr. Boldt said monies would be used on street, sewer and storm water management and allocations of funds be based on need. He further stated that \$480,000 would be used for critical capital projects but would not be in the capital outlay.

Assistant Mayor Williams said there had been critical project needs in the City for many years and he wanted monies earmarked for Ward 3. He said he felt he received no help for Ward 3 from the Board.

Mayor Shipp asked that the ordinance be amended before being read. He commented that the word “industrial” was included in Section 1 of the ordinance. The Mayor said that was an oversight, it was not to be included in the ordinance, and should be amended to exclude the word “industrial”, stating industrial customers would not be subject to the two percent increase. Mayor Shipp, seconded by Director Dunphy, moved to amend the ordinance as discussed. The motion carried unanimously.

Director S. Johnson moved to have the amended ordinance read, excluding the word “industrial” from Section 1 as Mayor Shipp requested, in abbreviated form. The motion was seconded by Director Dunphy and carried unanimously.

The ordinance was read the first time.

Director S. Johnson moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director Dowd. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, Williams, and Shipp voted aye. Director W. Johnson abstained, due to a conflict of interest. The Mayor declared the motion carried, as there were five ayes and one abstention. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Director S. Johnson then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Director Dowd. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, Williams, and Shipp voted aye. Director W. Johnson abstained. The Mayor declared the motion failed, as there were four ayes, one nay, and one abstention.

The ordinance will then read the third and final time at the next board meeting, January 2, 2007.

Assistant Mayor Williams said he felt there would be less money in the budget if this ordinance was approved.

Director S. Johnson said this ordinance had nothing to do with the 2007 Budget. Mayor Shipp agreed with Director S. Johnson.

ORDINANCE NO. L-275:

An ordinance was introduced to be entitled, "AN ORDINANCE ESTABLISHING A CHARGE ON ALL WATER AND SEWER ACCOUNTS WITHIN THE CITY OF TEXARKANA, ARKANSAS; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES".

City Manager Charles Nickerson said this ordinance replicates the Texas-side ordinance and was also recommended by the Finance Committee. Mr. Nickerson said this ordinance added an increased charge on water and sewer.

Assistant Mayor Williams said he promised no new taxes to his constituents in his re-election campaign.

Mayor Shipp said he understood Assistant Mayor Williams' plight, but the City needed changes to increase revenue.

Assistant Mayor Williams agreed with the City needing more revenue, but he voiced his concerns in regard to the City's senior citizens.

Director S. Johnson commented the increase would only be a \$1 increase on their water bill.

Assistant Mayor Williams moved to have the ordinance read in abbreviated form. The motion was seconded by Director S. Johnson and carried unanimously.

The ordinance was read the first time.

Assistant Mayor Williams moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director Dunphy. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Assistant Mayor Williams then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Director Dunphy. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was then read the third and final time and the Mayor declared the ordinance open for discussion.

Assistant Mayor Williams asked that a letter be drafted explaining the increases approved tonight, especially to the senior citizens of Texarkana, Arkansas.

City Attorney Ned Stewart said a letter could be drafted, but with it only being a small increase the effort might prove futile.

Mayor Shipp agreed with the city attorney.

Mr. Nickerson explained it would be a one dollar a month additional charge.

The Mayor then put the question, "Shall the Ordinance pass?" The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the ordinance passed, as there were six ayes and no nays.

Director S. Johnson, seconded by Director W. Johnson, moved to add the emergency clause. The motion carried unanimously.

The Mayor then called for a vote on the emergency clause and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the emergency clause passed, as there were six ayes and no nays.

ORDINANCE NO. L-276:

An ordinance was introduced to be entitled, "AN ORDINANCE INCREASING ADVERTISING AND PROMOTION LEVY ON RESTAURANT, HOTEL, AND MOTEL OPERATIONS WITHIN THE CITY OF TEXARKANA, ARKANSAS; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES".

City Manager Charles Nickerson explained that the three percent increase would be broken down with two percent of this increase going towards parks and recreation and the remaining one-percent going towards tourism and related activities. He commented on this increase being the recommendation of the finance committee.

Director S. Johnson asked if the increase could work towards hiring a parks and recreation director.

Mr. Nickerson answered yes; the funds could be used for the hiring of a parks and recreation director.

City Attorney Ned Stewart explained that the two-percent set aside for tourism is allocated only for tourism activities.

Mayor Shipp moved to have the ordinance read in abbreviated form. The motion was seconded by Director S. Johnson and carried unanimously.

The ordinance was read the first time.

Assistant Mayor Williams moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Mayor Shipp. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there

were six ayes and no nays. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Assistant Mayor Williams then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Director S. Johnson. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was then read the third and final time and the Mayor declared the ordinance open for discussion.

The Mayor then put the question, "Shall the Ordinance pass?" The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the ordinance passed, as there were six ayes and no nays.

Director S. Johnson, seconded by Director Dunphy, moved to add the emergency clause. The motion carried unanimously.

The Mayor then called for a vote on the emergency clause and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the emergency clause passed, as there were six ayes and no nays.

ORDINANCE NO. L-277:

Mayor Shipp asked that Item #6, an ordinance regarding franchise fees increases, which failed during the suspending of the rules to place the ordinance on its third and final reading earlier in the tonight's meeting, be reconsidered at this time.

Mayor Shipp, seconded by Assistant Mayor Williams, moved to reconsider the ordinance, as amend earlier tonight. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, Williams, and Shipp voted aye; Director

W. Johnson abstained, due to a conflict of interest again. The Mayor said the ordinance would be reconsidered, as there were five ayes and one abstention.

An ordinance was introduced to be entitled, "AN ORDINANCE INCREASING FRANCHISE FEES ON FOR RENDITION OF ELECTRIC DISTRIBUTION SYSTEM OPERATIONS OR NATURAL GAS DISTRIBUTION SYSTEM OPERATIONS WITHIN THE CITY OF TEXARKANA, ARKANSAS; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES".

Assistant Mayor Williams moved to have the amended ordinance read in abbreviated form. The motion was seconded by Director Dowd and carried unanimously.

The ordinance was read the first time.

Assistant Mayor Williams moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director Dunphy. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, Williams, and Shipp voted aye. Director W. Johnson abstained. The Mayor declared the motion carried, as there were five ayes and one abstention. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Assistant Mayor Williams then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Director Dunphy. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, Williams, and Shipp voted aye. Director W. Johnson abstained. The Mayor declared the motion carried, as there were five ayes and one abstention. The ordinance was then read the third and final time and the Mayor declared the ordinance open for discussion.

The Mayor then put the question, "Shall the Ordinance pass?" The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, Williams, and

Shipp voted aye. Director W. Johnson abstained. The Mayor declared the ordinance passed, as there were five ayes and one abstention.

Assistant Mayor Williams, seconded by Director S. Johnson, moved to add the emergency clause. The motion carried unanimously.

The Mayor then called for a vote on the emergency clause and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, Williams, and Shipp voted aye. Director W. Johnson abstained. The Mayor declared the emergency clause passed, as there were five ayes and one abstention.

PUBLIC HEARING:

Mayor Shipp opened a public hearing to receive comments regarding a petition to abandon part of the dedicated, unimproved East 43rd Street right-of-way in the 4300 block of Loop 245 to the dead-end. (Danny McBay, I-49 Auto Auction).

Interim Public Works Director Ernie Bradford spoke briefly in regard to the item, reviewing City Planner Eston McGee's summary which stated Danny McBay, I-49 Auto Auction, petitioned the City to abandon part of the dedicated, unimproved East 43rd Street right-of-way East of Loop #245 to the dead-end. The Planning Commission conducted the required public hearing on November 14, 2006 and there was no opposition to the request. The Planning Division staff contacted the five utility companies and only TWU requested retention of a utility easement. No comment has been received from CableONE to date and a follow-up letter has been sent for their written comments. The Planning Commission recommended approval of this right-of-way abandonment request subject to the easement requested by TWU and written response from CableONE. On December 5, 2006, the Board was asked to set the date for a public hearing. Tonight the Board is requested to conduct the public hearing and consider an Ordinance abandoning the dedicated,

unimproved street right-of-way retaining the utility easement requested by TWU and pending written comments from CableONE.

Mayor Shipp asked if anyone in the audience or board members had questions or comments concerning this item.

No one else came forward; therefore the Mayor declared the public meeting closed.

ORDINANCE NO. L-278:

An ordinance was introduced to be entitled, "AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE DEDICATED, UNIMPROVED 43rd STREET RIGHT-OF-WAY IN THE 4300 BLOCK OF LOOP 245 TO THE DEAD-END; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES". Said ordinance provides for the vacation and abandonment of a part of the dedicated, unimproved East 43rd Street Right-of-Way in the 4300 block of Loop 245 to the dead-end. The surrounding zoning is C-3 Open Display Commercial. The right-of-way is legally described as:

The right-of-way is legally described as the dedicated, unimproved 40'-0" East 43rd Street right-of-way between Lots 11-18, Remainder of Block "C" and Lots 3-10, Remainder of Block "E", **COLLVILLE ADDITION**, Texarkana, Miller County, Arkansas.

Assistant Mayor Williams moved to have the ordinance read in abbreviated form. The motion was seconded by Director W. Johnson and carried unanimously.

The ordinance was read the first time.

Assistant Mayor Williams moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director S. Johnson. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as

there were six ayes and no nays. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Assistant Mayor Williams then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Director Dowd. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was then read the third and final time and the Mayor declared the ordinance open for discussion.

The Mayor then put the question, "Shall the Ordinance pass?" The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the ordinance passed, as there were six ayes and no nays.

Director S. Johnson, seconded by Director W. Johnson, moved to add the emergency clause. The motion carried unanimously.

The Mayor then called for a vote on the emergency clause and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the emergency clause passed, as there were six ayes and no nays.

PUBLIC HEARING:

Mayor Shipp opened a public hearing to receive comments regarding a petition to abandon the dedicated, unimproved 20'-0" alley in Block 21, **KIRBY'S COLLEGE ADDITION**, Texarkana, Miller County, Arkansas between Oats Street and Flower Street. The alley right-of-way is located in the 300 block of Oats Street. (V. J. Yeatman et. al.).

Interim Public Works Director Ernie Bradford spoke briefly in regard to the item, reviewing City Planner Eston McGee's summary which stated V. J. Yeatman and three other property owners are seeking abandonment of a dedicated, unimproved 20'-0" alley in

the 300 block of Oats Street between Flower and Oats Street. The City contacted the five utility companies and only Texarkana Water Utilities (TWU) made the request to retain a utility easement (20' X 250') the full length and width of the dedication. After some discussion at the public hearing, the Planning Commission recommended approval of the alley abandonment retaining no utility easements since Mr. Yeatman had plans to construct a single-family residence. Since the Planning Commission's public hearing, we have received a revised request for a utility easement from TWU to include only the W1/2 of the dedicated, unimproved alley for future expansion/extensions of water mains. On December 5, 2006, the Board was asked to set the date for a required public hearing. Tonight the Board is requested to conduct the public hearing and consider an ordinance abandoning the entire dedicated, unimproved alley right-of-way retaining a utility over the West ½ (20' X 125').

Mayor Shipp asked Mr. Bradford if this would change ownership for the right-of-way to the Arkansas Highway and Transportation Department.

Mr. Bradford answered he did not know.

Mayor Shipp asked if anyone in the audience or board members had questions or comments concerning this item.

No one else came forward; therefore the Mayor declared the public meeting closed.

ORDINANCE NO. L-279:

An ordinance was introduced to be entitled, "AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE DEDICATED, UNIMPROVED 20'-0" ALLEY IN BLOCK 21, KIRBY'S COLLEGE ADDITION, BETWEEN OATS STREET AND FLOWER STREET; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES". Said ordinance provides for the vacation and abandonment of a part of the dedicated, unimproved 20'-0" alley in Block 21,

KIRBY'S COLLEGE ADDITION, Texarkana, Miller County, Arkansas between Oats Street and Flower Street. The alley right-of-way is located in the 300 block of Oats Street.

The right-of-way is legally described as:

The right-of-way is legally described as the dedicated, unimproved 20'-0" alley in Block 21, **KIRBY'S COLLEGE ADDITION**, Texarkana, Miller County, Arkansas between Oats Street and Flower Street

Assistant Mayor Williams moved to have the ordinance read in abbreviated form.

The motion was seconded by Director Dowd and carried unanimously.

The ordinance was read the first time.

Assistant Mayor Williams moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director Dowd. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Assistant Mayor Williams then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Director Dowd. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was then read the third and final time and the Mayor declared the ordinance open for discussion.

The Mayor then put the question, "Shall the Ordinance pass?" The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the ordinance passed, as there were six ayes and no nays.

Assistant Mayor Williams, seconded by Director S. Johnson, moved to add the emergency clause. The motion carried unanimously.

The Mayor then called for a vote on the emergency clause and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the emergency clause passed, as there were six ayes and no nays.

ORDINANCE NO. L-280:

An ordinance was introduced to be entitled, "AN ORDINANCE ADOPTING AMERICAN CONCRETE INSTITUTE 325.12R-02, REGARDING CONCRETE STREET DESIGN, FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES". Said ordinance would adopt, in all respects, the American Concrete Institute 325.12R-02, Guide for Design of Jointed Concrete Pavements for Streets and Local Roads, which would facilitate proper street construction within the City of Texarkana, Arkansas.

City Manager Charles Nickerson explained to the Board Members that this item had been tabled from the December 5, 2006, Board Meeting. He said it was the Board's suggestion that some of the area contractors be met with and explained how the new guidelines would affect them.

Mayor Shipp asked if the contractor were in agreement.

Mr. Nickerson and Director W. Johnson both responded that there was really no response from the contractors at the meeting.

Mayor Shipp asked if any builders or contractors wished to speak on this matter. None came forward.

Director W. Johnson explained that these guidelines would be beneficial to the City by putting rules in place. He also commented on the guidelines clarifying the state statutes and laws already in place.

Assistant Mayor Williams moved to have the ordinance read in abbreviated form. The motion was seconded by Director Dunphy and carried unanimously.

The ordinance was read the first time.

Assistant Mayor Williams moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director S. Johnson. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Assistant Mayor Williams then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Director Dunphy. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was then read the third and final time and the Mayor declared the ordinance open for discussion.

The Mayor then put the question, "Shall the Ordinance pass?" The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the ordinance passed, as there were six ayes and no nays.

Assistant Mayor Williams, seconded by Director S. Johnson, moved to add the emergency clause. The motion carried unanimously.

The Mayor then called for a vote on the emergency clause and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the emergency clause passed, as there were six ayes and no nays.

ORDINANCE NO. L-281:

An ordinance was introduced to be entitled, "AN ORDINANCE REQUIRING BUILDERS TO COMPLY WITH ALL STATE AND LOCAL LAWS; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES".

City Manager Charles Nickerson spoke briefly in regard to the item, stating the Board is being asked to approve an Ordinance that requires builders to comply with all State and Local Laws. The Ordinance further provides and requires that the Building Official will check for compliance before issuing a permit. On the surface it might appear that this is a redundant action since the Laws are already in place. Historically, however, there have been a number of occasions where local staff has failed to enforce certain provisions under the assumption that the State was responsible. In most cases where the State was involved they have very limited staff to cover the entire State. To ignore our responsibility and simply rely on whatever action occurs from State Agencies leaves our own citizens at risk. This Ordinance clarifies our role and leaves no doubt that our responsibility is first and foremost to protect our citizens. This is similar I believe to our efforts regarding Fair Housing. There is Federal Law in place and HUD has the responsibility to enforce the Law. However, the City of Texarkana, realizing that HUD can not even effectively fulfill their responsibility given staffing levels, chose to adopt a local Fair Housing Ordinance and appoint a Fair Housing Office to investigate complaints and provide protection to our citizens.

Assistant Mayor Williams moved to have the ordinance read in abbreviated form. The motion was seconded by Director W. Johnson and carried unanimously.

The ordinance was read the first time.

Assistant Mayor Williams moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director W. Johnson. The

Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Mayor Shipp then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Assistant Mayor Williams. The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were six ayes and no nays. The ordinance was then read the third and final time and the Mayor declared the ordinance open for discussion.

The Mayor then put the question, "Shall the Ordinance pass?" The Clerk called the roll and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the ordinance passed, as there were six ayes and no nays.

Assistant Mayor Williams, seconded by Director S. Johnson, moved to add the emergency clause. The motion carried unanimously.

The Mayor then called for a vote on the emergency clause and the following vote resulted: Directors Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the emergency clause passed, as there were six ayes and no nays.

GERALD G. HAIRE ANNEXATION:

An ordinance was introduced to be entitled, "AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF TEXARKANA, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF TEXARKANA, ARKANSAS, AND ASSIGNING SAME TO WARDS; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES". Said ordinance would annex

approximately 880.0 acres of land, more or less and is located approximately one-half mile North of East Broad Street on Cook Road. The land is legally described as:

All of Section 19, Township 15 South, Range 27 West, Miller County, Arkansas, not currently within the city limits of Texarkana, Arkansas, being approximately 480 acres of land, more or less; the South Half of Section 18, Township 15 South, Range 27 West, Miller County, Arkansas, containing 320 acres of land, more or less; and the West Half of the Northwest Quarter of Section 20, Township 15 South, Range 27 West, Miller County, Arkansas, containing 80 acres of land, more or less, totaling 880 acres of land, more or less.

Kirk Patton, Attorney for Gerald G. Haire, explained that the original 880 acres to be annexed in, was now 680 acres due to some property owners not wishing to have their property annexed into city limits. He explained that contained within that acreage was the Heatherwood Subdivision. It is composed of 85 acres with 31 home lots. Mr. Patton explained the reason for annexation was to give those homeowners the border city exemption. He commented on the Board tentively agreeing to approve annexation if Mr. Haire went through the annexation process.

Director Dunphy asked if the gentleman whose property was being divided by the annexation was in attendance.

David Williams, 1685 Cook Road, said he was for annexation.

Mr. Nickerson then presented a PowerPoint Presentation showing road conditions and other problem areas located within the area to be annexed. He said he did not feel it was a good idea to annex in the area due to low staff in Public Works and funding. Mr. Nickerson recommended the City not to approve annexation of this property.

Ray Tate, 1485 Cook Road, explained to the Board Members he was neither for nor against annexation. He said he did agree with Mr. Nickerson's presentation and stated the pictures were very accurate of the area to be annexed in.

David Rowe, 3410 Potomac, said he owned one of the lots in Heatherwood Subdivision and was for annexation.

David Spraggins, 1406 Cook Road, said he opposed the annexation. He said he had land annexed into the City in 1999 and still had no City water or sewer. Mr. Spraggins commented on the City not being able to provide City services to all its' residents at this time.

Laney Harris, 2005 Stephanie, said he opposed the annexation.

Kwanza Abdul Khliq, 4501 Summerhill Road, a Hurricane Katrina evacuee, said he was neutral in his opinion of the annexation.

Attorney Kirk Patton said City Manager Charles Nickerson had thrown a skunk in the jury box by showing his slide presentation. He commented on the City Manager only showing the areas not yet occupied by homes and lots that were under construction. Mr. Patton said on January 16, 2006, the Board tentatively voted to approve the annexation.

Director W. Johnson said the Board did not tentatively vote for approval of the annexation, but said the Board would consider annexation of the property.

Mayor Shipp agreed with Director W. Johnson. He said he could not in good conscience support the issue of annexing the property when the City was not able to provide services at an acceptable level at this time for the entire city.

Director W. Johnson moved to have the ordinance read in abbreviated form. The motion was seconded by Director Dunphy and carried unanimously.

The ordinance was read the first time.

Assistant Mayor Williams moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director W. Johnson. The Clerk called the roll and the following vote resulted: Director S. Johnson voted nay. The Mayor reminded everyone this vote was to suspend the rules and place the ordinance on its next reading. They were not voting on passing or failing the ordinance at this time. Director S. Johnson asked to change her vote to aye. Mayor Shipp made sure this was

what Director S. Johnson wanted to do. She again stated she wanted to change her vote to aye. The Clerk was asked again to call the roll and the following vote resulted: Directors Dowd, S. Johnson, W. Johnson, Williams, and Shipp voted aye. Director Dunphy voted nay. The Mayor declared the motion carried, as there were five ayes and one nay. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Assistant Mayor Williams then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Director W. Johnson. The Clerk called the roll and the following vote resulted: Directors Dowd, S. Johnson, W. Johnson, Williams, and Shipp voted aye. Director Dunphy voted nay. The Mayor declared the motion carried, as there were five ayes and one nay. The ordinance was then read the third and final time and the Mayor declared the ordinance open for discussion.

The Mayor then put the question, "Shall the Ordinance pass?" The Clerk called the roll and the following vote resulted: Directors Dowd, W. Johnson, and Williams voted aye; Directors Dunphy, S. Johnson, and Shipp voted nay. The Mayor declared the ordinance failed as there were three ayes and three nays.

GERALD G. HAIRE ANNEXATION ZONING:

The Mayor Shipp commented that it was not necessary to review the zoning item because the annexation failed to pass.

CITIZEN COMMUNICATION TIME:

- Laney Harris, 2005 Stephanie, spoke in regard to the Landmark Building loan David Potter he had with the City. He said he believed Mr. Potter had had ample time to repay the loan or make payments on the loan.

Mayor Shipp said Mr. Potter intended on paying the loan back in full.

City Manager Charles Nickerson explained that Finance Director Harold Boldt had been in communications with Mr. Potter and the Mayor was correct in saying Mr. Potter had intentions of paying the loan in full.

- Kwanza Abdul Khliq, 4501 Summerhill Road, a Hurricane Katrina evacuee, spoke about economic improvements for the City. He suggested looking into federal programs which would bring revenue in for the City.

Director W. Johnson thanked Mr. Khliq for all his input over the past year and told him he enjoyed his comments and thoughts.

- William Anderson commented on the growth of the bike trails on both sides of the City and complimented both City Mayors on jobs well done. He asked that some of the money be earmarked for these trails.

Mayor Shipp thanked Director W. Johnson for his service to the City and wished him well.

ADJOURNMENT:

There being no further business to come before the Board, on motion duly made, seconded, and unanimously carried, the meeting adjourned.

Horace G. Shipp, Mayor

ATTEST:

Patti Scott Grey, City Clerk