

**RESCHEDULED REGULAR MEETING OF  
THE BOARD OF DIRECTORS  
OF THE CITY OF TEXARKANA, ARKANSAS  
JANUARY 3, 2017**

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**MEMBERS PRESENT:**

The Board of Directors of the City of Texarkana, Arkansas, convened in regular session at 6:00 PM on Tuesday, January 3, 2017.

**INVOCATION:**

The invocation was given by Mayor Ruth Penney Bell.

**PLEDGE OF ALLEGIANCE:**

Mayor Bell led everyone in the Pledge of Allegiance.

**OATH OF OFFICE - DIRECTOR'S WARD 1; WARD 2;  
AND WARD 6:**

District Court Judge Wren Autrey administered the Oath of Office to Ward 1 Director, Linda Teeters; Ward 2 Director, Laney J. Harris, and Ward 6 Director, Terri Peavy.

Mayor Bell welcomed the new Directors to the Board. She also welcomed Directors Johnson, Odom and Miner, as they started the second half of their terms for Wards 3, 4, and 5 respectively.

**ELECTION OF ASSISTANT MAYOR:**

Mayor Bell called for nominations for the position of Assistant Mayor.

Director Peavy made the motion to nominate Director Miner for the position of Assistant Mayor. Director Miner made the motion to nominate Director Odom for the position of Assistant Mayor.

Mayor Bell then asked for a show of hands to elect Director Miner as the Assistant Mayor. The Mayor declared Director Miner the City's Assistant Mayor for a

two-year term, as the majority of hands shown was in favor of Director Miner as Assistant Mayor.

## **ROLL CALL:**

Mayor Ruth Penney Bell asked the Clerk to call the roll and the following Board Members were present: Mayor Bell, Assistant Mayor Barbara S. Miner, and Directors Laney J. Harris, Tim Johnson, Travis Odom, Terri Peavy and Linda Teeters. Also present were City Manager Kenny Haskin, City Attorney George M. Matteson and City Clerk Heather Soyars.

Mayor Bell asked it be duly noted there was a quorum present for tonight's meeting.

## **COMMENTS FROM THE MAYOR:**

### **Welcome:**

Mayor Bell welcomed everyone to tonight's meeting.

### **Board Meeting Procedure:**

Mayor Bell briefly reviewed the board meeting procedures and pointed out the Agenda Item Cards, Citizens' Communication Cards, and agendas along the rail for tonight's Board meeting. The Mayor asked any audience member interested in speaking at tonight's Board meeting to complete one of the cards and turn the card in to the City Clerk. She said this would help run an organized meeting and allowed the Clerk to have the necessary information for the meeting minutes. She stated any citizen may comment on any item on the agenda and express their desires, but would be limited to five minutes.

## **QUESTIONS FROM DIRECTORS AND OTHER**

### **BUSINESS:**

Mayor Bell asked if the Directors had any questions or comments.

Assistant Mayor Miner said the Christmas lights were gorgeous. They were effective and pretty.

Mayor Bell agreed. She also stated the 1<sup>st</sup> Baptist Church on Moore's Lane provided a wonderful lunch for both cities.

No one else came forward.

## **REMOVED FROM CONSENT AGENDA:**

Director Teeters requested Consent Agenda Item 9E “Adopt a Resolution changing the time of the Tuesday, January 17, 2017 and Tuesday, February 21, 2017 rescheduled regular meetings of the Board of Directors to start at 5:00 PM, instead of 6:00 PM. (BOD) *(This item was added at the request of Director Laney J. Harris.)*”; be removed from the consent agenda for discussion.

### **CONSENT AGENDA:**

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

### **MINUTES:**

The minutes approved were of the regular meeting December 19, 2016.

### **RESOLUTION NO. 2017-1:**

Resolution No. 2017-1 authorized the City Manager to execute a contract for the purchase of 15 automatic flushing devices from HD Supply of Royce City, Texas.

### **RESOLUTION NO. 2017-2**

Resolution No. 2017-2 authorized the City Manager to execute a contract for the construction of the Hilltop Drive Water Main Replacement with Kampco, Inc., of Texarkana, Arkansas.

### **RESOLUTION NO. 2017-3:**

Resolution No. 2017-3 amending the FY2017 Budget (Resolution No. 2016-74) and the Public Works Budget to include funding from the 2017 Arkansas Regional Solid Waste Recycling and Electronic Waste Grants Program (Arkansas Department of Environmental Quality, ADEQ) and the Arkansas Department of Parks and Tourism’s Outdoor Recreation Matching Grant Fund.

### **REGULAR AGENDA:**

### **RESOLUTION NO. 2017-4:**

The resolution was read in its entirety. Said resolution would change the time of the Tuesday, January 17, 2017, and Tuesday, February 21, 2017, rescheduled regular

meetings of the Board of Directors from 6:00 PM to 5:00 PM. *(This item was added at the request of Director Laney J. Harris.)*

Director Teeters explained she had a conflict with both dates because she taught class during this time.

Mayor Bell said the Board would have to set something in stone regarding the meeting times.

City Attorney George M. Matteson said the Board could make a motion to table the item.

Director Harris said the Board could go ahead and speak about the issue tonight and try to figure out a time best for everyone. He asked if the Board meeting could be moved back an hour to 7:00 PM.

Mayor Bell said she did not want to move the meeting back to 7:00 PM.

Director Peavy asked what Director Harris's conflict was with the meeting time.

Director Harris said he had a school board meeting at 6:00 PM.

Director Peavy asked Mr. Harris if he had asked the school board to move the time when the meeting would take place.

Director Harris said not really and he did not think the school board would move the time. He could not be in two places at one time and if it were not due to a holiday it would not be an issue.

Director Johnson said he agreed with the Mayor about the Board changing too many meetings in the past several months, he was even confused as to when some meetings started. We were trying to accommodate everyone, but at some point we would have to work around our other issues.

Mayor Bell said everyone had a time when they would miss a meeting and it would not kill anyone.

Director Harris said he had been on the Board for sixteen years and had only missed two meetings and wanted to keep his attendance record. He asked if the Board meeting could start at 6:30 PM.

Director Teeters said yes she could work with moving the two Tuesday Board meetings to 6:30 PM. She hated for the people who work at City Hall to stay extra.

Director Harris, seconded by Assistant Mayor Miner, moved to adopt the resolution. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the resolution passed, as there were seven ayes and no nays.

### **PUBLIC HEARING:**

Mayor Bell opened the public hearing to receive comments regarding the certification of certain delinquent taxes.

Chief Building Official Nina Walker said the Public Works Department cleaned 71 nuisance properties and had been unable to recover the cost of clean-up from the property owner of record. The State of Arkansas granted a city the means to recuperate the costs. The recovered costs would be returned to the Public Works Department fund. An additional ten percent (+10%) was added to the cost of the lien processing of which three percent (3%) was retained by Miller County. The Board Action requested was to approve the placement of liens on the Miller County Tax Rolls to recover the actual cost of clean-up plus ten percent.

City Manager Dr. Kenny Haskin asked Ms. Walker to explain the notification efforts made by staff.

Ms. Walker said there were written notices sent stating the lot owner had seven days to cut the lot. If there was no response, the Street Department went out and cut the lot. After the lot had been cut, the owner would receive a bill for the lot, if the bill was not paid then it was put onto the agenda for the Board. She said there was a notice stating the owner had thirty days to pay the bill, if not paid there would be a lien placed on the property. Seven days before the Board meeting another notice was sent out, but these particular properties received an extra notice due to a delay in meetings.

Director Harris said he had a property owner come by his house stating he did not receive a notice, 824 Grim. He did not see him in the audience to speak regarding this issue.

No one else came forward. Mayor Bell stated the Public Hearing was closed.

### **RESOLUTION NO. 2017-5:**

The resolution was read in its entirety. Said resolution certified the amount to be put on tax books as delinquent and collected accordingly.

Director Johnson, seconded by Director Odom, moved to adopt the resolution. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the resolution passed, as there were seven ayes and no nays.

## **ORDINANCE REZONING PUD ON 9<sup>TH</sup> STREET – FIRST**

### **READING:**

An ordinance was introduced to be entitled, “An Ordinance Amending Ordinance No. K-286, As Amended, To Create A Planned Unit Development; And For Other Purposes.” Said Ordinance approved the rezoning of W-1 Wholesale and Warehousing and C-3 Open-display Commercial to a Planned Unit Development (PUD) located in the 1600 block of E. 9th Street to allow development of an auto parts resale business including sales of recycled metal and wood products operating in conjunction with the adjacent Tri-State Metal recycling business.

Interim City Planner Mary Beck said an application was received by TSIMCO RP, LLC, Agent Kirk Patton, to rezone property legally described as PT of SE1/4, SW1/4, Sec. 20, T.15S, R. 28 W. and Lots 1-7 & 10-14 of HAROLD’S ADDITION, Texarkana, Miller County, AR containing 4.278 acres +/- from W-1 Wholesale and Warehousing and C-3 Open-display Commercial to a PUD. The proposed business would sell parts from scrapped vehicles, as well as recycled metal and wood products. Hours of operation were 7 a.m. to 7 p.m. Monday through Saturday and noon to 7 p.m. on Sunday. The property was located in the 1600 Block of E. 9th Street. Any future change to hours, buildings or operations must be amended by the Board of Directors. Initial public response expressed concerns that were addressed by the applicants in October and November Planning Commission meetings. The Planning Commission certified recommendation with a motion to approve by Commissioner Bertha Dunn, seconded, by Commissioner Jason Dupree, approved by roll call vote of 4-0 with two absent and one vacancy.

Mayor Bell asked if this operation was going to turn in to a salvage yard.

Ms. Beck said it was similar to the operation going on now. Yes, it would be like a salvage yard, but there would be a 90 day limit on how long the vehicle would sit there. And if it were past the 90 days, then the vehicle would be crushed.

Assistant Mayor Miner asked who would monitor the 90 day period.

Ms. Beck said she did not have this information and asked if Assistant Mayor Miner would like to direct the question to the owners.

Director Harris asked Ms. Beck if anyone from the neighborhood came to any meetings regarding the change in this business.

Ms. Beck said there were two meetings discussing the new business. The meeting in October, the question came up regarding where the maintenance building would be located and the noise level. Mr. Glick and Mr. Patton addressed those concerns and let the citizens know it would be quieter with the new pedestal crane.

Director Harris asked was there an issue tabled in one of the meetings.

Ms. Beck said in the October meeting there was a question if there would be rodents and cars just sitting around and the issue was addressed with the 90 day limit.

Director Harris asked Ms. Beck where the closest pull apart was located on Hwy 71.

Ms. Beck said on East 9<sup>th</sup> Street around the 6000 block.

Director Harris asked how many miles away would it be.

Ms. Beck responded it was probably a couple miles.

Director Harris asked if she knew where A-1 Salvage was located.

Ms. Beck said A-1 Salvage was located off the loop on Hwy 71.

Director Harris asked if this business was not a salvage yard.

Ms. Beck said a salvage yard was not the business brought forward, due to the rapid turnover for the cars. In the October meeting these items were tabled, requested by AEP/SWEPCO who wanted the plat redrawn for the rezoning. SWEPCO wanted on the plat the language of what the retention of the easement was.

Director Harris asked Mayor Bell if this item was going to be read three times or voted on tonight.

Mayor Bell said since this was an ordinance tonight would be the first reading. She said Tri-State had been a good neighbor, the area was not visible to the public, and she had not had a complaint about the business.

Dr. Haskin asked if this new business would be a potential retail generator for the City.

Ms. Beck said yes the reason for the rezoning would be able to set up for the retail shop. Tri-State was already doing the car crushing; the only difference would be the retail business.

Mayor Bell asked Mr. Patton to come to the podium to help answer any questions the Board had. She said from what she understood the new business to be would be a retail shop for auto parts.

Kirk Patton, representing TSIMCORP, LLC, which was an Arkansas Limited Liability Company. He gave a brief presentation regarding the rezoning of the property and provided the plat which showed the property in detail. Mr. Patton asked if Ben Glick would come up to explain how the U Pick It would operate.

Ben Glick, representing Tri-State Iron and Metal, said the new business was a self-service auto yard. He said Tri-State was proud to be a part of Texarkana, Arkansas for 70 years. Mr. Glick said the new business would allow extremely discounted auto parts to the community and to other businesses before the auto parts were destroyed. He said it would be very neat, well organized, fenced, well lit, and fully graveled, with engineered drainage. The cars would be segregated by manufactures, allowing the customers to go directly to the aisle where the auto part would be and pull it themselves. He would anticipate creating 3-4 local jobs for Texarkana, Arkansas, and he hoped the retail income would be around the \$500,000.00-\$700,000.00 and it would be eligible for sales tax.

Mayor Bell asked what would keep the public from seeing the cars being piled up.

Mr. Glick said you could not see in there now due to an 8 foot metal fence.

Director Teeters asked would the business be like a salvage yard where the cars were stacked 15 cars high going higher than the fence.

Mr. Patton said you would not be able to see anything operational on this property.



Ben Glick said stacking cars and leaving them was the total opposite of what the new business was going to be. He wanted to do as much volume as he could and turn cars as frequently as possible.

Director Johnson asked Mr. Glick to explain what he meant in regards to wood products being part of a metal recycling place.

Ben Glick said Tri-State did business with the Military; some of the products were shipped to them on wooden pallets, wood packaging, and plywood boxes. Instead of sending the wood to the land fill, Tri-State could sell the reusable product.

Director Johnson asked would the wood products be left in the condition as received, and whoever bought the product would take it apart in order to haul the wood product off. Or would Tri-State already disassemble the wood product and sort out for the buyer.

Ben Glick said they would only put marketable products out for sale; Tri-State would have rows of wooden products and stacks of pallets.

Assistant Mayor Miner said she respected what Tri-State did and the way the business was conducted. She appreciated having a place to dispose of the scrap and she thanked them for their business and said the new business sounded like a good extension.

Ben Glick said they had a similar business in Reno, Texas, just outside of Paris, Texas, and it had been very successful.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item. No one came forward.

Director Harris moved the ordinance be read in abbreviated form and the ordinance be placed on its first reading. The motion was seconded by Director Johnson.

The ordinance was read the first time.

## **ORDINANCE AMENDING A PUD ON 9<sup>TH</sup> STREET – FIRST READING**

An ordinance was introduced to be entitled, “An Ordinance Amending Ordinance No. K-286, As Amended By Ordinance No. L-183, As Further Amended By Ordinance No. L-337; And For Other Purposes.” Said ordinance amend Tri-State Iron & Metal Co., Planned Unit Development (PUD).

Mr. Patton, representing Tri-State Iron and Metal Co., gave a brief presentation regarding the amendment for a PUD on 9<sup>th</sup> Street and the installation of an electric pedestal crane to replace an existing diesel crane. He said there was an issue brought up about the noise level from the pedestal crane and Ben Glick would come up and explain in more detail.

Ben Glick said replacing the existing crane with an electric pedestal crane would actually reduce the noise level Tri-State already had. He also handed out to the Board members a packet about the noise measurements from the manufacture giving detailed information. Mr. Glick said the crane would be located near the railroad tracks and shredder.

Director Harris asked what the operation time of the shredder was.

Ben Glick said the general time the shredder would be operated would be 8:00 AM – 4:00 PM.

Director Harris asked what noise a person would complain about around the hours of 10:00 PM or 11:00PM.

Ben Glick said the noise would not be Tri-State shredding metal, it may be the railroad. He said they had a good conversation with the community and if there would be any questions from the community he would be happy to give out his contact information.

Director Harris asked on the back side of Capp Street, were there supposed to be things above the fence line.

Ben Glick said Tri-State had not had any complaints on this issue, but if there were any concerns he would love to be responsive.

Director Teeters said the scrap pile had been there forever, it was the stacking of cars that would not go higher than the fence.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item. No one came forward.

Mayor Bell moved the ordinance be read in abbreviated form and the ordinance be placed on its first reading. The motion was seconded by Assistant Mayor Miner.

The ordinance was read the first time.

**ORDINANCE APPROVING THE RIGHT-OF-WAY  
ABANDONMENTS IN HAROLD'S ADDITION – FIRST  
READING**

An ordinance was introduced to be entitled, “An Ordinance Approving The Right-Of-Way Abandonments In HAROLD’S ADDITION.”

Mr. Patton, representing TSMICO, gave the location of the two undeveloped streets in HAROLD’S ADDITION. When they filed the application, a notice went out to all of the utility companies and if there was a problem a letter would be sent. SWEPCO sent a letter stating they had transmission lines in one of the streets. Mr. Patton contacted SWEPCO and they wanted to know the exact language put in the ordinance. He sent an email letting SWEPCO see what was in the ordinance and it was satisfactory with them. Mr. Patton read the exact language that was approved by SWEPCO.

Mayor Bell asked if these streets were undeveloped and people were not driving on them.

Mr. Patton said he did not think anyone had ever used the streets.

Director Teeters asked were electrical lines running on the streets.

Mr. Glick said the electrical lines in question were what fed the Tri-State shredder.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item. No one came forward.

Director Johnson moved the ordinance be read in abbreviated form and the ordinance be placed on its first reading. The motion was seconded by Assistant Mayor Miner.

The ordinance was read the first time.

**CITIZEN COMMUNICATION:**


Mayor Bell asked if anyone in the audience would like to speak, on any subject up to a total of five minutes.

No one came forward

**ADJOURNMENT:**

Director Johnson, seconded by Director Odom, moved to adjourn the meeting. The Clerk called the roll and the following vote resulted: Directors Harris, T. Johnson, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the meeting adjourned, as there were seven ayes and no nays.

The meeting adjourned at 7:35 PM.

  
Ruth Penney Bell, Mayor

**ATTEST:**

  
Heather Soyars, City Clerk