

# **RESCHEDULED REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CITY OF TEXARKANA, ARKANSAS JANUARY 17, 2017**

---

## **MEMBERS PRESENT:**

The Board of Directors of the City of Texarkana, Arkansas, convened in regular session at 6:30 PM on Tuesday, January 17, 2017.

## **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. [Director Harris arrived at 6:49 PM.]

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

## **INVOCATION:**

The invocation was given by Director Travis Odom.

## **PLEDGE OF ALLEGIANCE:**

Director Travis Odom led everyone in the Pledge of Allegiance.

## **COMMENTS FROM THE MAYOR:**

### **Welcome:**

Mayor Bell welcomed everyone to tonight's meeting. She gave a big Welcome Back to KFLI videographer Burns Barr who had been battling cancer. Mr. Barr said he received good news from his doctor and he was in remission.

### **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.

**AML Winter Conference:**

Mayor Bell said she and Directors Teeters, Odom, Miner and Peavy attended the Arkansas Municipal League's (AML) Winter Conference. She said it was one of the best conferences she had attended.

**QUESTIONS FROM DIRECTORS AND OTHER BUSINESS:**

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

Director Odom said it was the best AML meeting he had attended.

**CONSENT AGENDA:**

**MINUTES:**

Mayor Bell moved to table the minutes of the regular meeting January 3, 2017. The motion was seconded by Director Odom.

Mayor Bell said the minutes were confusing in the discussion of changing the time of the meeting on January 17, 2017. She asked Director Teeters to also review the minutes for any corrections to her comments. The Clerk called the roll and the following vote resulted: Directors Johnson, Miner, Odom, Peavy, Teeters and Bell voted aye. The Mayor declared the motion carried, as there were six ayes and no nays.

**REGULAR AGENDA:**

**ORDINANCE NO. 1-17:**

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 would approve 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. Mayor Bell said this was the second reading of this ordinance. The first reading was January 3, 2017.

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

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its second reading. The motion was seconded by Director Johnson. The Clerk called the roll and the following vote resulted: Directors Johnson, Miner, Odom, Peavy, Teeters and Bell voted aye. The Mayor declared the motion carried, as there were six ayes and no nays.

The ordinance was read the second time in abbreviated form.

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its third and final reading. The motion was seconded by Director Teeters. The Clerk called the roll and the following vote resulted: Directors Johnson, Miner, Odom, Peavy, Teeters and Bell voted aye. The Mayor declared the motion carried, as there were six ayes and no nays.

The ordinance was read the third and final time in abbreviated form.

Assistant Mayor Miner made the motion to adopt the ordinance. The motion was seconded by Director Odom. The Clerk called the roll and the following vote resulted: Directors Johnson, Miner, Odom, Peavy, Teeters and Bell voted aye. The Mayor declared the ordinance adopted, as there were six ayes and no nays.

### **ORDINANCE NO. 2-17:**

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 amended Tri-State Iron & Metal Co., Planned Unit Development (PUD). Mayor Bell said this was the second reading of this ordinance. The first reading was January 3, 2017.

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 second reading. The motion was seconded by Director Odom. The Clerk called the roll and the following vote resulted: Directors Johnson, Miner,

Odom, Peavy, Teeters and Bell voted aye. The Mayor declared the motion carried, as there were six ayes and no nays.

The ordinance was read the second time in abbreviated form.

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its third and final reading. The motion was seconded by Director Johnson. The Clerk called the roll and the following vote resulted: Directors Johnson, Miner, Odom, Peavy, Teeters and Bell voted aye. The Mayor declared the motion carried, as there were six ayes and no nays.

The ordinance was read the third and final time in abbreviated form.

Director Johnson made the motion to adopt the ordinance. The motion was seconded by Director Odom. The Clerk called the roll and the following vote resulted: Directors Johnson, Miner, Odom, Peavy, Teeters and Bell voted aye. The Mayor declared the ordinance adopted, as there were six ayes and no nays.

[Director Harris arrived at 6:49 PM.]

### **ORDINANCE NO. 3-17:**

An ordinance was introduced to be entitled, "An Ordinance Providing For the Vacation And Abandonment Of Two (2) Platted Undeveloped Rights-Of-Way Located In HAROLD'S ADDITION, To The City Of Texarkana, Arkansas; And For Other Purposes." Said Ordinance abandon two dedicated undeveloped streets located in HAROLD'S ADDITION, to allow development of an auto parts retail business with sales of other recycled material and wood products to operate in conjunction with Tri-State recycling. Mayor Bell said this was the second reading of this ordinance. The first reading was January 3, 2017.

Director Teeters asked if the rights-of-way had been a road and if it were on the same property as Tri-State.

Mayor Bell said yes. The rights-of-way were never a road and it was on Tri-State's property.

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

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

Teeters. 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 motion carried, as there were seven ayes and no nays.

The ordinance was read the second time in abbreviated form.

Director Johnson moved the ordinance be read in abbreviated form and the ordinance be placed on its third and final reading. The motion was seconded by Director Odom. 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 motion carried, as there were seven ayes and no nays.

The ordinance was read the third and final time in abbreviated form.

Director Teeters made the motion to adopt the ordinance. The motion was seconded by Director Odom. 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 ordinance adopted, as there were seven ayes and no nays.

#### **ORDINANCE NO. 4-17:**

An ordinance was introduced to be entitled, “An Ordinance Amending And Setting Fees For Certain Alcoholic Beverage Permits; And For Other Purposes.” Said ordinance amended Chapter 3 of *the City of Texarkana, Arkansas Code of Ordinances* to revise fees.

Finance Director TyRhonda Henderson said this item was to amend Chapter 3, Alcoholic Beverages, of the *Code of Ordinances* and to approve the revised fee schedule. This amendment increased the Alcohol Beverage maximum permit fee to \$350 and increased the Retail Liquor permit fee to \$425. These increases would generate an additional \$9,500 in revenue for the City’s General Fund. The City Manager and Finance Director recommended approving the revised fee schedule.

Director Harris asked what businesses would be affected and how had they been notified of the increase.

Ms. Henderson said the increase would affect anyone who had an Alcoholic Beverage permit and a Retail Liquor permit. She said any changes to the ordinance would be submitted to the City Clerk and she would publish the ordinance in the paper.

City Manager Dr. Kenny Haskin said the Board vetted the issue last year during the budget cycle.

Director Harris said yes he was aware of the issue but wanted to know if the businesses were aware.

Mayor Bell asked who the increase would affect.

Ms. Henderson said the increase would affect liquor stores, convenience stores, and restaurants that sold beer and wine.

Mayor Bell said it would be the retail business and also places like Shooter's.

Ms. Henderson said yes. It would affect a total of 15 liquor stores, and 72 businesses including convenience stores and restaurants.

Dr. Haskin asked if this was an annual fee or a fee paid monthly.

Ms. Henderson said the fee would be a one-time annual fee.

Director Teeters asked if a vendor sets up for one of the many festivals to sell beer would they have to buy the license also.

Ms. Henderson said this was totally separate. The vendors were required to donate a portion of the proceeds to a non-profit organization.

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

The ordinance was read the first time in its entirety.

Director Harris said he would like to complete the reading of the ordinance at the next Board meeting since it may be controversial and he would like to give the retail businesses the opportunity to give their opinion one way or the other. Everyone did not receive the paper and he assumed it was published in the paper, but he also thought the ordinance was published after it went into effect.

Mayor Bell asked Ms. Henderson how the people affected were notified of the change.

Ms. Henderson said it was put on the website under the agenda and it would be published in the paper after it went into effect. If she needed to send out a letter to the businesses she could, but in the past the Finance Department did not send out any notices.

Mayor Bell asked Dr. Haskin if the City had the right to levy fees, and did the Board give the people or company the opportunity to beg out.

Dr. Haskin said yes. For the past two months this issue had been out there and he had not heard any opposition from the businesses.

Mayor Bell said she would be interested to know if it were the right of the City to set the fees or would the Board like to do what Director Harris had proposed and wait to decide until the next meeting. She asked Director Harris if he would like to put his request in the proposal for the motion.

Director Harris said he was not questioning the City's right to levy the fees, his issue was the notice given to the businesses. He wanted to read it once tonight and read it again at the next Board meeting.

City Attorney George Matteson said in order for the Board to act on this issue tonight, then it would take five votes to suspend the rules and then Mayor Bell could put the ordinance on the second reading and subsequently on the 3<sup>rd</sup> reading by the same process.

Director Teeters asked how long the ordinance had been on the website.

City Clerk Heather Soyars said the agenda had been on the website since Thursday.

Assistant Mayor Miner asked how the renewal process worked.

Ms. Henderson said there were two separate permits; the Alcohol Beverage permit expired December 31, and then the Retail Liquor permit expired April 30. They were both good for one full year.

Ms. Teeters said what the business paid a week and half ago would not affect them until 2018.

Ms. Henderson said yes.

Assistant Mayor Miner asked if this was a reasonable amount and how did this compare.

Ms. Henderson said the fee had not increased since 1996. After all the research, the Alcohol Beverage permit, per state statute there was not a maximum fee to charge. The City capped the fee to help out the businesses, but there was not a requirement for the cap. On the Retail Liquor permit the City was allowed to charge a maximum of one half of what the state charged. The state charged \$850.00 and this was how the City could charge the \$425.00.

Ms. Peavy asked the City Clerk if it had been in the newspaper.

Ms. Soyars said after the ordinance was adopted it would be published in the newspaper.

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its second reading. The motion was seconded by Director Peavy. The Clerk called the roll and the following vote resulted: Directors Johnson, Miner, Odom, Peavy, Teeters and Bell voted aye. Director Harris voted nay. The Mayor declared the motion carried, as there were six ayes and one nay.

The ordinance was read for the second time in abbreviated form.

Director Teeters moved the ordinance be read in abbreviated form and the ordinance be placed on its third and final reading. The motion was seconded by Director Odom. The Clerk called the roll and the following vote resulted: Directors Johnson, Miner, Odom, Peavy, Teeters and Bell voted aye. Director Harris voted nay. The Mayor declared the motion carried, as there were six ayes and one nay.

Director Harris wanted to let the record show he was not voting against the fee, he did not feel the businesses were given proper notice. Since this was a rate increase, he felt it should have been discussed in two separate meetings. He did not feel the Board should adopt something one time and then change the process of adopting ordinances.

Director Odom made the motion to adopt the ordinance. The motion was seconded by Director Teeters. The Clerk called the roll and the following vote resulted: Directors Johnson, Miner, Odom, Peavy, Teeters and Bell voted aye. Director Harris voted nay. The Mayor declared the ordinance adopted, as there were six ayes and one nay.

### **ORDINANCE NO. 5-17:**

An ordinance was introduced to be entitled, "An Ordinance Waiving Competitive Bidding and Authorizing the Execution of a Microsoft Enterprise License Agreement; Declaring an Emergency; and for Other Purposes." Said ordinance authorized the City Manager to purchase a three year Microsoft Enterprise License Agreement for licenses used by all departments of the City of Texarkana, Arkansas in an amount not to exceed the annual fee of \$30,808.80.



IT Manager Kevin Davenport said the Texarkana Water Utilities (TWU) Information Technology (IT) Division was requesting the enterprise agreement proposal from SHI Government Solutions of Somerset, New Jersey for Microsoft licenses to be accepted, and authorizing the City Manager to negotiate a final enterprise agreement at a total cost over a three-year period not to exceed ninety-two thousand four hundred twenty-six and 40/100 dollars (\$92,426.40) with the Texarkana, Arkansas annual cost not to exceed thirty thousand eight hundred eight and 80/100 dollars (\$30,808.80). The IT Division of TWU budgeted and requested software licenses for the computer systems of City of Texarkana, Arkansas; utilizing an Enterprise Agreement managed by TWU to purchase these licenses would allow for software consistency across departments.

Director Johnson asked if this was just for the City of Texarkana, Arkansas and its departments only.

Mr. Davenport said yes.

Mayor Bell asked, did the City receive a discounted rate.

Mr. Davenport said after the three-year period was over, the next agreement signed would have the discounted amount. Since the City was receiving a new license for Office 365, it would be the full amount for the first three years.

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 Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Odom, Peavy, Teeters and Bell voted aye. The Mayor declared the motion carried, as there were seven ayes and no nays.

The ordinance was read the first time in abbreviated form.

Director Harris moved the ordinance be read in abbreviated form and the ordinance be placed on its second reading. The motion was seconded by Director Teeters. 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 motion carried, as there were seven ayes and no nays.

The ordinance was read the second time in abbreviated form.

Director Harris moved the ordinance be read in abbreviated form and the ordinance be placed on its third and final reading. The motion was seconded by Director Odom. 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 motion carried, as there were seven ayes and no nays.

The ordinance was read the third and final time in abbreviated form.

Director Harris made the motion to adopt the ordinance. The motion was seconded by Director Odom. 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 ordinance adopted, as there were seven ayes and no nays.

### **EMERGENCY CLAUSE:**

Director Odom, seconded by Director Harris, moved to approve the emergency clause. 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 emergency clause adopted, as there were seven ayes and no nays.

### **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.

### **EXECUTIVE SESSION:**

Mayor Bell announced the Board would recess into Executive Session.

### **MEETING RECONVENED:**

The meeting was reconvened by the Mayor following the Executive Session.

Director Johnson asked if there were any guidelines within Board policy regarding the commissions and committees.

Ms. Soyars said no.

Mayor Bell said the Board decided every year which committee they would serve on. She would like every member of the Board to have a copy of all the applicant's resumes before the next Board meeting.

Director Peavy asked if it were just a given the new Board members replaced the outgoing Board members, and if there was a way to have future guidelines.

Mr. Matteson said some of those committees were statutory and it stated you served at the pleasure of the Board, Advertising and Promotion was an example. Others were not, and it would be at the pleasure of the Board. And to lock the Board in to a multi-year deal would be something you considered very thoughtfully before being committed.

Director Teeters asked if they had to be on the committee for two years.

Mayor Bell said committees could evolve.

Director Peavy said the two years was not written in stone, it could be just for one year.

Director Teeters said it would be at the Board's discretion.

Mayor Bell said only on the commissions was it important.

Mr. Matteson said it was at the pleasure of the Board; there might be a statutory provision that would be unique to one over the other. He felt fairly confident telling those were fluid concepts.

### **RESOLUTION NO. 2017-6:**

Resolution No. 2017-6 was read in its entirety. Said resolution approved Board appointments to various boards, commissions and committees.

#### **Public Utilities Committee (3)**

1. Director Laney Harris
2. Assistant Mayor Barbara Miner
3. Director Travis Odom

#### **Intergovernmental Advisory**

1. Mayor Ruth Penney Bell
2. Director Travis Odom

#### **Council of Governments Board (1)**

1. Mayor Ruth Penney Bell

#### **E.M.S. Committee (3)**

1. Director Terri Peavy
2. Director Travis Odom
3. Assistant Mayor Barbara Miner

#### **Employees Retirement System Committee (2)**

1. Director Terri Peavy
2. Director Linda Teeters

#### **Economic Development Committee (5)**

1. Mayor Ruth Penney Bell
2. Director Linda Teeters

3. Director Travis Odom
4. Director Tim Johnson
5. Assistant Mayor Barbara Miner

**Solid Waste Management  
Committee (3)**

1. Mayor Ruth Penney Bell
2. Assistant Mayor Barbara Miner
3. Director Linda Teeters

**TUTD Board (3)**

1. Mayor Ruth Penney Bell
2. Director Terri Peavy
3. Director Laney Harris

**MPO Policy Committee (2)**

1. Mayor Ruth Penney Bell
2. Assistant Mayor Barbara Miner

**A & P Commission (2)**


1. Director Laney Harris
2. Director Tim Johnson

Director Harris, 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.

**ADJOURNMENT:**

Director Johnson, seconded by Director Odom, moved to adjourn the meeting. 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 meeting adjourned, as there were seven ayes and no nays.

The meeting adjourned at 7:59 PM.

  
 Ruth Penney Bell, Mayor

**ATTEST:**

  
 Heather Soyars, City Clerk