

**REGULAR MEETING OF THE  
BOARD OF DIRECTORS  
OF THE CITY OF TEXARKANA, ARKANSAS  
MARCH 20, 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 Monday, March 20, 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.

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

**INVOCATION:**

The invocation was given by guest of Director Harris, Texarkana Chamber of Commerce President/CEO Mike Malone.

**PLEDGE OF ALLEGIANCE:**

Director Harris led everyone in the Pledge of Allegiance.

**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.

**Ross Cowling Day:**

Mayor Bell read a proclamation announcing March 20, 2017, as "Ross Cowling Day." She said Mr. Cowling was the City's Park Superintendent and he recently was awarded the Henry Award for being the Arkansas volunteer of the year.

**Aviation Maintenance Technician School:**

Mayor Bell said she, Director Peavy and City Manager Kenny Haskin, recently toured Southern Arkansas University Tech – Texarkana Campus Aviation Maintenance Technician School. Students from area high schools, grades 10-12, could attend the program for college credits. Once they successfully completed this program, they would satisfy the training and experience requirements of the Federal Aviation Regulations for airframe and/or power plant certificate ratings.

**QUESTIONS FROM DIRECTORS AND OTHER BUSINESS:**

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

Director Harris said he attended President Trump's 2018 Budget Plan meeting in Washington, DC, on March 15, 2017. Director Harris also met with Arkansas Senator Tom Cotton and other Arkansas officials and he brought to their attention how the proposal would affect the poor neighborhoods in the City of Texarkana, Arkansas. The proposal would eliminate Community Development Block Grant (CDBG) funding and would cut Housing for Urban Development by \$6 billion dollars. He said it would greatly affect his ward and the poor people of Texarkana and the State of Arkansas. Director Harris said if the proposed plan was put in place, it might result in a short fall of money for the City. He also spoke with Senator John Boozman who said the plan was just a proposal. It still had to be voted on. Director Harris hoped citizens would call the Senators and Representatives for the State of Arkansas and tell them how the City used

the money each year and how the short fall of money would be damaging to the City of Texarkana, Arkansas.

Mayor Bell asked Mr. Harris if he went to Washington, DC, with the Arkansas Municipal League delegation.

Director Harris said yes. He said with only a \$1,200 travel budget, he was not able to pay the registration fee, but this was a fight for another day. He was limited to two meetings and he attended the HD meeting on Sunday.

Mayor Bell asked Director Harris what HD stood for.

Director Harris said it stood for Human Development.

Mayor Bell thanked Director Harris for letting the Board know what he had done.

No one else came forward.

### **CONSENT AGENDA:**

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

### **MINUTES:**

The minutes approved were of the regular meeting March 6, 2017.

### **RESOLUTION NO. 2017-15:**

Resolution No. 2017-15 authorized the City Manager to execute a contract for the Millwood Water Treatment Plant Sludge Ponds Cleaning Project with Denali Water Solutions, LLC, of Russellville, Arkansas.

### **REGULAR AGENDA:**

### **ORDINANCE NO. 10-17:**

An ordinance was introduced to be entitled, "An Ordinance Amending, Updating And Revising Portions Of Chapter 5 Of The *Code Of Ordinances Of The City Of Texarkana, Arkansas*; And For Other Purposes". Said ordinance amended, updated and revised the City *Code of Ordinances* relating to animals; confinement of dogs; restriction of permanently chaining; tethering a dog; implementation and enforcement of regulations; etc.

Mayor Bell said this was to be the third reading of the ordinance. She asked if any Board or audience member had any questions or comments concerning this item.

Vivien Hibbert, 904 East 12<sup>th</sup> Street, spoke in favor of the ordinance saying she had lived in Texarkana, Arkansas, for three years and she wanted to speak on behalf of her next door neighbor's dog, Mike. She said 30% of children killed by dogs in this country were killed by dogs that lived their life on a chain. Ms. Hibbert wanted to make sure the responsibility of the dogs was in the hands of the Animal Control Officers and not irresponsible pet owners like her neighbor. She liked her neighbor and did not want him in trouble, but he was an irresponsible pet owner. Ms. Hibbert said she read in the newspaper that Director Harris would vote against this ordinance and she asked him to reconsider. She thanked the Board for their time.

Director Peavy asked what percentage of dogs killed children.

Ms. Hibbert said the CDC studies she had said 30% of all the children killed in this country by dogs were dogs that had been chained.

Mayor Bell said ordinarily she would have stopped Ms. Hibbert from talking because the Board did not want the Directors called out, but she knew this was very emotional for Ms. Hibbert so she did not want to stop her.

Ms. Hibbert apologized.

Director Harris said in Article 2 of the Declaration of Rights Section 15 of the Arkansas Constitution stated: *The right of the people of this State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.* He said when you took the rights away from someone; you would eventually take the rights away from everyone.

Assistant Mayor Miner 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 Odom made the motion to adopt the ordinance. 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. Director Harris voted nay. The Mayor declared the ordinance adopted, as there were six ayes and one nay.

### **ORDINANCE TO REVISE FEE – FIRST READING:**

An ordinance was introduced to be entitled, “An Ordinance Amending, Updating And Setting Fees For Certain Services Provided By The City Of Texarkana, Arkansas; And For Other Purposes”. Said ordinance revised fees of the Animal Care and Adoption Center and the Fire Department.

Finance Director TyRhonda Henderson said this item was to amend Chapter 5, Animals and Fowl, of the *Code of Ordinances* and to approve the revised fee schedule. This amendment would increase the attached list of fees for the Animal Care and Adoption Center. These increases would generate an additional \$79,000 in revenue for the City’s General Fund over a 12 month period. This item was also to amend Chapter 9, Fire Prevention and Protection, of the *Code of Ordinances* and to approve the revised fee schedule. This amendment would increase the attached list of fees for the Fire Department. These increases would generate an additional \$21,000 in revenue for the City’s General Fund over a 12 month period. The City Manager recommended approving the revised fee schedules.

Director Harris said he did not attend the workshop this ordinance was pertaining to, but he knew the issue was brought up if the fees should be based on the population of the city because different cities had a different effect on the dog pound.

Ms. Henderson said at the workshop it was decided amongst the Board to go with the proposal but the City Attorney felt it was not in the best interest of the City to have a graduated plan instead of a flat fee.

City Attorney George M. Matteson said there were two reasons one, was the equal protection problem, to make sure everyone was treated the same and two, the fee was designed to recoup the expense and this would reimburse providing the service.

Director Harris said in a recent Freedom of Information Act request, he thought Texarkana, Texas, had several more dogs brought to the Animal Care and Adoption Center versus the City of Nash, Texas. He thought Texarkana, Texas, should be obligated to pay more since more dogs from the Texas-side were at the Animal Care and Adoption Center.

Director Teeters said she agreed with Director Harris but we were taking in more money from Texarkana, Texas, with the flat rate. For example, from Nash, Texas, we may take in 7 dogs and this would be \$70.00 a day. If we were to take 42 animals from Texarkana, Texas, this would be \$420.00 a day. She said with the flat rate it would be fair to everyone and we would take in more from Texarkana, Texas, but it would be based on the number of dogs not the size of the city.

Director Harris said he did not agree with Director Teeters because if you looked at the money we got back from the State, we got money based on population. He also asked if the area cities had been notified about the increase.

City Manager Kenny Haskin said yes. Texarkana, Texas, had been notified and the other cities would be notified if this ordinance was approved.

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 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 first time in abbreviated form.

Director Johnson said he was in favor of having the second reading of the ordinance at the next meeting. He said in light of the views expressed from the past questioning our speedy and legal fast tracking of ordinances, he did not see anything particularly urgent about this ordinance.

Mayor Bell said she did not think the ordinance would stir any controversy. She said after Ms. Henderson's research was done, all the fees were really less than other cities' fees. Mayor Bell said the ordinance would be delayed and not fast tracked even

though she did not anticipate any controversy. The ordinance would be read again next month.

**PUBLIC HEARING REGARDING ALLEY**

**ABANDONMENT:**

Mayor Bell opened the public hearing.

Interim City Planner Mary Beck said a petition to abandon an undeveloped alley located in Fouke's Addition, Block 2 that contained no utilities and was a located where no utilities were planned was made to the City on December 29, 2016. The alley ran east to west from Kirby to Draughn Streets and was located between Dudley Street and the undeveloped Maud Street. Following public notice, a canvassing of 5 utilities was made. No objections to the abandonment had been received and there were utilities in the right-of-way and no utilities were planned to be placed in the right-of-way. The Planning Commission certified recommendation to approve after a motion by Vice-Chairman George Coker, seconded by Commissioner Bertha Dunn, with a roll call vote of 4-0 to approve with no opposition and 3 commissioners absent.

Director Harris asked Ms. Beck to describe how the alley was divided when it was abandoned.

Ms. Beck said the ordinance stated 50% went to each side of the property owners. She believed the alley was a 10 foot alley, 5 feet would go to the north side and 5 feet would go to the south side for the length of the lot.

Director Teeters asked how many lots were in the alley.

Petitioner, Ralph Fuller said there were 8 properties. The Apostolic Lighthouse Church owns 2.5 lots on the north side, his sister owned half of the next lot, he and his brother owned half of the next lot, and Mr. Richard owned half of the next lot. Mr. Fuller said there was 10 feet on the north side and 10 feet on the south side, and they all owned the property on both sides of the alley.

Ms. Beck said the alley had never been constructed so some of the properties went through the alleyway. She said Mr. Fuller's shed was constructed in the alleyway. There was not a separate property owner on the other side of the alley.

Mayor Bell asked if most of the alleyway was shared.

Ms. Beck said most of the alleyway was not shared.

Mr. Fuller said half of the alleyway was shared and the other half was not.

Ms. Beck said it was split into a little different formation than what was originally platted.

Mayor Bell closed the public hearing.

### **ORDINANCE NO. 11-17:**

An ordinance was introduced to be entitled, "An Ordinance Providing For The Vacation And Abandonment Of An Undeveloped Alley Right-Of-Way Located In Fouke's Addition, To The City Of Texarkana, Arkansas; And For Other Purposes". Said ordinance abandoned an undeveloped alley located in Fouke's Addition, Block 2. .

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 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 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 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 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 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 third and final time in abbreviated form.



Director Johnson made the motion to adopt the ordinance. The motion was seconded by Assistant Mayor Miner. 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.

**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.

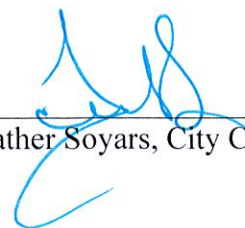
**ADJOURNMENT:**

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 7:06 PM.

  
Ruth Penney Bell, Mayor

**ATTEST:**

  
Heather Soyars, City Clerk