

**REGULAR MEETING OF THE
BOARD OF DIRECTORS
OF THE CITY OF TEXARKANA, ARKANSAS
JULY 17, 2017**

MEMBERS PRESENT:

The Board of Directors of the City of Texarkana, Arkansas, convened in regular session at 6:00 PM on Monday, July 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 Tim Johnson, Laney J. Harris, 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 Director Tim Johnson.

PLEDGE OF ALLEGIANCE:

Director Tim Johnson 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, Citizen 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.

Reverend Londell Williams:

Mayor Bell said this past week the City celebrated the life of Reverend Londell Williams. She said he served on the Board for thirty-seven years and had one term as the first African American Mayor of Texarkana, Arkansas.

Appreciation for Street Superintendent Tim Carter and the Street Crew:

Mayor Bell said this past weekend, after the rain, some of the citizens lost electricity between 9th Street and 24th Street. She said after she and Dr. Haskin made a few calls to SWEPCO the electricity was back on. Mayor Bell said during the time it took SWEPCO to fix the problem she had a phone call from Street Superintendent Tim Carter letting her know he and his team were busy putting out four-way stop signs since all the lights were out. She said Texarkana, Arkansas had the best employees.

QUESTIONS FROM DIRECTORS AND OTHER BUSINESS:

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

Two State Showcase:

Mayor Bell introduced Parks Superintendent Ross Cowling.

Mr. Cowling said two years ago, Sandy Dixon came to him and said there was a softball tournament on the Texas-side and they were running out of parks to use and asked if they could use the Hobo Jungle Park.

Sandy Dixon said Texarkana, Arkansas had better than great employees and Ross Cowling went above and beyond what was asked of him. He said the showcase was the number one showcase in the nation last year. It was due to college coaches, teams and players who sent their ratings back for how well the city did. He said Texarkana had the highest rating of all the cities. Mr. Dixon said the number one statement he heard from people was how friendly Texarkana was. He said last year was the first year of the showcase and they booked 1,200 hotel rooms and this year 1,822 hotel rooms were booked. Mr. Dixon said they ran out of rooms and could not accept any more teams into the showcase. He introduced Bill McCartney, the Umpire in Chief (UIC), who took care

of the fields and umpires, and the operations manager Adam Dudley. Mr. Dixon said Bobby Beckham, who was over the American Softball Association (ASA) at Hobo Jungle Park, and Paul Maul, who was over the Texas-side Karrh Park, both worked together to make the showcase a success. He said Texarkana was the only two state showcase in the nation and no one else could claim this. Mr. Dixon said they hoped to bring a football, baseball and soccer showcase to the area next. He said this would bring Universities into the city, giving scholarships to athletes. He said 70 scholarships were offered and 26 scholarships were accepted. Mr. Dixon said Texarkana was centrally located with easy access off the interstates.

Mayor Bell asked Mr. Dixon if he needed more fields.

Mr. Dixon said yes, they had to shut down the showcase with 98 teams because there were 400 games to play in 3 days. He said if there were more fields, Texarkana's showcase could be as big as the Dallas showcase.

Mayor Bell said she appreciated what the showcase did for the City of Texarkana, Arkansas. She said not only did the showcase bring in the people, it brought people to visit our stores, hotels and restaurants.

Mr. Dixon said the hotels recorded this weekend to be the most money made in the history of the hotels. He said he knew Roadhouse and some of the other restaurants stayed open until 2:00 AM.

Director Peavy asked if he knew when the soccer dates would be.

Mr. Dixon said there had been no dates set for the football, baseball or soccer showcases yet. He said both sides of Texarkana needed to work together to continue building the greatest showcase.

Mayor Bell said this was going to be phenomenal. She thanked Mr. Dixon and his crew for a job well done putting on the showcase and helping our City.

No one else came forward.

CONSENT AGENDA:

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

MINUTES:

The minutes approved were of the regular July 5, 2016.

RESOLUTION NO. 2017-29:

Resolution No. 2017-29 authorized the City Manager to apply to the Arkansas Department of Parks and Tourism for a 2018 Arkansas State Parks Matching Grant under the Outdoor Recreation Grants Program assisting in development of outdoor recreational facilities.

REGULAR AGENDA:

ORDINANCE NO. 20-2017:

An ordinance was introduced to be entitled, "An Ordinance to Amend Chapter 9 of the *Code of Ordinances of the City of Texarkana* to revise fees". Said ordinance amended Chapter 9, Fire Prevention and Protection, of the *Code of Ordinances* and to approve an addition to the current fee schedule.

Finance Controller Jessica Hyman said Section 9-12 of the *Code of Ordinances* should be revised to replace 'Manufacturing Business' with 'Factory/Industrial 20,000 Sq. Ft +'. The wording 'Manufacturing Business' was vague and presented a challenge in correctly classifying facilities. Section 9-12 of the *Code of Ordinances* should also be revised to replace 'Fee for the Second and Any Subsequent Re-Inspections' to 'Fee for the Second Re-Inspection and Any Subsequent Re-Inspections'. The current reading was vague and caused some confusion as to when the fee should be charged. Section 9-12 of the *Code of Ordinances* should also be revised to add 'All Other Commercial Business; Annual Inspection Fee \$0; Fee for the Second Re-Inspection and Any Subsequent Re-Inspections Occurring Prior to the Next Annual Inspection \$75'. This section currently read as if the fee were only associated with the businesses categories listed and not all commercial businesses, as it was intended. Section 9-12 of *Code of Ordinances* should also be revised to add a \$75 annual permit fee per commercial fire alarm system. The City Manager recommended approving the revisions.

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 third time in its entirety.

Director 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 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. 21-2017

An ordinance was introduced to be entitled, "An Ordinance Amending Certain Procedural Provisions of the *Code of Ordinances* of the City of Texarkana; and for Other Purposes". Said ordinance amended the formulation of the Board of Directors' meeting agenda. This item was added to the agenda at the request of Mayor Bell.

Mayor Bell said this ordinance put policy in place for Board agenda items. She said if a Board member requested an item be placed on the agenda the Board member must file the agenda item with the office of the City Manager by 5:00 PM on the second Wednesday prior to the regular Board meeting. The Board member's agenda item would be reviewed at the staff meeting and the City Manager would make a recommendation of 'staff recommended approval' or 'staff did not recommend approval' for proposed Board member agenda items after considering any comments from Department Heads and the City Attorney. Board member agenda items not recommended by staff would not be included in the upcoming Board meeting. The City manager would schedule a workshop within 30 days to discuss Board member agenda items not recommended for approval by staff. The Board member agenda items then had to receive the affirmative endorsement of at least 2 members of the Board and then the item would be placed on the next scheduled meeting occurring no sooner than 7 business day following the workshop.

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 Peavy.

Director Harris said he felt like this was being done due to his ordinance submitted regarding the Public Facility Use Request. He also thought the power was given to a non-elected official and a Board member should be able to place an item on the agenda. Director Harris said sometimes the 6 other Board members were biased and prejudiced and voted an item up or down to be put on the agenda. He said the Mayor

changed the procedure about presentations being brought up by a City employee and there was a presentation given that should have waited until Citizen's Communication time. Director Harris said the City Manager and Department Heads were now controlling what was brought before the Board.

Mayor Bell said the Board members were not to micromanage the City. She said there were two people as a body they had the right to vote on, the City Manager and the City Attorney. Mayor Bell said the Board hired the City Manager and they had confidence he could run the City and he was doing a phenomenal job. She said Ross Cowling was an employee of the City, and he brought the men up to speak about the showcase that brought thousands of dollars into our City. Mayor Bell said her job was to run the meeting as efficiently as she could and get as much done as we could. She said the Board was the policy maker and the City Manager was the policy enforcer and if we did not like the policies, then the Board needed to change them. She said she was not going to come and run everyday business. Mayor Bell asked City Clerk Heather Soyars if by the next meeting could she tell the Board how many of the six directors including herself had brought items to be added to the agenda. She said it was the job of the City Manager to run every department, not the Board members.

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 for the ordinance to be read in abbreviated form failed, as there was one nay.

Director Harris said the point he tried to make was the Board had a policy and if they objected to it the ordinance would have to be read in its whole form. He said it was done to let the public know what was being put out there.

Director Teeters said this Board was not going to function if they did not follow procedures the City Manager and/or this Board agreed on. She said there would not be 100% agreement on all issues, but we all followed the exact same procedures. Director Teeters said no one on the Board, in her opinion, was being targeted and we had been point blank called out as the "six of you for being biased and prejudiced". She said she wanted to go on record and say she took offense to what Director Harris said and she may

not agree with everything he said, but she had been in public education for 28 years and she did not appreciate being called biased or prejudiced.

The ordinance was read the third time in its entirety.

Director Odom made the motion to adopt the ordinance. 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 ordinance adopted, as there were six ayes and one nay.

ORDINANCE NO. 22-2017:

An ordinance was introduced to be entitled, “An Ordinance Establishing Business License Provisions for Certain Enumerated Businesses Operating in the City of Texarkana, Arkansas; Declaring an Emergency; and for Other Purposes”. Said ordinance amended the *Code of Ordinances* to include the following business license fee schedule.

Controller Jessica Hyman said this item was to amend the *Code of Ordinances* to include the following business license fee schedule:

Medical Marijuana Cultivation Facility

Initial Business License Fee = \$50,000

Annual Business License Renewal Fee = \$50,000

Medical Marijuana Dispensary

Initial Business License Fee = \$7,500

Annual Business License Renewal Fee = \$11,250

These business license fees were set at a rate ½ of what the State charged. The business license would be dated July 1st of the current year through June 30th of the following year. These were the same dates of any state license issued. The City Manager recommended approval of the ordinance.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item.

Mayor Bell said she did not vote for this but there was nothing the City could do now, it was here. She said if someone came to Texarkana to issue a license our City needed to be prepared.

City Manager Dr. Kenny Haskin said there was initially a 24% inventory tax on our fee schedule and we decided to walk away from this increase so our City would be competitive in the State.

Director Teeters said her mother passed away from cancer and there was a pill form called marinol and it did a world of good for her mother. She said we cannot debate moral issues anymore, now it was a physical issue since the citizens of the State had spoken and it was the law. Director Teeters said we cannot legally deny medical marijuana in our City.

Dr. Haskin said this policy was vetted by the Department of Finance Administration, the Arkansas Municipal League, as well as some of the State Legislators.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item.

Pastor Tracy Harris, 8010 Sanderson Lane, thanked the Mayor, City Manager and Board members for the tremendous job they did for the City. He said no one could deny the medicinal impact medical marijuana helped in legitimate cases. Pastor Harris said there were negative impacts the city could face, not just the drug addiction fact but economically also. Pastor Harris wanted to ask the Board not to invoke the emergency clause and have three separate readings so he could come back with statistics.

Dr. Haskin said with delaying the item again it would put tremendous amount of pressure on the investors, businesses, and other cities looking at Texarkana, Arkansas, for leadership on the issue.

Mark Muenzmeier, 5611 Calhoun Trail, said his daughter, who was now 26 years old, was born with many disabilities. He said throughout the years she continually had several epileptic seizures a day. He said she had been on every drug, costing well over \$1,000 a month, to help with her seizures, and he had been waiting for years to try medical marijuana on his daughter. He discussed the handout he gave to the Board members and the audience referencing the cost of medical marijuana.

Richard Wagnon, 1917 N. Mosley Road, thanked the Board for their service and the leadership of moving our City forward. He said he wanted the Board to know he supported the medical marijuana item and he himself was a Stage 4 colon cancer survivor. Mr. Wagnon said he wanted to make sure the ordinance was handled correctly to ensure our City was not faced with potential lawsuits. .

Director Peavy said when she was at the conference in Little Rock, Arkansas, that stated "God made everything good and it was man that tweaked it." She said medical marijuana would not be allowed to be like the street marijuana. Director Peavy asked why the emergency clause needed to be placed on the item.

Dr. Haskin said right now the State looked at Texarkana, Arkansas as leaders in this effort. He said Texarkana, Arkansas, had not been looked upon as a leader in some time throughout the state. He said after he spoke with the Department of Finance Administration, the Arkansas Municipal League, as well as some other cities, they all said they were going to hold off until Texarkana, Arkansas, made the step forward. Dr. Haskin said our City was in a great position right now, so why would we delay it. He said we were not going to make changes to the ordinance. Dr. Haskin said unless the Board was not going to adopt the policy, we were asking as a staff the decision be made now.

Director Teeters said if the Board adopted the ordinance tonight, it would not open the door for a dispensary or a cultivation center to suddenly come into the City. She said when and if it were to happen in the future, we as a City already had our ducks in a row and had our policies in place.

Dr. Haskin said absolutely.

Director Harris asked if this ordinance would have any effect on Federal Grant money.

Dr. Haskin said absolutely not.

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 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 third time in abbreviated form.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item.

Assistant Mayor Miner said not everything was left up to this Board, there were procedures within the State of Arkansas that had to be followed in order for medical marijuana to occur.

Rev. Harris said there were medicinal cases out there and they could benefit from medical marijuana, but was this what our City wanted to be known for. He said he did not feel this step was being a courageous leader and asked why did the City needed to use the emergency clause without having all the facts.

Dr. Haskin said the notion the City was going to be inundated with all this marijuana needed some clarification. He said the State planned only 4 dispensaries allocated in Region 8. Dr. Haskin said Texarkana, Arkansas would be lucky if they received one dispensary and one cultivation center. He said tonight we were moving forward to make sure we were leaders in this effort and set a tone throughout the State. Dr. Haskin said it was better to be a leader than a follower any day of the week.

Mayor Bell said to her state representative, if it were medical, send it through the drug stores, but this did not happen. She said this issue was hard for her to deal with and she was going to vote on what was best for the City.

Director Harris said he thought alcohol was a bigger problem than marijuana. He said the citizens of the State of Arkansas had spoken and he did not think we could do anything against it now.

Director Odom said he voted against the medical marijuana law. He said in his previous job he saw many people go to prison over marijuana possession. Director Odom said medical marijuana was voted on by the State of Arkansas, and we did not have any choice but to do what the law said for us to do.

Director Teeters made the motion to adopt the ordinance. The motion was seconded by Director Harris. 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 Harris, seconded by Director Teeters, 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.

ORDINANCE NO. 23-2017:

An ordinance was introduced to be entitled, “An Ordinance Amending the Texarkana Municipal *Code of Ordinances*, Chapter 28, Regarding Medical Marijuana, to Add Applicable Definitions; to Add Supplemental Provisions for Signage; to Amend Zoning Regarding Medical Marijuana Dispensaries and Cultivation Centers; to Declare an Emergency; and for Other Purposes.” Said ordinance amended the zoning chapter regarding medical marijuana dispensaries and cultivation centers.

Interim City Planner Mary Beck said that following the workshops and a public hearing, the Planning Commission certified the recommendation to amend the zoning chapter for the following purposes: to add definitions; to add supplemental provisions for signage; and to amend land uses in the commercial and industrial zones to accommodate the new land use of medical marijuana dispensaries and medical marijuana cultivation centers.

Dr. Haskin asked if, the application process the investors or developers would need to include the zoning.

Ms. Beck said yes.

Dr. Haskin said if this were in question, then the State could hold off on accepting application.

Mayor Bell said yes. She said if investors put money up for properties and the City did not have all the policies in place, it could open the City for litigation.

Dr. Haskin said this was one of the reasons the City was moving forward now versus later.

Mayor Bell asked could the City be open for a lawsuit?

City Attorney George Matteson said the amendment provided for medical marijuana in Arkansas was largely silent as to municipal involvement except to say municipalities were not to regulate these issues, provided, however, it could adopt zoning regulations that were identical to those of a retail pharmacy.

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

Director Teeters 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 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 Teeters 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 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.

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 time in abbreviated form.

Mayor Bell said this ordinance was going to be put into place so someone could not sue the Planning and Zoning Commission or the City. An applicant would need to come to City Hall to see where it could be placed before the application could be filled out.

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

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 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 Teeters, 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.

ORDINANCE TO CREATE A CITIZENS PARK AND RECREATION ADVISORY BOARD – FIRST READING:

An ordinance was introduced to be entitled, “An Ordinance to Establish a Parks and Recreation Citizen Advisory Board; and for Other Purposes”. Said ordinance was to establish a Parks and Recreation Citizen Advisory Board to advise the Texarkana, Arkansas Board of City Directors and staff on how to best provide safe and comprehensive parks and recreation facilities, programs, and services on behalf of all current and future residents of the City of Texarkana, Arkansas. This item was added to the agenda at the request of Director Harris.

Director Harris gave the specifics of the advisory board membership, terms, attendance and vacancies.

Director Johnson said the Board was discussing this ordinance like it would be adopted and passed but we had not had a motion for it to be passed yet.

Director Harris said there was a citizen at the last Board meeting who complained about a park. The next day the Public Works Department was at the park fixing things. He asked did the citizens need to come and complain at every Board meeting to get things done at the parks.

Mr. Whitten said in June there were four public meetings that were advertised for three weeks in the Texarkana Gazette newspaper with a total of three attendees. He said these meetings were for citizens to express what they liked and disliked about the parks, programs and activities.

Director Peavy asked if the Directors could be notified next time and then the Director could post the notice in the parks of their wards if needed.

Mayor Bell said we cannot make people participate and she did not think it was incumbent for us to go knock on doors.

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

The ordinance was read the first time in abbreviated form.

CITIZEN COMMUNICATION:

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

Theodora Gates, 411 E. 12th Street, said the brick house next to her house was torn down but the carport was still standing. She said she had people come and tell her they were going to put a fence around the property. She said it would block her basement and plumbing.

Mayor Bell asked Mr. Whitten to visit with Ms. Gates and see if there were any restrictions on where the fence could be.

David Peavy, 6512 Skyline Drive, said the Council of Development Financial Agencies brought experts to Texarkana, Texas to help with revitalizing the downtown area. He said they would be coming to look at the buildings in our downtown area. Mr. Peavy asked for the City's help to roll out the red carpet with the hopes they could help bring back to life some of the buildings downtown.

Mayor Bell asked if they were bringing a sack of money with them.

Mr. Peavy said they would be able to tell us where the money was. He also wanted the Board to know at the last Trades Day event there were people from all over the United States and he hoped it would continue to bring people into the downtown area. No one else came forward.

ADJOURNMENT:

Director Johnson, seconded by Director Teeters, 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 8:15 PM.



Ruth Penney Bell, Mayor

ATTEST:



Heather Soyars, City Clerk