

**REGULAR MEETING OF THE
BOARD OF DIRECTORS
OF THE CITY OF TEXARKANA, ARKANSAS
OCTOBER 16, 2017**

MEMBERS PRESENT:

The Board of Directors of the City of Texarkana, Arkansas, convened in regular session at 6:00 PM on Monday, October 16, 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, Terri Peavy and Linda Teeters. Also present were City Manager Kenny Haskin, City Attorney George M. Matteson and City Clerk Heather Soyars. Director Travis Odom was absent.

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

INVOCATION:

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

PLEDGE OF ALLEGIANCE:

Director Laney Harris led everyone in the Pledge of Allegiance.

COMMENTS FROM THE MAYOR:

Welcome:

Mayor Bell welcomed everyone to tonight's meeting and acknowledged Dr. Becky Kessler, Director of Schools.

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.

October Events:

Mayor Bell said community events for the month of October included the Gateway Farmer's Market which was open every Tuesday, Thursday and Saturday; Four States Auto Museum Cruise Night, Friday, October 20, 2017; Back Alley Food Court and Texarkana Race for the Cure on Saturday, October 21, 2017; and the Front Street Fall Festival on Saturday, October 28, 2017.

QUESTIONS FROM DIRECTORS AND OTHER BUSINESS:

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

No one came forward.

PRESENTATION(S):

November as Business Appreciation Month:

Mayor Bell read the following proclamation:

A Texarkana, Arkansas Proclamation

Business Appreciation Month

November 2017

WHEREAS, the City of Texarkana, Arkansas, and our citizens recognize and greatly appreciate the contributions of local businesses to the overall strength, character, and wellbeing of our City; and

WHEREAS, residents of Texarkana as well as visitors to our City benefit daily from the variety of services, products, and other accommodations provided by businesses located throughout our City; and

WHEREAS, our local businesses – from the largest to the smallest – provide employment, wages, benefits, and economic stability to thousands of employees and their families; and

WHEREAS, residents of our City benefit daily from the business sector’s countless acts of charity and support for community projects and non-profit programs that reach out to every part of our population; and

WHEREAS, “Business Appreciation Month” in Texarkana, Arkansas, provides an opportunity for our City and its citizens to recognize and celebrate the contributions that local businesses make in our daily lives;

NOW THEREFORE, BE IT RESOLVED that I, Ruth Penney Bell, Mayor of the City of Texarkana, Arkansas, do hereby proclaim November 2017 as

“Business Appreciation Month”

in the City of Texarkana Arkansas, and ask all citizens of this community to join with me and the Board of Directors in celebrating the richness, diversity, and success of our business community.

The proclamation was signed by Mayor Bell and attested by City Clerk Heather Soyars.

Mayor Bell said the formulation of November as Business Appreciation Month came from Director Harris and she thanked him for his initiative in supporting the business community.

Pro Bono Week:

Mayor Bell read the following proclamation:

A Texarkana, Arkansas Proclamation

“Pro Bono Week”

October 22-28, 2017

WHEREAS, in a democratic society, access to justice is a fundamental and essential right, but tens of thousands of Arkansans lack the means to gain access to legal assistance that is often critical to their safety and independence and are often forced to resolve complex legal problems on their own, including domestic violence issues, divorce, child custody, evictions, foreclosures, and physical and financial abuse matters; and

WHEREAS, the Arkansas Access to Justice Commission, the Arkansas Bar Association, the Center for Arkansas Legal Services, Legal Aid of Arkansas, and local bar associations throughout Arkansas work to recruit volunteer attorneys to provide valuable legal services, free of charge, to those in need; and

WHEREAS, while members of Arkansas's legal community donate thousands of hours in free legal services and make generous financial contributions to legal-aid organizations in our State, a huge unmet need for legal assistance remains for disadvantaged citizens; and

WHEREAS, Rule 6.1 of the Arkansas Rules of Professional Conduct calls on every lawyer to aspire to provide at least fifty (50) hours of pro bono legal services to persons of limited means; and

WHEREAS, the National Pro Bono Celebration is a coordinated effort to showcase the great difference that pro bono lawyers make for individuals across the Nation; and

WHEREAS, October 22 through October 28, the Arkansas Access to Justice Commission, the Arkansas Bar Association, the Center for Arkansas Legal Services, Legal Aid of Arkansas, the University of Arkansas School of Law, the University of Arkansas at Little Rock Bowen School of Law, local bar associations, businesses, government agencies, and community organizations will be celebrating "Pro Bono Week";

NOW, THEREFORE, I, Ruth Penney Bell, Mayor of the City of Texarkana, Arkansas, do hereby proclaim October 22 through October 28, 2017, as

"PRO BONO WEEK"

in the City of Texarkana and urge my fellow citizens to join me in recognizing the pro bono community's contributions and the difference they make to our City, our system of justice, and most of all, to the clients served.

The proclamation was signed by Mayor Bell and attested by City Clerk Heather Soyars.

Mayor Bell presented the proclamation to Joann Galloway on behalf of Lone Star Legal Aid.

REMOVAL OF ITEM 9 FROM CONSENT AGENDA:

Director Harris requested Item 9 “Adopt a Resolution approving Texarkana Water Utilities (TWU) FY2018 Budget” be removed from the Consent Agenda and added to the Regular Agenda.

CONSENT AGENDA:

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

MINUTES:

The minutes approved were of the regular meeting October 2, 2017.

RESOLUTION NO. 2017-41:

Resolution No. 2017-41 authorized the City Manager to enter into a contract with Justin Huddle Welding and Fabrication to construct a training building at the firing range.

RESOLUTION NO. 2017-42:

Resolution No. 2017-42 amended the FY2017 Budget (Resolution No. 2016-74) to adjust to the 2017 Public Works budget allocation.

REGULAR AGENDA:

RESOLUTION NO. 2017-43:

Director Harris asked TWU Executive Director J.D. Phillips if the City sold any water since it had acquired the water rights at Millwood Lake.

TWU Executive Director J.D. Phillips said there had been a few inquiries, but no water had been sold.

The resolution was read in its entirety. Said resolution would approve Texarkana Water Utilities (TWU) FY2018 Budget.

The Utility staff made a presentation to the City Manager and Board of Directors, with discussion and questions of the proposed FY2018 budget, at a budget workshop on Monday, October 16, 2017. The Texarkana, Arkansas Enterprise Fund proposed budget

was a fiscally sound document meeting bond coverage while supporting existing programs, general maintenance and capital expenditures within the limits of available revenue. The combined Arkansas proposed FY2018 Utility budget was approximately 1.79% more than the proposed FY2017 budget. The ending balance for FY2018 was proposed at \$2,437,769 or 80 days of operation. The current FY2017 Budget was revised and estimated to come in \$430,619 less than the proposed budget. The Texas/Arkansas split for FY2018 would be 62.75% Texas and 37.25% Arkansas, a decrease of .32%.

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

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

RESOLUTION NO. 2017-44:

The resolution was read in its entirety. Said resolution supported restructuring of TASD7 bonds for the purpose of building a new middle school.

An election to be held November 7, 2017, would give voters the opportunity to approve restructuring Texarkana Arkansas School District bonds to provide for refunding bonded indebtedness, constructing and equipping a new middle school facility, and making other capital improvements without additional cost to the taxpayers.

Dr. Becky Kessler, Director of Schools said the school received a magnet grant of \$14.8 million and the governor came down last week for the announcement. She said TASD was one of thirty-two schools in the United States that were awarded the magnet funds and the only school in Arkansas to receive the funds. The grant was for the Science, Technology, Engineering and Math (STEM) program. She said every school would have technology in their hands and would be able to offer advanced placement courses.

Mayor Bell asked what the restructuring of the bonds entailed.

Dr. Kessler said the state had agreed to give TASD \$6 million for the building of a new middle school but they were \$12-15 million short. She said they were going to restructure the bonds and this meant TASD could build a new school without increasing

taxes, all she asked was support from the voters to vote for the restructure of the bonds. Dr. Kessler said it would not cost the taxpayers any money.

Director Peavy asked when would the public get to vote on the restructure of the bonds.

Dr. Kessler said November 7, 2017.

Director Harris asked her to elaborate on what would happen to the other schools.

Dr. Kessler said the State Department came down and looked at the facilities and said it would be in our best interest to close two of the schools, College Hill Elementary and Union Elementary. She said they were both over sixty years old and TASD could repurpose them but the State thought putting more money into those buildings would not be beneficial at this time. Dr. Kessler said the schools would still be able to offer pre-K and alternative programs.

Mayor Bell asked what would happen to the present middle school.

Dr. Kessler said the College Hill Middle School and North Heights would become larger elementary schools.

Director Teeters said both schools closing were at least sixty years old.

Dr. Kessler said College Hill Middle School and North Heights were both in great shape to house an elementary school. She said she hoped the building of the new school would take place in 2019.

Assistant Mayor Miner asked if there were a site picked out yet.

Dr. Kessler said no, they had not found a site yet. She said the State did not see a portable building as a facility and when the new facility was built TASD would need to remove of the portable buildings.

Mayor Bell asked if Fairview School would remain open.

Dr. Kessler said yes, Fairview would stay open and it would be a smaller elementary school and all the portable buildings would go.

Director Teeters said that Fairview Elementary had the smallest enrollment for the 2016 school year.

Dr. Kessler said yes.

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

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

PUBLIC HEARING – SUBSTANDARD STRUCTURES:

Chief Building Official Nina Walker gave a presentation of 8 substandard residential structures.

Director Harris asked if any of these structures were in the Historic District.

Ms. Walker said no.

City Attorney George Matteson asked should the Board act on this tonight, the property owner still had a thirty day period in which they could come and request a permit.

Ms. Walker said yes, they could come get a permit to fix the house or a permit to demolish the house. She said the demolition permit would be good for 60 days and the repair permit would be for 180 days.

Mayor Bell opened the public hearing.

Andrea Davis Johnson, 1305 Laurel Street, said the house she was speaking on had not been occupied in eight years since her sister's death, but the desire of the family was to maintain and restore the property. She said the family had the historical records for the house and she was just asking for time.

Director Harris asked if the house were in the Historical District.

Andrea Davis Johnson said the house was built in the late 1890's but the specific block had not been designated historical.

Lorraine Bradley, 27 Broadmoor Drive, was speaking on behalf of her daughter, Jacqueline Perkins, 1020 Laurel Street. She said they started to work on the house but lack of funds made it hard to finish the house. Ms. Bradley said if they could not get the house finished and sold in time they would tear down the house if they needed to. She said they were trying to save the house and rent it out rather than tear it down.

Mayor Bell said she could speak with Ms. Walker and make arrangements on what to do next.

McEnrty Dunbar, 2301 Fernbrook Drive, Shreveport, Louisiana, was speaking on behalf of 1416 Ash Street. He said he only stored his antique furniture in the house. He said he took all the meters out of the house like the electric, water and gas meter so no one could live in the house. Mr. Dunbar said he just wanted to use the house to store his antique furniture.

Director Peavy said she thought the City did not care about the plumbing on the inside but just cared about what the outside looked like in the neighborhood.

Mayor Bell said there was a gentleman in the College Hill area that stored some of his appliances in an abandoned house and the City said no. She said you could not have a storage place in a residential neighborhood.

Ms. Walker said the house on Ash Street was across the street from one of the neighborhood centers and had several complaints about how the house looked.

Mayor Bell said Mr. Dunbar thought he was doing the right thing but she learned from the previous man in the College Hill area, someone registered a complaint about the house. She told Mr. Dunbar to speak with Ms. Walker and see what they could do.

Gary Thomas, 1413 Bellmore Pine Bluff, Arkansas, and he was speaking on behalf of the house on 1314 Laurel Street. He said he sold the property several years ago, and the new owner was working on the house, all he had to do was get the permits and then the contractors could work. Mr. Thomas said they would like to save the property.

Mayor Bell asked if the new owner were at the meeting tonight.

Mr. Thomas said no, he was not there and he was still in the process of buying the house.

Director Teeters asked if Mr. Thomas still owned the title to the house.

Mr. Thomas said yes, the house was still in his name.

Mayor Bell said the new owner needed to speak with Ms. Walker and do what he was supposed to do to get Mr. Thomas out of trouble.

Mr. Thomas said he just received the letter and he was going to take care of it.

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

Mayor Bell closed the public hearing.

Mr. Matteson said this would allow the thirty day clock to commence so the property owners could come in and pull the permits if they so wish or otherwise they would go to the condemnation stage.

RESOLUTION NO. 2017-45:

The resolution was read in its entirety. Said resolution condemned eight (8) substandard residential structures (1416 Ash Street, 1108 Beech Street, 925 County Avenue, 1413 County Avenue, 1020 Laurel Street, 1305 Laurel Street, 1314 Laurel Street and 1315 Laurel).

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

ORDINANCE NO. 30-2017:

An ordinance was introduced to be entitled, "An Ordinance Directing the Payment of Fees for Copies of Traffic Accident Investigating Officer's Reports, Motor Vehicle Accident Reports, and Records of Traffic Violations Pursuant to Ark. Code Ann. Sections 27-53-210 & 305; Declaring an Emergency; and for Other Purposes."

Police Chief Bob Harrison said state statute required a \$10.00 fee for printing a copy of an accident report. This fee was currently being collected by Central Records and Communications (CRC) and going into the Bi-State Justice Building fund and would now be collected by the Texarkana Arkansas Police Department (TAPD) to reimburse TAPD for the cost of making said copies and otherwise for use in the support of TAPD.

City Manager Kenny Haskin asked if this were going to be a new fee.

Chief Harrison said no.

Director Harris asked if the fee had already been collected.

Mayor Bell said yes, the fee already was collected but it was going to the Bi-State Justice Building fund instead of TAPD. She said now it would come to TAPD.

Mr. Matteson said the statute itself said all funds collected under the subsection shall be retained by the municipality for the support of the law enforcement agency. He

said the way that was carried out and practiced was a reimbursement vehicle for the law enforcement agency.

Director Harris asked what if someone asked for the same report under a Freedom of Information Act (FOIA) request.

Mr. Matteson said it was his understanding the state police, and it could be the attorney general, handled this but the statute being more specific than the FOIA statute, this one would control under these circumstances.

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 Peavy. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, 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 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 Assistant Mayor Miner. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, 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 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 Harris. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, 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 Johnson. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Peavy, Teeters, and Bell voted aye. The Mayor declared the ordinance adopted, as there were six ayes and no nays.

EMERGENCY CLAUSE:

Director Johnson, seconded by Assistant Mayor Miner, moved to approve the emergency clause. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Peavy, Teeters, and Bell voted aye. The Mayor declared the emergency clause adopted, as there were six ayes and no nays.

ORDINANCE NO. 31-2017:

An ordinance was introduced to be entitled, “An Ordinance Waiving Competitive Bidding; Authorizing the City Manager to Enter into a Contract to Replace a Bridge on Sanderson Lane; For Declaring an Emergency; and for Other Purposes.”

Public Works Director Jeff Whitten said in accordance with the 1978 Surface Transportation Act, the Arkansas Department of Transportation (formerly Arkansas Highway and Transportation Department) inspected the bridge on Sanderson Lane that crossed McKinney Bayou. The results of the inspections were that the bridge needed repair. Due to the nature of the disrepair, the inspectors recommended the bridge be closed. The bridge in question was closed on October 4, 2017.

The bridge fell within the jurisdiction of both the City of Texarkana, Arkansas, and Miller County, Arkansas. Both entities would share in the cost of the replacement.

Mayor Bell said she saw the pictures and asked Mr. Whitten if reality was as scary as the pictures were. She said it was truly an accident waiting to happen.

Mr. Whitten said yes, the pilings were in bad shape underneath the bridge.

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 Peavy. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, 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 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

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

EMERGENCY CLAUSE:

Director Johnson, seconded by Director Peavy, moved to approve the emergency clause. The Clerk called the roll and the following vote resulted: Directors Harris, Johnson, Miner, Peavy, Teeters, and Bell voted aye. The Mayor declared the emergency clause adopted, as there were six 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.

- Director Harris said last Wednesday, he met with the governor of Arkansas, and he showed him the proclamation of October 2017, Visit Your School Month. He said the governor said this was one of the better proclamations he liked to do every year. He said the business proclamation had been in effect since 2012 and hopefully you would see it again next year. Director Harris said the lady who brought some concerns up about the A & P Commission at the last Board meeting, most of the documentation she submitted were issues that had already been adjudicated somewhat by the court. He said one issue she brought up and he


said he researched it and what he could tell was the City did not have a person that was on a board that could meet by telephone and be a part of the quorum. Director Harris said in Texas you could do that by video phone, but from what he found you could not do that in the state of Arkansas. He did not think any actions taken up would be legally binding. Director Harris said he thought she was mad since they did not get any money. He said he did not think there was any oversight over the A & P Commission.

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, Peavy, Teeters, and Bell voted aye. The Mayor declared the meeting adjourned, as there were six ayes and no nays.

The meeting adjourned at 7:03 PM.


Ruth Penney Bell, Mayor

ATTEST:


Heather Soyars, City Clerk