

**REGULAR MEETING OF THE  
BOARD OF DIRECTORS  
OF THE CITY OF TEXARKANA, ARKANSAS  
NOVEMBER 6, 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, November 6, 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, 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.

**Public Works Department Report:**

Mayor Bell recognized Public Works Director Jeff Whitten and asked him to update the Board on his department.

Mr. Whitten said the street crew was continually filling potholes and mowing. He said the parking improvements at Bobby F. Ferguson Park were also underway. He said his department had 3 long-term employees retiring this month. Mr. Whitten stated Parks Superintendent Ross Cowling was attending a park director's meeting.

Mayor Bell asked if Mr. Cowling were recruiting other tournaments and sports events for the Texarkana area. She said these types of events were well received.

Mr. Whitten said he attended a conference last week about hosting events.

**PRESENTATION(S):**

**City Employee Service Awards:**

Mayor Bell presented awards to James Whisenhunt III, Thomas West, James Wall and Vincent Johnson. They each received a City of Texarkana, Arkansas Employee Service Award and Texarkana, Arkansas City pin. The award recognized Mr. Whisenhunt for 5 years of service with Texarkana Water Utilities; Mr. West for 10 years of service with the Probation Department; Mr. Wall for 15 years of service and Mr. Johnson for 25 years of service with the Fire Department. They accepted the honor and thanked Mayor Bell, the Board of Directors, and the City Manager.

Mayor Bell commented Larry Cook, Jason Carroll, Michael McKee and Brian Irvin were unable to attend tonight's meeting and she would make sure they received their awards and pins. Mr. Cook would have been recognized for 10 years of service with the Fire Department; and Mr. Carroll, Mr. McKee and Mr. Irvin for 15 years of service with the Fire Department. Mayor Bell thanked all the City employees for their service to the City and its citizens.

**MEETING MINUTES CLARIFICATION:**

Director Harris said he wanted to correct the minutes of the regular meeting October 16, 2017. The minutes stated he met with Mayor Horace Ship in 2012, but it should have been 2009.

### **CONSENT AGENDA:**

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

### **MINUTES:**

The minutes approved were of the regular meeting October 16, 2017 and the called meeting October 19, 2017.

### **RESOLUTION NO. 2017-47:**

Resolution No. 2017-47 authorized the City Manager to execute a contract with Scott Equipment for the purchase of an excavator.

### **RESOLUTION NO. 2017-48:**

Resolution No. 2017-48 authorized the City Manager to execute a contract with Kampco, Inc., for the construction of the Sanderson Lane Water Main Relocation Project.

### **RESOLUTION NO. 2017-49:**

Resolution No. 2017-49 authorized the City Manager to enter into a contract with TEC, Inc., to replace the culvert pipe under Lauren Drive.

### **RESOLUTION NO. 2017-50:**

Resolution No. 2017-50 authorized the City Manager to enter into an agreement with Gabriel, Roeder, Smith & Company for actuarial services for the Texarkana Arkansas Public Employee Retirement System (TAPERS).

### **RESOLUTION NO. 2017-51:**

Resolution No. 2017-51 amended the year end 2017 Budget to include a Federal Emergency Management Agency (FEMA) grant to purchase new radios for the Fire Department.

### **REGULAR AGENDA:**

## **RESOLUTION NO. 2017-52:**

Finance Director TyRhonda Henderson said a Request for Proposal (RFP) was sent to 2 firms used throughout the state. Only 1 of those firms submitted a proposal. The RFP requested the firms submit a proposal for underwriting services for the proposed issue of new Franchise Fee Secured Capital Improvement Revenue Bonds. Stephens, Inc.'s proposal included the cost of issuance fees estimated at \$43,275 and total underwriter's discount of \$22,423.50. Both were included in the principal amount of \$2,265,000. After careful review, staff recommended selecting Stephens, Inc., to perform the issuance of the Franchise Fee Secured Capital Improvement Revenue Bonds. The revenue from these bonds would be used to purchase necessary capital equipment for the public safety sector of the City.

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

Director Harris asked what type of competition was involved in the selection.

Ms. Henderson said per state statute there were certain services that required RFP compared to competitive bidding and the Finance Department sent out 2 requests for underwriting services. She said the City used Stephens Inc., before with bonds and they had an outstanding report throughout the state of Arkansas.

Mayor Bell asked who was the other firm.

Ms. Henderson said Cruz and Associates was the other firm.

City Manager Kenny Haskin asked Ms. Henderson to elaborate on the type of equipment the City would purchase.

Ms. Henderson said the City would purchase one quint ladder truck, two pumper trucks, 135 portable radios, and 60 mobile radios.

Mayor Bell asked how old the present equipment was.

Ms. Henderson said the City received a grant to purchase a portion of the City's radios but for the safety of our officers, we must purchase these radios.

Fire Chief David Fletcher said the new trucks would replace a 2000 and 2001 model ladder truck, and the pump truck was 2003 model truck. He said the trucks were well maintained but they were used a lot.

Director Teeters asked if there were two separate purchases.

Ms. Henderson said yes, it was two different purchases, one for the Fire Department and one for the Police Department. She said the Fire Department received a Federal Emergency Management Agency (FEMA) grant to purchase their radios but the Police Department did not qualify for the grant.

Director Teeters said the radios in this bond were for the Police Department since the Fire Department received a FEMA grant for theirs.

Ms. Henderson said that was correct.

The resolution was read in its entirety. Said resolution accepted the proposal from Stephens, Inc., to issue new Franchise Fee Secured Capital Improvement Revenue Bonds.

Director Odom, seconded by Director Teeters, 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.

### **APPEAL TO REZONE PROPERTY- DENIED:**

Consider the following appeal to rezone property located at 1501 East 24<sup>th</sup> Street from R-2 Single-family residential to R-3 Low-density residential.

City Planner Mary Beck said an appeal was filed for an application for a rezoning to develop a duplex subdivision, which was denied by the Planning Commission at their regularly scheduled meeting on September 12, 2017. At the meeting were several citizens opposed to the rezoning. A site plan presented at the meeting by the applicant and his agent indicated a single entry for 34 duplexes, something that exceeded the City fire safety regulations. Citing concerns for traffic and density, the Commission denied the application by a vote of 5-0 on a motion by Commissioner George Coker, seconded by Commissioner Jason Dupree. Ms. Beck said the Board could consider proper appeal from a decision of the Planning Commission with three possible outcomes: 1) Adopt the Planning Commission's recommendation of denial; 2) Vote to return the matter to the Planning Commission for further study and recommendation; or 3) Amend the zoning ordinance over the recommendation of the Planning Commission.

Mayor Bell asked how many citizens spoke at the meeting.

Ms. Beck said there were four citizens who spoke at the meeting.

Director Harris asked if there were a revised site plan to consider. He asked the City Attorney if the Board could review information that was not brought before the Planning Commission.

City Attorney George Matteson said he understood the appeal to be over the zoning request not the site plan.

Director Peavy asked if the duplexes would be considered low income.

Ms. Beck said the duplexes would rent for approximately \$795.00 per month and the applicant did not mention anything about low income.

Mayor Bell asked if the City had planned developments here in Texarkana, Arkansas.

Ms. Beck said yes.

Mayor Bell said with the specificity of the setbacks from the streets, all those things we could impose on any piece of property.

Ms. Beck said yes, if it were applied for as a planned unit development. The site plan would be considered for the rezoning.

Director Teeters said the changes made to the site plan did not apply to the zoning.

Ms. Beck said correct.

Attorney Kirk Patton, representing L&N Leasing, LLC., gave a brief presentation regarding the appeal on the rezoning of the property located on 1501 East 24<sup>th</sup> Street. He said the recommendation for zoning approval to the Planning Commission was from the Public Works Department staff.

Mayor Bell asked if the citizens attending the meeting and objected were the citizens that lived 300 feet from the site in question.

Ms. Beck said the citizens either had relatives living there or had property there. She was unsure if anyone lived adjacent to the property.

Assistant Mayor Barbara Miner asked how could you object to something when you did not live within the 300 feet from the property.

Ms. Beck said the staff recommendation was for approval based on the area and the surrounding zoning. She said the site plan was not required. It was brought up and

could not have been approved because the density shown on the site plan exceeded the fire code safety rules.

Mayor Bell asked if that were the reason the zoning was rejected.

Ms. Beck said she thought that had a part in it.

Mayor Bell asked if anyone in the audience would like to come and give a statement.

Pauline Alexander, 2216 Florida Street, she said she received a letter and she did not think any of her neighbors would be happy about duplexes being built there.

Gerald Eaton, 3616 Central Street, owned property on 1605 East 24<sup>th</sup> Street, said he did speak at the Planning Commission meeting and said the roads were in poor shape and would need to be updated.

Steve Anderson, 2213 Wellington Street, said he did not receive a letter about this. He said he was not against single housing development but with duplexes the property value would go down quicker.

Booker Moss, 2416 Tyler Lane, said you should be able to do what you wanted to do with your property, but if he had known duplexes were going to be built, he would not have bought his home.

Ramona Flowers, 1217 East 24<sup>th</sup> Street, said she was against the duplexes being built. She said it would be too much traffic for 24<sup>th</sup> Street and Jefferson Avenue to handle.

Joyce Nottingham, 1503 East 23<sup>rd</sup> Street, said she bought her house because she thought it was a good place to retire. She said the duplexes on Wellington Street were always full of cars and they sometimes parked in the street. She said we did not need any more of that.

Bryan Rodgers, owned property at 2600 Jefferson Avenue, said a few years ago he made a rezoning request to the Board. He said the neighbors pointed out that if it were zoned for R-3 you could do whatever you wanted to with the land. He said his office was in the 2600 block of Jefferson Avenue and there was very limited right-of-way and it was basically a one lane road. He said the duplexes would add too much traffic. Mr. Rodgers also wanted to commend Police Chief Bob Harrison and his staff with a break in at his office a couple of weeks ago. He said the suspects were caught and confessed.

Rickey Richardson, 315 Bell Avenue, he built six nice single-family houses in that neighborhood. Mr. Richardson said he was against duplexes but was in favor of single-family houses.

Sharon Mode, 7 Green Oaks Place, said the duplexes on Wellington Street always had 4-5 cars and they parked in the street. She said there had been things stolen from her property and people came into her yard. Ms. Mode said right now the neighborhood felt safe, but it would not feel safe if there were more duplexes. She said she had been there for forty years and would have to move if they built duplexes.

Mr. Patton said his conclusion was the objectors did not want any development in the area other than single family dwellings. He said you could not have economic growth without having developers that would take the type of economic risks that these owners and developers were willing to take.

Mayor Bell closed the public session. She said the Board had three considerations: 1) Adopt the Planning Commission's recommendation of denial; 2) Vote to return the matter to the Planning Commission for further study and recommendation; or 3) Adopt an Ordinance to rezone the property over the recommendation of the Planning Commission.

Director Harris moved to adopt the Planning Commission's recommendation of denial. The motion was second by Director Peavy. 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.

**ORDINANCE AMENDING ORDINANCE NO. 8-17 FOR  
THE SALE OR TRANSFER OF THE GRANTEE'S  
OWNERSHIP INTEREST IN RESIDENTIAL UNITS –  
FIRST READING:**

An ordinance was introduced to be entitled, "An Ordinance Concerning Assignment and Non-Assignment of the Rights and Obligations of 1894, LLC, Under Ordinance No. 8-17; and for Other Purposes". Said ordinance amended Ordinance No. 8-



17 for the sale or transfer of the Grantee's ownership interest in the residential units located at 215 Front Street and 105 Olive Street.

Public Works Director Jeff Whitten said this was a request to amend Ordinance No. 8-17 to allow David Peavy (1894, LLC), to sale or transfer ownership interests in the residential units in the building. The Grantee retained the non-exclusive right and privilege to use and occupy the public Right-Of-Way (ROW) for the operation of a commercial and residential building as specified in Ordinance No. 8-17. The Grantee shall construct, erect, build, maintain and operate in, the above ground surface of a tract of land adjacent to 215 E. Front Street, Texarkana, Arkansas consisting of Lots 18 thru 24 in Block 75 of the Original City Subdivision. The said tract of land shall not exceed 28' in width adjacent to the east property line of Lot 24 (along Olive Street), or 30' in width adjacent to the south property line of Lots 18 thru 24 (along Front Street). All improvements and the placement of other amenities made by Grantee shall require approval by the City of Texarkana, Public Works Department, Fire Department, Water Department, Historic District Commission, and any other Committees depending on the request.

Mayor Bell said Mr. Peavy wanted to sell condominiums.

Mr. Whitten said Mr. Peavy would like to sell the units once they were prepared.

City Attorney George Matteson said the restrictions in the franchise was the assignments of rights and obligations under the franchise. He said the request that came before this Board from the franchise holder was that a sell of individual units did not violate that. Mr. Matteson said the request was not to assign rights and obligations to individual owners in that franchise and would remain with the original franchise holder.

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

Mr. Matteson said there was a sidewalk that the franchisee could use and in this case the right to use the sidewalk would not convey to a residential unit owner.

Assistant Mayor Miner said the condo sections could be sold within the building, but no one could own the sidewalk.

Director Teeters 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, Teeters, and Bell voted aye. Director Peavy abstained. The Mayor declared the motion carried, as there were six ayes and one abstention.

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.

Larry White, 2821 Wood Street Texarkana, Texas, came before the Board tonight to ask for a variance to Resolution No. 2016-11, which fixed the Front Street parade route. He said this resolution was passed by the Board for concerns from the Police Department regarding the route of the Christmas Parade. Mr. White said he spoke with Captain Doug Avery and he said if his concerns were addressed, Captain Avery would be fine with the parade being rerouted down Broad Street. He said they proposed to eliminate the traffic in the section in question the day of the parade. Mr. White said there would be a contest with the downtown merchants to decorate their storefront and the winner would receive a \$1,000 prize. He said not only would the parade goer see all the downtown buildings nicely decorated but they might also window shop.

Dr. Beverly Rowe, 120 Olive Street, said she was at the meeting tonight to represent the downtown neighborhood association. She said all the merchants would prefer the Christmas parade to go straight down Broad Street. She said when the parade went down Broad Street, people were reminded of the businesses there and it showed off downtown. Dr. Rowe said she encouraged for this one parade to make an exception for the parade route to be back on Broad Street.

Ina McDowell, Executive Director of Mainstreet Texarkana, said it would be easier for the large floats to have less turns in the parade. She said this would be the only night time parade and there would be beautiful lighting down Broad Street, unlike Front Street. Ms. McDowell was excited for the decorating contest downtown and she believed this gingerbread themed parade would be the best parade yet.

Mayor Bell asked the Board what their opinion was on giving a variance and rerouting this night time parade and showcasing our downtown.

Director Peavy said she liked the compromise with not allowing any cars in the narrow section that had caused the problems. She said she was for the variance.

Director Teeters asked how much shorter it made the route by taking out the turn on Front Street.

Mayor Bell said she did not think that was the issue, the issue were the cars on Broad Street. She said when people were exposed to our store fronts you were going to see some sales and that was what we wanted for downtown.

Director Odom said the Police Department made a good study of the parade route and they presented it to the Board and the Board voted to approve that route. He said the reports from the Police Department stated it made the parade route much safer for the people watching.

Director Johnson said Mr. White said he spoke with Captain Avery and they reached a consensus, maybe Police Chief Harrison could address what the results were.

Police Chief Bob Harrison said several years ago they were asked to do a study of the parade route. The study included the vehicles parking on each side in front of the businesses. He said if the vehicles were removed that would take care of the safety problems the Police Department had. Police Chief Harrison said he liked the idea and he would be willing to try.

Assistant Mayor Miner asked would the Police Department be responsible for turning people away from that location.

Police Chief Harrison said no, barriers would be needed to secure that location. He said they would help but it would not be the Police Departments responsibility.

City Manager Kenny Haskin said he wished Ms. McDowell would have gotten with City staff to bring a request or proposal that way we could have added it to the agenda. He said he was not sure the Board could act since it was Citizens' Communication.

City Attorney George Matteson said procedurally the Board could amend the agenda, but it did not seem as though it had followed the staff review procedure.

Mayor Bell asked if amending the agenda would take the majority vote.

Mr. Matteson said the Board could have a vote to add an action item to the agenda.

Director Harris said according to the bylaws the Board was not to respond to anyone during Citizens' Communication. He said the Board was not supposed to talk back to a person during Citizens' Communication. The matter was supposed to be directed to the City Manager.

Director Johnson said if the Board would refer this item back to staff we would have one more Board meeting before the parade and would have time for the staff to review this and the Board would have time to act.

Mr. White said the reason they were here tonight was because they went through the normal channels requesting the variance, but it was denied and that was why he wanted to start the appeal process tonight.

Mayor Bell asked if the request were with the approval of the Police Department.

Mr. White said yes.

Public Works Director Jeff Whitten said there was a resolution stating the parade route and Mr. White's request was denied. Mr. Whitten said he would be happy to work with Main Street Texarkana on a variance since they had spoken with the Police Department and received their approval. Mr. Whitten said we could put those things together before the next Board meeting to take official action on their behalf.

Amanda Bowers, 6310 Turtle Creek Drive Texarkana, Texas, said she was thankful the former Advertising and Promotion (A&P) Chairman Buddy Allen had resigned and believed this was a positive first step in regaining the trust of the public they served. She said on two separate occasions she had been personally attacked by an A&P Commissioner as an extortionist for bringing the discrepancies of the commission to light. Ms. Bowers said she was dismayed a public servant elected by this Board would use a public forum to attack a tax payer. She asked, if this were how our local government viewed their constituents, as second-class citizens. Ms. Bowers said it was her opinion that considering some of the A&P members repeated public attacks on herself and Ms. Thompson, that they should resign their position as commissioners. She asked to see this for what it was, a wakeup call for anyone who tried to silence and intimidate the citizens of Texarkana.

Director Harris said if he were not mistaken, the previous City Board made the decision to give the former owner of the convention center \$140,000 a year. He said he

wanted the City Attorney to look and see if it were adopted by the City Board or the A&P Commission. Director Harris said the time had lapsed for the right to appeal and he wanted to know who was responsible for that.

City Attorney George Matteson said those two agreements were A&P funds and they did come through the Board, but the obligation would be with the A&P Commission.

Director Harris asked if this Board should have been notified of the process.

Mr. Matteson said in the bankruptcy a debtor had an asset they wanted to assign to a buyer. The federal statute said there was a certain way you had to assign the executive contract. He said those agreements were subjected to legislated audit and the previous Board spent a long time addressing those issues. Mr. Matteson said the City received a specific note in the judge's order that ruling on assignability was not preclusive as the enforceability of those agreements.

Police Chief Bob Harrison said he wanted to make the Board aware of the split for the bond discussed earlier in the meeting. He said 71.5% for the Fire Department and 28.5% for the Police Department. He said the time was approaching when the City would have to determine how to purchase some police cars, computers, tactical equipment and replace firearms. Police Chief Harrison said for the past 11-12 years the Police Department had not had a capital budget, but had relied on United States Marshal Funding and donations. He said in 2017 alone the Police Department received \$240,000 in contributions that did not cost the City a dime. He said each year the Police Department had to continue to freeze police officer positions and the Police Department could not continue to do this and be expected to have the same level of service that we had today. He said after the church shooting he had several calls from churches and businesses for extra security because people were afraid. Police Chief Harrison said it was his responsibility to equip the officers with everything they needed to serve and protect the City and he had to come to the Board for resources to do that.

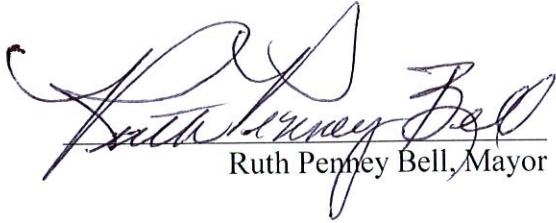
No one else came forward.

## **ADJOURNMENT:**

Director Johnson, seconded by Assistant Mayor Miner, 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:**



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Heather Soyars, City Clerk