

**RESCHEDULED REGULAR MEETING OF THE
BOARD OF DIRECTORS
OF THE CITY OF TEXARKANA, ARKANSAS
DECEMBER 5, 2006**

MEMBERS PRESENT:

The Board of Directors of the City of Texarkana, Arkansas, convened in rescheduled regular session at 7:00 PM on December 5, 2006 with the following members present: Mayor Horace G. Shipp, Assistant Mayor Londell Williams, and Directors Shirley Bradley, Chad Dowd, Kathy Dunphy, Sue Johnson, and Weldon Johnson. Also present were City Manager Charles Nickerson, City Attorney Ned Stewart, and City Clerk Patti Scott Grey.

INVOCATION:

The invocation was given by Assistant Mayor Williams.

CITY EMPLOYEE SERVICE AWARDS:

Mayor Shipp presented an award to Sissy Privitt. Ms. Privitt received a City of Texarkana, Arkansas, Employee Service Award and a Texarkana, Arkansas City pin. The award recognized Sissy Privitt for 10 years of service with the Texarkana Water Utilities. She accepted the honor and thanked Mayor Shipp, the Board of Directors, and City Manager Charles Nickerson.

**COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET
ALLOCATION PRESENTATION:**

Mayor Shipp introduced Community Development Director Barbara Pitts. Ms. Pitts spoke in regard to the Community Development Block Grant (C.D.B.G.) budget allocations.

Ms. Pitts gave an overview of the CDBG budget, stating on December 15, 2006 the Housing and Community Development Department (HCD) will submit its Annual Action Plan for 2007 to the Regional U.S. Department of Housing and Urban Development (HUD) office. It is anticipated that the HUD allocation will be reduced; however, we will plan on the previous year's allocation which is \$327,819.00. HCD did not solicit applications for 2007 CDBG funds. The plan is to fund in 2007 what was funded in 2006 with concentration on affordable housing and program delivery costs— new construction along with completing reconstruction and rehabilitation and demolition. The five year plan (2006-2011) was submitted in 2006 and the Annual Action Plan for 2007 will be the same with the exception of allocations towards demolition and a small amount allocated to Public Service. Three public meetings were held in the City, 1) Monday, October 2, 2006, at 7:00 p.m. 216 Walnut Street - City Boardroom; 2) Tuesday, October 10, 2006, at 10:30 a.m. Miller County Senior Adult Center 1007 Jefferson Street, Texarkana, Arkansas; and 3) Wednesday, October 18, 2006 at 5:00 p.m. REA Building East 9th Street Texarkana, Arkansas to provide information to residents and receive input for the residents. Recommendations for a Community Advisory Council were requested from the City Board of Directors of residents in their ward to help give collective recommendations also. She commented that the budget recommendations linked to tonight's agenda item expenditure caps required by HUD along with a map of the CDBG areas. Ms. Pitts asked if he could respond to questions.

Assistant Mayor Williams asked how monies were earmarked for each ward.

Ms. Pitts provided a breakdown of funds used in each ward.

Director Dowd asked how non-public entities applied for funds. He also asked for copies of the Housing and Urban Development (HUD) recommendations regarding public service recipients.

Assistant Mayor Williams asked how many persons were staffed in her office. Ms. Pitts said at this time there were only two people in her office. Two positions were vacant and would be filled at a later time.

Ms. Pitts explained to the Board that she asked in a previous Board meeting for each Ward Director to submit or nominate two people from their ward to help in the decisions on where funds should be allocated. Ms. Pitts explained that HUD monitored and reviewed each applicant and made recommendations on where the monies would be dispersed. She then commented on receipt of \$400,000 for the Youth Build Project funded through HUD in helping with education and skill building dealing with the City's youth.

CONSENT AGENDA:

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

RESOLUTION NO. 5361:

Resolution No. 5361 sets the date for a public hearing to receive comments regarding a petition to abandon part of the dedicated, unimproved East 43rd Street right-of-way in the 4300 block of Loop 245 to the dead-end. (I-49 Auto Auction)

RESOLUTION NO. 5362:

Resolution No. 5362 sets the date for a public hearing to receive comments regarding a petition to abandon the dedicated, unimproved 20'-0" alley in Block 21, **KIRBY'S COLLEGE ADDITION**, Texarkana, Miller County, Arkansas between Oats Street and Flower Street. The alley ROW is located in the 300 block of Oats Street. (V. J. Yeatman et. al.)

RESOLUTION NO. 5363:

Resolution No. 5363 condemns the following two substandard structures:

ADDRESS	LEGAL DESCRIPTION	OWNER
1415 / 1417 Dudley	Block 2 Lot 5 Towerys Subdivision Section 29 Township 15 Range 28	Michael A. Ford 1715 W. 10 th Texarkana, TX 75503

RESOLUTION NO. 5364:

Resolution No. 5364 accepts the low bid meeting specifications submitted by Barlow World Truck Center of Texarkana, Texas, for a 2007 Freightliner Model M2 fourteen cubic yard dump truck with bed in the amount of \$77,750.00, with the Texarkana, Arkansas portion being \$27,990.00. Funds have been budgeted for this purchase in the 2006-2007 Capital Fund.

RESOLUTION NO. 5365:

Resolution No. 5365 approves the 2007 Community Development Block Grant (C.D.B.G.) allocation.

REGULAR AGENDA:

AMERICAN CONCRETE INSTITUTE (ACI) ORDINANCE (TABLED):

An ordinance was introduced to be entitled, "AN ORDINANCE ADOPTING AMERICAN CONCRETE INSTITUTE 325.12R-02, REGARDING CONCRETE STREET DESIGN; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES". Said ordinance would adopt the American Concrete Institute (ACI) 325.12R-02, Guide for Design of Jointed Concrete Pavements for Streets and Local Roads. This Guide would facilitate proper street construction within the City of Texarkana, Arkansas.

City Manager Charles Nickerson explained that this was the industry's standard for development of concrete streets across the country. He said this was a guideline to tighten up our ordinances regarding concrete street construction.

Director W. Johnson explained how this ordinance would give a uniform design as to how streets would be constructed. He commented on the City's adoption of the American Concrete Institution (ACI) guidelines – this is just an updated version.

Interim Public Works Director Ernie Bradford said he agreed with implementing the updated guidelines.

Mayor Shipp asked what the impact would be on concrete/street contractors.

Director W. Johnson explained that the guidelines in the ordinance would simplify and designate what material and/or products would be used. It will give a uniform design for all contractors. Director W. Johnson said in the long run it would be more cost efficient, thereby eliminating repair or reconstruction of the streets.

Assistant Mayor Williams asked if this new ordinance would affect contractors who have already constructed the streets in their developments.

Director W. Johnson said it would not be retroactive. It would not affect those contractors. It would be perspective only.

Director S. Johnson asked if the new changes had been communicated to the developers building streets.

Director W. Johnson said no specific discussions had taken place.

Assistant Mayor Williams asked if the item could possibly be tabled for additional input.

Director W. Johnson commented on the last two subdivisions the Board accepted dedication of street right-of-way and public facility improvements, stating the streets examined met design requirements under the updated guidelines.

Assistant Mayor Williams said he was concerned Developer Donnie Sealey or others could possibly come back to the Board saying they were unaware of the changes in the guidelines.

Mr. Bradford said he had spoken with Mr. Sealy and Jeff Castle regarding the changes in the guidelines.

Mayor Shipp made a motion to table this item until the next board meeting, Monday, December 18, 2006, pending Interim Public Works Director Ernie Bradford telephonically surveying local developers to see what impact adopting the American Concrete Institute (ACI) 325.12R-02 would have. The motion was seconded by Director S. Johnson. She commented again that she was not opposed to the adoption of the update, but was concerned about recent code changes that were overturned or changed due to the developers not being involved in the review process. Mr. Nickerson said this was very similar to other code updates. The Clerk called the roll and the following vote resulted: Directors Bradley, Dowd, Dunphy, S. Johnson, Williams, and Shipp voted aye. Director W. Johnson voted nay. The Mayor declared the motion carried, as there were six ayes and one nay.

ORDINANCE NO. L-272:

An ordinance was introduced to be entitled, "AN ORDINANCE AMENDING SECTIONS 19-30, 19-33, 19-40, 19-47, 19-48, 19-53, 19-57; 19-59, 19-60, 19-61, AND APPENDICES A, B, D, & D, CHAPTER 19, OF THE CODE OF ORDINANCES AMENDING THE APPEAL PROCESS TO COMPLY WITH THE ARKANSAS CODE OF 1987 ANNOTATED; REMOVING "LANDMARKS" LANGUAGE FROM VARIOUS

SECTIONS; REMOVING LANGUAGE DEALING WITH THE ORIGINAL CITY HISTORIC DISTRICT(OCHD) AND QUALITY HILL HISTORIC DISTRICT (QHHD) LANGUAGE; REMOVING OCHD & QHHD MAPS; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES". Said ordinance amends Article III, Sections 19-31 through 19-61, Chapter 19, *Texarkana, Arkansas Code of Ordinance*, dealing with the Historic District Commission (HDC) appeal process, conflict of interest, Original City Historic District (OCHD) and Quality Hill Historic District (QHHD).

City Planner Eston McGee spoke briefly in regard to the item, stating the appeal process regarding decisions made by the Historic District Commission (HDC) needed to be modified to comply with the Arkansas Code of 1987 Annotated (Section 14-172-212). Appeals filed by a property within thirty (30) days of a decision by the Historic District Commission shall be filed with the Miller County Chancery Court rather than the City Board of Directors. Additionally, language dealing with "landmarks" needed to be deleted from the preservation regulations, since the Arkansas Code of 1987 makes no provisions in the enabling regarding landmarks.

The HDC desired to modify the "conflict of interest" regulations reflected in Ordinance No. L-237, Section 19-40 (Disqualification of Members) and include it in the Historic District Commission (HDC) By-Laws. Some communities place these regulations governing conflict of interest in their ordinances and some communities place this information in the Commission's By-Laws. By moving the "conflict of interest" regulations to the By-Laws, any changes can be made by the Historic District Commission as provided for in the HDC By-Laws without having to submit ordinance amendments to the City Board of Directors. On a motion by Mr. Jay Gleason and seconded by Mr. Smitty Smith, the HDC recommended by a 4-0 roll call vote (two commissioners were absent and there is one

vacancy) the City Board consider an ordinance removing regulations governing “conflict of interest” from Ordinance No. L-237. The HDC has begun the process to amend the By-Laws to incorporate the language the City Board of Directors utilizes in their Procedural Guideline Manual for City Board meetings. Mr. McGee asked if he could respond to questions.

Mayor Shipp asked if the change regarding the responsibility of the appeal process be removed from the board and given to the circuit court as mandated by state law. Mr. McGee said yes.

Assistant Mayor Williams moved to have the ordinance read in abbreviated form. The motion was seconded by Director S. Johnson and carried unanimously.

The ordinance was read the first time.

Assistant Mayor Williams moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director S. Johnson. The Clerk called the roll and the following vote resulted: Directors Bradley, Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were seven ayes and no nays. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

Assistant Mayor Williams then moved that the rules be further suspended and the ordinance be placed on its third and final reading. The motion was seconded by Director W. Johnson. The Clerk called the roll and the following vote resulted: Directors Bradley, Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were seven ayes and no nays. The ordinance was then read the third and final time and the Mayor declared the ordinance open for discussion.

The Mayor then put the question, "Shall the Ordinance pass?" The Clerk called the roll and the following vote resulted: Directors Bradley, Dowd, Dunphy, S. Johnson, W.

Johnson, Williams, and Shipp voted aye. The Mayor declared the ordinance passed, as there were seven ayes and no nays.

ORDINANCE NO. L-273:

An ordinance was introduced to be entitled, "AN ORDINANCE GRANTING A LIMITED FRANCHISE FOR USE OF PUBLIC RIGHT-OF-WAY ADJACENT TO 400 NORTH STATE LINE AVENUE; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES".

City Planner Eston McGee spoke briefly in regard to the item, stating Jeff Long applied for and received a conditional use permit to operate a wholesale bottled water business in the C-2 Central Business District. All wholesale businesses in the Central Business District are classified as a conditional use. The Planning Commission approved the conditional use permit subject to Mr. Long obtaining a limited franchise in order for him to park, load, and unload the bottled water at 400 North State Line Avenue. Since Mr. Long's building is located in the Central Business District where no setbacks or off-street parking is required, he has no property adjacent to his building or within his building to park and load and unload the bottled water. His building is surrounded on all sides with either dedicated public street right-of-ways or alleys. The Board action requested is to consider an Ordinance granting Mr. Jeff Long a limited franchise, so that he may perform the parking, loading and unloading activities associated with his wholesale bottled water business in the dedicated 20'-0" public alley in Block 50, Original City of Texarkana, Arkansas Plat. Mr. McGee asked if he could respond to questions.

Mayor Shipp asked Jeff Long to come forward. Mr. Long came forward and explained that the alley was fenced off at one end and gated at the opposite end. He stated that he

owned the entire building and the tenants did not have a problem with him obtaining the limited franchise in order for him to park, load and unload the bottled water.

Assistant Mayor Williams moved to have the ordinance read in abbreviated form. The motion was seconded by Director Dowd and carried unanimously.

The ordinance was read the first time.

Assistant Mayor Williams moved that the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Director Dowd. The Clerk called the roll and the following vote resulted: Directors Bradley, Dowd, Dunphy, S. Johnson, W. Johnson, Williams, and Shipp voted aye. The Mayor declared the motion carried, as there were seven ayes and no nays. The ordinance was read the second time and the Mayor declared the ordinance open for discussion.

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CITIZEN COMMUNICATION TIME:

Mayor Shipp asked if anyone in the audience had questions or comments for the board.

No one came forward; and the Mayor asked if any of the Board Members had questions or comments.

- Assistant Mayor Williams commented on how the signal lights on the Texas-side of town were synchronized. He asked if the City could look into synchronizing our lights better. He also asked if the City could look into adding a “no tolerance” clause regarding citizens not making the necessary repairs to their property and/or homes in a timely manner when cited for code violations. City Manager Charles Nickerson stated changes were already being put into place regarding a “no tolerance” clause.

EXECUTIVE SESSION:

The Mayor announced that the Board would go into executive session.

MEETING RECONVENED:

The meeting was reconvened by the Mayor following the executive session.

The Mayor commented the business discussed did not require action at this time.

ADJOURNMENT:

There being no further business to come before the Board, on motion duly made, seconded, and unanimously carried, the meeting adjourned.

Horace G. Shipp, Mayor

ATTEST:

Patti Scott Grey, City Clerk