

**REGULAR MEETING OF THE
BOARD OF DIRECTORS
OF THE CITY OF TEXARKANA, ARKANSAS
JUNE 18, 2007**

MEMBERS PRESENT:

The Board of Directors of the City of Texarkana, Arkansas, convened in regular session at 7:00 PM on June 18, 2007 with the following members present: Mayor Horace G. Shipp, Assistant Mayor Williams, and Directors Patsy Cornelius and Sue Johnson. Also present were Interim City Manager Harold E. Boldt, City Attorney Ned Stewart, and City Clerk Patti Scott Grey. Directors Shirley Bradley, Chad Dowd, and Kathy Dunphy were absent.

INVOCATION:

The invocation was given by Mayor Horace G. Shipp.

APPRECIATION AND RECOGNITION:

- Assistant Mayor Williams thanked the Mayor and Board of Directors for presenting him a plaque of appreciation for 30 years of service on the City Board of Directors. He said he was very surprised.
- Assistant Mayor Williams recognized Texarkana, Arkansas Police Chief Bob Harrison for receiving an award from the Federal Bureau of Investigations (FBI) for his efforts in cleaning up crime around our city.
- Mayor Shipp also recognized and thanked Police Chief Bob Harrison.

BOY SCOUTS OF AMERICA TROOP #52:

Mayor Shipp introduced Boy Scout Troop #52 sponsored by Camp Preston Hunt, Scout Leader Ron Reed, and Boy Scouts Angela Bishop, Zachary Bishop, Lane Garcia, Stephen Birdsong, Gabriel Brown, Fergi Ferguson, Cody Hunter, Hunter Elrod, Chris McGayey, Bradley Suggs, Jake Rich, Bryan Atchley, Ryan Brown, Eddie Brown, Bobbi Brown, Max Elrod, and Greg Reed. He commented that the Boy Scouts were present at tonight's meeting and were working on their Communication Badges.

SUMMER SANITARY SEWER BILLS:

Mayor Shipp introduced Texarkana Water Utilities Executive Director Bill King. Mr. King commented on the summer sanitary sewer bills, stating sewer bills increase in the summer along with water consumption. Some of our water use activities return flow to the sanitary sewer while others do not do so. In the summer, most residents use more water than they return to the sanitary sewer. Municipalities choose from a variety of options for their citizens to be able to irrigate lawns without the burden of sewer charges. Regardless of options offered to citizens to reduce their sewer bill in the summer, a water and sewer system needs a certain amount of revenue to operate and maintain facilities. If a change to reduce the sewer costs for summer yard watering is made, rates must be adjusted to maintain revenue levels. This normally shifts the burden to a different segment of the population. Winter averaging is one such option. The Utility is currently upgrading its software to a different version and database so we have been unable to gather information on the effects of winter averaging. A test database should be available in the next several weeks to allow a good estimate of the impact of the type of charge. The results will be provided back to the City Manager.

The Board of Directors of Texarkana, Arkansas has made several provisions to allow for landscape irrigation as follows:

A. Wells:

Home-owners and businesses may use existing wells for landscape irrigation or they may drill a new well.

The backflow prevention ordinance requires well information to be provided to the Utility. This is done for two reasons: 1. Wells are potential contamination sources for Public Water supplies and knowledge of well locations helps prevent hazardous cross connections. 2. Knowledge of well locations has the potential to help with sampling points and remediation if ground water contamination occurs from such things as leaking underground tanks.

B. Irrigation Meters:

Home-owners and businesses may opt to install an irrigation meter, which by definition has no sewer charges associated with the account. Currently, there are approximately 958 irrigation taps inside the city limits of Texarkana, Arkansas. An irrigation tap and set (1 inch) currently runs about \$675.00 for a short side service (water main is on the same side of the street as the customer) and approximately \$975.00 for a long side service (water main is on the opposite side of the street from the customer). The difference in cost is primarily the street bore and additional piping necessary for the longer service. All service taps and sets are done by approved private contractors and local customers can shop around since prices vary according to specific site circumstances and individual contractors.

C. Sewer Charge Cap:

The Board capped sewer charges at 15,000 gallons to allow sewer charges not to become excessive for those who choose not to use a well or irrigation meters.

This cap appears to have begun in 1982 in conjunction with a significant increase in sewer rates for construction of the South Regional Wastewater Treatment Plant and collection system improvements.

There are many other billing structures available including variations on winter averaging that make allowances for landscape irrigation. Winter averaging selects specific winter month's water consumption to average and then applies the average sewer charges for that consumption to some or all of the remaining months. One must be very careful in calculating winter averages since all increased summer consumption is not from landscape irrigation. While landscape irrigation does not normally return flows to the sanitary sewer, other summer activities do increase summer sewer flows. We drink more water, take more baths, and wash more clothes in the summer. Obviously all these usages return to the sanitary sewers. There are also a number of other miscellaneous uses that return to sanitary sewer such as backwash from swimming pool filters.

A preliminary evaluation using a small sample of accounts selected at random indicates that there would be a very significant revenue reduction if winter averages were implemented for the months of June, July, August and September and such an amount would need to be shifted to overall rate increases.

After some discussion of different features and options, Mr. King asked if he could respond to questions.

WARD 5 – RICE STREET DRAINAGE:

Mayor Shipp introduced Interim City Manager Harold E. Boldt. Mr. Boldt commented on Rice Street Drainage while presenting a Power Point Presentation, stating that drainage ditches in the city had been mapped out and put on a schedule to be dredged and cleaned out.

WARD 5 – COMMUNITY MEETING:

Mayor Shipp introduced Ward 5 Director Patsy Cornelius. Ms. Cornelius commented on the first Texarkana, Arkansas community meeting, which was held June 7, 2007 at 6:00 p.m. at Central Baptist Church, Family Life Center.

Director Cornelius gave the following report:

Texarkana, Arkansas Community Ward Meeting Report Ward

A report to the Texarkana, AR Board of Directors

By

Patsy Cornelius, Director, Ward 5

June 18, 2007

Event: Ward meeting held June 7, 2007 at 6:00 p.m.

Location: Central Baptist Church, Family Life Center

Attendance: Approximately 20 citizens

Overview: First of all, I want to thank everyone from Ward 5 for attending the inaugural meeting of the Texarkana, AR wards, and to Central Baptist Church for so

graciously hosting the event. We were honored to also have Chief Harrison from Ward 6 in attendance at our meeting, thank you.

This was the first of six (6) “neighborhood ward meetings” planned for this summer. The intent of the meetings is for the board and city management to gain input from the citizens regarding how the Texarkana, AR citizens would like to see the revenue from the December '06 taxes spent. The inaugural meeting of the wards offered a lively and healthy exchange of ideas and it was a learning opportunity, especially with regard to communication and meeting format. The Ward 5 citizens expressed the following concerns and priorities:

1. They requested a clear communication of the specific plans for the use of the revenues from the taxes and fees approved by the Texarkana, AR Board of Directors (BOD), at the December 18, 2006 meeting. The tax increases approved December 18 were
 - a. \$2.00 infrastructure fee on residential water and sewer and a \$5.00 infrastructure fee for the same on commercial accounts;
 - b. Two percent (2%) increase on the gas and electric franchise fees
 - c. One percent (1%) “Hamburger tax” increase; and a
 - d. Two percent (2%) “Hotel/motel” tax increase.

Mayor Shipp responded by saying the increase in revenue from fees and taxes is expected to be 1.5 million dollars. The franchise fees are expected to generate \$700,000 annually – half is to be used for critical capital needs. Director Cornelius [I]

also pointed out the recommendation made by the Financial Advisory Committee (hereinafter referred to as the committee) for the use of tax-generated revenue (as listed in the Texarkana, AR Fiscal 2007 Budget). The committee suggested the “hamburger tax” revenue be used for park improvement; the “hotel/motel” tax is dedicated to tourism; and that half of the increase in the franchise fees be given to the A&P fund.

2. There was a request made to address the concern that there is a commercial and industrial growth stagnation and/or decline in Texarkana, AR due to the tax increases on restaurants, hotels and gas and electric franchise fees. Generally, the overall tone was for the city to develop and communicate an economic development plan. They suggested the plan include the city’s intentions and proposals for the area being developed north of I-30, inclusive of Minton’s Sportplex. Mayor Shipp announced to the audience the sale of the old truck stop property at I-30 and Stateline Ave. The property is going to be developed into 105,000 sq feet of retail space.
3. Citizens present want our city’s neighborhood streets to be repaired and/or redone, specifically Wade Trail. Citizens present remarked that neighborhood street disrepair is a detractor to new business. Ideas for funding the street repairs were to use State “Turn-back” money; use revenue from the refuse fee collected by the city, which many of those in the audience understand, is to be used for street repair; or to possibly pass a street bond issue specifically for repair/reconstruction.

4. Need for citywide “neighborhood” collaboration to promote Texarkana, AR to cities outside this state. Deanna O’Malley witnessed such a display at NUSA (Neighborhoods USA) national conference. She has been asked to make a presentation of her NUSA experience at the July 16, 2007 meeting.
5. Requests were made to expand the State Smoking Ban Law to baseball and softball parks primarily intended for the recreational use by minors.
6. A request for a municipal pool and an increased trail system. There is concern due to the closure of the Spring Lake Park Pool, since there is no summer recreation area available for our youth. Along those lines, those attending also asked about the progress on Minton’s Sportplex and whether it would have a pool. The mayor responded affirmatively regarding the possibility of the Sportplex having a swimming pool. However, there were concerns voiced that membership fees charged by the Sportplex would be too expensive for many Texarkana, AR residents.
7. There was a request for a report on the actual profit the city generates on the refuse fee. Ward 5 citizens requested a cost accounting of what the fee is used for and how much is remaining after all accounts payable from that fee, are satisfied. It is the understanding of many Ward 5 residents that any profit from the refuse fees should be used on street maintenance.

Response:

Tax revenue: To-date revenue from the December '06 tax and fee increases is to be reported at July and December '07 BOD meetings. But as of this time, no impact study of the Dec. '06 increases has been scheduled. As stated earlier, the city wants input from all citizens in order to effectively create an economic development plan.

Street Repair: The current estimate for reconstruction of Wade Trail is approximately \$364,373. Mayor Shipp asked the residents of Wade Trail to allow the BOD time to collect and prioritize the requests made at all the scheduled ward meetings this summer before a final decision is made regarding the repair of Wade Trail. I vowed to walk every road being considered for major repair and /or reconstruction, before deciding on a priority order for street repair.

Municipal Recreation: There are no plans to build a municipal pool due to the prohibitive costs. However there has been a grant proposal submitted to extend Nix Creek beyond Trice Elementary. The smoking ban law extension into ballparks will be added to the list of considered city ordinance additions, pending research on legal compliance by the city attorney's office.

Refuse fee: No date was specifically set for Interim City Manager Boldt to report the accounting and revenue from the refuse fee.

Communication: I believe a great lesson was learned from the first meeting. I personally hand delivered flyers inviting Ward 5 residents. Additional time has been allotted for notice of future meetings.

CONSENT AGENDA:

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

MINUTES:

The minutes approved were of the regular meeting of June 4, 2007.

RESOLUTION NO. 5427:

Resolution No. 5427 authorizes and directs the City Manager to submit an application for the Selective Traffic Enforcement Project in the total amount of \$100,600.00, with the local matching funds of \$58,020.00 to be funded by using the salary of a traffic officer.

RESOLUTION NO. 5428:

Resolution No. 5428 authorizes and directs the City Manager to submit an application for the DOJ LLEBG Block Grant Program in the total amount of \$51,831.00 and to enter into the Interlocal Agreement between the City of Texarkana, Arkansas and County of Miller, Arkansas, agreeing that Miller County will receive \$18,141.00 and the Texarkana, Arkansas Police Department will receive \$33,690.00 of the grant funds.

RESOLUTION NO. 5429:

Resolution No. 5429 authorizes and directs the City Manager to submit an application for the 2007 Narcotics Grant in the total amount of \$163,219 and to expend the funds in accordance to the grant requirements. Be it further resolved that local matching funds in an amount not to exceed \$85,658.00 are hereby authorized.

REGULAR AGENDA:

PUBLIC HEARING:

Mayor Shipp opened a public hearing to receive comments regarding a petition to abandon part of the S30' of the dedicated, improved 80'-0" Rose Street right-of-way adjacent to Lots 1-4, Block 21, **KIRBY'S COLLEGE ADDITION**, Texarkana, Miller County, Arkansas and between Oats and Flower Streets. (V.J. Yeatman and Timothy Burton)

Interim Public Works Director Ernie Bradford spoke briefly in regard to the item, reviewing City Planner Eston McGee's summary which stated V. J. Yeatman and Timothy Burton petitioned the City to abandon the South 30'-0" of the dedicated 80'-0" Rose Street right-of-way between Oats Street and Flower Street. This neighborhood of the City is very old and was subdivided many, many years ago. The right-of-ways in this part of the City are very wide by today's standards. We only require a 50'-0" dedication of local, residential streets. Mr. Yeatman purchased a home that was later determined to encroach onto the dedicated Rose Street right-of-way, which is the basis for this right-of-way abandonment. Abandoning thirty feet (30') of the Rose Street right-of-way will resolve the encroachment issue while respecting the utilities which are currently in place. Ideally, paved streets are centered within the right-of-way dedication, but for alignment purposes, topography, and other issues, streets are many times not located exactly in the dedicated right-of-way and may be located off-center. Such is the case for this part of Rose Street whose northern edge is located very close to the North Rose Street right-of-way line. As previously mentioned, it may have been constructed off-center for alignment purposes to line up with a previously constructed section of Rose Street.

The City staff contacted the five utility companies and attached their comments to the agenda item for the board's review. Neither AEP-Swepco, Windstream, nor CenterPoint Energy-ARKLA have any facilities within the section of Rose Street proposed

for abandonment nor requested any easements for future expansion. We have not received any comments from CableONE to date. Texarkana Water Utilities (TWU) has no issue with the right-of-way abandonment, but has requested retention of a utility easement being the N5' of the proposed 30'-0" ROW abandonment which would assist them with maintenance of the existing water main and in the future when the municipal sanitary sewer main is relocated from under the street. The Planning Commission recommended approval of the partial Rose Street right-of-way abandonment, subject to retention of the requested utility easement by Texarkana Water Utilities (TWU). Resolution No. 5424 was passed on June 4, 2007 setting the date for a public hearing to be conducted on June 18, 2007. Additionally, the Board is requested to consider an Ordinance on June 18, 2007, abandoning the S30' of the dedicated 80'-0" Rose Street right-of-way, subject to retention to a 5'-0" utility easement as requested by Texarkana Water Utilities (TWU).

Mayor Shipp asked if anyone in the audience or board members had questions or comments concerning this item.

No one else came forward; therefore the Mayor declared the public meeting closed.

V. J. YEATMAN AND TIMOTHY BURTON RIGHT-OF-WAY ABANDONEMNT:

An ordinance was introduced to be entitled, "AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE SOUTH 30' OF THE DEDICATED, IMPROVED ROSE STREET RIGHT-OF-WAY ADJACENT TO LOTS 1-4, BLOCK 21, KIRBY'S COLLEGE ADDITION BETWEEN OATS STREET AND FLOWER STREET RIGHT-OF-WAY; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES". Said ordinance provides for the vacation and abandonment of a part of the S30' of the dedicated, improved 80'-0" Rose Street right-of-way adjacent to

Lots 1-4, Block 21, **KIRBY'S COLLEGE ADDITION**, Texarkana, Miller County, Arkansas and between Oats and Flower Streets, subject to retention to a 5'-0" utility easement as requested by Texarkana Water Utilities. The right-of-way is legally described as:

The South 30' of the dedicated, improved 80' Rose Street right-of-way adjacent to Lots 1-4, Block 21, **KIRBY'S COLLEGE ADDITION**, Texarkana, Miller County, Arkansas, and between Oats Street and Flower Street.

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

The ordinance was read the first time.

Mayor Shipp commented that there were enough board members present tonight to read the ordinance for the first time, but there were not enough board members present to suspend the rules and place the ordinance on its second and third readings. He said this item would be on the next meeting agenda, July 2, 2007.

KEN CARPENTER REZONING:

An ordinance was introduced to be entitled, "AN ORDINANCE AMENDING ORDINANCE NO. K-286; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES". Said ordinance rezones a tract of land located at 201 East Street was W-1 Warehouse and Wholesaling, and requesting that the tract be rezoned C-3 Open Display Commercial for a commercial office, the same being more specifically described as follows:

Lot 1, Block 10, **H. P. WILLIAMS FIRST (SOUTH SIDE) ADDITION**, Texarkana, Miller County, Arkansas.

Mayor Shipp commented that this item was on its second reading.

Interim Public Works Director Ernie Bradford recapped briefly, reviewing City Planner Eston McGee's summary which stated Ken Carpenter was leasing the property at 201 East Street to an organization for a professional drug and youth counseling office. The property was currently zoned W-1 Warehousing and Wholesaling and a professional office is not a permitted land use in the W-1 zone. The City's 1988 Long-Range Comprehensive Development Plan recommends the property be zoned C-3 Open Display Commercial when rezonings are contemplated; therefore, the rezoning request conforms to the long-range plan. No one spoke in opposition to the rezoning at the public hearing conducted by the Planning Commission on May 8, 2007. The City staff notified twelve (12) adjacent property owners within three-hundred feet (300'). The Planning Commission unanimously recommended approval of the rezoning. The Board action requested is to consider an ordinance rezoning the property at 201 East Street from W-1 Warehousing and Wholesaling to C-3 Open Display Commercial.

Mayor Shipp stated that this item did not receive the votes it needed at the last meeting to suspend the rules and place it on remaining readings, due to the fact that board members had additional questions for Mr. Fulce the South Arkansas Youth Association, Inc. Executive Director, who would be leasing the property at 201 East Street from Mr. Carpenter.

Terence D. Fulce, South Arkansas Youth Association, Inc. Executive Director, stated that the building would be used as a corporate office to coordinate programs not used for the programs. Mr. Fulce said his organization worked with Faith, Love and Hope and instituted programs at that facility.

Mayor Shipp thanked Mr. Fulce and said he had answered the questions the Board Members had.

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

The ordinance was read the second time.

Mayor Shipp commented again, that there were enough members present tonight to read this ordinance for the second time, but there were not enough board members present to suspend the rules and place the ordinance on its third and final reading. He said this item would be on the next meeting as well.

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. There being no response the Mayor moved to the next item on the agenda.

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