

**REGULAR MEETING OF THE
BOARD OF DIRECTORS
OF THE CITY OF TEXARKANA, ARKANSAS
AUGUST 20, 2007**

MEMBERS PRESENT:

The Board of Directors of the City of Texarkana, Arkansas, convened in regular session at 7:00 PM on August 20, 2007 with the following members present: Mayor Horace G. Shipp, Assistant Mayor Williams, and Directors Shirley Bradley, Patsy Cornelius, Kathy Dunphy, and Sue Johnson. Also present were Interim City Manager Harold E. Boldt, City Attorney Ned Stewart, and City Clerk Patti Scott Grey. Director Chad Dowd was absent.

INVOCATION:

The invocation was given by Director Sue Johnson.

WARD MEETING REPORTS:

WARD 2 – COMMUNITY MEETING:

Mayor Shipp introduced Ward 2 Director Shirley Bradley. Ms. Bradley commented on her first Texarkana, Arkansas community meeting, which was held June 21, 2007 at 6:00 p.m. at College Hill Community Development Center, 2508 Rose Street.

Director Bradley thanked the Mayor for his presentation, regarding revenue and expenditures at the Ward 2 Community Meeting. She thanked the citizens for taking the time to relay their concerns within her ward and for their comments on where they would like to see the monies spent. Director Bradley thanked city staff

and Interim Public Works Director Harold E. Boldt as well as Police Chief Bob Harrison for their time in attending the meeting. Ms. Bradley briefly reviewed some of her top concerns and turned the meeting back over to Mayor Shipp.

WARD 3 – COMMUNITY MEETING:

Mayor Shipp introduced Ward 3 Assistant Mayor Londell Williams. Rev. Williams said he would not be making a report at this time.

WARD 4 – COMMUNITY MEETING:

Mayor Shipp commented that Director Chad Dowd was absent for tonight's meeting; therefore, there would not be a report from Ward 4.

CONSENT AGENDA:

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

MINUTES:

The minutes approved were of the regular meeting of August 6, 2007.

RESOLUTION NO. 5443:

Resolution No. 5443 appoints Public Works Director Jeff Hill to the Public Facilities Board.

RESOLUTION NO. 5444:

Resolution No. 5444 grants Main Street Texarkana Executive Director Bethany Hanna permission to have the 4th Annual Downtown Blues and BBQ Festival as requested, to use said rights-of-way in accordance with the request, and to allow use of Bobby and Sue Dowd Broad Street Pocket Park as the location for beer sales during the Festival Saturday, October 13, 2007, contingent upon Alcoholic Beverage Commission (ABC) approval.

RESOLUTION NO. 5445:

Resolution No. 5445 authorizes and directs the City Manager to submit a supplemental Certified Local Government (CLG) grant application to the Arkansas Historic Preservation Program (AHPP) for a comprehensive city-wide historic preservation program.

REGULAR AGENDA:

PUBLIC HEARING:

Mayor Shipp opened a public hearing to receive comments regarding the City's plans to submit an Arkansas Recreational Trails grant application to the Arkansas Highways and Transportation Department (AHTD).

City Planner Eston McGee spoke briefly in regard to the item, stating the City proposes to submit an Arkansas Recreational Trails grant application to the Arkansas Highways and Transportation Department (AHTD) on or about September 7, 2007. The proposed project consists of extending/constructing a new section of the Nix Creek Walking Trail System along the East side of Nix Creek between the Union Pacific railroad bridge at East Broad Street and the Boy's/Girl's Club ball fields at the Jackson Street Right-of-Way. The project consists of constructing approximately 3,600 linear feet of 10'-0" wide asphalt walking/biking/hiking trail along with three (3) bridge structures. This is a reimbursable 80%/20% matching grant program sponsored by the Arkansas Highways and Transportation Department (AHTD). This extension/construction project was chosen due to the extensive land holdings the City has in this part of the City which was a requirement of the grant. This extension/construction project would create a connection of the Earnest Hill Park, George Williams Park, Boy's/Girl's Club with the existing Nix Creek Walking Trail System at its current terminus at the Farmer's Market. Members of the Partnership

for the Pathway and staff will be present to answer questions from the Board of Directors and citizens.

Director Cornelius asked if the bridge located on Jackson would be the bridge that the walking trail would go underneath.

Mr. McGee clarified the trail would be under Nix Creek U.S. Highway 71 with another one being possibly located at Preston Street.

Jon Harrison, 17 Dogwood Lake Drive, member of the Partnership for the Pathway project, said the proposed project would bring the trail into low to moderate income neighborhoods and how he was delighted to have the opportunity to do that.

Julie-Ray Harrison, 17 Dogwood Lake Drive, member of Partnership for the Pathway project, commented on the bike trails becoming a growing need in the nation. Ms. Harrison commented on the trail being used by area youth and keeping them out of harm's way from the busy city streets.

Director Cornelius asked if there were any sidewalks that would provide access to the trails.

Ms. Julie Harrison pointed out, on the map located on the projector, each access way to the trail.

William Anderson, Sanderson Lane, commented on his love of the trail and how the trail would benefit all citizens of the city.

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 Assistant Mayor declared the public meeting closed.

RESOLUTION NO. 5446:

Resolution No. 5446 was read in its entirety. Said resolution authorizes and directs the City Manager to submit an Arkansas Recreational Trails Program matching grant application through the Arkansas Department of Highways and Transportation (AHTD).

Director Dunphy, seconded by Director Cornelius, moved to adopt the resolution. The motion carried unanimously.

PUBLIC HEARING:

Mayor Shipp opened a public hearing to receive comments regarding the City's plans to submit an Arkansas Recreational Trails grant application to the Arkansas Highways and Transportation Department (AHTD).

Public Works Director Jeff Hill spoke briefly in regard to the item, stating the City proposes to submit an Arkansas State Parks Outdoor Recreational grant application to the Arkansas State Parks Outdoor Recreational Grant Program on or about August 7, 2007. The proposed project would consist of constructing a new section of the lake adjacent to the existing lake located at the Bobby Ferguson Park. The project consists of constructing an 8' wide asphalt walking/biking/hiking trail around the new lake, pavilion, restrooms, playground and perhaps a new amphitheater. This is a reimbursable 50%/50% matching grant program sponsored by the Arkansas State Parks Outdoor Recreational Grant Program. Mr. Hill asked if he could respond to questions.

Director Dunphy asked if the existing trail system would be tied in to the new trail system. Public Works Director Jeff Hill said the trails would be tied in together with access to dry land in between the bodies of water.

Director Cornelius asked if there would be a bike trail. Mr. Hill answered, no, only a walking trail. He said there was a ten year plan and things would be changing to tie everything together.

Interim City Manager Harold E. Boldt commented on Mr. Hill meeting with the landscapers and architects. Once all the plans were in place, the plans would be brought before the Board in its final drafts.

Mayor Shipp commented on this being a great project and thanked Public Works Director Jeff Hill for speaking on this issue.

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 Assistant Mayor declared the public meeting closed.

RESOLUTION NO. 5447:

Resolution No. 5447 was read in its entirety. Said resolution authorizes and directs the City Manager to submit an Arkansas State Parks Outdoor Recreational grant application for Bobby F. Ferguson Park.

Director Cornelius, seconded by Director Dunphy, moved to adopt the resolution. The motion carried unanimously.

DOUG BROWN REZONING REPORT:

Mayor Shipp introduced Public Works Director Jeff Hill. Mr. Hill commented on property located in the 4200 block of Garland Avenue, stating that based upon the information he had in front of him at the Board Meeting of August 6, 2007, he was incorrect. He stated the map that was presented to the board was misleading by appearing that the majority of the project would be built within the flood plain. Mr. Hill stated that at

that time, he had cautioned the board about building inside the flood plain. Since that time he had received new information and spoke with Andy Franks the city's consulting engineer. He said improvements had been made along the Nix Creek lowering the flood plain elevation and reducing flooding in that area. Mr. Hill recommended approval of the development of this property.

ORDINANCE NO. L-296:

An ordinance was introduced to be entitled, "AN ORDINANCE AMENDING ORDINANCE NO. K-286". Said ordinance rezones a tract of land located in the 4200 block of Garland Avenue from R-2 Single Family Residential, and requesting that the tract be rezoned R-3 Low Density Residential in order to construct duplexes on three lots, the same being more specifically described as follows:

Lots 1, 2, & 3, **ELK MEADOW 2ND SUBDIVISION**, Texarkana, Miller County, Arkansas.

Director Cornelius said she had concerns about the property being within the flood plain and having approved zoning changes in that area in the past. She commented on the explanation by Public Works Director Jeff Hill, making her a little more at ease with her concerns.

Director Dunphy asked Doug Brown, when he sold property located close to the flood plain did he notify.

Doug Brown, 1006 Vanderbilt Road, commented on tons of property being sold within a flood plain in the City. Mr. Brown said banks research that issue and determine whether or not flood insurance would have to be provided.

Sharon Martin, 4224 Garland, said she was against rezoning of this property. Ms. Martin said she had addressed the board before with her concerns to rezoning in this area

due to flooding. She requested a privacy fence be put up between her property and Mr. Brown's property to stop flooding.

Assistant Mayor Williams moved to have the ordinance read in abbreviated form. The motion was seconded by Director Dunphy 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 Dunphy. The Clerk called the roll and the following vote resulted: Directors Bradley, Dunphy, Johnson, Williams, and Shipp voted aye. Director Cornelius voted nay. The Mayor declared the motion carried, as there were five ayes and one nay. 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 Bradley. The Clerk called the roll and the following vote resulted: Directors Bradley, Dunphy, Johnson, Williams, and Shipp voted aye. Director Cornelius voted nay. The Mayor declared the motion carried, as there were five ayes and one nay. The ordinance was read the second 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, Dunphy, Williams, and Shipp voted aye. Directors Cornelius and Johnson voted nay. The Mayor declared the ordinance passed, as there were four ayes and two nays.

CITIZEN COMMUNICATION TIME:

- Gerald Haire, thanked the Board for allowing him to speak. Mr. Haire spoke in regard to the Heatherwood property being annexed into the City. He said, since the last time

he came before the Board regarding the Heatherwood property, he had to buy back a \$140,000 lot, six people were putting their lots up for sale and he had no sells on lots within this subdivision. He said he felt as if City staff had magnified many negative issues regarding the annexation of this land. Mr. Haire said that after the last meeting concerning the annexation he has come to realize some of the issues the City had with annexation. He asked to Board to look at his new proposal regarding annexation.

Mayor Shipp asked if the cross hatched area on the map was what Mr. Haire had proposed for annexation. Mr. Haire replied, yes. Mayor Shipp clarified that no action would be taken tonight in regard to annexation. The Mayor asked Interim City Manager Harold E. Boldt to poll the Board's interest in the Haire annexation.

Gerald Haire asked City Attorney Ned Stewart is he saw any legal issues with changing the annexation. Mr. Haire, went on to say, the City would have no expenses regarding annexation and it would bring the City additional tax revenue.

City Attorney Ned Stewart replied no, he saw no legal issues surrounding the change in the annexation proposal.

- Director Cornelius asked the Mayor if she could make a few comments regarding the issue of a super city manager. She had petitions that had been signed by citizens of the City requesting an opportunity to vote on the issue and/or speak.

Mayor Shipp stated the issue of a super city manager was not on the ballot but he would accept the petitions as a statement of the citizens desire to have a vote.

Mr. Stewart commented that under existing Arkansas law with a city manager form of government the city manager, once employed, had to reside within the City of Texarkana, Arkansas. He said he felt that what some of the citizens have concerns over was not legally possible.

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