



Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

Minutes - Monday, March 20, 2023 - 6:00 PM

Mayor Allen Brown called the meeting to order at 6:00 PM.

PRESENT: Mayor Allen Brown, Assistant Mayor Ward 1 Terry Roberts, Ward 2 Director Laney Harris, Ward 5 Director Danny Jewell, and Ward 6 Director Jeff Hart.

ALSO PRESENT: City Manager Jay Ellington, City Attorney Joshua Potter, and Deputy City Clerk Jenny Narens.

ABSENT: Director Ward 3 Steven Hollibush, Ward 4 Director Ulysses Brewer, and City Clerk Heather Soyars.

Invocation given by City Manager E. Jay Ellington.

Pledge of Allegiance led by Animal Care and Adoption Center Director Lenor Teague.

CITIZEN COMMUNICATION

Mayor Brown said Glen Greenwell, on behalf of the members of the Old Police Pension Fund, wanted to convey their appreciation to the Board for the generous contribution to their retirement plan. An Old Police Pension Fund meeting was held last week and are open to the public.

No one else came forward.

PRESENTATION(S)

Mayor Brown presented City Manager E. Jay Ellington a plaque of appreciation for his service to the City. Mr. Ellington has resigned his position as City Manager. He will serve until the end of the month, but his last day in the office will be tomorrow.

1. Comprehensive Plan presentation given by Juliet Richey with Garver. (Admin)

CONSENT

Director Harris requested Item 3. Adopt a Resolution approving the Legal Services Agreement with City Attorney Joshua Potter. (BOD) Mayor Allen Brown, be removed from the Consent agenda.

Assistant Mayor Roberts made the motion to adopt the Consent agenda, Seconded by Director Hart. The motion carried and the following items were approved:

2. Approval of the minutes of the regular meeting March 6, 2023. (CCD) City Clerk Heather Soyars

REGULAR

City Manager E. Jay Ellington made a recommendation to Table Item 6. Adopt a Resolution directing the City Manager to enter into an agreement with Crossties. (ADMIN) City Manager E. Jay Ellington and Item 7. Adopt a Resolution directing the City Manager to enter into an agreement with 1894, LLC., and Heritage, Heart & Arts. (ADMIN) City Manager E. Jay Ellington

3. Resolution No. 2023-20 approved the Legal Services Agreement with City Attorney Joshua Potter. (BOD) Mayor Allen Brown

After a brief discussion, the motion to adopt the resolution made by Director Hart, Seconded by Assistant Mayor Roberts.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the Mayor declared the resolution adopted.

4. Resolution No. 2023-21 authorized the City Manager to enter into an engineering contract with A.L. Franks Engineering, Inc., for the road improvement design of County Avenue. (PWD) Public Works Director Tyler Richards

After a brief discussion, the motion to adopt the resolution made by Director Hart, Seconded by Assistant Mayor Roberts.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the Mayor declared the resolution adopted.

5. Resolution No. 2023-22 authorized the City Manager to enter into a construction contract with Francis Excavating, LLC., for rehabilitation projects on Sanderson Lane, Jefferson Avenue, Stallion Drive, and Boyd Road. (PWD) Public Works Director Tyler Richards

After a brief discussion, the motion to adopt the resolution made by Director Hart, Seconded by Director Harris.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the Mayor declared the resolution adopted.

6. **TABLED** - Adopt a Resolution directing the City Manager to enter into an agreement with Crossties. (ADMIN) City Manager E. Jay Ellington

After a brief discussion, the motion to table the resolution made by Assistant Mayor Roberts, Seconded by Director Harris.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the Mayor declared the resolution adopted.

7. **TABLED** - Adopt a Resolution directing the City Manager to enter into an agreement with 1894, LLC., and Heritage, Heart & Arts. (ADMIN) City Manager E. Jay Ellington

After a brief discussion, the motion to table the resolution made by Director Hart, Seconded by Assistant Mayor Roberts.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the Mayor declared the resolution adopted.

8. Ordinance No.10-2023 deleted obsolete Ordinance No. L-227. **(This item was TABLED 03/06/2023)** (PWD-Planning) City Planner Mary Beck

After a brief discussion, the motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Director Harris, Seconded by Director Hart.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Hart, Seconded by Director Harris.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Director Harris, Seconded by Director Hart.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the ordinance was read the third time in abbreviated form.

Motion to adopt the ordinance made by Director Hart, Seconded by Assistant Mayor Roberts.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the Mayor declared the ordinance adopted.

9. Ordinance No.11-2023 amended Chapter 24 – Subdivisions of the *City of Texarkana, Arkansas Code of Ordinances*, to set limits on road guarantee renewals. **(This item was TABLED 03/06/2023)** (PWD-Planning) City Planner Mary Beck

After a brief discussion, the motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Assistant Mayor Roberts, Seconded by Director Hart.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Hart, Seconded by Director Harris.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Assistant Mayor Roberts, Seconded by Director Harris.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the ordinance was read the third time in abbreviated form.

Motion to adopt the ordinance made by Director Hart, Seconded by Director Harris.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the Mayor declared the ordinance adopted.

10. Ordinance No. 12-2023 authorized the City Manager to purchase desktop computers, laptop computers, and their necessary accessories to be utilized by various departments of the City of Texarkana Arkansas. (TWU-IT) Information Technology Director Brandon Uselton

After a brief discussion, the motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Assistant Mayor Roberts, Seconded by Director Hart.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Hart, Seconded by Assistant Mayor Roberts.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Assistant Mayor Roberts, Seconded by Director Harris.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the ordinance was read the third time in abbreviated form.

Motion to adopt the ordinance made by Director Hart, Seconded by Assistant Mayor Roberts.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the Mayor declared the ordinance adopted.

An emergency clause is requested. An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the Board.

Motion to enact the emergency clause made by Director Hart, Seconded by Assistant Mayor Roberts.

Mayor Brown asked if anyone would like to speak for or against the emergency clause.

No one came forward.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the Mayor declared the emergency clause enacted.

BOARD OF DIRECTORS' COMMENTARY

Director Harris asked if there were a train derailment where would the affected residents gather for shelter and locate family members.

Mayor Brown said the Miller County Office of Emergency Management would be in charge if that were to occur.

Director Harris said he was invited to a round table discussion with train officials to discuss the speed of trains through residential neighborhoods.

Director Harris said the Board would appoint an Interim City Manager and he asked the City Attorney if the Interim City Manager were not a resident of the City of Texarkana, Arkansas, would it be a violation of state law. Director Harris said he found an Attorney General Opinion from 2015-176, which was requested by Stephanie Potter Black asked if a police chief acting as a full-time employee could act as Interim City Manager. Director Harris said the opinion boiled down to as an Interim City Manager a department head could not regulate himself. He asked if any department head could be City Manager

Director Jewell said the statute was clear the Board would appoint an Acting City Manager. He said anyone could be appointed Acting City Manager.

Mayor Brown said if you name a current department head as Acting City Manager, that department head, that person would become immediately under the Board of Directors and act on behalf of the Board of Directors.

Director Jewell said the statute was clear and in the absence of a City Manager, the Acting City Manager comes into play.

Director Hart said the City already had an employee with the title of Assistant City Manager.

Director Harris said that was the point he was getting at.

Director Roberts said the City and employees deserve stability and that rotating employees in the role of Acting City Manager would not be practical.

CITY MANAGER REPORT

City Manager E. Jay Ellington thanked the Board for allowing him to serve the citizens and work with each member of the Board.

The City did accomplish the street survey with the degrees from good streets to failed streets, but the City did not create a system for street repair and maintenance. He said he presented a resolution in support of the increase in millage which did not pass. He said the only way to fix our streets was to tax ourselves.

He said he failed in the relationship with Miller County from the juvenile detention center to PSAP and our jail rates. He said the City needed to put the past further back so there would be no pushing back and forth between the City and Miller County when an issue comes up.

He said between the City and Advertising and Promotion Commission, over a million dollars have been invested in the Entertainment District for the Front Street Plaza.

Federal dollars are moving forward with street improvements which were most critical.

The City hired a new Animal Control and Adoption Center Director and opened the new facility which were both pluses for the City.

The Board has helped him improve cooperative relationships with the Texas-side and Bi-State partners.

He said City service contracts and agreements now have a Consumer Price Index (CPI) included.

The City established a Parks and Recreation Department and put a Director in place.

Over the last couple of years, the City has had stable budgets.

He said the City had a great group of department heads and a great group of employees.

He said he was able to hire a new Police Chief to help with our policing within the community.

Mayor Brown wished City Manager E. Jay Ellington and his wife Kathy good luck in Virginia.

EXECUTIVE SESSION

The Board of Directors did not enter Executive Session.

NEXT MEETING DATE: Monday, April 3, 2023

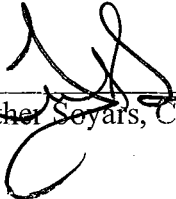
ADJOURN

Motion to adjourn made by Director Hart, Seconded by Assistant Mayor Roberts.

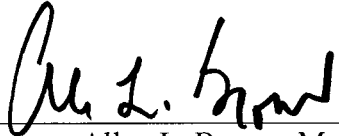
Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Jewell, and Director Hart.

The motion carried 5-0 and the meeting adjourned at 7:09 PM.

APPROVED this the 3rd day of April 2023.



Heather Soyars, City Clerk



Allen L. Brown, Mayor