



## **Regular Meeting of the Board of Directors**

City of Texarkana, Arkansas  
216 Walnut Street

**Minutes - Monday, March 04, 2019 - 6:00 PM**

Mayor Allen Brown called the meeting order.

PRESENT: Mayor Allen Brown, Ward 1 Assistant Mayor Linda Teeters, Ward 2 Director Laney J. Harris, Ward 3 Director Steven Hollibush, Ward 4 Director Travis Odom, Ward 5 Director Barbara S. Miner, and Ward 6 Director Terri Peavy.

ALSO PRESENT: City Manager Dr. Kenny Haskin, City Attorney George Matteson, City Clerk Heather Soyars and Deputy City Clerk Jenny Narens.

Invocation and Pledge of Allegiance given by Director Barbara S. Miner.

### **PRESENTATION(S)**

1. Presentation of the City of Texarkana, Arkansas Employee Service Awards.

Mayor Brown presented an award and city pin to Daniel L. Thiels for five years of service and William J. Smith, Jr., for twenty years of service with the Texarkana, Arkansas Fire Department (TAFD).

The following employees were not present at the meeting and will receive their awards and pins: Nathan L. Reeves for fifteen years of service and Kenneth Wilson for twenty years of service with TAFD; Amy Payne and Roderick Howard both for fifteen years of service with Texarkana Water Utilities.

Mayor Brown thanked them and all City employees for their service to the City and the community.

2. Presentation of Texarkana Arkansas Police Department Officer Recognition for Richard Conkleton and Dylan McCrary.

Chief Bob Harrison acknowledged Officers Richard Conkleton and Dylan McCrary. He said these two officers were heading to Camden, Arkansas, for their graduation ceremony and Sergeant Rick Cockrelle witnessed their heroic efforts.

Sergeant Rick Cockrelle said he was also driving to the graduation ceremony when he saw a vehicle stopped on the side of the road with flashers on, this vehicle was driven by Officer Conkleton and Officer McCrary. Sergeant Cockrelle said there was a car in a culvert upside down with water and mud rushing into it. He said one officer was helping the lady out of the car and up the hill and the other officer went up the road to get cell service in order to call for help. Sergeant Cockrelle said these two officers went above and beyond before they even graduated the academy. He said they both made it to the graduation ceremony on time.

Chief Harrison, Mayor Brown, and Dr. Haskin presented plaques and city pins to Officer Conkleton and Officer McCrary for their heroism.

## **CONSENT**

Director Harris requested Consent Agenda Item 4. Adopt a Resolution authorizing the City Manager to purchase a Tandem Vibratory Roller for the Public Works Department Streets Division. (PWD), be removed from the Consent Agenda for further discussion.

Motion to approve the Consent Agenda made by Assistant Mayor Teeters, Seconded by Director Odom.

The motion carried unanimously, and the Mayor declared the Consent Agenda approved. The items approved were:

3. Approval of the minutes of the rescheduled regular meeting February 19, 2019. (CCD)

## **REGULAR**

4. Resolution No. 2019-11 authorizes the City Manager to purchase a Tandem Vibratory Roller for the Public Works Department Streets Division. (PWD)

Director Harris said he wanted to know the size of the roller. He said he asked because he wondered if the City could use a small roller to roll over the small pot holes.

Mayor Brown said the roller Public Works was purposing weighed 6500 lbs., 105 inches in length and 4 feet wide. He thought it looked like a big roller.

Director Harris said he thought it would be a good idea if the City invested in a small roller.

Motion to adopt the resolution made by Director Harris, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

5. Ordinance No. 6-2019 amends Ordinance No. 4-2018 and approves Personnel Policy Amendments. (FIN)

Finance Director TyRhonda Henderson said this ordinance proposes adoption of amendments to section 4.02 of the Personnel Policy. She said removing statements referencing employees hired before/after April 18, 1983, would simplify the policy and exclude unnecessary language. Ms. Henderson said revising the policy would bring it into compliance with state statute 14-53-108 uniform sick leave for Municipal Fire Departments. This would allow firefighters working 24-hour shifts to accumulate 2,160 hours of sick leave. Which was the maximum allowed by state statute. She said section 4.02, Sick Leave (B) Accumulation will read: "All regular full-time employees may accumulate a maximum of ninety (90) days of sick leave. For firefighters working 24-hour shifts, ninety (90) days is defined as 2,160 hours. For all other full-time employees, ninety (90) days is defined as 720 hours. Sick leave accrual will cease for any employee with sick leave accumulation in excess of the ninety (90) days maximum until such time as sick leave accumulation falls below the maximum. Sick leave

accrual will continue for any employee with sick leave accumulation below the ninety (90) days maximum until such time as the sick leave accumulation reaches the maximum.”

Director Harris asked when the last time employees were paid.

Finance Director TyRhonda Henderson said it was Friday.

Director Harris asked if the employees accrued any sick time.

Finance Director TyRhonda Henderson said yes, no changes had been made to the policy yet.

Director Harris said he understood the workshop had a different policy than the policy tonight.

Mayor Brown said there was a difference in the Personnel Policy and the sick leave accrual. He said the City was not following the state statute at the present time. Mayor Brown said the mistake at the workshop was he did not distribute any proposal to the Board prior to the workshop. He said the workshop was a working workshop to discuss what the Board would consider to do moving forward.

Director Harris asked if this were going to cause issues with sick leave.

Mayor Brown said no he did not think there would be any problems. He said the real issue was the overtime, not employees using sick leave.

Director Harris asked if this had anything to do with not getting a second for an agenda item.

Mayor Brown said no because there was not a proposal brought forward.

Motion to read the ordinance the first time in abbreviated form made by Director Harris, Seconded by Director Miner.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. 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 Harris, Seconded by Assistant Mayor Teeters.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. The ordinance was read the second time in abbreviated form.

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

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. The ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Director Miner, Seconded by Assistant Mayor Teeters.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0 and the ordinance was adopted.

The applicant requests an emergency clause. An emergency clause requires a separate and distinct vote of the board and was valid only if there were a two-thirds vote of approval by the board. (Hdbk. Const. Amend 7)

Motion to approve the emergency clause made by Assistant Mayor Teeters, Seconded by Director Miner.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The emergency clause was adopted 7-0.

6. Ordinance No. 7-2019 amends the Zoning Chapter of the *City of Texarkana, Arkansas, Code of Ordinances* regarding wrecking services. (PWD-Planning)

City Planner Mary Beck said she was there to represent the Planning Commission and request amendments to Ordinance No. K-286 regarding wrecking services. She said the Planning Commission held four workshops and a public hearing that resulted in the ordinance brought before the Board. She said the revisions agreed upon by unanimous vote were: (1) a conditional use permit for a stand-alone wrecking service in a C-3 Open Display Commercial zone from a use by right, (2) to add "stand alone" to the definition of a wrecker service as given in Article VI, 28-23 to read: A wrecker service was a stand-alone business enterprise from which wrecker vehicles were dispatched, and may or may not include the temporary storage of inoperable or wrecked vehicles, (3) to distinguish a wrecking service from a salvage yard or junkyard as a use by right in all industrial zones, (4) automotive wrecking service supplemental provisions have the thirty day storage language removed.

Planning Commissioner Boots Thomas said this ordinance was to help keep the zoning codes up to date. Mr. Thomas said the question everyone asked was the difference between a wrecker service and a wrecking yard. He said wrecker service picks up the car from an accident or a tow and brings it to a storage yard where it was kept, and a wrecking yard was where dead cars went to be pieced up, parted out, and then crushed down and taken to Tri-State Metal. Mr. Thomas said giving the Planning Commission the right to have a case by case study of the wrecking yard permits, they could place restrictions or potentially turn the permit down.

Director Miner asked if they were required to go before to the Planning Commission to receive a license.

Planning Commissioner Boots Thomas said wrecking services were a use by right and it would be amending to be a conditional use.

Mayor Brown said having this ordinance approved if the Planning Commission denied the permit there would be an appeal process and it would come before the Board for a vote to approve or not to approve.

City Planner Mary Beck said the Planning Commission wanted to promote businesses and make sure everyone's rights had an opportunity.

Motion to read the ordinance the first time in abbreviated form made by Director Odom, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. 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 Miner, Seconded by Director Odom.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. The ordinance was read the second time in abbreviated form.

Director Harris asked if there were a notice given from the Planning Commission when this issue was first brought up.

Mayor Brown said yes.

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

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. The ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Director Odom, Seconded by Director Miner.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0 and the ordinance was adopted.

**CITIZEN COMMUNICATION** – No one came forward.

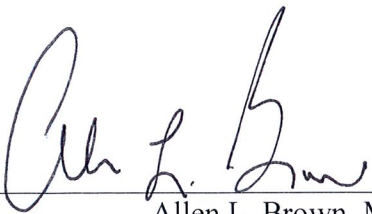
**ADJOURN**

Motion to adjourn made by Director Odom, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The meeting adjourned at 6:41 PM.

**APPROVAL** of the minutes on this 18<sup>th</sup> day of March, 2019.

  
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Allen L. Brown, Mayor

  
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Heather Soyars, City Clerk