



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

City of Texarkana, Arkansas

216 Walnut Street

**Minutes - Monday, April 05, 2021 - 6:00 PM**

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

PRESENT: Mayor Allen Brown, Ward 1 Director Terry Roberts, Ward 2 Director Laney Harris, Ward 4 Director Ulysses Brewer, Ward 5 Director Barbara Miner and Ward 6 Director Jeff Hart.

ALSO, PRESENT: Interim City Manager David Haak, City Attorney George Matteson, City Clerk Heather Soyars and Deputy City Clerk Jenny Narens.

ABSENT: Assistant Mayor Ward 3 Steven Hollibush.

The Invocation and Pledge of Allegiance was given by Director Barbara Miner.

### **PRESENTATION**

Texarkana Water Utilities (TWU) billing update given by Executive Director JD Phillips.

Executive Director JD Phillips spoke briefly about the billing stating the billing cycle was now caught up. There were many ways to pay the bills including online back draft, kiosk, in-person and soon by telephone. He suggested to email TWU for any billing questions you may have.

Director Hart asked about the City's cyber security and backups.

Interim IT Director Brandon Uselton said significant improvements had been made. Separation of the City of Texarkana, Arkansas, the City of Texarkana, Texas, and Bowie County was ongoing. The backup infrastructure was up and re-tooled. The cloud backup was cost prohibitive.

Director Brewer asked about the accountability during the snowstorm.

Executive Director JD Phillips said billing was caught up. He said TWU crews shut off over 1,200 meters during the snowstorm due to leaks.

Director Harris asked why the billing due date changed.

Executive Director JD Phillips said the cycle would be back to normal with the normal due date.

### **ADDENDUM**

Mayor Brown said he spoke with the Arkansas Municipal League (AML) about the April 1, 2021, Called Board of Directors' Meeting and several items needed to be done as soon as possible. He asked the Board to move to add these items to tonight's agenda.

The items were:

- A. The severance terms of City Manager Dr. Kenny Haskin's resignation were unclear and needed to be voted on by the Board.
- B. The City Clerk was instructed to gather necessary information from the Interim City Manager and contact the AML for bonding purposes.
- C. Pursuant to Arkansas Code Annotated § 14-47-119. Employment of the city manager states the Board of Directors employs the city manager and Mayor Brown would like a motion for the Personnel Administrator to contact AML to start the soliciting process.

The motion to add these items to the agenda was made by Director Brewer, Seconded by Director Miner.

Director Harris asked when the Mayor found about the above listed items and why add them to the agenda tonight.

Mayor Brown said he found out today after speaking with the AML and these items needed to be taken care of because of risk liability.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and Mayor Brown declared the above items added to tonight's agenda.

- A. Director Brewer made the motion to accept City Manager Dr. Kenny Haskin's resignation with eight months' severance pay, Seconded by Director Hart.

Director Harris said the Board could not revisit this matter within 180 days.

Mayor Brown said this was an amended motion to accept Dr. Haskin's resignation including eight months' severance pay.

Director Harris amended the motion to accept City Manager Dr. Kenny Haskin's resignation with eight months' severance to be paid in installments and not a lump sum, per the City Manager's contract.

Mayor Brown asked if anyone would like to comment on this item.

David Peavy, 105 Olive Street, said he and other citizens were confused and asked the Board for an explanation of what happened.

Mayor Brown said the Board would not give an explanation. This happened in Executive Session and was between the City and a City Employee and it was not to be discussed.

No one else came forward.

Voting Yea: Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

Voting Nay: Mayor Brown.

The motion carried 5-1 and Mayor Brown declared the Board's acceptance of Dr. Haskin's resignation to include eight months' severance to be paid in installments.

- B. Director Hart made the motion to instruct the City Clerk to gather necessary information from the Interim City Manager and contact the AML for bonding purposes, Seconded by Director Harris.

Mayor Brown Asked if anyone would like to comment on this item.

Linda Teeters, 229 Summit Drive, asked if this Board would continue to make decisions which effect the City and its employees and not contact the AML first. She asked if the Board should have contacted the AML before City Manager Dr. Kenny Haskin rendered his resignation. She asked if the Board learned from this and to cross their t's and dot their i's before taking such drastic measures and make sure the City was covered financially.

Mayor Brown said this item would be decided by the AML if there were any conflict of interest or if there were any reason David Haak could not serve as Interim City Manager.

No one else came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and Mayor Brown asked the City Clerk to contact the AML regarding bonding of the Interim City Manager.

- C. Director Hart made the motion for the Personnel Administrator to contact AML to start the soliciting process for a city manager, Seconded by Director Miner.

Mayor Brown asked if anyone would like to comment on this item.

David Peavy asked for a brief review of how the Board selected the Interim City Manager and if there were more than one person discussed for the position.

Mayor Brown said that was voted on in Executive Session with an affirmative vote and he could not tell Mr. Peavy if there were more than one person discussed.

No one else came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the Personnel Administrator would contact the AML and start the soliciting process.

### **CONSENT**

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

1. Approval of the minutes of the regular meeting March 15, 2021. (CCD)
2. Resolution No. 2021-16 set the date for a public hearing to be held on April 19, 2021, concerning a request for a right-of-way abandonment for the undeveloped section on George Avenue. (PWD-Planning)
3. Resolution No. 2021-17 set the date for a public hearing to be held on April 19, 2021, concerning a request for a right-of-way abandonment for the undeveloped section on Marietta Street. (PWD-Planning)
4. Resolution No. 2021-18 authorized the Interim City Manager to enter into a contract for the Millwood Water Treatment Plant Valve Replacement Project (TWU)
5. Resolution No. 2021-19 authorized the purchase of a new fire pumper apparatus. (TAFD)
6. Resolution No. 2021-20 approved the 2021 Bi-State Justice Building (Bi-State) Budget and amended the General Fund Budget to include contribution to the Bi-State Fund. (FIN)

### **REGULAR**

7. Ordinance No. 7-2021 rezoned 3211 Preston Street from M-2 general manufacturing zone to R-4 medium density residential zone to develop dwellings. (PWD-Planning)

City Planner Mary Beck gave a brief summary about the location and proposed rezoning stating this tract of land was formerly used as a shop to produce some type of product. It was zoned M-2 General manufacturing in the 1988 long term plan for that reason. The property was completely surrounded by residential zoning and the area had a surge of development of well-maintained multi-family dwellings during the past decade.

Director Miner asked if the R-4 medium density residential zone allowed duplexes.

City Planner Mary Beck said yes, and it also allowed multi-dwelling.

Motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Director Brewer, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 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 Brewer, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 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 Hart, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the third and final time in abbreviated form.

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

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

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the ordinance adopted.

8. Ordinance No. 8-2021 rezoned 1619 Lincoln Street from C-1 general retail commercial zone to R-4 medium density residential zone to develop dwellings. (PWD-Planning)

City Planner Mary Beck said this was a previous barber shop and no business had operated at this location for many years. The applicant wished to rezone the property to a more appropriate zone to develop dwellings.

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

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 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 Harris, Seconded by Director Brewer.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 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 Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Director Roberts, Seconded by Director Brewer.

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

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the ordinance adopted.

9. Ordinance No. 9-2021 amended the City of Texarkana, Arkansas Public Employee Retirement System (TAPERS) plan document. (FIN)

Finance Director TyRhonda Henderson said the amendments to the plan document were:

Article II. Eligibility and Participation, 2.01 Eligibility Requirements (p. 2-1)

Article VI. Form of Benefits, 6.04 Required Distributions (p. 6-2)

Article I. Definitions, 1.10 Effective Date (p. 1-4), and restate effective date (p. 1-1)

Motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Director Brewer, Seconded by Director Miner.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 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 Roberts, Seconded by Director Brewer.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 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 Miner, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the third and final time in abbreviated form.

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

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

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 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.***

Director Harris made the motion to approve the emergency clause, Seconded by Director Brewer.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the emergency clause approved.

### **CITIZEN COMMUNICATION**

David Peavy, 105 Olive Street, wanted to know what evidence the City had to ask for Dr. Kenny Haskin's resignation. He also wanted to know the process the Board took to appoint Mr. Haak as Interim City Manager.

Sandy Varner said from what happened last week she felt the City took a giant step backwards and erased the great strides the City and Directors had taken in the last five years.

Terri Peavy said how was the City going to be able to appoint a quality City Manager in the future when decisions had not been open and transparent.

Linda Teeters said she did not believe the city employees received the letter regarding the new city policies and why would the citizens see city employee policy changes before the actual employees. She said the City had done so many great things in the last years and she would hate to see that erased due to revenge seeking people.

John Warmack said we had an election and the citizens spoke, we have a path moving forward and he thinks it was a positive thing.

Dwayne Hall emailed a statement (attached) which Mayor Brown read.

Tracey Prather emailed a statement (attached) which Mayor Brown read.

**NEXT MEETING DATE: Monday, April 15, 2021**

### **ADJOURN**

Motion to adjourn made by Director Miner, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The meeting adjourned at 6:58 PM.

**APPROVED** this the 19<sup>th</sup> day of April 2021.

  
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Heather Soyars, City Clerk

  
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Allen L. Brown, Mayor