



## Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

**Agenda - Monday, June 07, 2021 - 6:00 PM**

Call to Order

Roll Call

Invocation and Pledge of Allegiance given by Assistant Mayor Steven Hollibush

### CONSENT

1. Approval of the minutes of the special called meeting May 14, 2021, and the regular meeting May 17, 2021. (CCD)
2. Adopt a Resolution to set the date for a public hearing concerning the abandonment of certain portions of dedicated undeveloped Crescent Street and Dogwood Drive, located in Ward 1. (Gordon) (PWD-Planning) City Planner Mary Beck

### REGULAR

3. Adopt an Ordinance to rezone a tract of land at 30 Legion Drive, located in Ward 3, from W-1 Wholesale and warehousing to R-1 Rural residential. (Boileau) (PWD-Planning) City Planner Mary Beck
4. Adopt an Ordinance supplementing Ordinance No. 13-2021 to confirm the original, understood intent that the lease-purchase previously approved is bank qualified. (FIN) Finance Director Tyrhonda Henderson
5. THIRD READING - Adopt an Ordinance amending certain procedural provisions of the *City of Texarkana, Arkansas Code of Ordinances* pertaining to the Board of Directors' Rules of Order and Procedure. (BOD) (This item was added to the agenda at the request of Director Laney Harris.)

### CITIZEN COMMUNICATION

***A limit of five (5) minutes per person is allotted for citizens to express their concerns to the Board of Directors, with a maximum of fifty (50) minutes reserved for Citizens Communication. The Board of Directors cannot respond to citizens' concerns during this time.***

***Be respectful of the Board of Directors, city staff, and the public by refraining from abusive conduct, personal charges, or verbal attacks.***

**EXECUTIVE SESSION**

- [6.](#) Adopt a Resolution reappointing Sandy Varner and appointing Les Munn to the Advertising and Promotion Commission. (CCD)

**NEXT MEETING DATE: Monday, June 21, 2021**

**ADJOURN**



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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<b>AGENDA TITLE:</b>	Approval of the minutes of the special called meeting May 14, 2021, and the regular meeting May 17, 2021. (CCD)
<b>AGENDA DATE:</b>	June 7, 2021
<b>ITEM TYPE:</b>	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Other <input checked="" type="checkbox"/> : Minutes
<b>DEPARTMENT:</b>	City Clerk Department
<b>PREPARED BY:</b>	Heather Soyars, City Clerk
<b>REQUEST:</b>	Approval of meeting minutes.
<b>EMERGENCY CLAUSE:</b>	N/A
<b>SUMMARY:</b>	Approval of meeting minutes
<b>EXPENSE REQUIRED:</b>	N/A
<b>AMOUNT BUDGETED:</b>	N/A
<b>APPROPRIATION REQUIRED:</b>	N/a
<b>RECOMMENDED ACTION:</b>	The City Clerk recommends Board approval.
<b>EXHIBITS:</b>	Meeting minutes.



**Special Called Meeting of the  
Board of Directors**

City of Texarkana, Arkansas  
216 Walnut Street

**Minutes - Friday, May 14, 2021 - 9:00 AM**

Mayor Brown called the meeting to order at 8:58 AM.

PRESENT: Mayor Allen Brown, Ward 1 Director Terry Roberts, Ward 2 Director Laney Harris, Assistant Mayor Ward 3 Steven Hollibush, Ward 4 Director Ulysses Brewer, Ward 5 Director Barbara Miner and Ward 6 Director Jeff Hart.

ALSO, PRESENT: Deputy City Clerk Jenny Narens.

ABSENT: City Attorney George Matteson and City Clerk Heather Soyars.

The Invocation and Pledge of Allegiance were given by Mayor Brown.

**EXECUTIVE SESSION**

The Texarkana Arkansas Board of Directors will discuss contract options for the city manager position.

The Board entered Executive Session at 8:59 AM.

The Mayor reconvened the meeting at 9:25 AM.

No action was taken.

\*Director Brewer left the meeting at 9:15 AM.\*

**NEXT MEETING DATE: Monday, May 17, 2021**

**ADJOURN**

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

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

The meeting adjourned at 9:26 AM.

**APPROVED** this the 7<sup>th</sup> day of June 2021.

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Allen L. Brown, Mayor

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Heather Soyars, City Clerk



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

City of Texarkana, Arkansas

216 Walnut Street

**Minutes - Monday, May 17, 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, Assistant Mayor Ward 3 Steven Hollibush, 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: Ward 4 Director Ulysses Brewer.

The Invocation was given by Texarkana Chamber of Commerce President Mike Malone and Pledge of Allegiance was led by Director Harris.

### **CONSENT**

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

1. Approval of the minutes of the regular meeting May 3, 2021, the special called meeting May 10, 2021, and the special called meeting May 12, 2021. (CCD)

### **REGULAR**

2. Resolution No. 2021-25 amended the 2021 General Fund Budget to include an allocation of \$43,823.67, for expenditures related to the ransomware attack. (FIN)

Finance Director TyRhonda Henderson said the City was still dealing with the lasting effects of the ransomware attack. While most departments were operating at the best level possible with the equipment/software available, they were still not functioning at full capacity. The City's IT Department provided a list of equipment/software associated costs to get all City departments fully restored. None of these expenditures were budgeted and the General Fund would need to be amended to include expenditures of \$43,823.67. A future budget amendment would be required to allocate funds for the backup solution and managed security solution. All associated expenditures would be submitted for insurance reimbursement.

Director Roberts asked if the City would be able to retrieve any lost information.

Finance Director TyRhonda Henderson said yes, but not guaranteed to retrieve all the lost information.

Mayor Brown asked if the City had met the cyber deductible.

Finance Director TyRhonda Henderson said no.

Director Hart asked if the expenditures were only for Texarkana, Arkansas.

Finance Director TyRhonda Henderson said yes.

Director Harris asked if this would fall under the American Rescue Act for the reimbursement of the cyber-attack.

Finance Director TyRhonda Henderson said she had attended numerous workshops and they had not mentioned anything about reimbursement for cyber-attacks.

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

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

No one came forward.

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

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

3. Resolution No. 2021-26 amended the 2021 General Fund Budget to include an allocation of \$75,227.00, for expenditures related to salaries for the City Manager, Interim City Manager, and Transition Leader. (FIN)

Finance Director TyRhonda Henderson said she was asked by the Mayor to prepare a budget amendment for the potential acceptance of the new City Manager. She said the Administration Department had a budget of \$288,000.00, and after all expenses were paid there would be \$38,622.00, left. Ms. Henderson said this would not be enough to pay for the new City Manager, an Interim City Manager, and a Transition Leader. She said the new City Manager and Interim City Manager would need \$109,773.00, and the Transition Leader would need \$4076.00 for a total of \$75,227.00.

Director Harris asked if this money would be paid to the current City Manager.

Mayor Brown said no.

Director Harris said the Interim City Manager, Mr. Haak, had not requested any money from the City for his service. He said he wanted the \$109,773.00, broken down and he made a motion to only approve the City Manager amount. Director Harris said he did not think the City needed a Transition Leader with the background the new City Manager had. He said why would the City remove the Interim City Manager who was doing the work for free and then hire another Interim City Manager to pay. Director Harris said he would not support this. He made a motion to give the money to the new City Manager just not the Transition Leader and to pay another Interim City Manager.

Mayor Brown said the Interim City Manager legally had to be paid 4% of the highest paid salary. He said Texarkana, Arkansas, had a unique situation when it came to finances and he thought a Transition Leader would be a benefit to the new City Manager.

Director Harris made a motion to only approve the salary of the City Manager.

Mayor Brown declared the motion died for lack of a second.

Motion to adopt the resolution made by Assistant Mayor Hollibush, Seconded by Director Miner.

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

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Assistant Mayor Hollibush, Director Miner, and Director Hart.

Voting Nay: Director Harris

The motion carried 5-1 and the Mayor declared the resolution adopted.

4. Ordinance No. 16-2021 approved the purchase of an Animal Care and Adoption Center truck. (ACAC)

Interim Director Brenda Williamson said the current truck was no longer reliable and needed maintenance many times last year. The funds for the new truck were approved in the 2021 Budget.

Director Miner asked if the truck were in addition to or replacing the one they had.

Interim Director Brenda Williamson said the truck would be replacing the one they had.

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, Director Roberts, Director Harris, Assistant Mayor Hollibush, 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 Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, 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, Assistant Mayor Hollibush, 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 Hart, Seconded by Assistant Mayor Hollibush.

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, Assistant Mayor Hollibush, Director Miner, and Director Hart.

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



***The applicant requests an emergency clause. 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. (Hdbk. Const. Amend 7)***

Motion to approve the emergency clause made by Director Harris, Seconded by Director Roberts.

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

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

5. Ordinance No. 17-2021 granted the request for prerequisite municipal approval of a private club application for 2415 Arkansas Boulevard, Redwoods Bar & Grill. (Earl) (CCD)

Jake Potter, attorney for the applicant, said he would be glad to answer any questions.

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

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, 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 Miner.

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

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

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

***The applicant requests an emergency clause. 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. (Hdbk. Const. Amend 7)***

Motion to approve the emergency clause made by Director Roberts, Seconded by Director Hart.

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

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

6. **SECOND READING** - Adopt an Ordinance amending certain procedural provisions of the *City of Texarkana, Arkansas Code of Ordinances* pertaining to the Board of Directors' Rules of Order and Procedure. (BOD) (This item was added to the agenda at the request of Director Laney Harris.)

Director Harris read a statement, attached.

The ordinance was read the second time in abbreviated form.

No further action was taken, and the ordinance would be read the third time at the next regular Board meeting.

### **CITIZEN COMMUNICATION**

Andrew Fuller, 5725 Calhoon Trail, spoke about the poor road conditions of Calhoon Trail.

Director Harris read a statement, attached.

Director Roberts thanked department heads and their staff for their service to the City.

### **EXECUTIVE SESSION**

The Board entered Executive Session at 6:41 PM.

The Mayor reconvened the meeting at 6:53 PM.

7. Adopt a Resolution reappointing Sandy Varner and appointing Les Munn to the Advertising and Promotion Commission. (CCD)

Mayor Brown said no action would be taken tonight on the appointments to the Advertising and Promotion Commission.

Resolution No. 2021-27 approved the City Manager Employment Agreement of E. Jay Ellington.

Mayor Brown announced the Boards' selection of E. Jay Ellington as the new City Manager. He read a statement from Director Brewer which said he was in full support of hiring Mr. Ellington as the City Manager.

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

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

Director Harris stated based on Mr. Ellington's criteria, the City would move forward.

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

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

Mayor Brown thanked the Directors and Express Employment Professionals for their due diligence for hiring a City Manager. He also thanked Interim City Manager David Haak for filling in.

Mayor Brown said the last item to discuss was the appointment of an Interim City Manager and Transition Leader.

Motion to appoint Finance Director TyRhonda Henderson as Interim City Manager and Transition Leader made by Director Roberts, Seconded by Assistant Mayor Hollibush.

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

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Assistant Mayor Hollibush, Director Miner, and Director Hart.

Voting Nay: Director Harris.

The motion carried 5-1 and the Mayor declared the motion approved.

E. Jay Ellington, the new City Manager, thanked the community as a whole and the Board collectively and individually. He said his message to the community was it was about all of us as a whole, we were one community. Mr. Ellington said he looked forward to the challenge Texarkana, Arkansas would give him and looked forward to his service to the community.

**NEXT MEETING DATE: Monday, June 7, 2021**

#### **ADJOURN**

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

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

The meeting adjourned at 7:02 PM.

**APPROVED** this the 7<sup>th</sup> day of June 2021.

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Allen L. Brown, Mayor

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Heather Soyars, City Clerk

I did not request a work shop because I don't believed a workshop will change someone heart. The evident submitted the two Rule of Procedure , as I stated before one that pre date July 7, 2017 and the other one that were amended by resolution march 5, 2018 and by ordinance on July 7, 2017. If I going to request a workshop I rather have it on something worthwhile for instance In figurer out in trying to spend the 7, million dollars from the *American Rescue Plan Act of 2021*, the city will be receiving in helping our citizen .

I have submitted more evidence that a agenda sheet from January of 2014 stating the fact that Questing and Comment and other business were adding since then, do to when a board member were trying to speak on something were not giving the chance to this were in affect Questing and Comment and other business until January 2019 however there was no ordinance or resolution stating to the effect to be added as a permanent agenda item. There were only comments from the mayor at one time and if the mayor did not acknowledge you then you could not speak.

If you look at the 2014 agenda sheets and you may say this were redundancies, that is two persons is giving an presentation of the same issues I-69 at the same board meeting January 2014 but if you look close one is on I-49 but the other is on I-69 so what is your definition of this ordinance before this governing body is being redundancies. Since this pass two elections I though the negative and the bias were gone. I guess I going to have to wait for one more city election. I know that if you are trying to put your footprint on these meeting but don't try to use me as a stepping stone.

The reason for the time limit on presentation I don't want be up here all night listen to presentation.

Back in May there was a presentation to the city manager it more than ten minute with no time limit also that same night when I when pass 5 minute the timer went off showing I had spoke pass 5 minutes.

It do not believed it will take a work shop to state what cleaning up this ordnances needs, remember I am only submitting as to what were before this governing body before and were used until July 7 of 2017, as I have previous stated. Apparently these changes were only put in place only to put me in my place and you are right you, and two other boards member were able to put there item on the agenda and I shall have the same rights and for each of you to tell me yes or no with your vote. Since July 7 of 2017 the only thing I has on the agenda were a proclamation. The only thing left is for you to stated what wrong with its wording or vote it up or down.

The special called regular meeting May 10, 2021 at 6:00 at Mil Way credit union at 2200 Arkansas Blv. was a illegal meeting according to our bylaws and in talking with the city attorney the meeting could have been held there but you had to have a special meeting to vote in order to have a meeting there. Whether our board room is technologies challenging then that what the city should be trying to fix. Also our city hall board room were not used at 5:00p.m 6:00p.m. on May 10 And I will end by saying city business shall be conducted at city hall than at someone place of business.

Role of the city attorney shall not in trying to find wiggly room for the city or the board members and the mayor in not following city ordinance or city policy. He is hire by the board of director and the mayor but he is not a pre say my(board member) attorney, mayor attorney or a department head attorney, he is the city attorney. When I talked to him Friday on the 7<sup>th</sup> he stated to me he were going to tell Heather that the call meeting could not be held at Mil way and I not talk to him until 4:45 p.m. on Monday and he stated that the meeting could be held there and they were not going to vote on anything that Monday and that a board member had a meeting at the Omega Building and I ask what did that have to do with this issue we are talking about city business and said he did called my phone 2.24 p.m. on Monday but did not leave a message.

I am requesting a Work Shop the purpose is for how the city is going to spend the money from the American Rescue Plan Act of 2021 and I had a update with the Nation League of City this pass week on how the city can spend the relief money. The new release amount for Arkansas Texarkana \$7,915,767.00. The airport just send out a undated for matching funds which you cannot do but we can might assisted them to buy the property for the extend the runway. Water, sewage and broadband projects are stated area this money can be used at. I can wait until the new city manager for the workshop on this I will email him all the information I have received on this issues and I have send it today to the clerk share with the mayor and other board members.



# CITY OF TEXARKANA, AR

## BOARD OF DIRECTORS

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**AGENDA TITLE:** Adopt a Resolution to set the date for a public hearing concerning the abandonment of certain portions of dedicated undeveloped Crescent Street and Dogwood Drive, located in Ward 1. (Gordon) (PWD-Planning) City Planner Mary Beck

**AGENDA DATE:** 06/07/2021

**ITEM TYPE:** Ordinance  Resolution  Other : \_\_\_\_\_

**DEPARTMENT:** Public Works/Planning

**PREPARED BY:** Mary Beck

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**REQUEST:** Set a date for a public hearing to vacate undeveloped right of way in Wooten's 2<sup>nd</sup> Subdivision.

**EMERGENCY CLAUSE:** None requested

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**SUMMARY:** The Planning Commission recommends vacating portions of undeveloped right of way for single family home development within the property lines of one owner. The property is wooded, undeveloped and has no utilities present or plans for utility lines in this location. The location is the southern most portions of Crescent Drive and Dogwood Drive as described in the City Manager Memo. (The original petition was joined by the current owner, the daughter of the original applicant who purchased all the land described during this process).

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**EXPENSE REQUIRED:** 0

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**AMOUNT BUDGETED:** 0

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**APPROPRIATION  
REQUIRED:** 0

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**RECOMMENDED  
ACTION:** Adopt a resolution

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**EXHIBITS:** Resolution, Petition, Memo to City Manager, deeds, map.

# RESOLUTION NO. \_\_\_\_\_

**WHEREAS**, Jimmy Gordon petitioned the City for vacating right-of-way as shown on that plat recorded in Volume 179, at Page 65, of the official records of Miller County, Arkansas, and being (1) the south portion of sixty feet (60') wide Crescent Drive where it begins at Pine Hill Lane, north to the north property line of Lot 6, Block 10 on the west and the north property line of Lot 6, Block 8 on the east; and, (2) vacating of Dogwood Drive from where it begins on the south end along Crescent Drive ending at the east property line of Lot No. 5, Block 8 on the north side of the right-of-way and the east property line of Lot No. 6, Block 9 on the south side, all part of WOOTEN'S 2<sup>ND</sup> SUBDIVISION Texarkana, Miller County, Arkansas, containing .9 acres more or less; and

**WHEREAS**, A.C.A. 14-301-301 to 14-301-306 provides for a public hearing prior to abandonment of public right-of-way;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the City of Texarkana, Arkansas, that a public hearing to receive comments regarding the petition concerning the right-of-way abandonment is set for June 21, 2021.

**PASSED AND APPROVED** this 7<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
Allen L. Brown, Mayor

**ATTEST:**

\_\_\_\_\_  
Heather Soyars, City Clerk

**APPROVED:**

\_\_\_\_\_  
George Matteson, City Attorney



## CITY OF TEXARKANA ARKANSAS

### DEPARTMENT OF PUBLIC WORKS

216 WALNUT ST 71854-6024

P O BOX 2711 TEXARKANA ARKANSAS 75504-2711

PHONE (870) 779-4971 – FAX (870) 773-2395

## MEMORANDUM

**TO:** David Haak, Interim City Manager

**FROM:** Mary L. Beck, City Planner

**DATE:** May 13, 2021

**SUBJECT:** Board of Directors Agenda item for 06-07-2021 Vacating right-of-way (ROW) - Petition by Jimmy Gordon, 57 Jenny Lane, Texarkana, AR 71854-8302, et. al., to abandon certain portions of dedicated undeveloped Crescent Street and Dogwood Drive in WOOTEN'S 2<sup>nd</sup> Subdivision.

**LEGAL DESCRIPTION:** 1) The south portion of sixty feet (60') wide Crescent Drive where it begins at Pine Hill Lane, north to the north property line of Lot No. 6, Block 10 on the west and north property line of Lot 6, Block 8 on the east; and, 2) vacating of Dogwood Drive from where it begins on the south end along Crescent Drive ending at the east property line of Lot No. 5, Block 8 on the north side of the right-of-way and the east property line of Lot No. 6, Block 9 on the south side, all part of WOOTEN'S 2<sup>ND</sup> SUBDIVISION, Texarkana, Miller County, Arkansas containing .9 acres more or less.

**REASON FOR REQUEST:** The applicant is purchasing (or has purchased) property adjacent to the Right of Way (ROW) on either side and wants to combine all the wooded, undeveloped land into one homesite for his daughter.

**EXISTING LAND USES:** Site: ROW  
North: vacant  
East: vacant  
South: applicant's residence  
West: vacant

**EXISTING ZONING:** Site: R-1 Rural residential  
North: R-1 Rural residential  
East: R-1 Rural residential



South: R-1 Rural residential  
West: R-1 Rural residential

**COMPATIBILITY  
WITH EXISTING  
ZONING:**

The large rural tracts of land in this subdivision have only individual single-family homes with many streets that were platted in 1968 that have not been developed and no plans known for doing additional development of the privately owned lots. All property adjacent to the abandonment has adjacent ownership to developed and undeveloped right of way for future access if needed.

**UTILITIES & TRANSPORTATION NETWORK:**

This property is currently zoned R-1 Rural residential and has no utilities located in the ROW and there are no indications from records available it has ever been utilized nor is it now planned to be utilized for utility lines.

Responses from utility companies when asked if they objected to the abandonment request or requested an easement had no objections and no easements were requested:

This property is currently zoned R-1 Rural residential, it has not been built and has no utilities located in the ROW.

Responses from utility companies when asked if they objected to the abandonment request or requested an easement:

**Centerpoint Energy** – Brandon D. Brooks, April 23, 2021:  
*“Looks like Centerpoint does not have any facilities at this location.”*

**Southwest Arkansas Electric (REA)** – May 10, 2021, at 3 p.m., staff (City Planner Mary Beck and Planning Assistant Jamie Finley) traveled onsite with REA employees at their request. In response to whether REA would like easements or had equipment at the location after looking at the area they said: *“We don’t have anything there,”* (Jeff Tollett), and *“That is not a problem,”* (David McDowell -engineer). Note: the SWREA lines/poles are shared by Sparklight (see comments below). MB

**Windstream** – Michael A. Latham, April 22, 2021:  
*“I don’t show any utilities in that those sections ours are all Aerial which are visible. Windstream does not see any issues.”*

**Cableone/Sparklight** – Joe Langley, May 5, 2021:

*“Now if that is to the right (east) of the turn going down to Jenny Ln in the wooded lot and not in the power easement then there is no objection to the ROW abandonment.”*

**TWU** – J.D. Phillips, April 23, 2021:

1. *“ The Utility has no water or sewer mains in this section of Crescent Drive and Dogwood Drive.*
2. *The Utility does not oppose the abandonment of this section of ROW.”*

## **CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:**

The *Arkansas Code of 1987 Annotated (14-56-422B)* requires the following – “All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

- (1)
  - (A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.
  - (B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.

(2)

Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3)

Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances and regulations to the legislative body of the city for its adoption.

(4)

The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission.



However, noting in this subchapter shall be construed to limit the city board's authority to recall the ordinances and resolutions by a vote of a majority of the council.

(5)

Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice was published in the Sunday, May 23, 2021 edition of the Texarkana Gazette.

ROW abandonments do not require additional notification as all adjacent property owners are petitioners.

**OPPOSITION:** None (after onsite inspection by SWREA engineering staff.

**PLANNING COMMISSION CERTIFICATION:**

The Planning Commission met on May 11, 2021 and certified recommendation to abandon the unused, undeveloped portions of Crescent Drive and Dogwood Drive as described in the legal description. On a motion by Dr. Hickerson, seconded by Ms. Dunn, the motion passed 6-0 with no opposition and one absence.

Adger Smith, Chairman	yes
Anderson Neal, Vice Chairman	yes
George Coker	yes
Bertha Dunn	yes
Jason Dupree	absent
Randall Hickerson	yes
Boots Thomas	yes

**BOARD ACTION REQUESTED:**

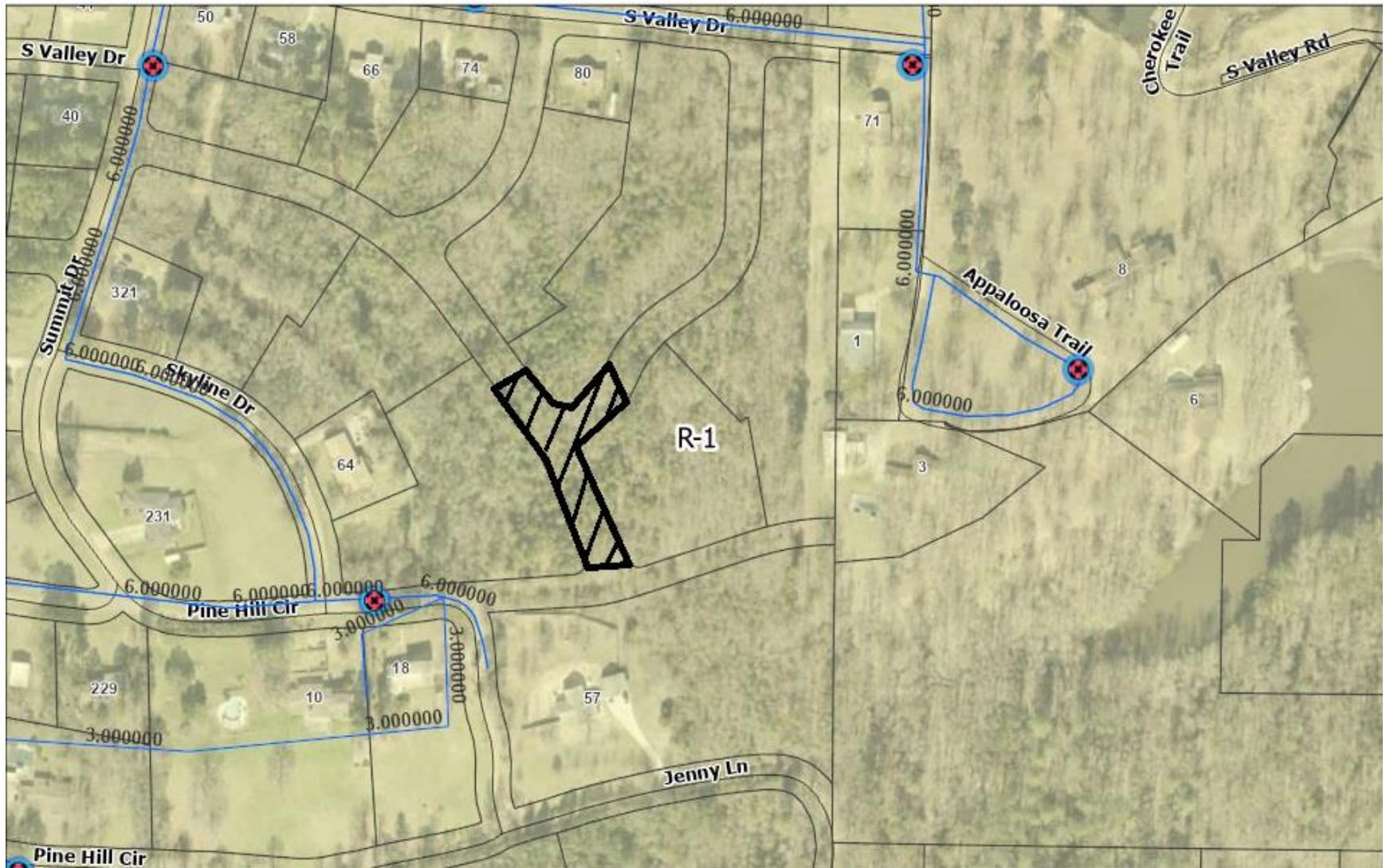
The City Board is requested to:

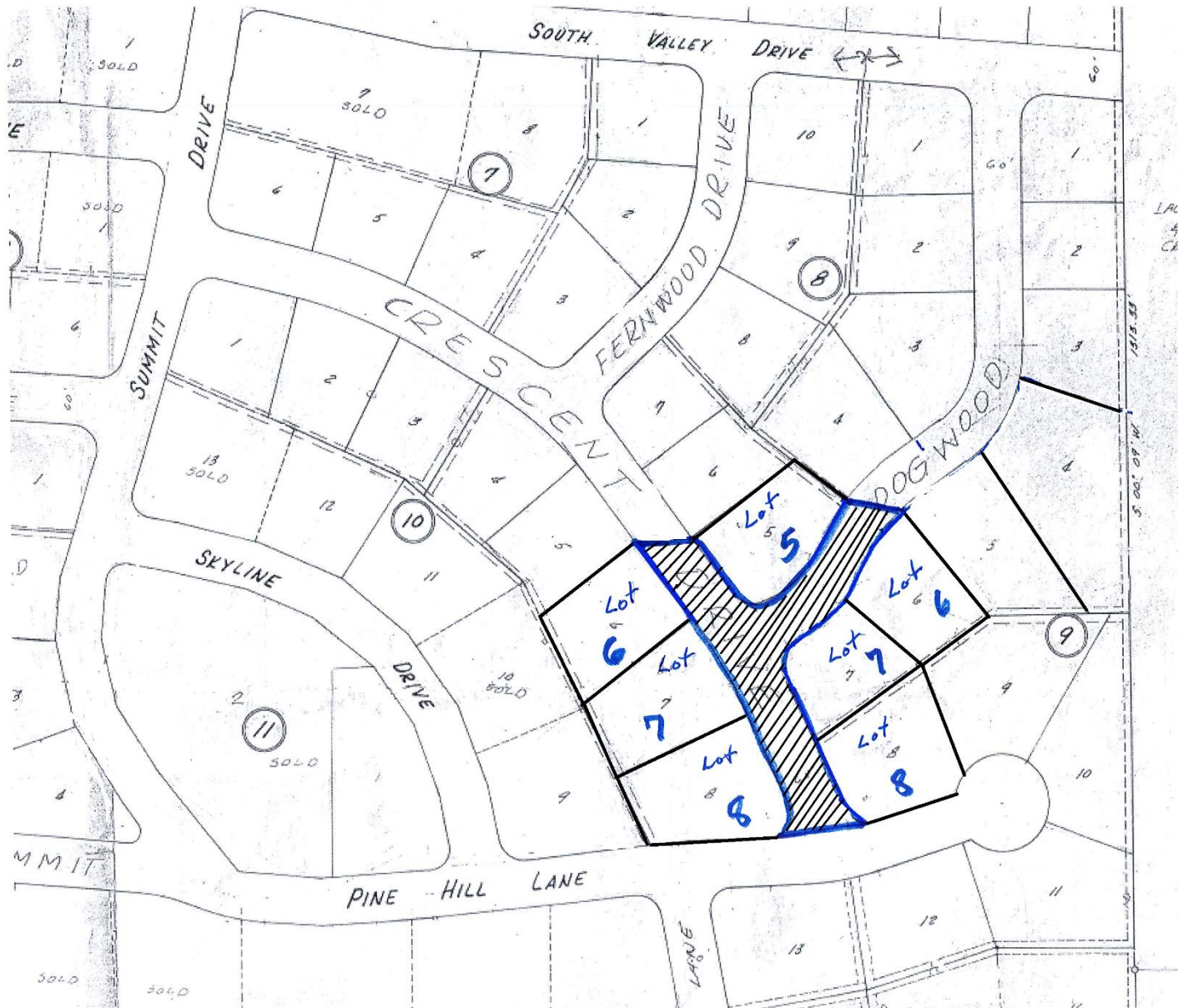
Adopt a resolution to set a date for a hearing on June 7, 2021.

Hold a public hearing June 21, 2021.

To abandon the ROW, the *Arkansas Code of 1987 Annotated* requires every ordinance to be read three times before adoption.

These three readings may all occur at the same meeting or at the second and third subsequent meetings after the first reading of the ordinance.





This Instrument Prepared By: Karlton H. Kemp, Jr., Attorney at Law  
P. O. Box 53  
Texarkana, AR-TX 75504  
Arkansas State Bar Card No.75069

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

That We, **Jimmy Joe Gordon and Linda Diane Gordon, Co-Trustees of the JIMMY JOE GORDON AND LINDA DIANE GORDON TRUST DATED DECEMBER 16, 2020, GRANTORS**, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration, in hand paid by **Cody Clark and Lindsey Clark, husband and wife, GRANTEES**, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the said **GRANTEES, Cody Clark and Lindsey Clark, husband and wife**, and unto their heirs and assigns forever, the following lands lying in **Miller County, Arkansas**:

**All of Lots Numbered Six (6), Seven (7), Eight (8) and Nine (9) in Block Numbered Nine (9) of WOOTEN'S 2<sup>ND</sup> SUBDIVISION, Texarkana, Miller County, Arkansas.**

This conveyance and the warranty contained herein are subject to all prior, valid easements, rights-of-way, restrictive covenants, set-back lines, and oil, gas and other mineral conveyances, reservations, or leases of record in **Miller County, Arkansas**. This conveyance and the warranty contained herein are also subject to all visible and apparent easements, rights-of-way, and prescriptive rights, whether of record or not.

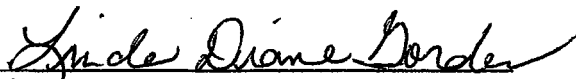
To have and to hold the same unto the said **GRANTEES**, and unto their heirs and assigns forever, with all appurtenances thereunto belonging.

And we hereby covenant with said **GRANTEES** that we will forever warrant and defend the title to the said lands against all claims whatever.

WITNESS our hands and seals on this 22<sup>ND</sup> day of APRIL,  
2021.



**Jimmy Joe Gordon, Co-Trustee of the  
JIMMY JOE GORDON AND LINDA  
DIANE GORDON TRUST DATED  
DECEMBER 16, 2020**



**Linda Diane Gordon, Co-Trustee of the  
JIMMY JOE GORDON AND LINDA  
DIANE GORDON TRUST DATED  
DECEMBER 16, 2020**

STATE OF ARKANSAS  
COUNTY OF MILLER

ACKNOWLEDGMENT

On this day, personally appeared before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named **Jimmy Joe Gordon and Linda Diane Gordon, Co-Trustees of the JIMMY JOE GORDON AND LINDA DIANE GORDON TRUST DATED DECEMBER 16, 2020**, being the persons authorized by said Trust, to execute such instrument, stating their respective capacities as Co-Trustees in that behalf, to me personally well known, who stated that they are the **Co-Trustees of the JIMMY JOE GORDON AND LINDA DIANE GORDON TRUST DATED DECEMBER 16, 2020**, and were duly authorized as such Co-Trustees to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 22ND day of APRIL, 2021.

Karlton H Kemp Jr  
Notary Public



I certify under penalty of false swearing that  
Documentary stamps or a documentary symbol  
In the legally correct amount has been placed  
On this instrument.

Karlton H Kemp Jr, Agent P.O. Box 53  
TEXARKANA, TX 75104 Consideration for Deed is \$ 0 (61 FT)  
Grantee or Grantee's Agent

Grantees: Cody Clark and wife, Lindsey Clark, 101 Miller County 525, Texarkana, Arkansas 71854

Grantors: Jimmy Joe Gordon and Linda Diane Gordon, Co-Trustees of the JIMMY JOE GORDON AND LINDA DIANE GORDON TRUST DATED DECEMBER 16, 2020, 57 Jenny Lane, Texarkana, Arkansas 71854



This Instrument Prepared By: Karlton H. Kemp, Jr., Attorney at Law  
P. O. Box 53  
Texarkana, AR-TX 75504  
Arkansas State Bar Card No.75069

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

That We, **Cody Clark and Lindsey Clark, husband and wife, GRANTORS**, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration, in hand paid by **Jimmy Joe Gordon and Linda Diane Gordon, Co-Trustees of the JIMMY JOE GORDON AND LINDA DIANE GORDON TRUST DATED DECEMBER 16, 2020, GRANTEES**, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the said **GRANTEES, Jimmy Joe Gordon and Linda Diane Gordon, Co-Trustees of the JIMMY JOE GORDON AND LINDA DIANE GORDON TRUST DATED DECEMBER 16, 2020** and unto their successors and assigns forever, the following lands lying in **Miller County, Arkansas**:

**All of Lots Numbered One (1), Two (2), Three (3), Ten (10), Eleven (11) and Twelve (12) in Block Numbered Twenty-seven (27) of WOOTEN'S 2<sup>ND</sup> SUBDIVISION, Texarkana, Miller County, Arkansas.**

This conveyance and the warranty contained herein are subject to all prior, valid easements, rights-of-way, restrictive covenants, set-back lines, and oil, gas and other mineral conveyances, reservations, or leases of record in **Miller County, Arkansas**. This conveyance and the warranty contained herein are also subject to all visible and apparent easements, rights-of-way, and prescriptive rights, whether of record or not.

To have and to hold the same unto the said **GRANTEES**, and unto their successors and assigns forever, with all appurtenances thereunto belonging.

And we hereby covenant with said **GRANTEES** that we will forever warrant and defend the title to the said lands against all claims whatever.

And we the **GRANTORS, Cody Clark and Lindsey Clark, husband and wife**, for and in consideration of the said sum of money, do hereby release and relinquish unto the said **GRANTEES** all our rights of dower, curtesy and homestead in and to the said lands.

WITNESS our hands and seals on this 22<sup>ND</sup> day of APRIL, 2021.

  
\_\_\_\_\_  
Cody Clark

  
\_\_\_\_\_  
Lindsey Clark

STATE OF ARIZONA  
COUNTY OF MILLER

ACKNOWLEDGMENT

On this day, personally appeared before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared the within named **Cody Clark and Lindsey Clark, husband and wife**, to me personally well known, who stated that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this  
22ND day of APRIL, 2021.

Karlton H Kemp Jr  
Notary Public

I certify under penalty of false swearing that  
The consideration for this Deed was \$ 0 (GIFT),  
And if the consideration exceeded \$100.00, a  
Documentary stamp tax receipt in the legally  
Correct amount has been placed on this instrument.



Karlton H Kemp Jr, Agent P.O. Box 53  
Texarkana, TX 75504  
Grantee or Grantee's Agent

Grantees: Jimmy Joe Gordon and Linda Diane Gordon, Co-Trustees of the JIMMY JOE  
GORDON AND LINDA DIANE GORDAN TRUST DATED DECEMBER 16, 2020, 57 Jenny  
Lane, Texarkana, Arkansas 71854

Grantors: Cody Clark and wife, Lindsey Clark, 101 Miller County 525, Texarkana, Arkansas  
71854

This Instrument Prepared By: Karlton H. Kemp, Jr., Attorney at Law  
P. O. Box 53  
Texarkana, AR-TX 75504  
Arkansas State Bar Card No.75069

### WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That We, **Jon Glenn Fricks and Phyllis Fricks, husband and wife, GRANTORS**, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration, in hand paid by **Cody Clark and Lindsey Clark, husband and wife, GRANTEES**, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the said **GRANTEES, Cody Clark and Lindsey Clark, husband and wife**, and unto their heirs and assigns forever, the following lands lying in **Miller County, Arkansas**:

**TRACT I:**

**All of Lots Numbered Four (4), Five (5), and Ten (10) in Block Numbered Nine (9) of WOOTEN'S 2<sup>ND</sup> SUBDIVISION, Texarkana, Miller County, Arkansas.**

**TRACT II:**

**All of Lots Numbered Six (6), Seven (7), Eight (8), and Nine (9) in Block Numbered Ten (10) of WOOTEN'S 2<sup>ND</sup> SUBDIVISION, Texarkana, Miller County, Arkansas.**

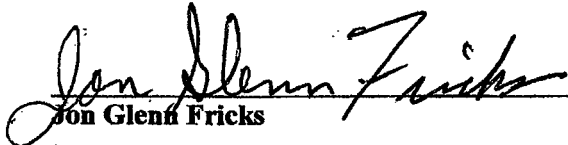
This conveyance and the warranty contained herein are subject to all prior, valid easements, rights-of-way, restrictive covenants, set-back lines, and oil, gas and other mineral conveyances, reservations, or leases of record in **Miller County, Arkansas**. This conveyance and the warranty contained herein are also subject to all visible and apparent easements, rights-of-way, and prescriptive rights, whether of record or not.

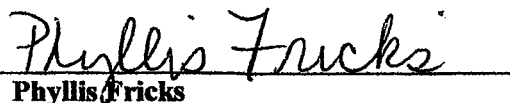
To have and to hold the same unto the said **GRANTEES**, and unto their heirs and assigns forever, with all appurtenances thereunto belonging.

And we hereby covenant with said **GRANTEES** that we will forever warrant and defend the title to the said lands against all claims whatever.

And we the **GRANTORS, Jon Glenn Fricks and Phyllis Fricks, husband and wife**, for and in consideration of the said sum of money, do hereby release and relinquish unto the said **GRANTEES** all our rights of dower, curtesy and homestead in and to the said lands.

WITNESS our hands and seals on this 22<sup>ND</sup> day of APRIL, 2021.

  
Jon Glenn Fricks

  
Phyllis Fricks

STATE OF ARKANSAS  
COUNTY OF MILLER

ACKNOWLEDGMENT

On this day, personally appeared before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared the within named **Jon Glenn Fricks and Phyllis Fricks, husband and wife**, to me personally well known, who stated that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this  
22ND day of APRIL, 2021.

Karlton H Kemp Jr  
Notary Public

I certify under penalty of false swearing that  
The consideration for this Deed was **\$32,000.00**,  
And if the consideration exceeded \$100.00, a  
Documentary stamp tax receipt in the legally  
Correct amount has been placed on this instrument.



Karlton H Kemp Jr, Agent P.O. Box 53  
Texarkana, TX 75504  
Grantee or Grantee's Agent

Grantee: Cody Clark and wife, Lindsey Clark, 101 Miller County 525, Texarkana, Arkansas  
71854

Grantors: Jon Glenn Fricks and wife, Phyllis Fricks, 220 Manors Way, Texarkana,  
Arkansas 71854

This Instrument Prepared By: Karlton H. Kemp, Jr., Attorney at Law  
P. O. Box 53  
Texarkana, AR-TX 75504  
Arkansas State Bar Card No.75069

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

That We, **Jason Austin Fricks and Melissa Fricks, husband and wife, GRANTORS**, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration, in hand paid by **Cody Clark and Lindsey Clark, husband and wife, GRANTEES**, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the said **GRANTEES, Cody Clark and Lindsey Clark, husband and wife**, and unto their heirs and assigns forever, the following lands lying in **Miller County, Arkansas**:

**All of Lot Numbered Five (5) in Block Numbered Eight (8) of WOOTEN'S 2<sup>ND</sup> SUBDIVISION, Texarkana, Miller County, Arkansas.**

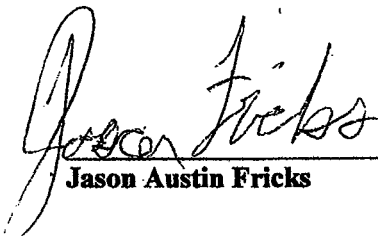
This conveyance and the warranty contained herein are subject to all prior, valid easements, rights-of-way, restrictive covenants, set-back lines, and oil, gas and other mineral conveyances, reservations, or leases of record in **Miller County, Arkansas**. This conveyance and the warranty contained herein are also subject to all visible and apparent easements, rights-of-way, and prescriptive rights, whether of record or not.

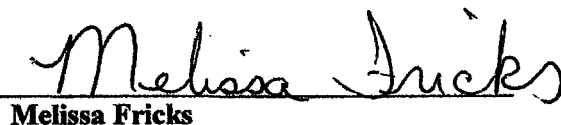
To have and to hold the same unto the said **GRANTEES**, and unto their heirs and assigns forever, with all appurtenances thereunto belonging.

And we hereby covenant with said **GRANTEES** that we will forever warrant and defend the title to the said lands against all claims whatever.

And we the **GRANTORS, Jason Austin Fricks and Melissa Fricks, husband and wife**, for and in consideration of the said sum of money, do hereby release and relinquish unto the said **GRANTEES** all our rights of dower, curtesy and homestead in and to the said lands.

WITNESS our hands and seals on this 22<sup>ND</sup> day of APRIL, 2021

  
\_\_\_\_\_  
Jason Austin Fricks

  
\_\_\_\_\_  
Melissa Fricks

STATE OF ARKANSAS  
COUNTY OF MILLER

ACKNOWLEDGMENT

On this day, personally appeared before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared the within named **Jason Austin Fricks and Melissa Fricks, husband and wife**, to me personally well known, who stated that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this  
22ND day of APRIL, 2021

Carlton H Kemp Jr  
Notary Public



I certify under penalty of false swearing that  
The consideration for this Deed was **\$5,000.00**,  
And if the consideration exceeded \$100.00, a  
Documentary stamp tax receipt in the legally  
Correct amount has been placed on this instrument.

Carlton H Kemp Jr, Agent P.O. Box 53  
Texarkana, TX 75504  
Grantee or Grantee's Agent

Grantees: Cody Clark and wife, Lindsey Clark, 101 Miller County 525, Texarkana, Arkansas  
71854

Grantors: Jason Austin Fricks and wife, Melissa Fricks, 231 Summit Drive, Texarkana,  
Arkansas 71854

# ABANDONMENT PETITION

## Right-of-Way (Street, Alley, & Utility Easement)

COME (List names) Jimmy J Gordon, John Glen Fricks  
Jason Austin Fricks

Petitioner(s) herein, and for their Petition to secure the vacation of the following (street/alley/utility easement), to-wit (legal description of abandonment):

see attached

**WHEREAS**, Petitioner(s) would respectfully show the Board of Directors of the City of Texarkana, Arkansas the following:

**WHEREAS**, The above (street/alley/utility easement) has been dedicated by virtue of said property being platted and said plat being filed for record as provided by law in Book 179, page 65, Records of Miller County, Arkansas.

**WHEREAS**, That the above (street/alley/utility easement) has not been used by the public for a period of five (5) years.

**WHEREAS**, That the (street/alley/utility easement) which Petitioner(s) seek(s) to vacate is shown on the attached copy of the plat filed in the Office of the County Recorder revealing the relevant portion(s) of said (street/alley/utility easement).

**WHEREFORE, PREMISES CONSIDERED**, Petitioner(s) pray(s) that the Board of Directors of the City of Texarkana, Arkansas, fix a day for the hearing of this petition, providing for notice of same in accordance with the laws of the State of Arkansas, and after such hearing vacate and abandon said (street/alley/utility easement).

Jimmy J Gordon  
Jason Austin Fricks

John Glen Fricks  
Jason Austin Fricks

Petitioner(s)



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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<b>AGENDA TITLE:</b>	Adopt an Ordinance to rezone a tract of land at 30 Legion Drive, located in Ward 3, from W-1 Wholesale and warehousing to R-1 Rural residential. (Boileau) (PWD-Planning) City Planner Mary Beck
<b>AGENDA DATE:</b>	06/07/2021
<b>ITEM TYPE:</b>	Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Other <input type="checkbox"/> : _____
<b>DEPARTMENT:</b>	Public Works/Planning
<b>PREPARED BY:</b>	Mary Beck

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<b>REQUEST:</b>	Adopt an ordinance to rezone a tract of land from W-1 Wholesale and Warehousing to R-1 Rural residential in order to construct a single-family home.
<b>EMERGENCY CLAUSE:</b>	None requested

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<b>SUMMARY:</b>	The Planning Commission recommends rezoning property located at #30 Jackson Drive aka #30 Legion Street in order to construct a single-family home.
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<b>EXPENSE REQUIRED:</b>	0
<b>AMOUNT BUDGETED:</b>	0
<b>APPROPRIATION REQUIRED:</b>	0

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<b>RECOMMENDED ACTION:</b>	Adopt an ordinance to rezone property from W-1 Wholesale and Warehousing to R-1 Rural residential.
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<b>EXHIBITS:</b>	Ordinance, Memo to City Manager, deed, map.
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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE  
NO. K-286, AS AMENDED; AND FOR OTHER  
PURPOSES**

**WHEREAS**, an application to amend the Land Use Plan was filed with the Planning Commission of the City of Texarkana, Arkansas, requesting that the following land be rezoned from W-1 Wholesale and warehousing zone to R-1 Rural residential zone:

The property is legally described as Lots No. 4-10, Block 1, XELPO F  
BEIDLERS ADDITION, Texarkana, Miller County, Arkansas.

**WHEREAS**, the Planning Commission, after public hearing, approved said application and recommended that the Board of Directors of the City of Texarkana, Arkansas, adopt the ordinance affecting said rezoning request;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Texarkana, Arkansas:

Ordinance No K-286, as amended, is hereby amended to rezone the above-described property in the City of Texarkana, Arkansas, from Wholesale and warehousing zone to R-1 Rural residential zone. This is solely a rezoning and no other action, conveyance, or release of interest.

**PASSED AND APPROVED** this 7<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
Allen L. Brown, Mayor

**ATTEST:**

\_\_\_\_\_  
Heather Soyars, City Clerk

**APPROVED:**

\_\_\_\_\_  
George Matteson, City Attorney



**CITY OF TEXARKANA ARKANSAS**  
**DEPARTMENT OF PUBLIC WORKS**  
216 WALNUT ST 71854-6024  
P O BOX 2711 TEXARKANA ARKANSAS 75504-2711  
PHONE (870) 779-4971 – FAX (870) 773-2395

## MEMORANDUM

**TO:**

**FROM:** Mary L. Beck, City Planner

**DATE:** May 13, 2021

**SUBJECT:** Board of Directors Agenda item for 06-07-2021 – **Rezoning request** by Mitchell Boileau, 1010 Milam Street, Texarkana, TX 75501-4737, to rezone a tract of land at #30 Legion Drive (AKA #30 Jackson Street), from W-1 Wholesale and warehousing to R-1 Rural residential in order to build a single-family residence.

**LEGAL DESCRIPTION:** It is legally described as all of Lots No. 4-10, Block 1, XELPO F BEIDLERS ADDITION, Texarkana, Arkansas containing .56 acres more or less.

**REASON FOR REQUEST:** Property owners wish to construct a single-family home.

**EXISTING LAND USES:**

Site: vacant  
North: vacant and railyard  
East: vacant  
South: vacant  
West: vacant

**EXISTING ZONING:**

Site: W-1 Wholesale and warehousing  
North: W-1 Wholesale and warehousing  
East: W-1 Wholesale and warehousing  
South: W-1 Wholesale and warehousing  
West: W-1 Wholesale and warehousing

## **COMPATIBILITY WITH EXISTING ZONING:**

The long-term comprehensive plan shows this area as public and quasi-public. The expansion of the ball fields and nearby community center under redevelopment is supportive of residential use. However, the surrounding zoning of W-1 Wholesale and warehousing could be problematic if the tract were surrounded by industry on a large scale. The trend does not seem to be in that direction currently and local government is generally supportive of individual property rights extending to individual homes of an owner for personal use. The R-1 Rural residential zone would restrict additional residential land uses other than the owner-occupied property containing less than one acre.

## **UTILITIES & TRANSPORTATION NETWORK:**

Local : Jackson Street (aka Legion Drive)  
Collector: None  
Arterial: None  
Water: Jackson Street (aka Legion Drive)  
Sewer: None  
Fire hydrant: Located approximately 250' to the south.

## **CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:**

The *Arkansas Code of 1987 Annotated (14-56-422B)* requires the following – “All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

(A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.

(2) Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances and regulations to the legislative body of the city for its adoption.

(4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, noting in this subchapter shall be construed to limit the city board's authority to recall the ordinances and resolutions by a vote of a majority of the council.

(5) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice was published in the Sunday, March 28, 2021 edition of the *Texarkana Gazette*. The City notified five (5) adjacent property owners by regular postal mail within three hundred feet (300') as required by the *Texarkana, Arkansas Code of Ordinances*.

**OPPOSITION:**

None received to date.

**PLANNING COMMISSION CERTIFICATION:**

The Planning Commission met on May 11, 2021 and on a motion by Mr. Coker, seconded by Mr. Thomas, the motion carried on a roll call vote to certify a recommendation for approval of the rezoning 6-0 with no opposition and one absent:

Adger Smith	Yes
Anderson Neal	Yes
George Coker	Yes
Bertha Dunn	Yes
Jason Dupree	Absent
Randall Hickerson	Yes
Clyde "Boots" Thomas	Yes

**ACTION REQUESTED BY CITY BOARD OF DIRECTORS:**

The City Board is requested to adopt an ordinance to rezone the property from W-1 Wholesale and Warehousing to R-1 Rural residential to R-2 Single-family residential.

The *Arkansas Code of 1987 Annotated* requires every ordinance to be read three times before adoption. These three readings may all occur at the same meeting or at the second and third subsequent meetings after the first reading of the ordinance.



**Rezoning request W-1 to R-1 Legion Drive**  
**Prepared by the Planning Division for reference only**

**Prepared By:**  
Professional Housing Co.  
500 Westover Dr #15189  
Sanford, NC 27330

**Return to Grantee:**

1010 milam st  
texarkana, texas, 75501  
United States  
samanthasevans@gmail.com

**2021R000536**

MARY PANKEY  
MILLER COUNTY CIRCUIT CLERK  
TEXARKANA, AR  
RECORDED ON  
01/25/2021 02:03:03 PM  
RECORDING FEE 25.00  
PAGES: 3

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PARCEL NUMBER**

1290020

**QUITCLAIM DEED**

PROFESSIONAL HOUSING & LAND, LLC, A FLORIDA LIMITED LIABILITY  
COMPANY, HEREIN AFTER THE **GRANTOR**,  
WHOSE ADDRESS IS: 500 WESTOVER DR #15189, SANFORD, NC 27330

FOR VALUABLE CONSIDERATION OF: \$648  
Six hundred forty eight dollars

REMISES, RELEASES AND QUITCLAIMS TO: mitchell boileau

HEREINAFTER THE **GRANTEE**, WHOSE  
ADDRESS IS: 1010 milam st  
texarkana, texas, 75501  
United States

ALL OF GRANTOR'S RIGHT, TITLE AND INTEREST, IF ANY, IN AND TO THAT  
CERTAIN REAL PROPERTY SITUATED IN:

<b>LEGAL DESCRIPTION:</b>	<b>COUNTY</b>	Miller
Subdivision: BEIDLERS X F	<b>STATE</b>	Arkansas
BLOCK: 001		
S-T-R: 30-15S-28W		
Legal: ALL		
LOTS 4 THRU 10		

WITHOUT COVENANT, REPRESENTATION, OR WARRANTY OF ANY KIND OR NATURE,  
EXPRESS OR IMPLIED, AND ANY AND ALL WARRANTIES THAT MIGHT ARISE BY COMMON  
LAW AND ANY WARRANTIES CREATED BY STATUTE, AS THE SAME MAY BE HEREAFTER  
AMENDED OR SUPERSEDED, ARE EXCLUDED,

**SUBJECT TO** any and all easements, building and use restrictions, mineral rights, encumbrances, liens,  
covenants, and liabilities as may appear of record. By its acceptance of delivery of this Quitclaim Deed,  
Grantee hereby assumes the payment of all ad valorem taxes, standby fees, and general and special

assessments of whatever kind and character affecting the Property which are due, or which may become due, for any tax year or assessment period prior or subsequent to the date of this Quitclaim Deed, including, without limitation, taxes or assessments becoming due by reason of a change in usage or ownership, or both, of the Property or any portion thereof.

FURTHER, GRANTEE, BY ITS ACCEPTANCE OF DELIVERY OF THIS QUITCLAIM DEED, ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS, OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, CONCERNING, OR WITH RESPECT TO THE VALUE, NATURE, QUALITY, OR CONDITION OF THE PROPERTY. GRANTOR HAS NO OBLIGATION TO PROVIDE GRANTEE WITH A TITLE COMMITMENT OR AN OWNER'S POLICY OF TITLE INSURANCE COVERING THE PROPERTY.

IN WITNESS WHEREOF, this Quitclaim Deed is executed on this day January 15, 2021

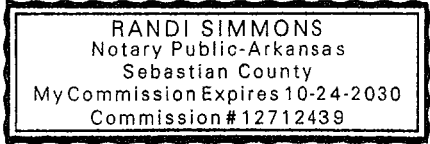
Grantor Signatures: *Teresa J. Wright* Printed Name: Teresa J. Wright

Authorized Representative on behalf of Professional Housing & Land, LLC

State of Arkansas  
County of Sebastian

On this the 15<sup>th</sup> day of January 2021, before me, Randi Simmons the undersigned officer, personally appeared Teresa J Wright, who acknowledged herself to be the Authorized Representative of Professional Housing Co, a Florida Limited Liability Company, and that s/he, as such being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Company by themself. In witness whereof I hereunto set my hand and official seal.

*Randi Simmons*  
Notary Public



I certify under the penalty of false swearing that documentary stamps or documentary symbol in the legally correct amount has been placed on this instrument.

*Mitchell Baile* Signature Mitchell Baile Printed

Grantee Signature whose address is:

1010 milam st  
texarkana, texas, 75501  
United States



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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**AGENDA TITLE:** Adopt an Ordinance supplementing Ordinance No. 13-2021 to confirm the original, understood intent that the lease-purchase previously approved is bank qualified. (FIN) Finance Director Tyrhonda Henderson

**AGENDA DATE:** June 7, 2021

**ITEM TYPE:** Ordinance  Resolution  Other : \_\_\_\_\_

**DEPARTMENT:** Finance Department

**PREPARED BY:** TyRhonda Henderson, Finance Director

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**REQUEST:** N/A

**EMERGENCY CLAUSE:** N/A

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**SUMMARY:** Adopt an ordinance supplementing ordinance 13-2021 to confirm the original, understood, intent that the lease-purchase previously approved is bank qualified. Upon review of the actual lease documents provided after the initial ordinance was passed, and consultation with bond counsel due to the indebtedness nature of the same, bond counsel suggested that specific technical language be adopted in an effort to avoid any potential confusion in the future.

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**EXPENSE REQUIRED:** \$0

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**AMOUNT BUDGETED:** \$0

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**APPROPRIATION  
REQUIRED:** \$0

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**RECOMMENDED  
ACTION:** City Manager and staff recommend approval

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**EXHIBITS:** Ordinance



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE SUPPLEMENTING AND CLARIFYING ORDINANCE NO. 13-2021, REGARDING VEHICLE ACQUISITION VIA LEASE-PURCHASE; AND FOR OTHER PURPOSES**

**WHEREAS**, by Ordinance No. 13-2021, the Board approved the lease purchase of certain vehicles pursuant to submitted bid, all as described in said Ordinance; and

**WHEREAS**, as has been the case in the past in similar situations, but, heretofore, not expressly stated in the written ordinance, the intent was for the lease-purchase indebtedness to be “bank qualified” (such term being technical in nature in the lending and bond financing field); and

**WHEREAS**, upon review of final closing documents provided by the financing entity, bond counsel suggests that the Board make clear the “bank qualified” nature of the lease/purchase indebtedness in order to avoid any possible confusion of question in the future; and

**WHEREAS**, the City Manager and Staff recommend approval;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Texarkana, Arkansas, that:

**Section 1:** Ordinance No. 13-2021, is hereby supplemented to make clear and expressly state that the transaction, indebtedness thereunder and all aspects of the same were, are, and shall be deemed to be “bank qualified.”

**Section 2:** Except as supplemented hereby, Ordinance No. 13-2021, remains unmodified and in full force and effect.

**PASSED AND APPROVED** this 7<sup>th</sup> day of June, 2021.

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Allen L. Brown, Mayor

**ATTEST:**

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Heather Soyars, City Clerk

**APPROVED:**

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George Matteson, City Attorney

**ORDINANCE NO. 13-2021**

**AN ORDINANCE PURSUANT TO THE AUTHORITY OF AMENDMENT 78 TO THE ARKANSAS CONSTITUTION AND THE LAWS OF THE STATE OF ARKANSAS AUTHORIZING THE LEASE-PURCHASE OF THREE (3) VEHICLES; PROVIDING FOR PAYMENT OF AMOUNTS COMING DUE THEREUNDER; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to a Bureau Justice Assistance (BJA) and Drug Control Fund (DCF) Grants collectively, (the “Grant”) awarded to the City of Texarkana, Arkansas, and the Police Department, funding exists to lease-purchase three (3) undercover vehicles to perform surveillance and narcotics investigations; and

**WHEREAS**, the Grant guidelines allow for the lease, but not the outright purchase of such vehicles; and

**WHEREAS**, after pursuant to state vehicle bidding procedures, McLarty Ford submitted a state vehicle bid for said vehicles for a term of three (3) years (thirty-six (36) months), with a total (aggregate) monthly lease payment of \$1,835.01 (the annual percentage rate being 6.15%); and

**WHEREAS**, the total vehicle cost is within Grant guidelines and funding, in full, is available through the Grant; and

**WHEREAS**, the City desires to enter into the lease-purchase financing described above, with funds from the source so indicated, all as permitted by Amendment 78 to the Arkansas Constitution and the laws of the State of Arkansas;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF TEXARKANA, ARKANSAS, THAT:**

**SECTION 1.** The bid of McLarty Ford for a three (3) year (thirty-six (36)) month lease-purchase of three (3) vehicles by the City, with aggregate payments of \$1,835.01 per month and an annual percentage rate not exceeding 6.15% is accepted.

**SECTION 2.** The Mayor, City Clerk, Interim City Manager, and Finance Director are hereby authorized to take, or cause to be taken, all action necessary to enter into the lease of the three (3) vehicles described above and execute all required contracts and documents for that purpose.

**SECTION 3.** Board of Directors hereby finds and declares that the expected useful life of the vehicles will be more than one (1) year.

**SECTION 4.** The funding for satisfaction of the lease payments, as the same come due, shall be paid by and from Grant proceeds.

**SECTION 5.** The City represents, warrants, and covenants that the aggregate principal amount of short-term financing obligations incurred by the City pursuant to Amendment 78 to the Arkansas Constitution, including that represented by the lease described herein, does not exceed five (5) percent of the assessed value of taxable property located within the City, as determined by the last tax assessment completed before the last obligation was incurred by the City.

**SECTION 6.** Under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment 78 to the Arkansas Constitution, financing represented by the lease described above for purpose of purchase of said three (3) vehicles is hereby authorized.

**SECTION 7.** The provisions of this Ordinance are hereby declared to be separable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of the Ordinance.

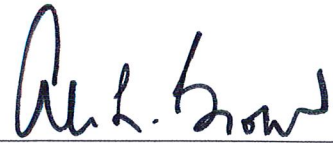
**SECTION 8.** All ordinances or resolutions or parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 9.** This Ordinance shall not create any right of any kind, and no right of any kind shall arise hereunder pursuant to it, until the lease described herein shall be signed on behalf of the City and delivered.

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**SECTION 10.** It is hereby ascertained and declared that the need for the three (3) vehicles immediately exists, that it is necessary to order said vehicles as soon as possible to promptly put the same into service, further, to alleviate immediate hazards to the health, safety, and welfare of the City, its inhabitants, and their property, it is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health, and safety shall take effect and be enforced from and after its passage.

**PASSED AND APPROVED** this 3<sup>rd</sup> day of May, 2021.

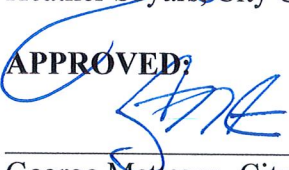


Allen L. Brown, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Heather Soyars, City Clerk

**APPROVED:**

  
\_\_\_\_\_  
George Matteson, City Attorney



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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**AGENDA TITLE:** THIRD READING - Adopt an Ordinance amending certain procedural provisions of the *City of Texarkana, Arkansas Code of Ordinances* pertaining to the Board of Directors' Rules of Order and Procedure. (BOD) (This item was added to the agenda at the request of Director Laney Harris.)

**AGENDA DATE:** June 7, 2021

**ITEM TYPE:** Ordinance  Resolution  Other :

**DEPARTMENT:** This item was added to the agenda at the request of Director Laney Harris

**PREPARED BY:** This item was added to the agenda at the request of Director Laney Harris

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**REQUEST:** This item was added to the agenda at the request of Director Laney Harris

**EMERGENCY CLAUSE:** No.

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**SUMMARY:** This item was added to the agenda at the request of Director Laney Harris. The first reading was at the May 3, 2021 Board of Directors' meeting. The second reading was at the May 17, 2021 Board of Directors' meeting.

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**EXPENSE REQUIRED:** N/A

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**AMOUNT BUDGETED:** N/A

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**APPROPRIATION  
REQUIRED:** N/A

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**RECOMMENDED  
ACTION:** This item was added to the agenda at the request of Director Laney Harris

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**EXHIBITS:** Ordinance

# ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE AMENDING CERTAIN PROCEDURAL PROVISIONS OF THE *CODE OF ORDINANCES OF THE CITY OF TEXARKANA, ARKANSAS*; AND FOR OTHER PURPOSES

**WHEREAS**, the Board of Directors has determined that it is necessary to amend certain procedural provisions contained in the Code of Ordinances of Texarkana, Arkansas (the “*Code*”), with respect to meeting agenda formulation and management; and

**WHEREAS**, in order to implement the modifications to the Rules of Procedure necessitated by the amendment to the Code herein, such necessary amendments to the Rules of Procedure are herein contained;

**WHEREAS**, while amendments to the Rules of Order and Procedure were undertaken by ordinance on July 7, 2017, in order to implement the modifications to the Rules of Procedure necessitated by the amendment to the Code herein, such necessary amendments to the Rules of Procedure are herein contained;

**NOW THEREFORE, BE IT ORDAINED**, by the Board of Directors of the City of Texarkana, Arkansas, that:

**SECTION 1.** Section 2-17 of the *Code* is deleted in its entirety and the following is substituted therefore:

**Sec. 2-17. - Bringing business before board—Filing.**

All matters coming before any regular meeting of the board of directors for discussion or action shall be filed with the office of the city manager by 5:00 p.m. on the second Wednesday prior to the regular board meeting. Failure to file notice of intention to discuss or seek action at least seven (7) business days prior to the board meeting shall prevent said business from being discussed at said meeting, and the business shall be carried over to the next regular meeting of the board of directors. Matters which have been previously voted on and decided by the board of directors cannot be resubmitted to the board of directors until the expiration of thirty (30) days after such vote and decision unless reconsideration is approved by a two-thirds (  $2/3$  ) vote of the entire membership of the board of directors.

**SECTION 2.** Section 2-20 of the *Code* is deleted in its entirety and the following is substituted therefore:

**Sec. 2-20. - Approval of ordinances, etc.; disposition of copies.**

All ordinances and resolutions shall be submitted to the city attorney for approval as to form (legal requirement) prior to consideration of the board of directors and an original and two (2) copies of each proposed ordinance and resolution shall be filed with the city clerk; upon adoption, one (1) copy of each such resolution or ordinance shall be immediately furnished to the head of the department of the city affected; one (1) copy to the city attorney; and the clerk shall retain the original copy in the official records of the city.

**SECTION 3.** The subsection entitled “Formulation of Agenda” contained in Section B of the Rules of Order and Procedure is deleted and the following is substituted therefore:

**Formulation of Agenda**

Each item of business for consideration by the Board of Directors at any regular, special or executive meeting of the Board shall first be placed on a written agenda, which shall be formulated and decimated as follows:

- 1) The preparation of the agenda for each regular, special or executive of the Board of Directors shall be the duty of the City Clerk under the supervision of the City Manager.
- 2) Items for the agenda are to be provided to the City Clerk’s office as soon as possible prior to the meeting in which they are to be considered, but not later than the close of business on second Wednesday preceding the scheduled Board meeting. The City Manager shall have an agenda staff meeting at a time convenient City Manager and the staff, but normally on Wednesday at 11:30 a.m. two weeks prior to the Board meeting. All items of business that are to be considered at the next scheduled Board meeting shall be available for discussion by the City Manager and staff at that time. With the concurrence of the City Manager and City Clerk items may be added to the regular agenda not later than the close of business on the second Wednesday prior to the Board Meeting.

Any Board member may place any item on the agenda if it is presented to the City Manager and the City Clerk in time for the necessary ordinance or resolution to be provided by the agenda deadline. Items of a controversial nature, which are recommended by a Board member shall be listed on the agenda and shall be identified on the agenda as recommended by the Board member of members.

- 3) The agenda shall be completed by the City Clerk and distributed to the Board members and news media prior to the close of business on Wednesday preceding the regular Board meeting.
- 4) Additions to the agenda:
  - a) Items may be added to the agenda after the agenda has been closed with the approval of the City Manager and the City Clerk. In those cases where the City Manager determines that there is a necessity for the benefit of the City, the City Manager shall have an addendum to the agenda prepared by the City Clerk and transmitted to the Board of Directors and the New Media not later than close of business on Friday prior to the Board meeting.



b) Additions may be made to the agenda at the regular Board meeting but only after a motion by a Board member to amend the agenda, to add the item in question, and the concurrence of a majority of Board members. Items to be added to the agenda at a meeting shall be made available to the Board of Directors as soon as possible, preferably prior to the meeting. Items to be considered by the Board should be in a normal form and should have the supporting documentation necessary to understand fully the issue under consideration.

5) The agenda for special or called meetings shall be available to the Board of Directors and news media as far ahead of the meeting as is practical. By law, a minimum of two hours' notice must be given of a special called meeting and the agenda shall be set at least that far ahead of time. Every effort should be made to provide at least two days' notice advance notice of a special or called meeting or the maximum time as is practical

**SECTION 3.** The following provisions are added to Section B of the Rules of Order and Procedure following provision entitled "Citizen Participation/Citizen Communication Time, but prior to the provision entitled "Policy Statement":

**Questions and Comments from the Mayor and Board of Directors**

Each agenda for a regularly scheduled meeting shall contain an entry providing for time during which the Mayor and Board of Directors may ask questions and make comments. Notwithstanding anything contained in these rules to the contrary, questions and comments of the Members of the Board during this time shall not be limited in duration.

**Presentations Other than as Otherwise Permitted by these Rules**

If requested for a regularly scheduled meeting shall contain an entry providing for presentations of by individuals or groups of individuals. Notwithstanding anything contained in these rules to the contrary, said presentations shall be limited to ten (10) minute in duration.

**Entire Public Portion of Meeting Televised**

For each instance in which a meeting of the Board of Directors is to be televised at the expense of the City or made available via archived meeting video accessed via the City's website or social media, the entire meeting, excluding any Executive Session, shall be so televised or made available.

**SECTION 4.** The following is added to Section C of the Rules of Order and Procedure:

**Reconsideration**

After the decision of any question, any member of the Board may move for a reconsideration of any action at the same meeting or within thirty days of the date of that meeting; provided, however that the resolution authorizing or relating to any contract

may be reconsidered at any time before final execution thereof. A motion to reconsider requires a two-thirds ( 2/3 ) vote of the entire membership of the board of directors. After thirty days or after a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made unless new evidence is presented to the Board and there is a majority vote of the Board to reconsider.

**PASSED AND APPROVED** this 7<sup>th</sup> day of June 2021.

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Allen L. Brown, Mayor

**ATTEST:**

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Heather Soyars, City Clerk

**APPROVED:**

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George Matteson, City Attorney

**RULES OF ORDER  
AND  
PROCEDURE MANUAL**



**for the Board of Directors  
of the City of  
Texarkana, Arkansas**

# **RULES OF ORDER AND PROCEDURE FOR THE BOARD OF DIRECTORS OF THE CITY OF TEXARKANA, ARKANSAS**

## **A. Title**

The following rules and procedures shall be known as the "Rules of Order and Procedure for the Texarkana, Arkansas Board of Directors" and shall govern the conduct of all meetings of said Board unless suspended by proper vote of the members of that Board; and it is specifically understood that these rules and procedures shall be subject to and subordinate to those procedural requirements as established by the laws and the Constitution of the State of Arkansas.

## **B. Board Meeting**

### **Public Notification**

The City will, if necessary, go further than legally required in order to inform citizens of the items to be considered by the Board. The means used will include advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered and agenda copies available at Board meetings.

### **Formulation of Agenda**

- 1) Preparation of the agenda for each Regular or Special Meeting of the Board of Directors shall be in accordance with the procedures set forth in the Code of Ordinances of the City of Texarkana, Arkansas.
- 2) Items added to the agenda upon the request of a member of the Board and endorsed by one or more members of the Board in accordance with the Code of Ordinances of the City of Texarkana, Arkansas, shall be identified on the agenda as so requested or endorsed.
- 3) The agenda shall be completed by the city clerk under the supervision of the city manager and distributed to the Board members and news media prior to the close of business on Thursday preceding the regular Board meeting.
- 4) The agenda for special meetings shall be available to the Board of Directors and news media as far ahead of the special meeting as practical.
- 5) *Code of Ordinances of the City of Texarkana, Arkansas Sec. 2-17. – Bringing business before the board----***Filing.**

- a) All matters of business coming before any regular meeting of the board of directors for action shall be filed with the office of the city manager by 5:00 p.m. on the second Wednesday prior to the regular board meeting. Failure to file notice of intention to seek action on an item of business at least seven (7) business days prior to a regular board meeting shall prevent said business from being included as an agenda item at said meeting.
- b) Copies of filings made in accordance with this section shall be provided to the city manager, city attorney and to each city department head. Department heads and/or the city attorney may thereafter provide comments concerning each proposed item to the city manager. The city manager, by 5:00 p.m. on the Wednesday following the timely filing of an item, and after consideration of any comments received in accordance with this provision, shall make a recommendation of "staff recommends approval" or "staff does not recommend approval" as to each item filed. Unless board consideration is necessitated by other applicable law (for example, proper administrative appeal or consideration of prior action of the planning commission) items not recommended for approval by staff shall not be included on the agenda for the upcoming board meeting and, for any such item originally filed by a member of the board of directors, the city manager shall promptly (within at least thirty (30) days) schedule a workshop of the board of directors for the purpose of discussing the item and, in the event that the item thereafter receives the affirmative endorsement of at least two members of the board of directors, the same will be added to the agenda for the next regularly scheduled meeting occurring no sooner than seven (7) business days following the workshop.
- c) Matters which have been previously voted on and decided by the board of directors at a regular or special meeting of the board cannot be reconsidered at the meeting during which the same was voted and decided, nor resubmitted to the board of directors until the expiration of one hundred eighty (180) days after such vote and decision unless reconsideration is approved by a two-thirds ( 2/3 ) vote of the board of directors.

(Ord. No. B-961, § 1, 1-8-57; Ord. No. H-170, § 1, 9-7-71; Ord. No. K-712, 4-5-99; Code 1961, § 2-2; Ord. No. L-351, § 1, 6-15-09; Ord. No. 21-2017, § 1, 7-17-17)

## **Quorum**

A majority of the Board shall be necessary to constitute a quorum to do business. The concurring vote of a majority of those attending a meeting, provided a quorum is present, shall represent the acts of the Board except where otherwise provided by law or by these rules.

## **Location**

The location of the Regular Board of Directors' Meetings shall be the Texarkana, Arkansas City Hall Board Room unless another place has been previously set by the Directors.

## **Agenda Procedures**

Sections 2-16 through 2-20 of the Code of Ordinances of the City of Texarkana, Arkansas, apply to placing an item on a regularly scheduled meeting agenda. However, members of the public will be offered an opportunity to speak on all questions presented to the Board on that particular meeting's agenda. Any member of the public desiring to speak in regard to a particular agenda item will be recognized by the Mayor and given an opportunity to speak prior to action by the Board of Directors. Speakers shall be limited to five (5) minutes; provided, however, a speaker's time may be extended upon proper motion (followed by second and affirmative vote of two-thirds of the entire elected Board) to suspend the rules and extend the speaker's time for a specified period of time. Speakers may not yield time to one another.

## **Regular Meetings**

The Board shall meet in regular session on the first and third Monday of each month at 6:00 p.m. When a holiday occurs on any such Monday the regular meeting shall be held on the following Tuesday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the Board in special circumstances. Any change must be made far enough in advance to allow normal public notification.

## **Special Meetings**

Special meetings may be called at any time by the Mayor or by Directors representing a majority of the elected membership of the Board, which is four (4) Directors. Notification of a special meeting, including specific items to be considered, shall be at least two hours prior to the meeting. Such notification shall be by personal service to each member or by telephone, specifying time and place of meeting.

No business shall be transacted at any special meeting of the Board unless the same has been stated in the notice of such meeting. However, any additional business, which may lawfully come before a regular meeting, may be transacted at a special meeting if all the members of the Board present consent thereto and all the absent members file their written consent.

## **Executive Session**

An executive session may be convened on the request of any member of the Board or the City Manager.

Executive sessions will be permitted only for the purpose of considering the employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee.

All executive sessions shall be conducted strictly within the letter and the spirit of the Arkansas Freedom of Information Act.

### **Consent Agenda**

Items placed in this section are matter of routine business, which are expected to involve little or no discussion by the Board or the public. The Consent Agenda is usually voted on in mass. However, if any Director so desires, individual items may be discussed and/or voted on as a separate matter of business.

### **General Rules of Discussion**

All debate and comment on a specific agenda item should be limited to that item. Any speaker shall withhold comment until being recognized by the presiding officer. Any person addressing the Board in accordance with these rules shall make such comments from the lectern or such other place as is designated by the presiding officer. Comments should be addressed to the presiding officer or to the Board as a whole. All persons speaking at a meeting, including Directors, shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments, statements as to motives and personalities. Consent of the presiding officer is required before any person may approach the Board dais beyond the lectern. Should a Director wish that the presiding officer recognize a member of the public or staff to be heard or respond to inquiry, the Director shall address such request to the presiding officer and not directly to the desired speaker.

### **Citizen Participation / Citizen Communication Time**

The Board of Directors allows a time on the agenda for citizens, organizations or community groups to address or make presentations to the Board. Except for presentations by City staff or City-appointed boards or commissions that may be placed elsewhere on the agenda, all comments by citizens or presentations by organizations or community groups concerning matters that are not otherwise being considered by the Board of Directors as an action item (i.e., for a vote) should be made during this period of the agenda. The Mayor chairs the meeting and will recognize members of the audience who wish to be heard. Citizens, organizations or community groups recognized by the Mayor are requested to approach the lectern, provide their name and address for the record and make their comment or presentation. Each citizen comment or, in the case of a presentation by an organization or community group, each presentation, shall be limited to five (5) minutes; provided, however, a speaker's (or, as applicable, organization's or group's) time may be extended upon proper motion (followed by a second an affirmative vote of two-thirds of the entire elected Board) to suspend the rules and extend the

speaker's time for specified period of time. Speakers or presentations may not yield time to one another.

Action by the Board is limited to those matters properly placed on the agenda or otherwise approved by the Board for consideration at a meeting in accordance with these rules, the *Code of Ordinances of the City of Texarkana, Arkansas*, and applicable law.

This is not the only opportunity to address or discuss concern with the Board of Directors. In order to effectively manage meeting time and insure those wishing to speak in accordance with these rules have a reasonable opportunity to do so, debate or comment from the Directors on issues raised by a member of the public during Citizen Communication Time shall not be undertaken or made unless and until a proper vote by the Board to add an issue to the agenda for consideration or discussion. Notwithstanding the foregoing, the Directors may, by addressing the presiding officer or City Manager, refer an issue or concern to staff for follow-up.

### **Policy Statement**

Items not on the regularly scheduled agenda are usually scheduled for a future agenda to give the Board of Directors an opportunity to review the matter.

### **Smoking Prohibited**

There will be no smoking allowed in the Board Room during Board meetings.

## **C. Duties And Privileges Of Board Members At Board Meetings**

### **Conduct**

During Board meetings Board members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings. Neither shall they refuse to obey the orders of the Presiding Officer or the rules of the Board.

Every member of the Board desiring to speak shall address the chair and, upon recognition by the Presiding Officer, shall confine herself or himself to the question under debate and shall avoid all personalities and indecorous language. A Board member once recognized shall not be interrupted while speaking unless called to order by the Presiding Officer, unless a point of order is raised by another member or unless the member chooses to yield to questions from another member.

**\*\*\*BOARD OF DIRECTORS CODE OF CONDUCT\*\*\* – Resolution No. 2018-9 – Adopted March 5, 2018, separate document.**



## **Personal Interest**

No member of the Board with a direct or indirect financial interest in any item before the Board shall participate in the voting on such matter.

## **Voting**

Every member present when a question is put to a vote shall vote either "yes or no", except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question and if that member briefly states the reason for the abstention. The Directors will vote at Board meetings in the order of their position number, but with a progressively different position voting first at each month.

## **Roll Call**

Upon every vote the affirmative and negative votes shall be called and shall be recorded on every motion, resolution, and ordinance.

## **D. The Presiding Officer**

### **Mayor and Assistant Mayor**

The Mayor shall preside at all meetings of the Board; in the absence of the Mayor, the duties shall be performed by the Assistant Mayor.

### **Privileges of the Presiding Officer**

The Presiding Officer may move, second, and debate from the chair and shall not be deprived of the rights and privileges of a member of the Board of Directors by reason of her or his acting as the Presiding Officer.

## **E. Procedures and Parliamentary Rules**

### **Order of Business**

The order of the Board's agenda shall be set by the City Manager. The Mayor, with the consent of the Board, may rearrange the order of the agenda. In addition, at the Presiding officer's discretion or by a majority vote of the Board, certain agenda items may be classified as a part of a "Consent Agenda" and may be approved and adopted as a whole by a single voting action of the Board of Directors.

### **Motion to be stated by the Chair/Withdrawal**

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. After being stated by the Mayor, a motion may not be withdrawn by the mover without the consent of the member seconding it and approval of the Board.

### **Readings**

All ordinances shall be read aloud at three different meetings unless the Board of Directors votes to suspend this rule in accordance with A.C.A. § 14-55-202. The reading of an ordinance's title shall constitute a complete reading of the ordinance unless objected to by any member of the Board of Directors in which case the ordinance shall be read in its entirety.

### **Addendum to Agenda**

Any item to be added to the agenda its submission to the Board of Directors shall require a waiver executed by a majority of the members of the Board of Directors before it may be considered as a part of the agenda.

## Principle Rules Governing Motions (Chart)

<b>Order of Precedence</b>	<b>Can interrupt speaker?</b>	<b>Requires a second?</b>	<b>Debatable?</b>	<b>Amendable?</b>	<b>Vote required?</b>
<b>I. Privileged Motions</b>					
1. Adjourn	No	Yes	No	No	Majority
2. Recess	No	Yes	No	Yes	Majority
3. Question of Privilege	Yes	No	No	No	No vote
<b>II. Subsidiary Motions</b>					
4. Postpone Temporarily	No	Yes	No	No	Majority
5. Vote Immediately	No	Yes	No	No	Majority
6. Limit Debate	No	Yes	No	Yes	Majority
7. Postpone Definitely	No	Yes	Yes	Yes	Majority
8. Refer to Committee	No	Yes	Yes	Yes	Majority
9. Amend	No	Yes	Yes	Yes	Majority
10. Postpone indefinitely	No	Yes	Yes	No	Majority
<b>Main Motions</b>					
11. General Main Motion	No	Yes	Yes	No	Majority
<b>Incidental Motion</b>					
12. Appeal	Yes	Yes	Yes	No	Tie or Majority
13. Point of Order	Yes	No	No	No	No vote
14. Withdraw a Motion	No	No	No	No	No vote
15. Suspend Rules	No	Yes	No	No	Two-thirds
16. Division of a Question	No	No	No	No	No vote
17. Division of Assembly	Yes	No	No	No	No vote





## City of Texarkana Arkansas

### Agenda Page

#### Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

City Hall – East Third and Walnut Streets

Monday, January 6, 2014

#### 6:30 p.m. Regular Meeting

1. Call to Order
2. Roll Call
3. Invocation given by Director Sue Johnson
4. **Pledge of Allegiance** by Director Sue Johnson
5. Comments from the Mayor
6. Questions from Directors and other business (*This item was placed on the agenda at the request of Director Laney J. Harris and Director Londell Williams.*)
7. Presentation(s):
  - A. Presentation of the **City of Texarkana, Arkansas Employee/Retiree Service Awards**  
**Print Item 7A only**
  - B. Presentation by Curt Green regarding Interstate 49 (I-49) (*This item was placed on the agenda at the request of Mayor N. Wayne Smith.*) (**PowerPoint**) (**Admin**)  
**Print Item 7B only**
  - C. Presentation by James Carlow regarding Interstate 69 (I-69) (*This item was placed on the agenda at the request of Mayor N. Wayne Smith.*) (**Admin**)  
**Print Item 7C only**
  - D. Discussion regarding the Arkansas Municipal League (AML) Cash Management Trust. (*This item was placed on the agenda at the request of Mayor N. Wayne Smith.*) (**Admin**)  
**Print Item 7D only**
8. CONSENT AGENDA:
  - A. **Approval of Minutes** of the regular meetings of December 16, 2013. (**CCD**)  
**Print Item 8A only**
  - B. **Adopt a Resolution** granting permission to the Twin City Black History Association to hold its 23<sup>rd</sup> Annual Black History Parade on Saturday, February 8, 2014 from 11:00 AM until 12:00 PM. (**PWD**)  
**Print Item 8B only**

- C. [Adopt a Resolution](#) granting permission to the Front Street Committee to host its 2<sup>nd</sup> Annual Texarkana, Arkansas, “Krewe of Koinonia” Mardi Gras Parade and Festival on Saturday, March 1, 2014 from 2:00 PM until 7:30 PM. (PWD)

[Print Item 8C only](#)

9. [Adopt a Resolution](#) requiring all contracted employees to have a yearly evaluation by December 17, and to review contracts of persons hired by the Board of Directors every two years. *(This item was placed on the agenda at the request of Director Laney J. Harris)* (Admin) (Tabled 11042013) (Tabled 11182013)

[Print Item 9 only](#)

10. Consider the following regarding the FY2014 Budget:

- A. [Conduct a Public Hearing](#) to receive comments regarding the FY2014 Budget. ([PowerPoint](#))
- B. [Adopt a Resolution](#) adopting the FY2014 Budget. (FIN)

[Print Item 10 only](#)

11. Consider the following action concerning substandard structures:

- A. [Conduct a Public Hearing](#) regarding condemnation of ~~seventeen (17)~~ sixteen (16) substandard residential structures. ([PowerPoint](#))
- B. [Adopt a Resolution](#) condemning ~~seventeen (17)~~ sixteen (16) substandard residential structures. (PWD)

**\*Property removed from list - 2309 Preston Street - 2230050**

[Print Item 11 only](#)

12. Citizen Communication [[Agenda Item Card](#) and [Citizens' Communication Card](#)]

[Print Item 12 Cards only](#)

*A limit of five (5) minutes per subject is allotted for any person to express a written or oral viewpoint, grievance or other message to the Board of Directors, with a maximum of fifty (50) minutes allotted for citizen communications. No advance permission is required, but persons wishing to address the Board are requested to fill out a “blue” card listing the subject to be addressed and hand it to the City Clerk upon arrival. Citizen’s communications will be immediately following the Regular Agenda items on each agenda.*

13. Executive Session

- A. [Adopt a Resolution](#) making appointments to various boards, commissions, and committees. [**Historic District Commission** (Jimmy “Smitty” Smith and Dr. Beverly J. Rowe); **Personnel Policy Committee** (7 Members – Created 12162013); and **Metropolitan Manning Organization** (MPO) (2 Alternates {Board Members} - *This item was placed on the agenda at the request of Mayor N. Wayne Smith.*)] (CCD)

[Print Item 13A only](#)

- B. [List of 2014 Boards and Commissions Expiration of Terms \(1<sup>st</sup> Quarter\)](#) (CCD)

[Print Item 13B only](#)

14. Adjourn

Announcements

**RULES OF ORDER  
AND  
PROCEDURE MANUAL**



**for the Board of Directors  
of the City of  
Texarkana, Arkansas**

# **RULES OF ORDER AND PROCEDURE FOR THE BOARD OF DIRECTORS OF THE CITY OF TEXARKANA, ARKANSAS**

## **A. Title**

The following rules and procedures shall be known as the "Rules of Order and Procedure for the Texarkana, Arkansas Board of Directors" and shall govern the conduct of all meetings of said Board unless suspended by proper vote of the members of that Board; and it is specifically understood that these rules and procedures shall be subject to and subordinate to those procedural requirements as established by the laws and the Constitution of the State of Arkansas.

## **B. Board Meeting**

### **Public Notification**

The City will, if necessary, go further than legally required in order to inform citizens of the items to be considered by the Board. The means used will include advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered and agenda copies available at Board meetings.

### **Formulation of Agenda**

Each item of business for consideration by the Board of Directors at any regular, special or executive meeting of the Board shall first be placed on a written agenda, which shall be formulated and decimated as follows:

- 1) The preparation of the agenda for each regular, special or executive meeting of the Board of Directors shall be the duty of the City Clerk under the supervision of the City Manager.
- 2) Items for the agenda are to be provided to the City Clerk's office as soon as possible prior to the meeting in which they are to be considered, but not later than the close of business on second Wednesday preceding the scheduled Board meeting. The City Manager shall have an agenda staff meeting at a time convenient to the City Manager and the staff, but normally on Wednesday at 11:30 a.m. two weeks prior to the Board meeting. All items of business that are to be considered at the next scheduled Board meeting shall be available for discussion by the City Manager and staff at that time. With the concurrence of the City Manager and City Clerk items may be added to the regular agenda not later than the close of business on the second Wednesday prior to the Board meeting.



Any Board member may place any item on the agenda if it is presented to the City Manager and the City Clerk in time for the necessary ordinance or resolution to be provided by the agenda deadline. Items of a controversial nature, which are recommended by a Board member shall be listed on the agenda and shall be identified on the agenda as recommended by the Board member or members.

3) The agenda shall be completed by the City Clerk and distributed to the Board members and news media prior to the close of business on Thursday preceding the regular Board meeting.

4) Additions to the agenda:

a) Items may be added to the agenda after the agenda has been closed with the approval of the City Manager and the City Clerk. In those cases where the City Manager determines that there is a necessity for the benefit of the City, the City Manager shall have an addendum to the agenda prepared by the City Clerk and transmitted to the Board of Directors and the News Media not later than close of business on Friday prior to the Board meeting.

b) Additions may be made to the agenda at the regular Board meeting but only after a motion by a Board member to amend the agenda, to add the item in question, and the concurrence of a majority of the Board members. Items to be added to the agenda at a meeting shall be made available to the Board of Directors as soon as possible, preferably prior to the meeting. Items to be considered by the Board should be in normal form and should have the supporting documentation necessary to understand fully the issue under consideration.

5) Agenda for special or called meetings:

The agenda for special or called meetings shall be available to the Board of Directors and news media as far ahead of the meeting as is practical. By law, a minimum of two hours notice must be given of a special called meeting and the agenda shall be set at least that far ahead of time. Every effort should be made to provide at least two days advance notice of a special or called meeting or the maximum time as is practical.

### **Quorum**

A majority of the Board shall be necessary to constitute a quorum to do business. The concurring vote of a majority of those attending a meeting, provided a quorum is present, shall represent the acts of the Board except where otherwise provided by law or by these rules.

### **Location**

The location of the Regular Board of Directors' Meetings shall be the Texarkana, Arkansas City Hall Board Room unless another place has been previously set by the Directors.

### **Agenda Procedures**

Sections 2-16 through 2-20 of the Code of Ordinances of the City of Texarkana, Arkansas, apply to placing an item on a regularly scheduled meeting agenda. However, members of the public will be offered an opportunity to speak on all questions presented to the Board on that particular meeting's agenda. Any member of the public desiring to speak in regard to a particular agenda item will be recognized by the Mayor and given an opportunity to speak prior to action by the Board of Directors. Speakers shall be limited to five (5) minutes; provided, however, a speaker's time may be extended upon proper motion (followed by second and affirmative vote of two-thirds of the entire elected Board) to suspend the rules and extend the speaker's time for a specified period of time. Speakers may not yield time to one another.

### **Regular Meetings**

The Board shall meet in regular session on the first and third Monday of each month at 6:00 p.m. When a holiday occurs on any such Monday the regular meeting shall be held on the following Tuesday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the Board in special circumstances. Any change must be made far enough in advance to allow normal public notification.

### **Special Meetings**

Special meetings may be called at any time by the Mayor or by Directors representing a majority of the elected membership of the Board, which is four (4) Directors. Notification of a special meeting, including specific items to be considered, shall be at least two hours prior to the meeting. Such notification shall be by personal service to each member or by telephone, specifying time and place of meeting.

No business shall be transacted at any special meeting of the Board unless the same has been stated in the notice of such meeting. However, any additional business, which may lawfully come before a regular meeting, may be transacted at a special meeting if all the members of the Board present consent thereto and all the absent members file their written consent.

### **Executive Session**

An executive session may be convened on the request of any member of the Board or the City Manager.

Executive sessions will be permitted only for the purpose of considering the employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee.

All executive sessions shall be conducted strictly within the letter and the spirit of the Arkansas Freedom of Information Act.

### **Consent Agenda**

Items placed in this section are matter of routine business, which are expected to involve little or no discussion by the Board or the public. The Consent Agenda is usually voted on in mass. However, if any Director so desires, individual items may be discussed and/or voted on as a separate matter of business.

### **General Rules of Discussion**

All debate and comment on a specific agenda item should be limited to that item. Any speaker shall withhold comment until being recognized by the presiding officer. Any person addressing the Board in accordance with these rules shall make such comments from the lectern or such other place as is designated by the presiding officer. Comments should be addressed to the presiding officer or to the Board as a whole. All persons speaking at a meeting, including Directors, shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments, statements as to motives and personalities. Consent of the presiding officer is required before any person may approach the Board dais beyond the lectern. Should a Director wish that the presiding officer recognize a member of the public or staff to be heard or respond to inquiry, the Director shall address such request to the presiding officer and not directly to the desired speaker.

### **Citizen Participation / Citizen Communication Time**

The Board of Directors allows a time on the agenda for citizens, organizations or community groups to address or make presentations to the Board. Except for presentations by City staff or City-appointed boards or commissions that may be placed elsewhere on the agenda, all comments by citizens or presentations by organizations or community groups concerning matters that are not otherwise being considered by the Board of Directors as an action item (i.e., for a vote) should be made during this period of the agenda. The Mayor chairs the meeting and will recognize members of the audience who wish to be heard. Citizens, organizations or community groups recognized by the Mayor are requested to approach the lectern, provide their name and address for the record and make their comment or presentation. Each citizen comment or, in the case of a presentation by an organization or community group, each presentation, shall be limited to five (5) minutes; provided, however, a speaker's (or, as applicable, organization's or group's) time may be extended upon proper motion (followed by a second an affirmative vote of two-thirds of the entire elected Board) to suspend the rules and extend the speaker's time for specified period of time. Speakers or presentations may not yield time to one another.

Action by the Board is limited to those matters properly placed on the agenda or otherwise approved by the Board for consideration at a meeting in accordance with these rules, the *Code of Ordinances of the City of Texarkana, Arkansas*, and applicable law.

This is not the only opportunity to address or discuss concern with the Board of Directors. In order to effectively manage meeting time and insure those wishing to speak in accordance with these rules have a reasonable opportunity to do so, debate or comment from the Directors on issues raised by a member of the public during Citizen Communication Time shall not be undertaken or made unless and until a proper vote by the Board to add an issue to the agenda for consideration or discussion. Notwithstanding the foregoing, the Directors may, by addressing the presiding officer or City Manager, refer an issue or concern to staff for follow-up.

### **Policy Statement**

Items not on the regularly scheduled agenda are usually scheduled for a future agenda to give the Board of Directors an opportunity to review the matter.

### **Smoking Prohibited**

There will be no smoking allowed in the Board Room during Board meetings.

## **C. Duties And Privileges Of Board Members At Board Meetings**

### **Conduct**

During Board meetings Board members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings. Neither shall they refuse to obey the orders of the Presiding Officer or the rules of the Board.

Every member of the Board desiring to speak shall address the chair and, upon recognition by the Presiding Officer, shall confine herself or himself to the question under debate and shall avoid all personalities and indecorous language. A Board member once recognized shall not be interrupted while speaking unless called to order by the Presiding Officer, unless a point of order is raised by another member or unless the member chooses to yield to questions from another member.

### **Personal Interest**

No member of the Board with a direct or indirect financial interest in any item before the Board shall participate in the voting on such matter.

### **Voting**

Every member present when a question is put to a vote shall vote either "yes or no", except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question and if that member briefly states the reason for the abstention. The Directors will vote at Board meetings in the order of their position number, but with a progressively different position voting first at each month.

### **Roll Call**

Upon every vote the affirmative and negative votes shall be called and shall be recorded on every motion, resolution, and ordinance.

## **D. The Presiding Officer**

### **Mayor and Assistant Mayor**

The Mayor shall preside at all meetings of the Board; in the absence of the Mayor, the duties shall be performed by the Assistant Mayor.

### **Privileges of the Presiding Officer**

The Presiding Officer may move, second, and debate from the chair and shall not be deprived of the rights and privileges of a member of the Board of Directors by reason of her or his acting as the Presiding Officer.

## **E. Procedures and Parliamentary Rules**

### **Order of Business**

The order of the Board's agenda shall be set by the City Manager. The Mayor, with the consent of the Board, may rearrange the order of the agenda. In addition, at the Presiding officer's discretion or by a majority vote of the Board, certain agenda items may be classified as a part of a "Consent Agenda" and may be approved and adopted as a whole by a single voting action of the Board of Directors.

### **Motion to be stated by the Chair/Withdrawal**

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. After being stated by the Mayor, a motion may not be withdrawn by the mover without the consent of the member seconding it and approval of the Board.

### **Reconsideration**

After the decision of any question, any member of the Board may move for a reconsideration of any action at the same meeting or within thirty days of the date of that meeting; provided however, that a resolution authorizing or relating to any contract may be reconsidered at any time before final execution thereof. A motion to reconsider requires a simple majority vote for passage. After thirty days or after a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made unless new evidence is presented to the Board and there is a majority vote of the Board to reconsider.

### **Readings**

All ordinances shall be read aloud at three different meetings unless the Board of Directors votes to suspend this rule in accordance with A.C.A. § 14-55-202. The reading of an ordinance's title shall constitute a complete reading of the ordinance unless objected to by any member of the Board of Directors in which case the ordinance shall be read in its entirety.

**Addendum to Agenda**

Any item to be added to the agenda its submission to the Board of Directors shall require a waiver executed by a majority of the members of the Board of Directors before it may be considered as a part of the agenda.

## Principle Rules Governing Motions (Chart)

Order of Precedence	Can interrupt speaker?	Requires a second?	Debatable?	Amendable?	Vote required?
<b>I. Privileged Motions</b>					
1. Adjourn	No	Yes	No	No	Majority
2. Recess	No	Yes	No	Yes	Majority
3. Question of Privilege	Yes	No	No	No	No vote
<b>II. Subsidiary Motions</b>					
4. Postpone Temporarily	No	Yes	No	No	Majority
5. Vote Immediately	No	Yes	No	No	Majority
6. Limit Debate	No	Yes	No	Yes	Majority
7. Postpone Definitely	No	Yes	Yes	Yes	Majority
8. Refer to Committee	No	Yes	Yes	Yes	Majority
9. Amend	No	Yes	Yes	Yes	Majority
10. Postpone indefinitely	No	Yes	Yes	No	Majority
<b>Main Motions</b>					
11. General Main Motion	No	Yes	Yes	No	Majority
<b>Incidental Motion</b>					
12. Appeal	Yes	Yes	Yes	No	Tie or Majority
13. Point of Order	Yes	No	No	No	No vote
14. Withdraw a Motion	No	No	No	No	No vote
15. Suspend Rules	No	Yes	No	No	Two-thirds
16. Division of a Question	No	No	No	No	No vote
17. Division of Assembly	Yes	No	No	No	No vote







## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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**AGENDA TITLE:** Adopt a Resolution reappointing Sandy Varner and appointing Les Munn to the Advertising and Promotion Commission. (CCD)

**AGENDA DATE:** June 7, 2021

**ITEM TYPE:** Ordinance  Resolution  Other : \_\_\_\_\_

**DEPARTMENT:** City Clerk

**PREPARED BY:** Heather Soyars

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**REQUEST:** A&P Commission appointments.

**EMERGENCY CLAUSE:** N/A

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**SUMMARY:** The Texarkana, Arkansas Advertising and Promotion Commission met on Thursday, April 22, 2021 at 4:30 PM. Commissioner Brewer made a motion to reappoint Sandy Varner appoint Les Munn to the Texarkana, Arkansas Advertising and Promotion Commission.

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**EXPENSE REQUIRED:** N/A

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**AMOUNT BUDGETED:** N/A

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**APPROPRIATION  
REQUIRED:** N/A

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**RECOMMENDED  
ACTION:** The A&P Commission recommend approval.

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**EXHIBITS:** Resolution

# RESOLUTION NO. \_\_\_\_\_

**WHEREAS**, the Advertising and Promotion Commission submits for approval of the Board of Directors appointees herein named to, respectively, continue service and to serve as Commissioners of said Commission;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the City of Texarkana, Arkansas, that the following appointments to the Advertising and Promotion Commission of Texarkana, Arkansas:

Appointee:

Term:

Sandy Varner

Confirming reappointment of term 03/21/2019 through 3/18/2023

Less Munn

For remainder of existing, currently vacant term through 3/18/2023

**PASSED AND APPROVED** this 7<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
Allen L. Brown, Mayor

**ATTEST:**

\_\_\_\_\_  
Heather Soyars, City Clerk

**APPROVED:**

\_\_\_\_\_  
George Matteson, City Attorney

# ADVERTISING & PROMOTION COMMISSION

Authorized by A.C.A. 26-75-605---608, and Texarkana Code 25-20  
4 – YEAR TERMS

	<u>Appointment</u>	<u>Term Date</u>	<u>Term</u>	<u>Ward</u>
<b>Sandy Varner</b> 7002 Tall Oaks Drive 903-826-8090	Resolution No. 2017-31 Appointment 08/07/2017	03/21/2015----2019	1	6
<b>VACANCY -</b>		03/21/2015----2019		
<b>VACANCY -</b>		03/21/2017----2021		
<b>VACANCY -</b>		03/21/2018----2022 For the unexpired term of Claude Moore		
<b>Brandon Cogburn</b> <b>At Large Position</b> #3 Woodridge 903-276-1547	Resolution No. 2019-10 Reappointment 02/19/2019	03/21/2018----2022	2	6
<b>Director Ulysses Brewer</b> P.O. Box 235 870-773-0276 870-571-6125	Resolution No. 2021-1 Appointment 01/04/2021		1	4
<b>Director Barbara Miner</b> 7 Wood Place 870-774-9976	Resolution No. 2021-1 Reappointment 01/04/2021		2	5

CITY OF TEXARKANA, ARKANSAS

Application for Appointment to the Advertising and Promotion Commission (A&P)

(Please type or print clearly)

Name: Sandy Varner Home Phone: 903 826 8990

Address: 7002 Tall Oak Dr. Texarkana Resident [X] Yes [ ] No 35+ Years

E-Mail Address: TARC.sandy@gmail.com Miller Co. Voter Registration No.

Employer: Temple Memorial Rehab Work Phone: 903-794-2705

Position: Executive Director

Education: College: BAAS - TAMU - T High School: Blevins, Arkansas

Special knowledge or past experience qualifying you for this appointment: Non Profit experience for over 20 years. CO-Owner of Pop's Place since 2015, Owner Sunrise RV Park since 2015

Other relevant information (civic activities, memberships, etc.): Uptown League Sustainer, South West Ark Mental Health Counseling Center Board, Member & Board Trustee @ First United Methodist Church, Founding President Arkansas Women for Education

Special knowledge or past experience qualifying you for this appointment (Please feel free to attach resume): Extensive experience working with various Non Profits & Foundations in fundraising. Lifetime Resident of Arkansas - Over 35 in Texarkana.

References: List the name and phone number of at least one Texarkana resident as a reference, especially any City staff, City Council, or current Committee members who may be contacted on your behalf. Name: Linda Teeters Phone Number: 903 278 8828

Interest: Explain why you are interested in being appointed to this board or commission. TO INSURE THAT THE COMMISSION IS BEING A GOOD STEWARD OF THE A&P FUNDS

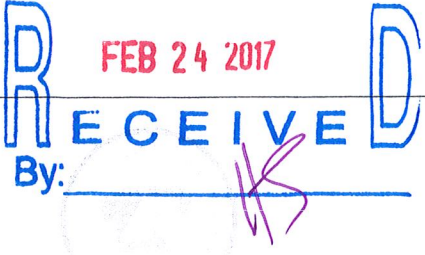
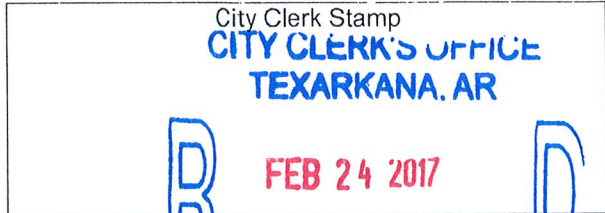
Experience: Indicate what meeting(s) you have attended of the committee for which you wish to be considered. None

Number of Texarkana, Arkansas Board of Directors Meetings you have attended in the past 12 months: 0

Please read the statement below and sign your name to indicate your understanding. I UNDERSTAND MY ATTENDANCE WILL BE REQUIRED AT ALL COMMITTEE MEETINGS AND THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

Signature of Applicant: Sandy Varner Date Submitted: 2-24-17

Return completed application to: City Clerk 216 Walnut Street (or) P O Box 2711 Texarkana TX 75504-2711 Phone 870-779-4995 or Fax 870-774-3170



Please Note: This application will be on file for one (1) year.

CITY OF TEXARKANA, ARKANSAS

Application for Appointment to the Advertising and Promotion Commission (A&P)  
(Please type or print clearly)

Name: Les Munn Home Phone: 903-826-2000  
Address: 5327 E Broad st Texarkana Resident  Yes  No 17 Years  
E-Mail Address: lmunn@txkusa.org Miller Co. Voter Registration No. \_\_\_\_\_  
Employer: City of Texarkana Work Phone: 903-795-3136  
Position: Police Officer

Education: \_\_\_\_\_ College: South Ark / SAU High School: Magnolia High School

Special knowledge or past experience qualifying you for this appointment:  
Owner of Crossies Texarkana, Special Operations Unit TAPD - festivals  
Events,

Other relevant information (civic activities, memberships, etc.):  
Coach Baseball @ Ed Worrell, Coach Basketball @ Trinity Upward,  
Set on boards for Mardi Gras, Ruffest, Milk Parade, Multiple Carcarts, Live United Band

Special knowledge or past experience qualifying you for this appointment (Please feel free to attach resume):  
Set on all major events downtown since 2011. Work with Fairgrounds  
Live United Band,

References: List the name and phone number of at least one Texarkana resident as a reference, especially any City staff, City Council, or current Committee members who may be contacted on your behalf.

Name: Allen Brown, Barbara Miner, Steve Hollibaugh Phone Number: \_\_\_\_\_

Interest: Explain why you are interested in being appointed to this board or commission.  
I want to see Texarkana Arkansas grow. Become an entertainment Hub.

Experience: Indicate what meeting(s) you have attended of the committee for which you wish to be considered.

Number of Texarkana, Arkansas Board of Directors Meetings you have attended in the past 12 months: 3

Please read the statement below and sign your name to indicate your understanding.  
I UNDERSTAND MY ATTENDANCE WILL BE REQUIRED AT ALL COMMITTEE MEETINGS AND THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

Signature of Applicant: [Signature] Date Submitted: 1/12/2021

Return completed application to:  
City Clerk  
216 Walnut Street (or)  
P O Box 2711  
Texarkana TX 75504-2711  
Phone 870-779-4995 or Fax 870-774-3170

City Clerk Stamp  
CITY CLERK'S OFFICE  
TEXARKANA, AR  
JAN 12 2021

RECEIVED  
By: JM

Please Note: This application will be on file for one (1) year.