



Called Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

Agenda - Tuesday, May 14, 2019 - 4:00 PM

Call to Order

Roll Call

Invocation and Pledge of Allegiance given by Mayor Allen Brown

REGULAR

1. Adopt an Ordinance amending the *City of Texarkana, Arkansas, Code of Ordinances* Solid Waste Ordinance Sec. 22-6 – Billing of multifamily residences. (PWD) (THIRD READING)

Emergency Clause is requested. An emergency clause requires a separate and distinct vote of the Board and is valid only if there is a two-thirds vote of approval by the Board. (Hdbk. Const. Amend 7)

NEXT MEETING DATE: Monday, May 20, 2019

ADJOURN

2019 City Calendar

Gateway Farmer's Market – Every Tuesday, Thursday and Saturday

Auditorium Fundraiser - Friday, May 10, 2019

14th Annual Car Show - Friday, May 10, 2019 - Saturday, May 11, 2019

9th Annual RailFest - Saturday, May 11, 2019

Hungers No Game 5K/Fun Run - Saturday, May 18, 2019

Bright Star Baptist Church Anniversary Homecoming -

Saturday, May 25, 2019



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE: Adopt an Ordinance amending the *City of Texarkana, Arkansas, Code of Ordinances* Solid Waste Ordinance Sec. 22-6 – Billing of multifamily residences. (PWD) (THIRD READING)

Emergency Clause is requested. An emergency clause requires a separate and distinct vote of the Board and is valid only if there is a two-thirds vote of approval by the Board. (Hdbk. Const. Amend 7)

AGENDA DATE: 05/14/2019

ITEM TYPE: Ordinance Resolution Other : _____

DEPARTMENT: Public Works Department

PREPARED BY: Tracie Lee, Assistant Public Works Director

REQUEST: Amendment to Sec. 22-6 Billing of Multifamily Residences.

EMERGENCY CLAUSE: This item will require an emergency clause.

SUMMARY: First and Second Readings occurred at the Regular Meeting of the Board of Directors on Monday, May 6, 2019.

Currently City ordinance allows for vacancies to submitted by multi-family units. Over the last three years allowing the vacancies have cost the City and the Haulers a combined \$279,807.92.

The vacancies are based on the honor system and in reviewing the accounts City staff found the numbers being submitted to be inaccurate. The properties generate the same or more waste notwithstanding a decrease in declared occupancy.

The proposed amendment is to prevent abuse, streamline the billing process for multi-family, master meter properties, and reflect the realities of what the study found. It is for this reason City staff is requesting to amend the ordinance as such:

- **Sec. 22-6. – Billing of multifamily residences.**

Item (c) of this section shall be reworded as below:

- (c) Multifamily owners whose water is supplied by a master meter while under construction for demolition, major remodel or repairs will not be billed refuse service for the apartments listed on the building permit. The Public Works Department will issue a temporary hold on refuse charges based on the number of units under construction that are permitted. Absent a temporary hold as

contemplated by this provision, the garbage disposal fee for a multi family residence whose water is supplied by a master meter shall be calculated in accordance with section 22-6 (a).

The following items shall be removed from ordinance:

- (d) If the Texarkana water and sewer system does not receive a certification of occupancy prior to the date established for such certification, then the water and sewer system is hereby directed to bill the owner as if the apartments were fully occupied.
- (e) Persons who violate the provisions of this section or who give false certifications regarding occupancy shall be subject to the penalties in [section 22-43](#).

EXPENSE REQUIRED: \$0.00

AMOUNT BUDGETED: \$0.00

**APPROPRIATION
REQUIRED:** \$0.00

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

EXHIBITS: Ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 22-6 OF THE CITY OF TEXARKANA, ARKANSAS, CODE OF ORDINANCES AS RELATES TO SOLID WASTE BILLING CALCULATION METHOD FOR MULTI-FAMILY STRUCTURES UTILIZING A MASTER WATER METER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, Section 22-6 of the *City of Texarkana, Arkansas, Code of Ordinances* (the “Code”) currently sets out the method solid waste disposal fees are calculated for multi-family residences utilizing a master water meter (generally being a method in which the owners of the structures report of the number of occupied or unoccupied units each month and, upon such reporting, the total solid waste disposal amount due is calculated); and

WHEREAS, upon investigation, it is believed that instances of unreported occupancy may exist from time-to-time, and in any event, it is generally found that, historically, despite declarations of decreased occupancy in a multi-family residence served by a master meter, solid waste at such property generated rarely, if ever decreases; and

WHEREAS, a decrease in declared occupancy with no corresponding decrease in solid waste generated results in additional solid waste disposal costs that are absorbed by the City and/or those residential solid waste haulers engaged by the City; and

WHEREAS, in order to prevent abuse, reflect the found realities of solid waste generation in such situations, and more accurately allocate cost incurred, it is necessary to amend Section 22-6 of the Code; and

WHEREAS, the City Manager and staff recommend such amendment;

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

SECTION 1. Section 22.6(c) of the Code is deleted, and the following is substituted therefore:

Section 22-6. – Billing of multifamily residences.

(c) Multifamily owners whose water is supplied by a master meter while under construction for demolition, major remodel or repairs, will not be billed refuse service for the apartments listed on the building permit. The Public Works Department will issue a temporary hold on refuse charges based on the number of units under construction that are permitted. Absent a temporary hold as contemplated by this provision, the garbage disposal fee for a multi family residence whose water is supplied by a master meter shall be calculated in accordance with section 22-6 (a).

SECTION 2. Sections 22-6(d) & (e) of the Code are deleted.

SECTION 3. This ordinance being necessary for the preservation of the public peace, health and safety, and specifically, but without limitation, to minimize any further incurrence of unnecessary expense to the City or its residential solid waste haulers, an emergency is therefore declared to exist; and this ordinance shall be in full force and effect upon passage.

PASSED AND APPROVED this 14th day of May, 2019.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

George M. Matteson

Hauler	Year	January	February	March	April	May	June	July	August	September	October	November	December	Total	City Amount	Hauler Amount		
Richardson	2019	3,945.07	7,588.93	7,624.29										19,158.29	9,431.63	9,726.66		
Edmondson		941.40	1,276.12	104.60										2,322.12	1,143.18	1,178.94		
Unassigned		-	-	-										-	-	-		
														Total	21,480.41	10,574.81	10,905.60	21,480.41
Hauler	Year	January	February	March	April	May	June	July	August	September	October	November	December	Total	City Amount	Hauler Amount		
Richardson	2018	6,321.22	-	10,130.97	10,962.89	8,948.35	7,538.31	4,283.72	3,929.50	19,083.21	3,511.79	2,718.29	12,996.18	90,424.43	44,515.95	45,908.48		
Edmondson		41.84	-	251.04	251.04	20.23	-	83.68	41.84	8,504.54	49.07	-	2,154.76	11,398.04	5,611.26	5,786.78		
Unassigned		-	-	-	41.84	-	-	23.01	-	-	-	-	-	64.85	64.85	-		
														Total	101,887.32	50,192.05	51,695.27	101,887.32
Hauler	Year	January	February	March	April	May	June	July	August	September	October	November	December	Total	City Amount	Hauler Amount		
Richardson	2017	5,662.77	5,808.43	5,713.84	5,849.37	5,921.99	6,942.38	6,448.73	5,385.76	6,031.22	5,187.31	11,334.77	7,549.72	77,836.29	38,318.81	39,517.48		
Edmondson		-	-	-	18.92	364.33	18.92	-	6.93	18.92	189.20	189.20	-	806.42	397.00	409.42		
Unassigned		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
														Total	78,642.71	38,715.81	39,926.90	78,642.71
Hauler	Year	January	February	March	April	May	June	July	August	September	October	November	December	Total	City Amount	Hauler Amount		
Richardson	2016	3,953.64	5,716.92	6,262.45	4,201.52	4,961.25	5,372.78	5,597.74	5,931.79	6,240.44	6,437.84	7,889.30	5,932.64	68,498.31	33,721.72	34,776.59		
WM		870.32	788.96	687.41	1,023.01	927.09	1,097.35	1,173.03	944.74	1,074.03	-	-	-	8,585.94	4,226.86	4,359.08		
Edmondson		-	18.92	-	-	-	-	-	-	-	-	227.04	467.27	713.23	351.12	362.11		
Unassigned		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
														Total	77,797.48	38,299.70	39,497.78	77,797.48
Grand Total														279,807.92	137,782.36	142,025.56	279,807.92	
Richardson																129,929.22		
Edmondson																7,737.25		
WM																4,359.08		
																142,025.56		