



## Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

**Agenda - Monday, September 16, 2019 - 6:00 PM**

Call to Order

Roll Call

Invocation and Pledge of Allegiance given by Director Terri Peavy

### **PRESENTATION(S)**

1. Proclamation presented to TWU-IT Manager Kevin Davenport for IT Professionals Day, September 17, 2019.

### **CONSENT**

2. Approval of the minutes of the rescheduled regular meeting September 3, 2019. (CCD)
3. Adopt a Resolution to amend the year end 2019 Budget to include a 2% pay increase for all City employees. (FIN)

### **REGULAR**

4. Consider the following action concerning substandard structures:  
Conduct a Public Hearing regarding the condemnation of a substandard residential structure located at 307 Charles Street.  
Adopt a Resolution condemning a residential structure located at 307 Charles Street. (PWD) Building Official Shawn Maxey
5. Conduct a Public Hearing to hear public comments concerning the Community Development Block Grant (CDBG) Section 108 Loan in the amount of \$885,000 to rehabilitate #1 Legion Drive to provide youth, adult and senior recreational services to our citizens. (PWD) Assistant Public Works Director Tracie Lee and Jim Fowler, Rose Law Firm
6. Adopt an Ordinance to establish an Entertainment District that allows open containers of alcohol and consumption in the district. (SECOND READING) (*This item recommended for Board approval by the Planning Commission*) (PWD-Planning) City Planner Mary Beck

### **CITIZEN COMMUNICATION**

**NEXT MEETING DATE: Monday, October 7, 2019**

**ADJOURN**

**2019 City Calendar**

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

**75th Annual Four States Fair - Friday, September 13, 2019 - Sunday, September 22, 2019**

**32nd Annual POW/MIA Vigil & 25th Annual Ride to Remember - Friday & Saturday,  
September 20-21, 2019**

**AMA Benefit Show - Saturday, September 28, 2019**

**Komen Race for the Cure - Saturday, October 19, 2019**



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

<b>AGENDA TITLE:</b>	Proclamation presented to IT Manager Kevin Davenport for IT Professionals Day, September 17, 2019.
<b>AGENDA DATE:</b>	9/16/2019
<b>ITEM TYPE:</b>	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Other <input checked="" type="checkbox"/> : Proclamation
<b>DEPARTMENT:</b>	City Clerk
<b>PREPARED BY:</b>	Heather Soyars
<b>REQUEST:</b>	Proclamation
<b>EMERGENCY CLAUSE:</b>	N/A
<b>SUMMARY:</b>	IT Professionals Day
<b>EXPENSE REQUIRED:</b>	N/A
<b>AMOUNT BUDGETED:</b>	N/A
<b>APPROPRIATION REQUIRED:</b>	N/A
<b>RECOMMENDED ACTION:</b>	N/A
<b>EXHIBITS:</b>	N/A



# CITY OF TEXARKANA, AR

## BOARD OF DIRECTORS

---

**AGENDA TITLE:** Approval of the minutes of the rescheduled regular meeting September 3, 2019. (CCD)

**AGENDA DATE:** September 16, 2019

**ITEM TYPE:** Ordinance  Resolution  Other : Minutes

**DEPARTMENT:** City Clerk

**PREPARED BY:** Heather Soyars, City Clerk

---

**REQUEST:** Approval of meeting minutes.

**EMERGENCY CLAUSE:** N/A

---

**SUMMARY:** Approval of meeting minutes.

---

**EXPENSE REQUIRED:** N/A

---

**AMOUNT BUDGETED:** N/A

---

**APPROPRIATION REQUIRED:** N/A

---

**RECOMMENDED ACTION:** The City Clerk recommends approval.

---

**EXHIBITS:** Meeting minutes.



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

City of Texarkana, Arkansas  
216 Walnut Street

**Minutes - Tuesday, September 03, 2019 - 6:00 PM**

Mayor Allen Brown called the meeting to order.

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

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

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

### **PRESENTATION(S)**

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

Mayor Brown presented an award and pin to Hortense Foster for 20 years of service with the Police Department.

### **CONSENT**

Motion to approve the Consent Agenda made by Director Peavy, Seconded by Director Hollibush.

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

2. Approval of the minutes of the regular meeting August 19, 2019. (CCD)
3. Resolution No. 2019-32 rescheduled 2020 regular Board of Director's meetings that conflict with City approved holidays. (CCD)

### **REGULAR**

4. TABLED - Adopt an Ordinance to establish revised competitive pay rules and to regain and maintain a competitive pay package for Texarkana, Arkansas Civil Service employees. (THIRD READING)

*Request to table this item indefinitely due to separate competitive pay ordinances for Fire and Police.*

Assistant Mayor Teeters made the motion to table this ordinance, Seconded by Director Miner.

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

Voting Here: Director Odom.

The motion carried 6-1. The ordinance was tabled.

5. Ordinance No. 18-2019 - established competitive pay rules and regain and maintain a competitive pay package for Texarkana, Arkansas Civil Service Fire employees. (FIN)

Finance Director TyRhonda Henderson said one major change of the ordinance was 62 days of Fund Balance and an increase to 2.5% could be given.

Assistant Mayor Teeters said the Fund Balance went from 65 days to 62 days and the increase went from 2% - 3% to 2.5%. She said the holiday pay had already been taken out of the ordinance.

Finance Director TyRhonda Henderson said that was correct.

Director Harris asked about the 50 mile region.

Finance Director TyRhonda Henderson said the surrounding 50 miles made up the region.

Director Harris asked who would submit the request for a pay increase.

Finance Director TyRhonda Henderson said per the ordinance it would be during the budget process.

Director Harris asked when the City would know how much they received in property tax.

Finance Director TyRhonda Henderson said the City would receive that information in October or November. She said this pay increase would be based off the Budgeted Fund Balance and how it was at 71 days.

Director Harris reread his statement from the last Board meeting when he compared the taxes and revenues between the Texas-side to Arkansas-side.

The ordinance was read the first time in its entirety.

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

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

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

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

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

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

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

Mayor Brown asked if anyone on the Board or in the audience had any questions or comments on this item.

Fire Chief Fletcher said he did not think the new ordinance was as good as the current ordinance. He said if it would avoid a disaster then Fire could except it. Chief Fletcher said in section 2-C it mentioned total cumulative cost in base pay and he wondered if the cost would be above the 1996 pay scale.

Mayor Brown said it was his understanding the increase would be from the base pay at this time.

Assistant Mayor Teeters said it was based off your most current salary.

Fire Chief Fletcher said he thought he should know what the cumulative cost would be and it sounded like the City was \$2 million in the hole. He said it seemed like over the past 20 years they should have received a raise even without parity. Chief Fletcher said could the Fire baseline be raised up if things improved. He said they could possibly make enough money with the ¼ cent sales tax to cover the cumulative cost.

Mayor Brown said the focus in the ordinance was moving the City forward based on the financial condition of the City. He said even if the ¼ sales tax did not generate enough income, and the Fund Balance was over 62 days, the 2.5% raise would be given provided it was approved in the budget process. Mayor Brown said he hoped the non-civil employees would be able to receive an increase as well.

Fire Chief Fletcher said why would the cumulative cost be in the ordinance if the City were not going to figure out how to accurately judge it.

City Attorney George Matteson said the definition of competitive compensation, would not be from what the cost of what parity was, it would be from the entire salaries. He said if there were enough money from the ¼ cent sales tax or from the 62 days of Fund Balance, then the increase would be considered by the Board.

Fire Chief Fletcher said to meet competitive compensation next year the City would need \$300,000 and the ¼ sales tax generated \$1.2 million, then we would be good to go.

City Attorney George Matteson said the Board set compensation every year and the Board would look at the region to compare competitive compensation.

Fire Chief Fletcher asked if the deficit and cumulative cost apply. He said he thought the deficit was around \$2 million.

City Attorney George Matteson said the deficit would be decided from year to year.

Fire Chief Fletcher said the City would be starting over.

Assistant Mayor Teeters said the City would not start with a deficit; they were starting fresh. She said if the City had the Fund Balance and even if the ¼ cent sales tax does not generate enough, based on the region you may get another 2.5% increase if you were not already there.

Fire Chief Fletcher said he thought that was great. He asked how the Fund Balance was calculated.

Finance Director TyRhonda Henderson said the Fund Balance was calculated twice a year, at budget and at audit.

City Manager Dr. Kenny Haskin said it was the Budget Fund Balance.

Fire Chief Fletcher said what if the City took a big hit one month like the Regency Building, and it set the Fund Balance back. He said what would happen then.

City Attorney George Matteson said the Board set the City's Budget and asked if he thought on December 30 money would be spent out of the Unbudgeted Reserve Fund. He said the Board would make the decision if the money would be spent or if the money would be placed in the Reserve Fund for the future.

Finance Director TyRhonda Henderson said this year the City had a Budgeted Fund Balance of 71 days and if this ordinance were in place the increase of 2.5% would have already been given. She said the expense of the Regency Building would then be brought before the Board and they would be aware of the onetime expense and it could drop the Fund Balance below the 62 days level. Finance Director TyRhonda Henderson said since the increase was brought before the Board at the normal budget process the expense of the Regency Building would not affect the increase. She said when the Board looked at the next year's budget, those expenditures might affect the next increase.

Fire Chief Fletcher said thank you.

Director Miner asked how much the Fund Balance lowered if the increase were given.

Mayor Brown said for every \$50,000 paid out for increases the City would be reducing the Fund Balance by one day. He said a 2% increase would be about \$250,000. Mayor Brown said the City hoped to increase the revenues that way the City would not be on the borderline.

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

The motion carried 7-0. The Mayor declared the ordinance adopted.

6. Ordinance No. 19-2019 - established competitive pay rules and regains and maintains a competitive pay package for Texarkana, Arkansas Civil Service Police employees. (FIN)

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

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

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

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

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

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

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

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

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

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

Mayor Brown asked if anyone on the Board or in the audience had any questions or comments on this item. No one came forward.

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

The motion carried 7-0. Mayor Brown declared the ordinance adopted.

Mayor Brown said he wanted to thank the Board for dealing with this issue the last few months and getting it settled. He said it was from his understanding both ordinances were supported by most and this would allow the City to move forward. Mayor Brown said as the Board began the budget process, he hoped they would uphold these ordinances and wanted the Board to realize one of the key issues was economic development.

#### **CITIZEN COMMUNICATION**

No one came forward.

#### **NEXT MEETING DATE: Monday, September 16, 2019**

Mayor Brown said he thought it was viably important the Board instructed the City Manager and Finance Director to prepare an ordinance for the next Board meeting to give a 2% across the board pay increase for all the employees.

City Manager Dr. Kenny Haskin said the ordinance would be done.

#### **ADJOURN**

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

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

The motion carried 7-0. The meeting adjourned at 6:46 PM.

**APPROVAL** of the minutes on this 16<sup>th</sup> day of September, 2019.

---

Allen L. Brown, Mayor

---

Heather Soyars, City Clerk



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

---

<b>AGENDA TITLE:</b>	Adopt a Resolution to amend the year end 2019 Budget to include a 2% pay increase for all City employees. (FIN)
<b>AGENDA DATE:</b>	September 16, 2019
<b>ITEM TYPE:</b>	Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Other <input type="checkbox"/> : _____
<b>DEPARTMENT:</b>	Finance Department
<b>PREPARED BY:</b>	TyRhonda Henderson, Finance Director

---

<b>REQUEST:</b>	Amend the year end 2019 Budget to include a 2% pay increase for all City employees
<b>EMERGENCY CLAUSE:</b>	N/A

---

<b>SUMMARY:</b>	Per the request of Mayor Brown at the September 3, 2019 meeting of the Board of Directors, this agenda item is to amend the year end 2019 budget for the General Fund, Public Works Fund, and BSJB Fund to include a 2% pay increase for all City employees. Pay increases cannot be instituted during the middle of a pay period; therefore, this pay increase will be effective as of the pay period beginning Sunday, September 8, 2019. The pay increase will require a \$82,084 budget amendment to the General Fund, \$9,488 to the Public Works Fund, and \$832 to the BSJB Fund. These funds will be allocated from Fund Balance.
-----------------	---

---

<b>EXPENSE REQUIRED:</b>	\$82,084 General Fund \$9,488 Public Works Fund \$832 BSJB Fund
--------------------------	---

---

<b>AMOUNT BUDGETED:</b>	\$0
-------------------------	-----

---

<b>APPROPRIATION REQUIRED:</b>	\$82,084 General Fund \$9,488 Public Works Fund \$832 BSJB Fund
------------------------------------	---

---

<b>RECOMMENDED ACTION:</b>	The City Manager and staff recommend that the City Board of Directors approve the attached resolution.
--------------------------------	--

---

<b>EXHIBITS:</b>	Resolution
------------------	------------

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

**WHEREAS**, upon request, City staff prepared the attached calculations representing the expense and corresponding appropriations associated with a two percent (2.0%) pay increase for regular full-time civil service and non-civil service City employees, effective as of the pay period beginning September 8, 2019; and

**WHEREAS**, in order to effectuate the pay increases contemplated by the attached, it is necessary to amend the FY2019 Budget; and

**WHEREAS**, the City Manager and staff recommend such amendment;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the City of Texarkana, Arkansas, the FY2019 Budget is hereby amended to include the expense contemplated by the attached for the purposes set forth above, and further, to include the corresponding appropriations from the City's Fund Balance as follows: \$82,084 to the General Fund, \$9,488 to the Public Works Fund, ad \$832 to the Bi-State Justice Fund.

**PASSED AND APPROVED** this 16<sup>th</sup> day of September, 2019.

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

**ATTEST:**

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

**APPROVED:**

\_\_\_\_\_  
George M. Matteson, City Attorney



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

---

**AGENDA TITLE:** Consider the following action concerning substandard structures:  
Conduct a Public Hearing regarding the condemnation of a substandard residential structure located at 307 Charles Street.  
Adopt a Resolution condemning a residential structure located at 307 Charles Street. (PWD) Building Official Shawn Maxey

**AGENDA DATE:** 09/16/2019

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

**DEPARTMENT:** Public Works Department

**PREPARED BY:** Shawn Maxey

---

**REQUEST:** Condemnation of one substandard residential structure

**EMERGENCY CLAUSE:** None needed

---

**SUMMARY:** The Public Works Department is asking the BOD to issue orders for the condemnation of a substandard residential structure located at 307 Charles Street. The owner of the property on the attached list has been notified that the structure on the property is in violation of the Arkansas Fire Prevention Code and the International Property Maintenance Code. Little or no work has been done on the structures and the allowed time period has lapsed for the owners to voluntarily bring the structure into code compliance. The Public Works Department has attempted to notify, by certified mail, the last owner of record informing them that the Board of Directors will consider declaring this structure a nuisance during the meeting. It is requested the Board of Directors conduct a public hearing and consider a resolution declaring this structure a nuisance and ordering the condemnation of this substandard residential structure in accordance with Section 11-87 of the *City of Texarkana, Arkansas, Code of Ordinances*. Should the structure be condemned, a notice will be sent to the owner of record allowing them thirty (30) days to obtain a permit for repairs or a permit to demolish the structure and clear the property. If the owner does not repair or demolish the structure in the said amount of time, the city will have the right to demolish the structure. The City will notify the property owner at least ten (10) days before the City begins demolition to allow the owner time to remove any personal items.

---

**EXPENSE REQUIRED:** \$0.00

---

---

<b>AMOUNT BUDGETED:</b>	\$0.00
<b>APPROPRIATION REQUIRED:</b>	\$0.00
<b>RECOMMENDED ACTION:</b>	The City Manager and staff recommend approval.
<b>EXHIBITS:</b>	Resolution, , and PowerPoint Presentation

---

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

**WHEREAS**, the Public Works Department has requested an order of condemnation under Section 11-87 of the *City of Texarkana, Arkansas, Code of Ordinances* for the following property:

<b>ADDRESS AND MILLER COUNTY PARCEL NUMBER</b>	<b>LEGAL DESCRIPTION (PER MILLER COUNTY ASSESSOR, NOT INDEPENDENTLY VERIFIED)</b>	<b>OWNER</b>
307 CHARLES ST. 4710091	BLOCK 002/LOT 006 ORR'S, ROBERT 1 <sup>ST</sup>	EDMOND, WILLIAM COLLINS, OLA MAE 309 CHARLES ST TEXARKANA AR 71854

**WHEREAS**, owner of the listed property has been notified that the structure on the property is in violation of applicable law and code, including any applicable violation at the Arkansas Fire Prevention Code and the International Property Maintenance Code, but little or no work has been done on the structure and the allowed time period has lapsed for the owners to voluntarily bring the structure into code compliance; and

**WHEREAS**, The Public Works Department has attempted to notify, by certified mail, the last owner of record of the property informing them that the Board of Directors will consider declaring the structure (including all structures on the property) a nuisance; and

**WHEREAS**, notice of the condemnation will be sent to the owner of record allowing thirty-days to obtain a permit for repairs or a permit to demolish the structure and clear the property, failing which the City will have the right to demolish the structure after giving the property owner at least ten days in which to remove any personal property; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the City of Texarkana, Arkansas, that the above property is condemned under the provisions of Section 11-87 of the *City of Texarkana, Arkansas, Code of Ordinances*; that the Public Works Department

shall provide the owner of record with notices of the condemnation and allow thirty days for repairs or demolition by such property owner; that the Public Works Department is authorized to demolish any of the above-described structures that are not repaired or demolished within the thirty-day period after giving the owner at least ten days in which to remove any personal items.

**PASSED AND APPROVED** this 16<sup>th</sup> day of September, 2019.

---

Allen L. Brown, Mayor

**ATTEST:**

---

Heather Soyars, City Clerk

**APPROVED:**

---

George Matteson, City Attorney

# TAGGED STRUCTURES 2019



PUBLIC WORKS DEPARTMENT

# CODED ACCORDING TO THE FOLLOWING CRITERIA

- WELL OR ADEQUATLY MAINTAINED
- ACCESSORY BUILDINGS NEEDING REPAIR
- DILAPIDATED FENCES
- SITE HAVING OUTSIDE TRASH, DEBRIS, ABANDONED APPLIANCES, GRAFFITI OR OTHER UNSIGHTLY OUTSIDE STORAGE
- SIDEWALKS (PRIVATE ONLY) NEEDING REPAIR
- INOPERABLE OR JUNK CARS OR MOTOR VEHICLES

# THE RATING SYSTEM FOR SUBSTANDARD STRUCTURES

- A-1- STRUCTURES IN SOUND CONDITION
- A-2- STRUCTURES IN NEED OF MINOR REPAIR
- A-3- STRUCTURES IN NEED OF MAJOR REPAIR
- A-4- DILAPIDATED STRUCTURES

- **307 CHARLES**

- **HISTORY:**

TAGGED 6/21/19

1<sup>ST</sup> NOTICE MAILED 6/21/19

- **FOUNDATION:**

PIER AND BEAM

- **EXTERIOR:**

BURNED

- **INTERIOR:**

BURNED

- **PREMISES:**

CITY MAINTAINED

- **RATING/COMMENTS**

A-4- RECOMMEND CONDEMNATION AND  
DEMOLITION





## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

---

**AGENDA TITLE:** Conduct a Public Hearing to hear public comments concerning the Community Development Block Grant (CDBG) Section 108 Loan in the amount of \$885,000 to rehabilitate #1 Legion Drive to provide youth, adult and senior recreational services to our citizens.

**AGENDA DATE:** 09/16/2019

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

**DEPARTMENT:** Public Works Department

**PREPARED BY:** Tracie Lee, Assistant Public Works Director

---

**REQUEST:** To approve the Section 108 Loan Agreement from the U.S. Department of HUD.

**EMERGENCY CLAUSE:** This item will be approved by an ordinance; therefore, an emergency clause is required.

---

**SUMMARY:** The Public Works Department submitted a Section 108 Loan application to the U.S. Department of HUD in the amount of \$884,871 for the rehabilitation of #1 Legion Drive. On May 29, 2019 the City received notification via email of approval for the Section 108 Loan application in the amount \$885,000.

HUD approved a 20-Year loan term with a variable interest rate projected not to exceed \$46,000 annually, paid directly from the City's annual CDBG grant. The City is required to pay an upfront variable fee of 2.23% of the principal amount of loan guaranteed under this Commitment to cover the credit subsidy costs.

This will amend the 2019 CDBG Budget.

---

**EXPENSE REQUIRED:** \$0.00

---

**AMOUNT BUDGETED:** \$0.00

---

**APPROPRIATION  
REQUIRED:** \$0.00

---

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

---



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

---

<b>AGENDA TITLE:</b>	Adopt an Ordinance to establish an Entertainment District that allows open containers of alcohol and consumption in the district. (SECOND READING) <i>(This item recommended for Board approval by the Planning Commission)</i> (PWD-Planning) City Planner Mary Beck
<b>AGENDA DATE:</b>	September 16, 2019
<b>ITEM TYPE:</b>	Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Other <input type="checkbox"/> : _____
<b>DEPARTMENT:</b>	Planning Department
<b>PREPARED BY:</b>	Mary Beck, City Planner
<b>REQUEST:</b>	Establishment of an Entertainment District.
<b>EMERGENCY CLAUSE:</b>	N/A
<b>SUMMARY:</b>	Establishment of an Entertainment District
<b>EXPENSE REQUIRED:</b>	N/A
<b>AMOUNT BUDGETED:</b>	N/A
<b>APPROPRIATION REQUIRED:</b>	N/A
<b>RECOMMENDED ACTION:</b>	The Planning Commission, City Manager and Staff recommend Board approval.
<b>EXHIBITS:</b>	Ordinance, Memo

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

**AN ORDINANCE TO ADD TO THE CITY OF  
TEXARKANA, ARKANSAS CODE OF  
ORDINANCES, CHAPTER 28, ARTICLE VI, SEC.  
28-82, SUPPLEMENT PROVISIONS; AND TO  
AMEND ARTICLE XI, SEC. 28-142  
DEFINITIONS TO INCLUDE ENTERTAINMENT  
DISTRICT AS A LAND USE; AND FOR OTHER  
PURPOSES**

**WHEREAS**, the City desires to provide opportunities for increased cultural activities and the State of Arkansas has provided an opportunity to establish entertainment districts; and

**WHEREAS**, the Planning Commission, after six workshops and two public hearings, have solicited and considered input from the Texarkana, Arkansas Police Department, the Historic District Commission, Main Street, downtown business owners and property owners and the public at large, has concluded there is wide support for the formation of an entertainment district; and

**WHEREAS**, the Planning Commission does certify to recommend addition of an entertainment district defined and described below to the *City of Texarkana, Arkansas Code of Ordinances*.

**Article VI, Sec. 28-82**

*Supplemental provisions – entertainment district*

An entertainment district may be established to allow open container consumption of alcohol subject to the following conditions:

The area of an entertainment district must have established entertainment venues and operating restaurants that serve alcohol. Set boundaries and hours are to be enumerated for any district established and signage posted with hours allowed for open consumption. Nothing in these regulations shall in anyway conflict with or exceed the limits of

Arkansas State Statutes governing alcohol regulations including but not limited to: no open containers may be carried out from liquor stores; no open containers are allowed in any motorized vehicles; and underage drinking shall not be permitted. No glass containers for any liquid shall be allowed in the entertainment district during entertainment hours. Hours of operation shall be posted on signage that mirror Arkansas State Statutes, that is Sunday 11 a.m. to midnight; and Monday through Saturday 11 a.m. to 2 a.m. A licensee may allow alcoholic beverages to be removed from a licensed premise to persons twenty-one years of age or older to carry within the entertainment district. No open containers containing alcohol may be carried into any business establishment. The City is to provide trash cans and daily pick-up from those trash cans, or as needed. A review of the entertainment district is to be provided to the Board of Directors from the Planning Commission during the month of June 2020 and January 2021 based on input from the Public Works Department, Fire Department and the Police Department with any recommendations for amendments.

At the City Manager's discretion, or his assignee, typically the Public Works Director, part, or all of the entertainment district may be closed to through traffic for street dances, music acts, art exhibits or other cultural events or promotions.

**Article XI, Sec. 28-142**

An entertainment district with specific boundaries is an area where entertainment venues and restaurants serving alcohol are located. During hours of operation of the entertainment district as set by the City, alcohol may be consumed in open containers outdoors but subject to all State of Arkansas Statutes as well as local ordinances that otherwise apply.

The boundaries of an entertainment district is shown on the attached map and ranges from Stateline Avenue at 5<sup>th</sup> Street, west to Walnut Street, south on Walnut Street to 3<sup>rd</sup> Street, then east along 3<sup>rd</sup> Street to Laurel Street; and, from there south on Laurel Street to Broad Street, then west on Broad Street to Hazel Street and turning south at Hazel Street (Hazel Street curves and merges into Front Street), west on Front Street to the east side of Pine Street, then north along the east side of Pine Street where it merges into State Line Avenue and north from there to the point of beginning at 5<sup>th</sup> Street. (boundary map attached)

**NOW THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Texarkana, Arkansas, these regulations are hereby adopted and incorporated into the *City of Texarkana, Arkansas, Code of Ordinances*.

**PASSED AND APPROVED** this 16<sup>th</sup> day of September, 2019.

---

Allen L. Brown, Mayor

**ATTEST:**

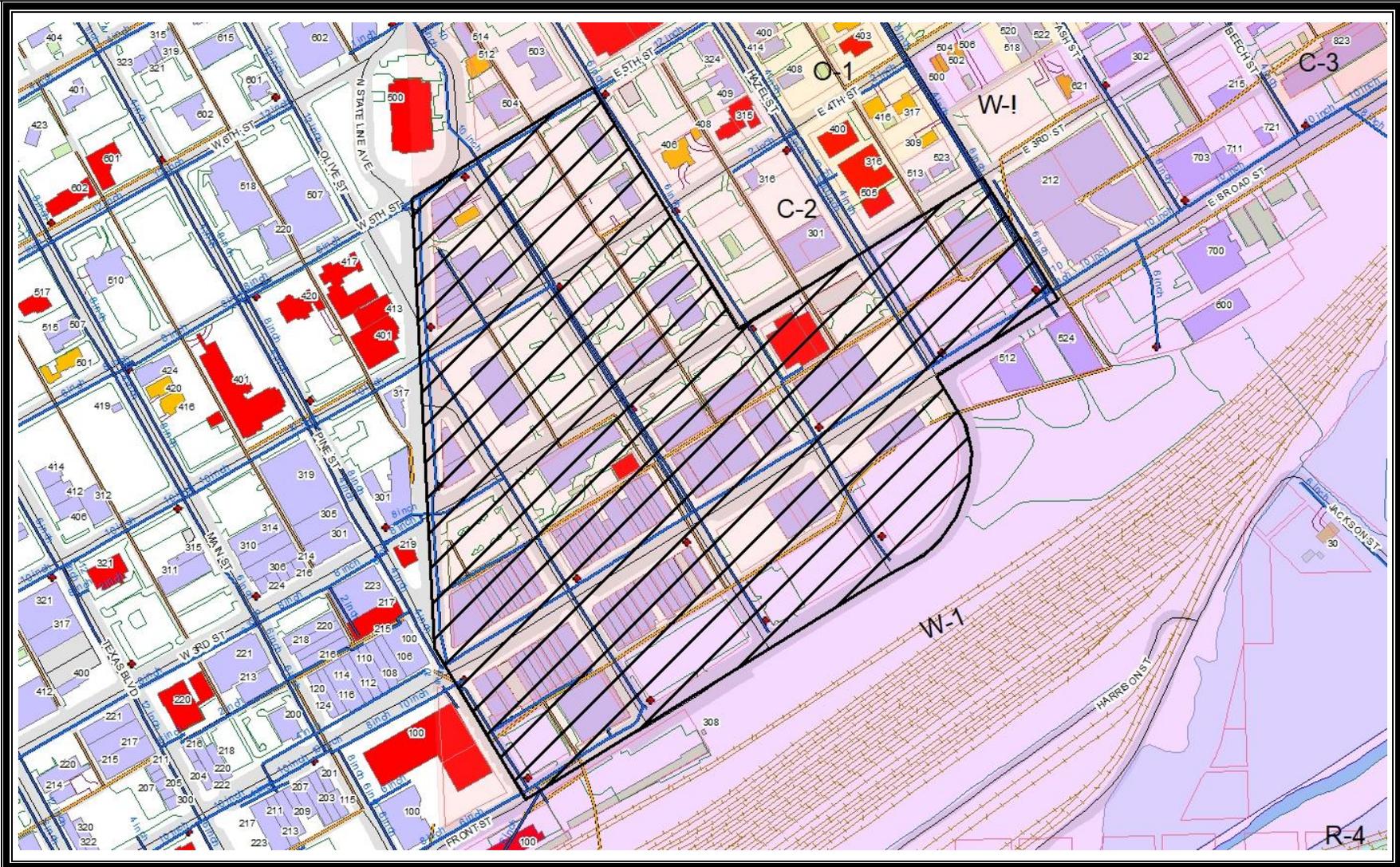
---

Heather Soyars, City Clerk

**APPROVED:**

---

George Matteson, City Attorney



## ENTERTAINMENT DISTRICT BOUNDARY

Prepared by:  
 Planning Division - Public Works Department  
 City of Texarkana, Arkansas



## CITY OF TEXARKANA, ARKANSAS

### DEPARTMENT OF PUBLIC WORKS

216 WALNUT STREET 71854-6024

P.O. BOX 2711 – TEXARKANA, ARKANSAS 75504-2711

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

## MEMORANDUM

**TO:** Dr. Kenny Haskin, City Manager  
**FROM:** Mary L. Beck, City Planner/Historic Preservation Officer  
**DATE:** September 11, 2019  
**SUBJECT:** **Board of Directors Agenda Item for 09-16-2019 meeting** - Request to amend the Texarkana Code of Ordinances to add entertainment district regulations. *(revised from July memorandum)*

### COMPATIBILITY WITH EXISTING DEVELOPMENT:

This amendment shall pertain to the entertainment district alone with approved boundaries and hours for open consumption and not otherwise contradict or change regulations outside the district.

#### **Article VI, Sec. 28-82**

*Supplemental provisions – entertainment district*

*An entertainment district may be established to allow open container consumption of alcohol subject to the following conditions:*

*The area of an entertainment district must have established entertainment venues and operating restaurants that serve alcohol. Set boundaries and hours are to be enumerated for any district established and signage posted with hours allowed for open consumption. Nothing in these regulations shall in anyway conflict with or exceed the limits of Arkansas State Statutes governing alcohol regulations including but not limited to: no open containers may be carried out from liquor stores; no open containers are allowed in any motorized vehicles; and, underage drinking shall not be permitted.*

*No glass containers for any liquid shall be allowed in the entertainment district during entertainment hours. Hours of operation shall be posted on signage that mirror Arkansas State Statutes, that is Sunday 11 a.m. to midnight; and, Monday through Saturday 11 a.m. to 2 a.m. A licensee may allow alcoholic beverages to be removed from a licensed premise to persons twenty-one or older to carry within the entertainment district. No*



*Explore and Enjoy Our Heritage*

[www.arkansas.txkusa.org](http://www.arkansas.txkusa.org)

July 17, 2019

*open containers containing alcohol may be carried into any business establishment. The City is to provide trash cans and daily pick-up from those trash cans, or as needed. A review of the entertainment district is to be provided to the Board of Directors from the Planning Commission during the month of June 2020 and January 2021 based on input from the Public Works Department, Fire Department and the Police Department with any recommendations for amendments.*

*At the City Manager's discretion, or his assignee, typically the Public Works Director, part, or all of the entertainment district may be closed to through traffic for street dances, music acts, art exhibits or other cultural events or promotions.*

**Article XI, Sec. 28-142**

An entertainment district with specific boundaries is an area where entertainment venues and restaurants serving alcohol are located. During hours of operation of the entertainment district as set by the City, alcohol may be consumed in open containers outdoors but subject to all State of Arkansas Statutes as well as local ordinances that otherwise apply.

The boundaries of an entertainment district is shown on the attached map and ranges from Stateline Avenue at 5<sup>th</sup> Street, west to Walnut Street, south on Walnut Street to 3<sup>rd</sup> Street, then east along 3<sup>rd</sup> Street to Laurel Street; and, from there south on Laurel Street to Broad Street, then west on Broad Street to Hazel Street and turning south at Hazel Street (Hazel Street curves and merges into Front Street), west on Front Street to the east side of Pine Street, then north along the east side of Pine Street where it merges into State Line Avenue and north from there to the point of beginning at 5<sup>th</sup> Street. (boundary map attached)

**Request received from City Board of Directors, citizen, developer, company, or initiated by the staff** – Requests for a zoning ordinance text amendment can be made at any time. These requests may be initiated by the City Board of Directors, a citizen, a commercial developer, a company, or the staff itself. Many times these requests are the result of new land uses, changes in residential housing types or densities, omissions in the original zoning ordinance, etc.

**Staff Research** - Research and development of draft regulations;

**Staff Recommendation** - Planning Division staff researches and makes a staff recommendation to Planning Commission;

**Legal Notice** – Publish legal notice in the Texarkana Gazette one time fifteen days prior to the public hearing;

**Public Hearing** – The Planning Division staff presents staff recommendation to Planning Commission during required public hearing;

**Planning Commission** – Makes one of the following determinations:

1. Reject the staff recommendation and request further study/analysis;
2. Recommend denial of the Zoning Ordinance text amendment;
3. Recommend approval of the Zoning Ordinance text amendment;

**City Board of Directors** – If recommended for approval by the Planning Commission, the City Board of Directors considers adopting an ordinance enacting/accepting the Zoning Ordinance text amendment. The proposal could also be heard by the City Board of Directors if the Planning Commission's recommendation of denial was appealed to the City Board of Directors. The City Board of Directors makes one of the following determinations:

1. Reject the Planning Commission's recommendation and request further study/analysis;
2. Recommend denial of the Planning Commission's Zoning Ordinance text amendment(s);
3. Recommend approval of the Planning Commission's Zoning Ordinance text amendment(s);

**Ordinance** – Becomes effective in thirty (30) days or with adoption of an emergency clause as part of the ordinance, the ordinance would become effective immediately; and

**City Clerk** - Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the city clerk.

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

The *Arkansas Code of 1987 Annotated (14-56-422 1B)* 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 newspaper of general circulation in the city, at least one (1) time fifteen (15) days prior to the hearing.
- (2) Following the public hearing, proposed plans may be adopted, and proposed ordinances 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 or 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, nothing 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 statutory notice was published in the Sunday, June 23, 2019 edition of the *Texarkana Gazette*. The City published the required legal notice once fifteen (15) days prior to the public hearing as required by the *Arkansas Code of 1987 Annotated 14-56-422* (Adoption/amendment of plans, ordinances, & regulations).

Notices were published for all six workshops and two public hearings, the most recent August 25, 2019 for the September 10, 2019 Planning Commission meeting.

#### **OPPOSITION TO ZONING ORDINANCE TEXT AMENDMENT:**

William Johnson, #7 Country Estates Drive called to voice opposition as he felt it would lead to more alcohol related problems.

Otherwise, widespread support has been received for an entertainment district.

#### **ADDITIONAL ACTION BY CITY BOARD OF DIRECTORS:**

The City Board of Directors could review the Planning Commission's recommendation at their regularly scheduled meeting. A public hearing was held on July 9, 2019 following four months of workshops/discussions at regularly scheduled planning commission meetings. Letters advising of the early

workshop were mailed to property owners in the areas of the proposed district. Input was received at the meetings from local business owners, property owners, the police chief, and the public works director.

A second review (reading of the ordinance) by the Board of Directors is scheduled for October 7, 2019.

**PLANNING COMMISSION RECOMMENDATION:**

To amend the **Texarkana Municipal Code Article VI, Sec. 28-82 and Article XI, Sec. 28-142**

(July Planning Commission recommendation) After conducting the required statutory public hearing, the Planning Commission certifies a recommendation for approval on a motion by Vice-chairperson Adger Smith, seconded by Chairperson Bertha Dunn with the following 5-0 roll call vote with two absent:

Bertha Dunn, Chairperson	Yes
Adger Smith, Vice-chairperon	Yes
Jason Dupree	Absent
George Coker	Yes
Anderson Neal, Jr.	Yes
Boots Thomas	Absent
Randall Hickerson	Absent

A second recommendation with revisions following the September 10<sup>th</sup> workshop and public hearing had the following roll call vote for approval, motion by Commissioner Smith, seconded by Randall Hickerson:

Boots Thomas, Chairperson	Yes
Bertha Dunn, Vice Chairperson	Yes
Jason Dupree	Absent
George Coker	Yes
Anderson Neal, Jr.	Absent
Randall Hickerson	Yes
Adger Smith	Yes

*The Planning Commission wishes to make known their desire to have*

- *Adequate/addition trash receptacles*
- *More frequent trash pick-up*
- *Registration similar to PFU registration even if no fees are charged*
- *Informational materials provided regarding trash and rules;*
- *Posting or handout of rules to businesses and registrants*

**BOARD ACTION REQUESTED:**

The Board action requested is to consider an ordinance amending the text of the Zoning Ordinance to allow establishment of an

entertainment district that allows consumption of alcohol from open containers within approved set boundaries and during approved set hours; and, to allow some or all of the entertainment district to be blocked off from traffic by the City Manager or his assignee, typically the Public Works Director for cultural events open to the public.

No emergency clause is requested.