



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

City of Texarkana, Arkansas

216 Walnut Street

**Agenda - Monday, June 03, 2019 - 6:00 PM**

Call to Order

Roll Call

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)
- [2.](#) Presentation of the Budget Variance Report by Finance Director TyRhonda Henderson. (FIN) (Report)

### **CONSENT**

- [3.](#) Approval of the minutes of the regular meeting May 20, 2019. (CCD)
- [4.](#) Adopt a Resolution rescheduling the first Board of Directors' meeting in December, from Tuesday, December 3, 2019 to Monday, December 2, 2019. (CCD)

### **REGULAR**

- [5.](#) Adopt an Ordinance to rezone property located at the 400 Block of 49th Street, from R-4 Medium Density Residential to C-3 Open Display commercial for business development. (PWD-Planning) (This item recommended for Board approval by the Planning Commission)  
City Planner Mary Beck

### **CITIZEN COMMUNICATION**

**NEXT MEETING DATE: Monday, June 17, 2019**

**ADJOURN**

### **2019 City Calendar**

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

**Sparks in the Park - Saturday, June 29, 2019**



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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<b>AGENDA TITLE:</b>	Presentation of the City of Texarkana, Arkansas Employee Service Awards. (CCD)
<b>AGENDA DATE:</b>	06/03/2019
<b>ITEM TYPE:</b>	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Other <input checked="" type="checkbox"/> : <u>Presentation</u>
<b>DEPARTMENT:</b>	City Clerk
<b>PREPARED BY:</b>	Heather Soyars, City Clerk
<b>REQUEST:</b>	Presentation of employee service awards.
<b>EMERGENCY CLAUSE:</b>	N/A
<b>SUMMARY:</b>	Presentation of employee service awards.
<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>	Employee Service Awards List.

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### *City of Texarkana, Arkansas Employee Service Awards*

<u>NAME</u>	<u>Department</u>	<u>Years of Service</u>
Karen Reed	Court	20
John Murphy	TWU	20
James Smith	TWU	20
Jon Smithpeters	TWU	20



# CITY OF TEXARKANA, AR

## BOARD OF DIRECTORS

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<b>AGENDA TITLE:</b>	Presentation of the Budget Variance Report by Finance Director TyRhonda Henderson. (FIN) (Report)
<b>AGENDA DATE:</b>	06/03/2019
<b>ITEM TYPE:</b>	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Other <input checked="" type="checkbox"/> : <u>Presentation</u>
<b>DEPARTMENT:</b>	Finance
<b>PREPARED BY:</b>	TyRhonda Henderson
<b>REQUEST:</b>	Presentation of the Budget Variance Report.
<b>EMERGENCY CLAUSE:</b>	N/A
<b>SUMMARY:</b>	Presentation of the Budget Variance Report.
<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>	Report

**CITY OF TEXARKANA, ARKANSAS  
GENERAL FUND  
BUDGET VARIANCE REPORT  
JANUARY 2019 - MARCH 2019  
REVENUES/EXPENDITURES**

DESCRIPTION	BUDGET	YTD ACTUALS	PERCENTAGE OF BUDGET
GENERAL PROP TAX REV	-2,626,500	-341,121	13%
SALES & OTHER TAXES REV	-9,571,803	-2,364,778	25%
FRANCHISE RECEIPTS REV	-2,777,535	-659,975	24%
LICENSES & PERMITS REV	-44,870	-19,266	43%
FROM OTHER GOV'TS REV	-1,297,000	-154,689	12%
FINES & FORFEITURES REV	-757,750	-179,698	24%
GRANTS REV	-352,269	-61,209	17%
OTHER REV	-430,630	-90,504	21%
INTERFUND REV	-1,000,596	-319,508	32%
ANIMAL SHELTER REV	-338,830	-51,278	15%
<b>TOTAL REVENUES</b>	<b>-19,197,783</b>	<b>-4,242,026</b>	<b>22%</b>
ADMIN EXPENDITURES	308,040	61,088	20%
FINANCE EXPENDITURES	494,318	94,325	19%
CITY CLERK EXPENDITURES	162,192	41,329	25%
BOARD OF DIRECTORS EXPEN	142,792	40,628	28%
COURT EXPENDITURES	261,986	57,530	22%
PROBATION EXPENDITURES	191,547	40,615	21%
POLICE EXPENDITURES	7,600,025	1,653,275	22%
NARCOTICS EXPENDITURES	426,678	100,177	23%
FIRE EXPENDITURES	5,108,544	1,214,183	24%
AGENCY EXPENDITURES	4,639,217	1,009,347	22%
ANIMAL SHELTER EXPENDITURES	456,303	81,634	18%
JAG GRANT EXPENDITURES	11,112	0	0%
<b>TOTAL EXPENDITURES</b>	<b>19,802,754</b>	<b>4,394,131</b>	<b>22%</b>



**CITY OF TEXARKANA, AR**  
**BOARD OF DIRECTORS**

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<b>AGENDA TITLE:</b>	Approval of the minutes of the regular meeting May 20, 2019. (CCD)
<b>AGENDA DATE:</b>	06/03/2019
<b>ITEM TYPE:</b>	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Other <input checked="" type="checkbox"/> : Minutes
<b>DEPARTMENT:</b>	City Clerk
<b>PREPARED BY:</b>	Heather Soyars, City Clerk

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<b>REQUEST:</b>	Approval of meeting minutes.
<b>EMERGENCY CLAUSE:</b>	N/A

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<b>SUMMARY:</b>	Approval of meeting minutes.
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<b>EXPENSE REQUIRED:</b>	N/A
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<b>AMOUNT BUDGETED:</b>	N/A
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<b>APPROPRIATION REQUIRED:</b>	N/A
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<b>RECOMMENDED ACTION:</b>	The City Clerk recommends approval.
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<b>EXHIBITS:</b>	Meeting minutes.
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## **Regular Meeting of the Board of Directors**

City of Texarkana, Arkansas  
216 Walnut Street

**Minutes - Monday, May 20, 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 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.

Ward 4 Director Travis Odom was absent

Director Steven Hollibush gave the Invocation and led the Pledge of Allegiance.

### **CONSENT**

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

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

1. Approval of the minutes of the regular meeting May 6, 2019, and the called meeting May 14, 2019. (CCD)

### **REGULAR**

2. Resolution No. 2019-20 authorizes the City Manager to seek proposals for Amendment 78 financing of capital improvements for the Animal Care and Adoption Center improvements. (ACAC)

ACAC Director Charles Lokey said half of the building was built in the late 1960s and the other half was built in the 1990s. He said they had done all they could do to maintain the building, but it was still in bad shape. ACAC Director Charles Lokey said it was not just a health risk for the animals but also for the employees who work in the building. He thanked the Board for allowing him to bring his design plan to them.

Mayor Brown asked what the new building's capacity would be versus the old building.

ACAC Director Charles Lokey said it would not increase the capacity. He said they would be able to prioritize rooms for specific uses instead of housing the animals when the current building was substandard due to maintenance issues.

Mayor Brown asked if there were a proposed site for the new building.

ACAC Director Charles Lokey said the location would be out in front of the existing facility.

Director Miner asked if the City owned all the land where the new facility would be located.

ACAC Director Charles Lokey said yes.

Director Harris asked how much it cost to bring an animal to the shelter.

ACAC Director Charles Lokey said if you were a resident of the City of Texarkana, Arkansas, it costs nothing.

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

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

Mayor Brown declared the resolution adopted with a 6-0 vote.

3. Resolution No. 2019-21 amends the year end 2019 Budget to include the increase to the Municipal Health Benefit Fund Premium. (FIN)

Finance Director TyRhonda Henderson said on May 15, 2019, the City received notice from Municipal Health Benefit Program that based on our claims, the medical rate class for Texarkana would move from Class 3 to Class 4 effective July 1, 2019. Prior to January 1, 2018, the City's rate class was a Class 2 and the City had not received an increase in insurance premiums in several years. Beginning January 1, 2018, the City's medical rate class increased to a Class 3 and employee medical premiums increased from \$369 per month to \$405 per month. Due to the financial situation the City faced; the employee paid the \$36.00 per month increase in premium. On January 1, 2019, while the medical rate class did not change, the City received a \$2.08 per month increase in premium due to changes in the vision coverage. The City absorbed the cost of the increase at that time. The change in medical rate class went into effect July 1, 2019, would result in a monthly premium increase of \$40.50 per month per employee. This would result in additional expenditures of \$45,000 for the General Fund and \$7,800 for the Public Works Fund.

Mayor Brown said he supported the employees of the City, but he noticed in the March financials there was a deficit and in the April financials there was a rather large sales tax deposit that caught the City up. He said if the City did not gain this amount of money through our budgeting process it would be coming from the General Fund and it would reduce the Fund Balance.

Finance Director TyRhonda Henderson said she was extremely conservative on budgeting the City's revenues and tried not put the City in a position where there would be a short fall in the revenue standpoint. She said the City currently had \$3.8 Million in the Fund Balance and that was 71 days, the recommendation was to keep the Fund Balance within 60-90 days.

Mayor Brown said he noticed the sales tax generation had increased in the past few months and hoped it continued. He said he wanted to make sure the City would have enough reserve days in the Fund Balance if the City absorbed the extra money.

Finance Director TyRhonda Henderson said yes.

Director Miner wanted to make sure the employees were still paying the \$36.00 premium.

Finance Director TyRhonda Henderson said yes.

City Manager Dr. Kenny Haskin asked Finance Director TyRhonda Henderson to explain why the City was reclassified.

Finance Director TyRhonda Henderson said from October 2018, to March 2019, the City paid premiums close to \$800,000 and claims that had been paid was close to \$1 million.

Director Harris asked if the City based the premium on the employee's rate of pay.

Finance Director TyRhonda Henderson said they did look at a tiered plan, but some employees had dependent coverage and there would be two different increases that the employees would have.

Assistant Mayor Teeters said if you had a claim on insurance it was not based on your income because a kidney transplant would be the same cost no matter how much you made.

Director Miner asked Director Harris if he had any examples of cities that based premiums on their income.

Director Harris said he wanted to bring out the point about the income.

Director Peavy asked how much of the dependent premium did the City pay.

Finance Director TyRhonda Henderson said the City did not pay anything of the dependent cost.

Director Peavy asked if the City would be able to move back down to a lower class if the claim rates went down.

Finance Director TyRhonda Henderson said she did not know the answer, but she would find out.

City manager Dr. Kenny Haskin said if that were the case the City would certainly petition the Arkansas Municipal League.

Director Peavy said from the conferences she attended, the League pushed for a healthier community. She asked if the City were on board with the programs they offered, how would that benefit the City on their rating.

Finance Director TyRhonda Henderson said she would find out and let the Board know.

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

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

Mayor Brown declared the resolution adopted with a 6-0 vote.

## **CITIZEN COMMUNICATION**

- Dean Barry, 4100 Moores Lane, Texarkana, Texas, said three to four years ago he noticed the tax situation in Bowie County was flat along with the Arkansas side. He said he realized something needed to be done to bring businesses to Texarkana. Mr. Barry said seven citizens became board members and they were going to try for five years to bring businesses and jobs to Texarkana. He said he wanted the state line to disappear, if a business came into the City, it would be in Texarkana. Mr. Barry said the seven board members, both Mayors, county judges and a representative from the Chamber of Commerce met last Friday and they were moving as swiftly as they could to bring jobs to Texarkana. He said they did a national search to find the right person to lead the organization, and they found the right man from Orlando, Florida named Rob Sitterley.

- Rob Sitterley, 6204 Deerfield Drive, Texarkana, Texas, AR-TX REDI, said economic development was a passion of his. He said he was ready to bring new businesses and help the businesses that were already here expand and prosper. Mr. Sitterley said they were focusing on two things; a marketing plan to tell the story about our community, and we needed large mega sites to recruit new businesses to Texarkana. He thanked the Board for their support, and he looked forward to working with the City in the future.
- Mary Beth Rudel, Red River Leadership Institute, said there was a new Leadership program that did not look at state lines. She said it would be made up of the four surrounding states, with seven sessions, and teach leadership on a regional approach to work together to promote economic development. Ms. Rudel asked if we could help promote the program.

Director Peavy asked Ms. Rudel to explain how the state of Arkansas had helped bring this program to our area.

Mary Beth Rudel, Red River Leadership Institute said the Executive Director of Southwest Planning and Development District and Executive Director of ArTex Council of Governments were tossing around ideas and reached out to the Arkansas Economic Development Institute to find out how the program could come to life.

Director Peavy said she wanted to recognize this week as National Police Week.

Mayor Brown said it was also Emergency Responders Week.

Director Teeters wanted to recognize the Texarkana, Arkansas Police Department for a job well done after a mother reported her seventeen-year-old autistic son missing. She said the story on Facebook said the officers did a great job in locating him and keeping him calm.

**NEXT MEETING DATE: Monday, June 3, 2019**

**ADJOURN**

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

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

The motion carried 6-0. The meeting adjourned at 6:33 PM.

**APPROVAL** of the minutes on this 3<sup>rd</sup> day of June, 2019.

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Allen L. Brown, Mayor

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Heather Soyars, City Clerk



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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**AGENDA TITLE:** Adopt a Resolution rescheduling the first Board of Directors' meeting in December, from Tuesday, December 3, 2019 to Monday, December 2, 2019. (CCD)

**AGENDA DATE:** 06/03/2019

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

**DEPARTMENT:** City Clerk

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

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**REQUEST:** Reschedule Board meeting.

**EMERGENCY CLAUSE:** N/A

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**SUMMARY:** The Board meeting was originally rescheduled to accommodate the Christmas Parade. The Parade date has changed to the 2<sup>nd</sup> Monday of December, December 9, 2019. This will allow the Board to have its regular first meeting of the month on December 2, 2019.

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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 City Manager and staff recommend approval.

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**EXHIBITS:** Resolution and updated Calendar.

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, due to a rescheduling of the annual Christmas Parade, the regular meeting of the Board of Directors of the City of Texarkana, Arkansas, currently scheduled to occur on Tuesday, December 3, 2019, at 6:00 PM requires rescheduling; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the City of Texarkana, Arkansas, the meeting of the Board of Directors currently scheduled to occur on Tuesday, December 3, 2019, at 6:00 PM, is hereby rescheduled and shall occur on Monday, December 2, 2019, at 6:00 PM.

**PASSED AND APPROVED** this 3<sup>rd</sup> day of June, 2019.

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

**ATTEST:**

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

**APPROVED:**

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

# City of Texarkana, Arkansas 2019 Calendar



**January**

Sun	Mo	Tue	We	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**February**

Sun	Mo	Tue	We	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

**March**

Su	Mo	Tue	We	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**April**

Sun	Mo	Tue	We	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

**May**

Sun	Mo	Tue	We	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

**June**

Sun	Mo	Tue	We	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

**July**

Sun	Mo	Tue	We	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**August**

Sun	Mo	Tue	We	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**September**

Su	Mo	Tue	We	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

**October**

Sun	Mo	Tue	We	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**November**

Sun	Mo	Tue	We	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

**December**

Sun	Mo	Tue	We	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Agenda Deadline 5 PM & Staff Meeting 11:45 AM
- Board Meeting 6:00PM
- Holiday
- Planning Commission Meeting 6 PM
- Annual Christmas Parade
- Board of Adjustment Meeting 6PM
- Historic District Commission 9:30 AM
- Staff Meeting, Agenda Deadline, & Historic District Commission
- A&P Commission 2PM & Board of Adjustment 6 PM

## City Approved Holidays

- January 1—New Year's Day
- January 21—Martin Luther King Jr. Day
- February 18—President's Day
- April 19—Good Friday
- May 27—Memorial Day
- July 4—Independence Day
- September 2—Labor Day
- November 11—Veterans Day
- November 28—Thanksgiving Day
- November 29—Day after Thanksgiving
- December 24—Christmas Eve
- December 25—Christmas Day
- December 31—New Year's Eve



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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<b>AGENDA TITLE:</b>	Adopt an Ordinance to rezone property located at the 400 Block of 49 <sup>th</sup> Street, from R-4 Medium Density Residential to C-3 Open Display commercial for business development. (PWD-Planning) (This item recommended for Board approval by the Planning Commission) City Planner Mary Beck
<b>AGENDA DATE:</b>	June 3,2019
<b>ITEM TYPE:</b>	Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Other <input type="checkbox"/> : _____
<b>DEPARTMENT:</b>	Planning
<b>PREPARED BY:</b>	Mary Beck
<b>REQUEST:</b>	To rezone property located at the 400 Block of 49 <sup>th</sup> Street, from R-4 Medium Density Residential to C-3 Open Display Commercial for business development.
<b>EMERGENCY CLAUSE:</b>	N/A
<b>SUMMARY:</b>	See City Planner's Memo
<b>EXPENSE REQUIRED:</b>	N/A
<b>AMOUNT BUDGETED:</b>	N/A
<b>APPROPRIATION REQUIRED:</b>	N/A
<b>RECOMMENDED ACTION:</b>	The City Manager, Planning Commission and City Staff recommend approval.
<b>EXHIBITS:</b>	Ordinance, City Planner Memo, Map, and Deed.

# 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 to rezone the following tract of land from R-4 Medium Density Residential to C-3 Open Display Commercial for business development;

All of Block Numbered Eleven (11), Twelve (12), Fifteen (15), and Sixteen (16) in FOREMAN-WOOD ACREAGE PLACE ADDITION to the City of Texarkana, Miller County, Arkansas.

### SAVE AND EXCEPT:

All that certain tract or parcel of land situated in and being a part of Block Numbered Twelve (12) of FOREMAN-WOOD ACREAGE PLACE, a Subdivision in Texarkana, Miller County, Arkansas, situated in the South One-Half of the Northwest Quarter (S-1/2 NW-1/4) of Section Seven (7), Township Fifteen (15) South, Range Twenty-Eight (28) West, Miller County, Arkansas, according to the map or plat of said Subdivision recorded in Volume 53, Page 342 of the Deed Records of Miller County, Arkansas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at ½ inch reinforcing steel rod set for corner at the Northwest corner of said Block No. 12 of FOREMAN-WOOD ACREAGE PLACE, said Point of Beginning being in the South right-of-way line of a street designated as East 49<sup>th</sup> Street, same being in the East right-of-way line of a street designated as Laurel Street;

THENCE: N 90° 00' 00" E, 269.00 feet with the North boundary line of said Block No. 12 and with the South right-of-way line of said East 49<sup>th</sup> Street to a 1-inch pipe found for corner;

THENCE: S 01° 51' 51" E, 169.00 feet across said Block No. 12 to a ½ inch reinforcing steel rod set for corner;

THENCE: N 90° 00' 00" W, 269.00 feet across said Block No. 12 to a ½ inch reinforcing steel rod set for corner in the East right-of-way line of said Laurel Street;

THENCE: N 01° 51' 51" W, 169.00 feet with the West boundary line of said Block No. 12 to the POINT OF BEGINNING and containing 1.00 acre of land, more or less.

FURTHER SAVE AND EXCEPT:

All that certain tract or parcel of land being all of Block Numbered Eleven (11) and part of Blocks Numbered Twelve (12), Fifteen (15) and Sixteen (16) of FOREMAN-WOOD ACREAGE PLACE, a subdivision in Texarkana, Miller County, Arkansas, being a part of the South One-Half (S ½) of the Northwest Quarter (NW ¼) of Section Seven (7), Township Fifteen (15) South, Range Twenty-eight (28) West, Miller County, Arkansas, according to the map or plat recorded in Volume 53, Page 342 of the Deed Records of Miller County, Arkansas and being more particularly described as follows:

COMMENCING: At the Southeast corner of Block No. 15 of said Foreman-Wood Acreage Place, same being the Northeast corner of Block No. 1 of Alhambra Place, a subdivision in Texarkana, Miller County, Arkansas, according to the map or plat recorded in Volume "RR"; Page 475 of the Deed Records of Miller County, Arkansas;

THENCE: N 90° 00' 00" W, with the South boundary line of Block No. 15 of said Foreman-Wood Acreage Place, same being the North boundary line of Block No. 1 of said Alhambra Place, 10.00 feet to a found 1/2" rebar for corner on the West right-of-way line of County Avenue and being the POINT OF BEGINNING for the herein described tract of land;

THENCE: N 90° 00' 00" W, with the South boundary line of Blocks No. 15 and 11 of said Foreman-Wood Acreage Place, same being the North boundary line of Blocks No. 1 and 2 of said Alhambra Place, 900.00 feet to a set 5/8" rebar for corner at the Southwest corner of Block No. 11 of said Foreman-Wood Acreage Place, same being on the East right-of-way line of Laurel Street;

THENCE: N 01° 34' 02" W, with the West boundary line of Blocks No. 11 and 12 of said Foreman-Wood Acreage Place, same being the East right-of-way line of Laurel Street, 421.05 feet to a set 5/8" rebar for corner;

THENCE: N 90° 00' 00" E, 907.14 feet to a set 5/8" rebar for corner on the West right-of-way line of County Avenue;

THENCE: S 00° 35' 44" E, with the West right-of-way line of County Avenue, 420.91 feet to the POINT OF BEGINNING, containing 8.7306 acres of land, more or less.

and;

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

**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 R-4 Medium Density Residential to C-3 Open Display Commercial. This is solely a rezoning and no other action, conveyance or release of interest.

**PASSED AND APPROVED** this 3<sup>rd</sup> day of June, 2019.

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Allen L. Brown, Mayor

**ATTEST:**

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Heather Soyars, City Clerk

**APPROVED:**

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George M. Matteson, City Attorney



**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  
**DATE:** May 15, 2019  
**SUBJECT:** **Board of Directors Agenda Item for 06-03-2019 meeting** – Steitler Properties, LLC, c/o Perry Steitler, 4015 N. State Line Avenue, Texarkana, TX 75503 to rezone property from R-4 Medium density residential to C-3 Open display commercial LEGAL DESCRIPTION:

### LEGAL DESCRIPTION:

The property is legally described as PT of Lots No. 12, 14, and 15 of FOREMAN AND WOODS SUBDIVISION, Texarkana, Miller County, Arkansas, contains 2.68 acres more or less

### REASON FOR REQUEST:

The property owner wishes to develop the land commercially and is considering building small contractor suitable buildings to lease.

### EXISTING LAND USES:

Site: Vacant  
North: Commercial business – proposed location for cannabis dispensary  
South: Apartment complex  
East: Apartment complex  
West: Tavern/bar

### EXISTING ZONING:

Site: R-4 Medium density residential  
North: C-3 Open display commercial  
South: R-4 Medium density residential  
East: Open display commercial  
West: Open display commercial

**AVAILABLE UTILITIES:**

Municipal Water: 6" on property along 49<sup>th</sup> Street ROW & 6" in County Avenue.

Municipal Sanitary Sewer: 8' Municipal sanitary sewer on the property along 49<sup>th</sup> Street ROW & also in County Avenue.

Fire hydrant Located on this property adjacent to 49<sup>th</sup> Street.

**TRANSPORTATION NETWORK:**

Local Street(s): 49<sup>th</sup> Street

Collector Street(s): None

Arterial Street (s): County Avenue

**COMPATIBILITY WITH EXISTING DEVELOPMENT:**

The site consists of an undeveloped tract of land bordered on the south side by an apartment complex. All other adjacent land is zoned C-3 Open display commercial zoning. The intended use of the land is to lease spaces to construction related businesses such as heat and air contractors, plumbing contractors and electrical contractors. The property owner also owns the business on the west side. Across 49<sup>th</sup> Street facing away towards Realtor Road are other businesses. R-4 Medium density residential often serves as a buffer zone adjacent to commercial zoning and is the only residential zone that provides for apartment complexes such as the one here. Although 49<sup>th</sup> Street is a local road, the property also fronts on County Road a Minor arterial so adequate transportation systems are in place for most commercial activities.

**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.

Zoning recommendations look for the highest and best use of land and how it best serves the interest of the community. This property is primarily adjacent to other commercial properties and has close access to Interstate 30 so is a desirable location for business activities. Section 28-21, Article III, Chapter 28, *Texarkana, Arkansas Code of Ordinances* allows for plumbing, electrical and heat & air conditioning shops as a use by right in C-3 Open display commercial zoning, although the applicant could choose to develop any of the other land uses allowed in this zone if desired. If a recommendation to approve is granted, the request to rezone will move forward to the City Board of Directors (BOD) as early as June 3<sup>rd</sup>. The required notice was published in the Sunday, April 28, 2019 edition of the *Texarkana Gazette* and six (6) adjacent property owners within three hundred feet (300') were notified by letter and location map as required by the *Texarkana, Arkansas Code of Ordinances*.

The required notice was published in the Sunday, April 28, 2019 edition of the *Texarkana Gazette*. The City notified six (6) adjacent property owners within three hundred feet (300') as required by the *Texarkana, Arkansas Code of Ordinances*.

**OPPOSITION TO REZONING:**

None to date

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission met on May 14, 2019, to consider the request and make a recommendation. A motion to approve the item was made by Commissioner Hickerson and seconded by Commissioner Boots Thomas. The motion was passed by rollcall vote 4-0 with 3 absences.:

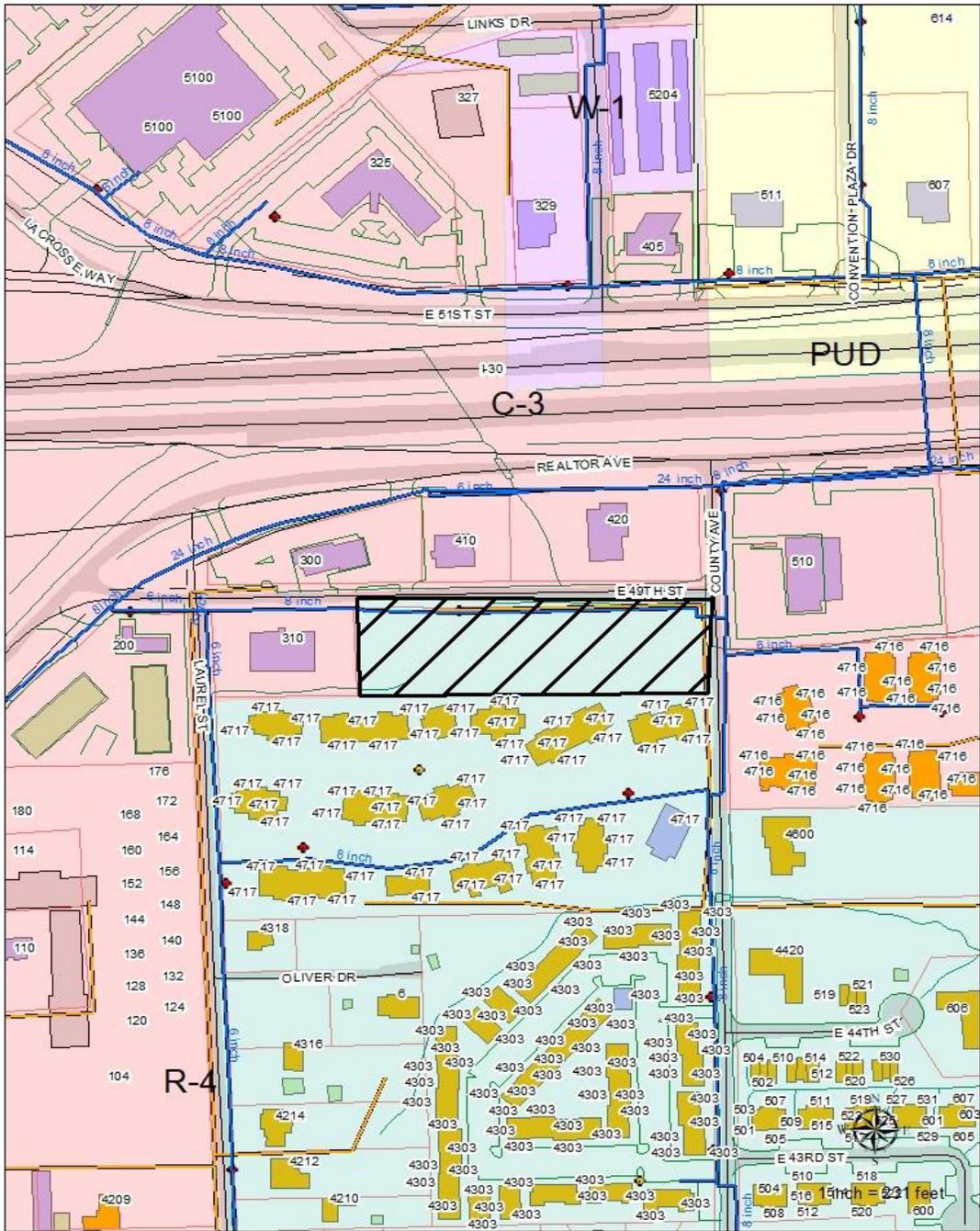
Bertha Dunn, Chairperson	Yes
Adger Smith, Vice-Chairperson	Yes
Boots Thomas	Yes
Jason Dupree	Absent
George Coker	Absent
Randall Hickerson	Absent
Anderson Neal	Yes

**BOARD ACTION REQUESTED:**

The Board action requested is as follows:

1. On June 3, 2019, consider adopting an **ordinance** to rezone the property described in the attached ordinance from R-4 Medium density residential to C-3 Open display commercial for business development. .
2. No emergency clause is requested.

Enclosure: Location Map



**REZONE  
PC-2019-005**

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

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, **Al Turnage and Ruth Turnage, 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 **STEITLER PROPERTIES, LLC, A TEXAS LIMITED LIABILITY COMPANY, GRANTEE**, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto the said **GRANTEE, STEITLER PROPERTIES, LLC, A TEXAS LIMITED LIABILITY COMPANY**, and unto its successors and assigns forever, the following lands lying in **Miller County, Arkansas**:

All of Blocks Numbered Eleven (11), Twelve (12), Fifteen (15), and Sixteen (16) in FOREMAN-WOOD ACREAGE PLACE ADDITION to the City of Texarkana, Miller County, Arkansas.

SAVE AND EXCEPT:

All that certain tract or parcel of land situated in and being a part of Block Numbered Twelve (12) of FOREMAN-WOOD ACREAGE PLACE, a Subdivision in Texarkana, Miller County, Arkansas, situated in the South One-Half of the Northwest Quarter (S-1/2 NW-1/4) of Section Seven (7), Township Fifteen (15) South, Range Twenty-Eight (28) West, Miller County, Arkansas, according to the map or plat of said Subdivision recorded in Volume 53, Page 342 of the Deed Records of Miller County, Arkansas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch reinforcing steel rod set for corner at the Northwest corner of said Block No. 12 of FOREMAN-WOOD ACREAGE PLACE, said Point of Beginning being in the South right-of-way line of a street designated as East 49th Street, same being in the East right-of-way line of a street designated as Laurel Street;

THENCE: N 90° 00' 00" E, 269.00 feet with the North boundary line of said Block No. 12 and with the South right-of-way line of said East 49th Street to a 1-inch pipe found for corner;

THENCE: S 01° 51' 51" E, 169.00 feet across said Block No. 12 to a 1/2 inch reinforcing steel rod set for corner;

THENCE: N 90° 00' 00" W, 269.00 feet across said Block No. 12 to a 1/2 inch reinforcing steel rod set for corner in the East right-of-way line of said Laurel Street;

THENCE: N 01° 51' 51" W, 169.00 feet with the West boundary line of said Block No. 12 to the POINT OF BEGINNING and containing 1.00 acre of land, more or less.

**FURTHER SAVE AND EXCEPT:**

All that certain tract or parcel of land being all of Block Numbered Eleven (11) and part of Blocks Numbered Twelve (12), Fifteen (15) and Sixteen (16) of FOREMAN-WOOD ACREAGE PLACE, a subdivision in Texarkana, Miller County, Arkansas, being a part of the South One-Half (S 1/2) of the Northwest Quarter (NW 1/4) of Section Seven (7), Township Fifteen (15) South, Range Twenty-eight (28) West, Miller County, Arkansas, according to the map or plat recorded in Volume 53, Page 342 of the Deed Records of Miller County, Arkansas and being more particularly described as follows:

COMMENCING: At the Southeast corner of Block No. 15 of said Foreman-Wood Acreage Place, same being the Northeast corner of Block No. 1 of Alhambra Place, a subdivision in Texarkana, Miller County, Arkansas, according to the map or plat recorded in Volume "RR", Page 475 of the Deed Records of Miller County, Arkansas;

THENCE: N 90° 00' 00" W, with the South boundary line of Block No. 15 of said Foreman-Wood Acreage Place, same being the North boundary line of Block No. 1 of said Alhambra Place, 10.00 feet to a found 1/2" rebar for corner on the West right-of-way line of County Avenue and being the POINT OF BEGINNING for the herein described tract of land;

THENCE: N 90° 00' 00" W, with the South boundary line of Blocks No. 15 and 11 of said Foreman-Wood Acreage Place, same being the North boundary line of Blocks No. 1 and 2 of said Alhambra Place, 900.00 feet to a set 5/8" rebar for corner at the Southwest corner of Block No. 11 of said Foreman-Wood Acreage Place, same being on the East right-of-way line of Laurel Street;

THENCE: N 01° 34' 02" W, with the West boundary line of Blocks No. 11 and 12 of said Foreman-Wood Acreage Place, same being the East right-of-way line of Laurel Street, 421.05 feet to a set 5/8" rebar for corner;

THENCE: N 90° 00' 00" E, 907.14 feet to a set 5/8" rebar for corner on the West right-of-way line of County Avenue;

THENCE: S 00° 35' 44" E, with the West right-of-way line of County Avenue, 420.91 feet to the POINT OF BEGINNING, containing 8.7306 acres of land, more or less.

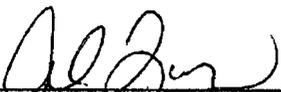
This conveyance and the warranty contained herein are subject to all prior, valid easements, rights-of-way, restrictive covenants, set-back lines, and oil, gas and other mineral conveyances, reservations, or leases of record in **Miller County, Arkansas**. This conveyance and the warranty contained herein 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 GRANTEE that we will forever warrant and defend the title to the said lands against all claims whatever.

And we the GRANTORS, **Al Turnage and Ruth Turnage, husband and wife**, for and in consideration of the said sum of money, do hereby release and relinquish unto the said GRANTEE all our rights of dower, curtesy and homestead in and to the said lands.

WITNESS our hands and seals on this 25<sup>th</sup> day of November, 2017

  
\_\_\_\_\_  
Al Turnage

  
\_\_\_\_\_  
Ruth Turnage

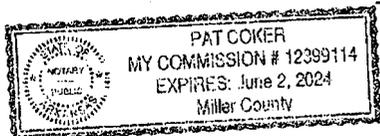
STATE OF Arkansas  
COUNTY OF Miller

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 **Al Turnage and Ruth Turnage, 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  
25<sup>th</sup> day of October, 2017

*Pat Coker*



Notary Public

I certify under penalty of false swearing that  
The consideration for this Deed was \$410,000.00,  
And if the consideration exceeded \$100.00, a  
Documentary stamp tax receipt in the legally  
Correct amount has been placed on this instrument.

*Pat Coker, Agent*

Consideration for Deed is \$410,000.00

Grantee or Grantee's Agent

Grantee: STEITLER PROPERTIES, LLC, 927 N. Robison Road, Texarkana, Texas 75501

Grantors: Al Turnage and wife, Ruth Turnage, 13 Wilder Place, Hooks, Texas 75561