

**TYRONZA CITY COUNCIL MEETING
REGULAR MEETING
October 16th, 2025**

The regular meeting of the Tyronza City Council was called to order at 7:00 p.m. by Mayor Jeff Woods. A roll call was taken, and the following council members were recorded as present: Willie Harris, Michael Hood, Barbara Ross, Patty Barger, Daniel Brewington and Kristina Woods. A quorum was declared. City Attorney Jimmy Gazaway and Recorder/Treasurer Donna Wood were also at the meeting.

Barbara Ross gave the invocation.

Mayor Woods asked if there was a motion to suspend the reading of the September 18th, 2025, council meeting minutes. Barbara Ross, seconded by Kristina Woods, moved to suspend the reading of the minutes. Upon a voice vote, the voting was as follows: Ayes: Unanimous.

Mayor Woods asked if there was a motion to approve the September 18th, 2025, regular council meeting minutes. Willie Harris, seconded by Michael Hood, moved to approve the minutes. Upon a voice vote, the voting was as follows: Ayes: Unanimous

The expenditure reports were next on the agenda.

Mayor Woods asked for a motion to approve the expenditures for September 2025.

Barbara Ross, seconded by Kristina Woods, moved to approve the expenditure reports.

Mayor Woods then opened the floor for any discussion on the expenditures.

Michael Hood asked whose dog was taken to the veterinarian.

Mayor Woods said it was a stray dog.

Michael asked if the City was taking care of the dog.

Mayor Woods said it was in the ordinance that the City had to take care of it. He said the dog had to be given its shots and whatever it needed before putting the dog out for adoption.

Mayor Woods then said there was a dog that was adopted out.

With there being no further discussion, a voice vote was taken and the voting was unanimous to approve the expenditures.

The meeting then moved on to new business on the agenda.

R/T Wood said the current copier was having some problems and had been taken in for repairs. A loaner copier had been brought to the office. The lease for the current copier would be expiring in March 2026.

The lease on the copier was a 60-month lease. Arkansas Copier said the City could go ahead and update the current copier with a new machine without having to wait for the lease to end in March.

The council members were given a copy of the lease agreement on a new copier. It was a 60-month lease for \$55.85 per month. Black and White copies would be billed at .014 cents per copy; colored copies would be billed at .074 per copy. The lease included maintenance, labor, parts, and supplies, excluding paper.

Barbara asked had the price per copy changed.

R/T Woods said she thought the price per copy was about the same as the current price per copy.

Kristina Woods, seconded by Barbara Ross, moved to approve the lease with Arkansas Copier. Upon a voice vote, the voting was unanimous to approve.

Next on the agenda in new business was the water rate ordinance.

There was a public meeting to discuss the increase in water rates before the city council meeting. The proposed ordinance was read to those present.

Mayor Woods said the water rate increase was required by the State of Arkansas. A rate study was completed by Arkansas Rural Water Association, and the rate increase would be the recommendations from that study.

The recommendations were to keep the minimum rate the same, which was \$13.90 for the first 1,000 gallons. The rate for water used over 1,000 gallons would go from the current rate of \$2.90 to \$5.00 per thousand gallons.

City attorney, Jimmy Gazaway, then read the proposed ordinance entitled "AN ORDINANCE FIXING RATES FOR SERVICES RENDRED BY THE WATER AND SEWER SYSTEM OF THE CITY OF TYRONZA, ARKANSAS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECARING AN EMERGENCY." in full, thereby, placing it upon its first reading.

Barbara Ross, seconded by Kristina Woods, moved that the rule requiring the reading of any ordinance in full on three different days be suspended, and that the ordinance be placed on its second reading by title only.

The Mayor put the question on the adoption of the motion to the council. Upon a voice vote, the voting was unanimous to approve the motion.

The Mayor declared that at least two-thirds of all members of the council having voted in favor of the motion to suspend the rule, the motion was carried and the rule suspended.

The ordinance was then read by title only, thereby placing it upon its second reading.

Barbara Ross, seconded by Willie Harris, moved that the rule requiring the reading of any ordinance in full on three different days be further suspended, and that the ordinance be read by title only.

The Mayor put the question on the adoption of the motion to the council. Upon a voice vote, the voting was unanimous to approve.

Thereupon, the Mayor declared that at least two-thirds of all members of the council having voted in favor of the motion to suspend the rule, the motion was carried and the rule suspended.

The ordinance was then read by title only, thereby placing it upon a third and final reading.

Michael Hood, seconded by Kristina Woods, moved the ordinance be adopted.

The question was put by the Mayor to the council on the adoption of the motion, upon a voice vote, the voting was unanimous to approve.

Barbara Ross, seconded by Michael Hood, moved to adopt the emergency clause.

The question was put by the Mayor to the council on the adoption of the motion, upon a voice vote, the voting was unanimous to approve.

The Mayor thereupon declared the ordinance adopted.

Next on the agenda was the Water & Sewer Agreed Upon Procedures.

Each of the council members received a copy of the Water & Sewer Agreed Upon Procedures in their council packets.

The Water & Sewer Agreed Upon Procedures were presented and reviewed.

Mayor Woods reported the Water & Sewer Agreed Upon Procedures were completed by an independent auditor and there were no findings.

The meeting then moved to old business.

Douglas Garnder asked to be put on the agenda to address the zoning request and foliage barrier. He also asked that the council members, mayor and city attorney be given a copy of his Request for Legal Review and Denial of Rezoning a Portion of Parcel Located 333 Church Street, Tyronza, Ark. From R-1 to Ag; and Mrs. Christine Gardner's Formal Objection To Proposed Rezoning of Parcel Located 333 Church Street from R-1 to Agricultural Owned by Justin Tacker and Stephanie Tacker and Planning Board Interpretation of Natural Foliage Barrier. The council members, mayor and city attorney were given a copy of the request and objection.

Mr. Gardner then spoke to the council.

He asked the council members, mayor and city attorney if they received a copy of the statements of objections.

The council members, mayor and city attorney acknowledged the receipt of the statements of objections.

Mayor Woods asked Mr. Gardner to keep his comments brief and under five minutes.

Mr. Gardner said that he would.

He then noted a correction to page 2, paragraph 2. He said to strike "Hank Emrich" and insert "David Wood". He said he made a mistake on that part. He said David was the one who suggested that.

He said he requested the statements made become part of the official record. He then repeated that the statements made become part of the official record and asked if that could be done, for the records to be made as part of the rezoning.

He then said he would like a written response to reasons for agreeing or objecting to the statements made and turned in by him and his mother.

He then said he would like a written response concerning both in private and outside public meetings discussions concerning the procedures being addressed concerning those matters.

He then said that David also stated that operations and buffers would be worked out and could that please be detailed.

He said he was not sure if they had time to read and soak all the information given to them, but that was what he was looking for.

Mayor Wood then thanked Mr. Gardener.

Christine Gardener then asked to address the council.

She said she was speaking to David's interpretation of naturally grown, in his recommendation about the foliage barrier.

She said while all plants are grown natural in the sense that they are living organisms, in the context of residential property law and community standards, the term usually differentiates between planned, maintained, landscaped, neglected or unmanaged growth. Uncut trees, weeds and hedges in yards are generally considered unmanaged vegetation or a nuisance if they violated local ordinances. Most cities and municipalities have ordinances requiring property owners to maintain their yards. She said the City of Tyronza had ordinance 1998-9. A yard left to grow without cutting or maintenance is usually considered neglect or an overgrown yard under local laws and not grown natural in a way in which it is exempt from maintenance requirements.

Mayor Woods thanked Mrs. Gardener.

A recommendation from the Planning and Zoning Board was next on the agenda.

David Wood, chairman of the Planning and Zoning Board addressed the council. He said the Board met on October 9th to hear the petition of rezoning a portion of land from R-1 back to Agriculture by the Tackers who live at 333 Church Street. The zoning request stated that 6.7

acres would be used for horticulture. He said after discussion, with five members present, a motion was made and seconded and four voted yes and 1 abstained. The motion carried to bring the final decision before the council.

Mayor Woods said there would need to be a motion to rezone.

Mayor Woods asked for a copy of what was to be rezoned.

David gave the mayor a copy of what was to be rezoned.

Mayor Woods asked for a description of what was to be rezoned.

The council reviewed the description of what was to be rezoned.

Mrs. Gardener asked if the council was voting on the foliage barrier thing or the rezoning thing.

Mayor Woods said the rezoning. He said he didn't understand what Mrs. Gardner was saying about the foliage. He said he knew the Gardner's came up and requested the grass to be cut and he signed a letter for Mr. Tacker to cut his grass, and that was what he did for everyone. Unless the police chief puts something on a door.

Mrs. Gardener asked if the Mayor was talking about a letter that was sent last year.

He said he had only sent one letter. He said he had only received one complaint and it went from cutting his grass to how many trees and stalks of grass that could be had. He said to him it got out of hand. He said that Mr. Tacker cut his grass and to him when a letter is sent out giving a person ten days to cut their grass then there wasn't anything else to do. He said they did not go out every week to make sure they were cutting the grass.

Mr. Gardner said his mother was referring back to the meeting in which a public nuisance was discussed concerning a foliage barrier. He said he thought he read where the meeting was going to be about the zoning and the foliage barrier.

Mayor Woods said he went and looked and the foliage barrier had been cut down. He said he also saw grass in a ditch which seemed to look like it was on the Gardner's side.

Mr. Gardner said there was a finding that if something grows up naturally, it was an act of God, and the City did not have control over it. He said that was what his mother was trying to emphasize on. He said the City could regulate open spaces by defining foliage barriers whether it was neglected.

Mayor Woods asked Mr. Gardner if he was trying to get the zoning regulations changed.

Mr. Gardner said they were opposing the rezoning and working on some definitions, and on the steps on what was being done.

Mayor Woods said he was moving on to the rezoning. He said a motion needed to be made on the recommendations of the Planning and Zoning Board before any discussion could be made. He also said they needed a description of what was proposed.

Patty Barger asked if she could clarify some things. She said her understanding was that the Zoning Committee met and they voted 4 yes and 1 abstain to recommend the reasoning request. She then asked was not the Committee's decision final or did the council have to vote to make the final decision.

Mayor Woods said it was up to the council to make the final decision. He said he would suggest that if you have a committee and your trust the committee, do what the committee recommended.

Patty then asked if what the committee decided would always come to the council for approval?

Mayor Woods said yes. It would be up to the council to decide whether to rezone or not.

Mayor Woods asked for the legal description.

R/T Woods said the legal description would be on the zoning application.

David presented the legal description on the zoning application.

Barbara said if Mr. Gardner wanted his written request entered as part of the minutes that is voted on, she wanted to place her objection that all that he had written in the request was slandering her name and saying things he was not present for.

Mayor Woods said they would get to that after taking care of the rezoning request.

She said what Mr. Gardner had stated in the request was not true. She said if it was going to be part of the legal minutes it needed to be right.

The council was given a copy of the legal description that was presented.

Mayor Woods asked if what was presented was what Mr. Tacker was asking to be rezoned.

David said that it was. He said everything except for his house, he was asking to be rezoned. He said the committee recommended it to be rezoned from R-1 to Agriculture.

Mayor Woods asked if what was being asked for rezoning was abutting up to land that was already zoned agriculture.

David said, yes, it was.

Mayor Woods said, Mr. Tacker wasn't trying to take an R-1 block and do agriculture up next to R-1 property around him.

Barbara Ross said the agriculture zoned property was on three different sides of Mr. Tacker's property.

David said the Tacker's were going to plant blackberries and fruit trees on the land.

Mayor Woods said he would entertain a motion to rezone.

Barbara asked if the information given was sufficient to turn in to the records at Harrisburg.

R/T Wood said she would have to check and see.

Barbara said she felt there would need to be more specific details, like where the stakes were, but that might be sufficient.

Michael Hood, seconded by Willie Harris moved to accept the Zoning Boards recommendation to rezone the requested land from and R-1 to Agriculture.

R/T Wood asked City Attorney Gazaway, if the rezoning needed to be done by ordinance since the zoning regulations were passed by ordinance.

Mr. Gazaway said that would probably be the best practice. He said that Trumann did a lot of rezoning and he did not think it was done by ordinance. He said if Planning and Zoning had approved it and they have recommended it to the council to approve it, the council could vote to approve it based on the Planning and Zoning Committee's recommendation.

He then said what he thought the Gardner's point was, they disagreed with the Planning and Zoning Committee vote and objected to the City Council approving it. They wanted certain things entered into record that was made a part of the packet and he said he thought the record was clearly before them tonight.

He said the council had been given a map of the property in question and it should be entered into the record.

He said the legal description should also be entered into the record.

The 6.7 acres described in the legal description which has a physical address of 333 Church Street was the subject of what was being considered.

He said his opinion was that the Planning and Zoning had approved and made their recommendation to the council and it was on the council to approve the decision of the Planning and Zoning to rezone the property which had been described and read by the code enforcement officer to be rezoned from R-1 to agriculture by a motion and a vote.

He said if that was wrong the council could come back at the next meeting to approve it by ordinance.

He said there had been a proper motion and a second and they were now in the discussion phase. He said the discussion would be among he council and wasn't sure if that would include public comment.

Mayor Woods then called for a roll call vote, Daniel Brewinton-yes, Michael Hood- yes, Willie Harris-yes, Patty Barger-yes, Barbara Ross-yes and Kristina Woods – yes.

Mayor Woods declared the motion approved.

Next on the agenda were the food truck recommendations.

The council members were given a copy of the recommendations in their council packets.

Mayor Woods asked Daniel if there were any changes to the recommendations that were given.

Daniel said there was a change to add a public zone section.

Mayor Woods said before further there was further discussion about the food truck regulations, Barbara Ross had something she wanted the minutes to reflect.

Barbara Ross said if Mr. & Mrs. Gardner's written request and objection were going to be entered as an official record in the minutes, she wanted to make a motion that the wording in the request that had her name in it, about what she did or did not do, was not factual and that she would like to make a recommendation to the board that it be entered into the minutes that she objects to her name being put in the report without her being conferred and it was all hearsay and did not happen.

City Attorney Gazaway said he had a couple of points. He said he did a search about Arkansas Law and Rezoning and that the council will need an ordinance to rezone the land. He said while the council just made a motion to follow the recommendation of the Planning and Zoning Commission, that would be fine, but he did not think it had any binding legal effect. But in order to rezone, the council would need an ordinance. He said the council would need to come back next month with an ordinance with the legal description attached, a copy of the deed, and anything about the details of the rezoning request. The council could still accept the recommendation from the Planning and Zoning Commission.

Mayor Wood asked if the legal description needed to be written in the ordinance.

Mr. Gazaway said it could be written into the ordinance or attached to the ordinance as an exhibit.

Mr. Gazaway said he understood in Barbara disagreeing with what Gardner's had written. He said if he had to guess on what they were doing, he guessed they were including their request with the council's decision so they could possibly bring legal action to challenge the council's decision and part of that would be based on information that they submitted to the council in a form of an objection. He then said because they submitted it doesn't mean that it was true and he didn't feel it had any legal affect.

Barbara said she had gotten instructions to do it that way. To bring her objections to it being in the official records because if someone picks up the official records and reads them, they will take it that no one objected to those statements. She said she has been informed to bring it before the council and let the council know that the part that has her name in it that she objected to. She also said if that was going to be in the public for it to read, that she wanted it in the minutes to say that, Barbara Ross rejects for her name to be used.

Mr. Gazaway said he did not think there needed to be a vote, but to recognize that Barbara Ross' objections have been duly noted.

Let it be duly noted that Barbara Ross objects to her name being used in the Douglas Gardner's Request for Legal Review and Denial of Rezoning a Portion of Parcel Located 333 Church Street, Tyronza, AR From R-1 to AG and Christine Gardner's Formal Objection To Proposed Rezoning of Parcel Located 333 Church Street From R-1 to Agricultural Owned By Justin Tacker and Stephanie Tacker and Planning Board Interpretation of Natural Foliage Barrier. She believes the statements that Douglas Gardner and Christine Gardner made about her in the request and objection are incorrect and untrue.

Mayor Woods then moved discussion back to the proposed food truck ordinance and regulations.

Barbara said the food truck committee had looked at other city ordinances and regulations. She said the committee believed there should be an ordinance and they had put in regulations that they wanted to see in the ordinance. She said there were questions on fines and liability insurance. She asked Mr. Gazaway if he would look at the ordinance and see if the regulations were legal.

Mr. Gazaway said he notes a question mark about liability insurance.

Barbara said she had done some research on whether liability insurance was mandatory and could not find where it would be mandatory to require liability insurance. She said some of the committee members felt that liability insurance should be included.

Mr. Gazaway said he felt it was a policy decision for the council to make on whether or not they wanted to require mobile vending units to have liability insurance. He said he could certainly see why they would want to do that. A decision would have to be made on requiring them to present proof and how much insurance they would have to have.

Barbara asked if an indemnity clause adding the City to it would need to be included in the insurance policy.

Daniel said most of the ordinances he looked at did not require the mobile vender to have insurance.

Mayor Woods said usually a company that goes to different locations will have their insurance companies add the different locations to the policy. He said if the City required liability insurance it would have to be something that City would have to check each year to make sure it was up to date.

Mr. Gazaway asked if there was something that the committee believed could happen to harm the City's property.

Barbara said most towns have food trucks sitting on private property with permission from the owner. She said the City did not have a lot of private property for food trucks to sit up on. She said most of the foods trucks would be on City owned land. She said they were just trying to cover anything of a liability nature as far as anyone getting hurt while on city property.

Mr. Gazaway said that the City had Torte Immunity. He then said if the City wanted to require the entity that was using the City property to maintain certain liability insurance and make the City an insured or loss payee, the City could write that any way they wanted to.

Mayor Woods said it looked like the ordinance and regulations needed to go back to the committee and for them to tweak.

Barbara said she would really like for the council to review the proposed ordinance and regulations before they were presented to adopt.

Barbara said there was another question of whether the City could require a valid driver's license.

Mr. Gazaway said the City could require a valid driver's license.

Daniel asked if the City should honor another City's business license.

Mayor Woods said that every business in town was required to get a business license, he then said there were service businesses that came into town to do a service job and did not feel they should have to get a business license. He did feel that a food truck coming into town should get a business license because they were setting in town doing business.

R/T Wood said she thought there was a State law that required cities in Arkansas to recognize occupation permits from other cities in Arkansas.

Mr. Gazaway said he thought that was generally right, he would have to do some research on it.

The R/T asked if a food truck permit could be required instead of an occupation permit.

Mr. Gazaway said that would be fair to him and it would be different than a business license.

Barbara said she thought she remembered when that was discussed and it was if a business had a brick-and-mortar business in another city and came into Tyronza for a service call, a business license was not required. Businesses that had a brick-and-mortar business in Tyronza was required to have a business license. She then said with the food trucks bringing a structure into the city, she felt they would be required to have a business permit.

Mr. Gazaway said he would have to do some research on that.

Barbara said if it was that the City would have to honor other city's license, they would change the ordinance and regulations for them to purchase a permit instead of business license.

Mayor Woods said another thing to think about while doing research is when food trucks come in for the City's Stars & Stripes Festival. Currently a permit is not required.

Daniel said there was an option for a three-day lease and month-to-month lease.

Barbara said they had also talked about offering city power and adding an extra cost.

Barbara asked if there were any concerns about the violations in section six. She said the first time there was a violation, there would be a warning and the second time there would be a \$100.00 fine and the third time, there would be a ban from them setting up in town again.

Mr. Gazaway said they could do that anyway they wanted, whatever the will of the council was.

The council was encouraged to study the propose ordinance and regulations for any questions or concerns they might have and so that a vote could be taken on them at a future meeting.

Mayor Woods said he wanted to thank Noor at Tyronza Express and Charles Glover for letting the City put the LPR cameras up on their property. He said they were up and in operation. Mr. Glover asked the City to maintain five feet around the pole. He said he also wanted to thank Chief Spain, Officer McDaniel and Tyler McCorkle for digging the holes and putting foam around them.

Mayor Woods said he wanted to let everyone know that radar is being run on Main Street and several tickets had been issued.

Barbara said there were several street lights that were out.

Mayor Woods said he would check the lights and submit a repair request for them.

Wille said she wanted to thank the Mayor and city workers for putting up the speed limit signs.

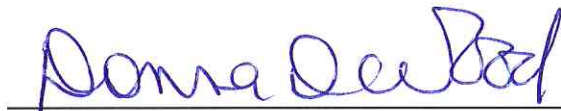
Barbara said she felt a street light needed to be installed on Frisco, down where the new apartments were being built.

Mayor Woods said he would look into getting one.

With there being no further discussion, Kristian Woods, seconded by Michael Hood, moved to adjourn the meeting. Upon voice vote, the voting was unanimous to approve.



Jeff Woods, Mayor



Donna D Wood, Recorder/Treasurer