

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
SEPTEMBER 17, 2015
6:00 P.M.

MEMBERS PRESENT: Mayor Harold Wells, Mayor Pro-tem J.D. Shipp, Dennis Robertson, Lana Niemann, Elijah Anderson, Chris Bland

MEMBERS ABSENT: Leon Watson

STAFF PRESENT: Melba Haralson, Judy Hagle, Robert G. Vine, Wayne A. Smith, Kathi Corwin

GUESTS PRESENT: Juan McCauley, Adrienne McCauley, Nick Foster, Peggy Morris, Jim Bardwell, Karen White, Kerry Buck Hammer, Beverly Biglow, Memori Ruesing, Richard Barrett Cueteras, Tyler Ray, Matthey Ruesing, Cathy L. Smith, Sheila Faggans, Marsha Valdetero, Mark May, Jace Armstrong, Juliana Zapata, Linda Wells, Don Greenwood, Jan Greenwood, Sam Taber, Randy Koss, Alfred Lacy, Norma Lacy, Jamie Dippold, Elaine Roddy, Malcaidi Jones, Dulce Espinoza, Makenzie Peltier, Lois Reed, Joe Wise, Laura Lara, Robert Johnson, Nancy Holly

I. CALL TO ORDER – Mayor Wells called the meeting to order at 6:00 p.m.

- a) Invocation – Councilmember Anderson
- b) Pledge of Allegiance – Councilmember Watson

II. CITIZENS COMMENTS

Peggy Morris, 104 Morgan Road, complained that the police took her somewhere she didn't know for about 8 hours and now she has high blood pressure and an irregular heartbeat.

III. CONSIDERATION of Consent Agenda

- a) Minutes –August 20, 2015, August 24, 2015, August 27, 2015, August 31, 2015 and September 9, 2015
- b) Blanket Permit to Charity Robinson for fund raiser to be held September 19, 2015 for Gladewater Fire Department training tower repairs
- c) Blanket Permit to Caring Hearts of Gladewater for 5K Run for Cancer Awareness Month to be held October 10, 2015
- d) Blanket Permit for Gladewater Main Street Board's Haunted Alley event to be held October 17, 2015
- e) Hotel Occupancy Tax agreement with Gladewater Chamber of Commerce
- f) Agreement with Union Grove ISD for School Resource Officer
- g) ETCOG Interlocal Contract for City 9-1-1 Database Maintenance
- h) TxDOT Aviation Division FY 2016 Routine Airport Maintenance Grant Agreement
- i) Agreement with Upshur County Emergency Services District #1 for fire protection services
- j) Agreement with Upshur County Emergency Services District #1 as agent for Union Grove for fire protection services

Mayor Pro-tem Shipp moved to approve, seconded by Councilmember Anderson. Carried 6-0.

IV. CONSIDERATION of GEDCO budget for fiscal year 2016

GEDCO Director Robert Johnson stated this budget reflects the willingness of GEDCO to partner with the City.

Councilmember Bland moved to approve and to allow the GEDCO Board to use reserves as it sees fit. Motion was seconded by Councilmember Robertson. Carried 5-0-1, with Councilmember Niemann abstaining since she serves on that board.

V. CONSIDERATION of GEDCO board appointment

GEDCO Director Robert Johnson stated the board recommends the reappointment of Todd Clifton and Lana Niemann as directors for a second term. After careful review of applications, the board also recommends the appointment of John Ussery.

CITY COUNCIL MEETING MINUTES

September 17, 2015

Page 2

Councilmember Bland moved to approve recommendations of the board as presented. Motion was seconded by Mayor Pro-tem Shipp. Carried 5-0-1, with Councilmember Niemann abstaining.

- VI. PUBLIC HEARING regarding a request from Juan McCauley for a Specific Use Permit to operate a funeral home at Lots 1-3 and 5B, Block 5, Hillcrest Addition, more commonly known as 419 W. Marshall

Mayor Wells opened the public hearing at 6:18 p.m.

Adrienne McCauley, wife of Juan McCauley explained that the property will be used as a chapel for viewing and visitation and it was previously a church. She said standard hours for visitation will be anywhere from noon to 8 p.m. and parking will be limited to about 15 people. She said they understand it will be their responsibility to make sure street parking does not block streets or residents. Embalming will not be performed there. She concluded by stating the zoning board unanimously approved it.

Jamie Deppold voiced concern over increased traffic and safety of children.

Kerry Buck Hammer, 2002 Forest Hill asked for an estimate of how many funerals they will have per week. Mrs. McCauley responded they may have one per month.

Randy Koss, 1627 S Tyler, said he has known the McCauley's for 20 years and believed he will do the right thing. He said we sure don't need another empty building.

With no other public comments, Mayor Wells closed the public hearing at 6:27 p.m.

- VII. CONSIDERATION of a request from Juan McCauley for a Specific Use Permit to operate a funeral home at Lots 1-3 and 5B, Block 5, Hillcrest Addition, more commonly known as 419 W. Marshall

Councilmember Anderson moved to approve the request with the specific use permit, seconded by Councilmember Bland. Carried 6-0.

- VIII. CONSIDERATION of ordinance to amend the budget for fiscal year 2015

Councilmember Niemann moved to approve, seconded by Councilmember Anderson. Carried 6-0.

- IX. CONSIDERATION of TML Multistate Intergovernmental Benefits Pool 2015 Board of Trustee Election

Mayor Pro-tem Shipp moved to reappoint Brenda Samford, seconded by Councilmember Niemann. Carried 6-0.

- X. CONSIDERATION of nominations for Upshur County Appraisal District Board of Directors

Mayor Pro-tem Shipp moved to allocate all 108 votes to nominate Jared Maddox. Motion seconded by Councilmember Bland. Carried 6-0.

- XI. CONSIDERATION of nominations for Gregg County Appraisal District Board of Directors

Mayor Pro-tem Shipp moved to allocate all 34 votes to nominate A.P. Merritt. Motion seconded by Councilmember Robertson. Carried 6-0.

- XII. RECONSIDERATION of Main Street Advisory Board Guidelines

Councilmember Robertson stated he asked this to be reconsidered because he thought we were moving toward infringing upon First Amendment rights. Main Street Manager Kathi Corwin stated both the City Attorney Ron Stutes and the Attorney General's office have reviewed the guidelines and both agree it is not a violation. Councilmember Robertson said he does not believe we can ask people not to express their opinion. Councilmember Niemann

commented the document as a whole has a constructive tone if one line were eliminated.

Councilmember Bland agreed and after considerable discussion, he moved to eliminate the word "Always" from the statement, "Always represents the program positively to the public." In addition, delete this statement entirely, "Supports board decisions and the Main Street Manager, even when he or she may disagree with the majority decision." Motion was seconded by Councilmember Niemann. Carried 6-0.

XIII. CONSIDERATION of color scheme for ball park complex

Mayor Pro-tem Shipp moved to approve recommendation by the Ball Park Board to go with light stone for the walls, colony (green) for the roofs and charcoal for the trim. Motion was seconded by Councilmember Bland. Carried 6-0.

XIV. CONSIDERATION of an agreement with the City of Longview for animal shelter services

Interim City Manager Haralson presented background information. We currently have a contract with the Humane Society of Northeast Texas for \$3,567 per month (\$42,804 per year), which will expire 9/30 and thereafter continued on a month-to-month basis until the City of Longview shelter opens their \$5.7 million shelter. Longview anticipates their new shelter to open in April 2016, unless there are weather delays. They have requested that Gladewater pay \$82,833 for the initial six months (April - September 2016). As a result, in fiscal year 2016 animal shelter services would cost the City \$104,235.

Mayor Pro-tem Shipp said agencies contracting with the Humane Society were not consulted during this process and Longview has overbuilt for the neighborhood. He said the satellite communities cannot support the shelter to this degree. He suggested we offer Longview \$44,000 pro-rated according to when they open for three years, adjusted to the Consumer Price Index each year. He also suggested we limit the number of animals to 415 and then pay a per-animal rate.

Mayor Wells pointed out that we disagree with their animal count because Gladewater mailing addresses go into Smith County, Sabine, Liberty City, Clarksville City, and Warren City.

Councilmember Bland said he called the mayor of Marshall and they are weighing the option of whether to build their own shelter or contract with Longview.

Mayor Pro-tem Shipp moved to direct interim City Manager Haralson to approach Longview City Manager David Willard with the compensation schedule outlined above. Motion was seconded by Councilmember Niemann. Carried 6-0.

XV. CONSIDERATION of ordinance to adopt and approve the budget for fiscal year 2016

Interim City Manager Haralson stated it was just discovered that the City will owe principal and interest payments of \$142,150 for the ball park in fiscal year 2016, instead of an interest only payment of \$78,100 as presented over the past year. In spite of our best efforts to pass a balanced budget, the difference of \$64,050 must come from reserves.

Mayor Pro-tem Shipp said had we known earlier we may have made further cuts or cut programs altogether.

Councilmember Robertson said it is unfortunate that it cropped up but he is glad we did not have to raise taxes. He sees no other option but to take it from reserves.

Mayor Wells complimented Melba Haralson on budget preparation and said he is glad employees will get raises.

Councilmember Bland moved to adopt the budget, seconded by Councilmember Robertson. Record vote was taken as follows; Niemann, Shipp, Robertson, Wells, Robertson, Anderson all in favor.

- XVI. CONSIDERATION of ordinance to levy taxes for the use and support of the general government and for retirement of general obligation bonded indebtedness for fiscal year 2016

Interim City Manager stated the ordinance is to adopt the effective tax rate, which is .656321 of which .561281 is for maintenance and operations and .095040 is for debt service.

Mayor Pro-tem Shipp moved to approve, seconded by Councilmember Anderson. Record vote was taken as follows; Niemann, Shipp, Robertson, Wells, Robertson, Anderson all in favor.

- XVII. DISCUSSION regarding ordinance to amend Chapter 98 of the Gladewater Code of Ordinances, relating to historical preservation to provide for partial exemptions from ad valorem taxation for designated historic landmarks

Memori Ruesing introduced her attorney Richard Barrett-Cuetera, who requested that Councilmember Niemann recuse herself from this issue based on what they believe to be reasons for personal bias against Mrs. Ruesing.

Councilmember Niemann addressed each of their alleged reasons for bias.

- 1) She has never filed for a homestead exemption in Smith County. *(The allegation was that she had filed for homestead in two different counties.)*
- 2) She has more than 60 properties and when it was brought to her attention that taxes weren't paid on one of them she immediately paid it.
- 3) Mrs. Ruesing was her opponent in the last election but that is not a point of contention.
- 4) Mrs. Ruesing was a witness in a civil trial against her but that has nothing to do with her job as a council member. Councilmember Niemann then stated she will recuse herself, not because she has to, but because she does not want to cloud the issue.

Richard Barrett-Cuetera then proceeded with a presentation regarding Recorded Historic Landmark Properties qualification for partial tax exemption under Texas Tax Code 11.24. He stated that an ordinance was not necessary under Section 11.24 (1) and asked the Council to take a simple yes or no vote regarding the tax exemption.

Mayor Wells (former board member of Gregg County Historical District) commented that the home actually does not qualify for a historic marker because it has been changed too much. He said the only reason a marker was granted was to honor Dr. Norman Black (deceased Director of GCHS).

Attorney Richard Barrett-Cuetera said he was stunned at his comments. He stated the mayor is also biased and requested that the also recuse himself.

There was further contentious discussion regarding a picture of the Ruesing's home being used on the cover of a Main Street fund raiser calendar without their permission. Monty Graham, chairman responsible for the calendar, argued that anyone can take pictures of public domain and Mrs. Ruesing is using a photographer's (Karen White's) photo without permission to make a brochure to promote her property.

- XVIII. EXECUTIVE SESSION pursuant to Government Code;
- a) §551.071 to consult with City Attorney and receive confidential legal advice relating to historical preservation to provide for partial exemptions from ad valorem taxation for designated historic landmarks
 - b) §551.074 regarding recruitment of City Manager

The Council recessed into executive session at 7:55 p.m.

- XIX. RECONVENE INTO OPEN SESSION and take any action necessary regarding;
- a) Amendment of Chapter 98 of the Gladewater Code of Ordinances, relating to historical preservation to provide for partial exemptions from ad valorem taxation for designated historic landmarks
 - b) Recruitment of City Manager

The Council reconvened into open session at 8:55 and took the following action;

- a) Amendment of Chapter 98 of the Gladewater Code of Ordinances, relating to historical preservation to provide for partial exemptions from ad valorem taxation for designated historic landmarks

Mayor Pro-tem Shipp stated we do not find there to be any legal requirement to offer a tax exemption as it is stated that an entity "may" offer an exemption. He also stated our action tonight is also not based on a threat of litigation. He then moved to direct the City Attorney to draft an ordinance to grant a 20% tax exemption to properties that qualify pursuant to Texas Tax Code Section 11.24 (1). Motion was seconded by Councilmember Robertson. Carried 5-0-1, with Councilmember Niemann abstaining.

- b) Recruitment of City Manager

Mayor Pro-tem Shipp moved to schedule a special meeting for September 21, 2015 at 5:00 p.m. to further review resumes. Motion was seconded by Councilmember Niemann. Carried 6-0.

XX. CITY MANAGER'S REPORT

- a) Update on 12" water line project – This project is nearing completion. We were told initially that because this is a transmission line, not a distribution line the T-valve could not be installed. However, now approval is being sought from RUS.
- b) Update on ballpark – The retaining wall is going up, fence posts are in. The park requires a 4" water tap and the city does not have the equipment to install a tap that large, so Heartland will contract it out.
- c) Update on grants – We finally received the signed contract from Texas Parks & Wildlife for the improvements to Lake Gladewater. The next step is to advertise and award bid, which will likely be in November.
- d) Announcements – Arts & Crafts festival this weekend, POWER Sports festival at Lake Gladewater on 9/26, Brother's Keeper Burn Run at the rodeo grounds 9/26, National Night Out 10/6, Fall Clean-up Day 10/10, 5k Run for Caring Hearts 10/10, Main Street Haunted Alley event 10/17, Teen Driving Glow Run 10/19, and the annual Fall Festival will be held 10/24.

XXI. ADJOURN

Mayor Pro-tem Shipp moved to adjourn at 9:03 p.m., seconded by Councilmember Robertson. Adjourned by consensus.

HAROLD R. WELLS, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY
INTERIM CITY MANAGER