

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
FEBRUARY 15, 2007
6:00 P.M.

MEMBERS PRESENT: Mayor John Paul Tallent, Jimmy Williams, Joe Derouen, Jerry Williams, Scott Owens, Richard Parrish, Jr.

MEMBERS ABSENT: Mayor Pro-tem Walter Derrick

STAFF PRESENT: Jay Stokes, Melba Haralson, Wayne Smith

GUESTS PRESENT: Alfred Lacy, Linda Ambrose, Ken Ambrose, Mary J. Williams, Doug Thacker, James Byrd, Courtney Grimes, Jimmy Davis, Johnnie Nichols, Brenda Brown, Beverly Tallent, B.K. Johnson, Deborah Pike, Marilyn Kelley, Linda Patton, Alen Kasper, Ed Parton, Joe Wise, Mark Carpenter, Mary Todd

I. CALL TO ORDER

Mayor Tallent called the meeting to order at 6:00 p.m. Councilmember Jimmy Williams gave the invocation and Councilmember Joe Derouen led the Pledge of Allegiance.

II. CONSIDERATION OF CONSENT AGENDA

- a) Minutes – January 18, 2007
- b) Blanket Permit for East Texas Gusher Days on April 20-21, 2007
- c) Upshur County Interlocal Agreement
- d) Investment Report for quarter ending December 31, 2006
- e) Ordinance to Order City Officers Election on May 12, 2007
- f) Contract with Gladewater County Line Independent School District for assessing and collecting ad valorem taxes
- g) Ordinance to amend §91.01 of the City of Gladewater Code of Ordinances – Fire Prevention Code
- h) Ordinance to amend §153.18(B) – Subdivision – Improvement Standards of the City of Gladewater Code of Ordinances to provide for a \$25 Meter Set Fee

Councilmember Jimmy Williams moved to approve, seconded by Councilmember Derouen. Carried 6-0.

III. CONSIDERATION of water bill adjustment per request of Ms. Johnnie Nichols

City Manager Stokes explained that Ms. Nichols requested an adjustment to her water bill, which was denied at the staff level. She wishes to appeal that decision to the Council.

Ms. Johnnie Nichols then presented her case to the City Council and asked for an adjustment to her water bill which had over 89,000 gallons of usage for November and December. The City pulled the meter and it tested out to be accurate. Ms. Nichols said both her landlord and a plumber have checked the house and found no leaks. Her contention is that there were no repairs made and it is impossible for her to use that high volume of water. She said her usage returned to normal after the meter was changed out.

After lengthy discussion, several Council members cited other instances of high water usage and concurred that all the City can go by is the accuracy of the meter. City Manager Stokes stated that we have already worked out a payout plan and we can also make sure that this doesn't affect the calculations to set the sewer rate for the year.

Councilmember Jimmy Williams explained that we have to go by the meter and it's been calibrated. We can't set a precedent by adjusting usage if the meter is accurate. He then regretfully moved to deny the request, seconded by Councilmember Derouen, who added that we will work with her on the payout. Carried 6-0.

IV. CONSIDERATION of recommendation from Airport Board regarding City-owned hangar lease of Mr. Mark Carpenter

Alfred Lacy, 200 Oak, Chairman of the Airport Board, explained that they have always had people wanting hangars and have never allowed anyone to have a hangar without an

airplane. Mr. Lacy said he believes this is a sub-lease situation and if Mr. Carpenter were to become delinquent, we cannot file a lien on someone else's airplane. Mayor Tallent asked if the lease says they must own a plane. Mr. Lacy responded it's not a written policy, but rather a long-standing practice.

Mark Carpenter, 2301 Woodbine, explained that initially he had to get on a waiting list for a hangar. After a few months, the City notified him that a hangar was available, so he started leasing this hangar last year. He said he would like to renew the lease, but the Airport Board will not approve it because he doesn't own the plane. He assured the Council that he is not sub-leasing, but instead has a business interest in the plane and is allowing the plane's owner to keep it in his hangar free of charge. Mr. Carpenter said he feels like this is a personal vendetta.

Mary Todd, Secretary of the Airport Board, stated that Mr. Carpenter has two hangars; one private and one City owned. She said he sub-leases the private hangar and that the airplane in the City owned hangar did not pass annual inspection and is not flight worthy. She said they have trouble with Mr. Carpenter and she contends that he is taking advantage of the cheap rental for his business.

Mayor Tallent, Councilmember Jimmy Williams and Councilmember Jerry Williams all offered comments regarding the legal aspect and necessity of enforcing the current lease, which is antiquated (about 35 years old). They urged the Airport Board to look at revising the lease, but it cannot be made retroactive. Mayor Tallent said he does believe that Mr. Carpenter is taking advantage of the City but said our hands are tied by the current lease. Councilmember Jerry Williams went over the provisions of the lease and said Mr. Carpenter has not broken any rules. He also recommended that the Airport Board take a look at increasing the current monthly rental fee of \$65. Several Council members expressed appreciation for the Airport Board members.

Councilmember Jerry Williams moved to approve the renewal of the lease to Mark Carpenter for a period of one year and recommended that the Airport Board work on revising the antiquated lease. Motion was seconded by Councilmember Jimmy Williams. Carried 6-0.

V. DISCUSSION regarding possible ordinance related to towing of vehicles for failure to maintain insurance

Police Chief Kerry Blakemore recommended a policy that continued to still issue a citation for failure to maintain financial responsibility, but provided for a warning of towing for the first offense. If previous offenses are found on their driving record, the vehicle should be towed. Chief Blakemore said that the officers already have the discretion to tow without a City ordinance by virtue of the Transportation Code.

Councilmember Jerry Williams read an article in which vehicles are automatically towed if there's no proof of insurance, and (a) the vehicle is involved in an accident, or (b) if there are previous offenses. In addition, the Police Chief can impose a zero tolerance policy at any time. Councilmember Jimmy Williams said we may not need to take any action since the State law is already in place. He expressed concern that wrecker businesses may be overcharging for towing and storage.

By consensus, the Council requested that City Manager Stokes and Chief Blakemore pursue the issue and present an ordinance for review at the next meeting.

VI. DISCUSSION regarding new Veolia Water chipping program

City Manager Stokes explained that we want to start getting more use out of our chipper, so Veolia Water will start a new chipping program in March as follows;

Veolia Water will use 1 dump truck and 1 chipper the first two working days of the second week of the month. Two employees will be designated to operate this program. Veolia will pick up tree debris that has been put curbside and meets the guidelines below. Veolia will only provide these services for citizens of the City of Gladewater

- All tree debris is to be cut up into no longer than 5 ft. long pieces
- No debris over 5 inches round will be picked up
- No household items are allowed – strictly tree & brush debris

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- No items in bags will be picked up
- No debris cut commercially will be picked up
- Veolia will only pick up the debris – we will not cut down trees or brush to be discarded
- Items are to be located in the front yard curbside. We will not carry tree debris from the yard to the street for removal
- Gladewater citizens should call into Public Works (903) 845-2586 to notify us that they have debris that is to be chipped on the preceding Friday or starting Monday

In response to a question from Councilmember Jerry Williams, City Manager Stokes said the chips will be taken to Public Works for citizens to pick up and use in their flower beds or gardens.

Councilmember Owens commented that this program will also benefit the City by reducing the number of burns and burn permits being issued by the Fire Department.

VII. CONSIDERATION of contract for election services

City Secretary Haralson explained that every polling place is now required to have a DRE (Direct Recording Electronic) voting system. This was an unfunded mandate to cities and school districts, but every county received funding to purchase this equipment, so we must lease from them. Last year we contracted with Upshur County for a total of \$100. This year Upshur County went up on their fees to \$645, which is more in line with Gregg County at \$753.50. City Secretary Haralson recommended contracting with Upshur County, not only because they were less expensive, but also because it should be quicker to get the votes tabulated on election night.

Councilmember Derouen moved to approve the contract with Upshur County, seconded by Councilmember Jerry Williams. Carried 6-0.

VIII. CONSIDERATION of amending FY 2007 budget for \$8,775 to refund past water tap payments to Mr. John Paul Tallent, then applying refunded moneys toward Weldon Bumblebee Park expenses

City Manager Stokes said this is a follow-up from last meeting. The policy was changed so that developers no longer will double-pay for taps. There is no actual money being refunded to Mayor Tallent for the \$8,775 he double-paid for taps in the Briar Wood subdivision, however he has requested that this overpayment be applied toward the Weldon Bumblebee Park expenses. Councilmember Jimmy Williams commented that it may help with our match for grant funds.

Councilmember Owens moved to amend the budget \$8,775 for Weldon Bumblebee Park expenses with the stipulation that it go toward our match for the grant. City Manager Stokes stated that we may not get the grant and we have already incurred expenses for the park. Councilmember Owens then removed the stipulation from his motion. Councilmember Parrish seconded. Carried 6-0.

IX. CITY MANAGER'S REPORT

- a) Update on status of Weldon Bumblebee Park
- b) Recent Wastewater Plant inspection
- c) Traffic signal changes on Highway 80
- d) Update on grant proposals

City Manager Stokes gave the following report;

- a) We have not closed on the property yet. The deed is being reviewed by the Staerker's and attorneys. Also, on the March agenda we will hear from some residents who are not in favor of the location.
- b) TCEQ found no violations during a recent inspection of the Wastewater Treatment plant. Veolia staff is to be commended for 7 years with no violations.
- c) TxDOT is changing out the signal lights at Hwy 271 & Hwy 80, Dean & Hwy 80 and Mildred & Hwy 80. The signal at Hwy 271 & Hwy 80 will have protected left turns in all four directions. We have asked for the old light fixtures back and also have asked TxDOT not to take down the old electrical poles.
- d) There is nothing significant to report. Scoring will be done in March for the 07/08 TCDP water line grant.

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- e) Union Pacific Rail Road will be reworking all crossings by the end of March. The Main Street crossing will be closed for 6 hours on Sunday March 25th from 9 a.m. to 3 p.m. They will be working the crossings from east to west.

X. CITIZENS COMMENTS

Marilyn Kelley announced that the New Home Baptist Church will sponsor a faith walk at 10 a.m. Saturday, February 24th to commemorate Black History Month.

XI. MAYOR'S REPORT

- a) Mayor Tallent congratulated Dispatch Supervisor Penny Ramsey, for a job well done and referred to a recent article published in the Longview News-Journal.
- b) The next City Council meeting will be March 15, 2007.
- c) March 26-28, 2007 will be East Texas Days in Austin. Mayor Tallent, Councilmember Owens, Councilmember Derouen, and City Manager Stokes will attend to represent Gladewater.

XII. ADJOURN

Councilmember Parrish moved to adjourn at 7:35 p.m. Adjourned by consensus.

JOHN PAUL TALLENT, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY