CALLED CITY COUNCIL MEETING
6:30 P.M., THURSDAY, JANUARY 13, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. Members present were Clifford Caviness, Kenneth Pruitt, and Jack Etheridge. Those absent were John Crow and Ronnie Fugate.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Clifford Caviness

3. PUBLIC HEARING ON CONTEMPLATED ANNEXATION OF PROPERTY LOCATED ON CORNER OF CURRY LANE AND CHERRY CREEK - ARCHIE AND RUBY SCROGGINS - Mayor Lawrence opened the first public hearing on the aforementioned contemplated annexation. There were no persons present to speak in favor or against said annexation. Mayor Lawrence closed the public hearing and announced the second public hearing would be held during the January 18, 1994 Regular Meeting.

4. CONSIDERATION OF BIDS RECEIVED FOR LEASE AND OPERATION OF CIVIC CENTER KITCHEN - The Council reviewed bids which were opened at 1:00 p.m., Monday, December 20, 1993. The bids were as follows:

	THE GREATER OF:
Joe & Amanda Sheperd Backwoods Bar-B-Q Canton, Texas	$751.00 Base per month or 11.2% of gross monthly sales
Lou Ann Harrison Mabank, Texas	$325.00 Base per month or 12% of gross monthly sales

Mr. Campbell briefly discussed the differences between both the base amounts and the percentages and felt the best bid would be that with the higher base when considering bad weather months for First Monday. Upon Mr. Campbell's recommendation, Kenneth Pruitt made a motion to award the lease and operation of the Civic Center Kitchen to Joe and Amanda Sheperd for the monthly lease being the greater of $751.00 or 11.2% of gross monthly sales. Jack Etheridge seconded and all were in favor. Mr. Campbell will have the needed contract drawn up.

5. CONSIDER ALL MATTERS PERTAINING TO THE DISMANTLING OF THE SHINN WATER TOWER AND HIGHWAY 19 WATER TOWER - Mr. Mallory informed the Council of contact from Superior Tank Company requesting an additional $2,500.00 for the dismantling of the two water towers for crane work on the Highway 19 tower and should the crane work run higher than $2,500.00, Superior Tank would absorb the difference. The City originally agreed to contract this project with Superior Tank Company as the City was quoted a price of $16,000.00.

Mr. Mallory recently received a proposal from Mr. Howard McDole of Innovative Tower Services to dismantle both towers from the concrete foundation up and to include removing all the steel from the site for $12,000.00 if they could start the project January 17, 1994.

Mr. Mallory recommended the Council contract with Innovative Tower Services as Superior Tank is requesting additional funds over their original quote.

Kenneth Pruitt made a motion to authorize Mr. Mallory to proceed with Superior Tank Company if they uphold their end of the contract and will dismantle both towers for $16,000.00 and if not, the contract shall be considered terminated by Superior Tank Company and Mr. Mallory be authorized to enter into a contract with Innovative Tower Services for their quoted rate of $12,000.00. Jack Etheridge seconded the motion and all were in favor.

6. ADJOURN - There being no further items for discussion, the meeting adjourned at 6:53 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, JANUARY 18, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. All members were present as follows: Clifford Caviness, Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. CONSIDERATION TO APPROVE MINUTES - Kenneth Pruitt made a motion to approve the minutes of the December 14, 1993 Regular Meeting and the January 13, 1994 Called Meeting as written. Jack Etheridge seconded and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS -Following Johnny Mallory's oral review, Jack Etheridge made a motion to approve the December 31, 1993 Financial Statements. Clifford Caviness seconded and all were in favor.

5. GUEST ITEMS - Mr. Wendell Guest informed the Council of his consideration to annex some land between Mill Creek Road and Forrest Drive for a housing development. He expressed his desire to develop said property as inexpensively as possible while adhering to city ordinances and stated he would return to discuss this matter further after obtaining accurate cost figures.

6. SECOND PUBLIC HEARING ON CONTEMPLATED ANNEXATION OF PROPERTY LOCATED ON CORNER OF CURRY LANE AND CHERRY CREEK OWNED BY ARCHIE AND RUBY SCROGGINS - Mayor Lawrence opened the second public hearing on the stated annexation petition. There were no persons present to speak in favor or against said petition. Mayor Lawrence closed the public hearing and informed the Council final action on the annexation would be during the February Regular meeting.

7. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO REQUEST FROM MR. RAYMOND PEEK CONCERNING VEHICLE DAMAGES - (THE FOLLOWING DISCUSSION AND ACTION WERE TAKEN UPON RECONVENING TO OPEN SESSION AS MR. PEEK WAS DELAYED) Mr. Peek addressed the Council concerning his accident on October 20, 1993 in which he ran into a city barricade on College Street. Mr. Peek informed the Council of their insurance carrier's (TML) denial to pay the claim for vehicle repairs in the amount of $263.38. Upon contacting TML, he was told the claim was denied as the City personnel stated reflective tape was tied to the barricade. Mr. Peek further stated there was not any type of reflective device on the barricade and informed the Council of his further investigation of other City barricades which he did not feel met safety standards. Mr. Peek asked the Council to award him compensation in the amount of $263.38 for vehicle repairs and to consider adopting a policy regarding the placement of

barricades. He also stated he would be willing to sign a release to prevent any further claims derived from said incident.

Ronnie Fugate made a motion to authorize payment to Mr. Peek in the amount of $263.38 upon his execution of a release of liability and noting the City would not be accepting responsibility. Clifford Caviness seconded and those in favor were Ronnie Fugate, Clifford Caviness, and John Crow. Those opposed were Kenneth Pruitt and Jack Etheridge. Motion carried.

Mayor Lawrence asked that an item regarding the placement of barricades be placed on the February agenda.

8. DISCUSS AND CONSIDER REQUEST FROM MR. JAMES WARD PERTAINING TO A DRAINAGE PROBLEM ON HILLIARD DRIVE - As Mr. Ward was not present to discuss this item, Mayor Lawrence requested it be carried to the February agenda.

9. CONSIDER THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF $2,420,000 CITY OF CANTON COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1994; AND ALL OTHER MATTERS INCIDENT AND RELATED THERETO -Financial Advisor Mr. Ed Moore of Southwest Securities reviewed the above stated ordinance and the debt service schedule. Mr. Moore informed the Council of the weighted average interest rate closed in at 4.64% and that said ordinance would authorize the issuance of these Certificates, authorize the sale of the Certificates to the Texas Water Development Board at set rate and authorize the appointment of the paying agent. Kenneth Pruitt made a motion to adopt said ordinance. Clifford Caviness seconded and all were in favor. The ordinance shall be numbered 94-01 and filed in accordance with the law.

10. CONSIDER RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMITTEE TO CHANGE THE ZONING ON THE FOLLOWING PROPERTIES:

   A) 611 S. HIGHWAY 19 FROM RESIDENTIAL (R1) TO BUSINESS (B1)
   B) ANNEXED PROPERTIES INCLUDING THOSE ALONG INTERSTATE 20 SOUTH SERVICE ROAD, SOUTHEAST CORNER OF HIGHWAY 19 AND INTERSTATE 20, AND 47.30 ACRES ON EAST HIGHWAY 243 FROM AGRICULTURAL TO BUSINESS (B2)
   C) ANNEXED PROPERTIES OWNED BY LAKESIDE BAPTIST CHURCH ON OLD KAUFMAN ROAD AND CHERRY CREEK FROM AGRICULTURAL TO RESIDENTIAL (R1)

City Manager Johnny Mallory reviewed the recommendation from the Planning and Zoning to Committee to grant the aforementioned zoning changes. He explained the location of each being A) Rental property at 611 S. Highway 19; B) Properties on the I-20 South Service Road beginning with the VFW and running West to include the former Shaw's Restaurant with the exception of Canton Motors; properties developed on Highway 19 and I-20 by McDonalds and Overland Express, and property annexed on Highway 243 to include that which WalMart Supercenter will be developed; and C) All property annexed and owned by Lakeside Baptist Church on Old Kaufman and Cherry Creek Road.

Following a brief discussion, John Crow made a motion to approve each of the zoning changes stated above. Ronnie Fugate seconded and all were in favor.

11. DISCUSS AND CONSIDER AN ORDINANCE ADOPTING A CITY OF CANTON WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN -Johnny Mallory reviewed the proposed ordinance with the Council explaining a water conservation and drought contingency plan are required by the Texas Water Development Board in order to obtain the loan/funds on the Combination Tax & Revenue Certificates of Obligation for the Waste Water Treatment Plant improvements and expansion. The TWDB required an Environmental Study as well as a Water Conservation Study.

Following a brief discussion, Kenneth Pruitt made a motion to adopt the following captioned ordinance:

AN ORDINANCE ADOPTING A CITY OF CANTON WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING A PENALTY OF NOT LESS THAN $10 PER DAY NOR MORE THAN $200 PER DAY FOR EACH DAY OF NON-COMPLIANCE AND/OR DISCONNECTION OF WATER SERVICES TO SUCH USERS BY THE CITY; A PUBLIC NEED OF AN EMERGENCY NATURE FOR THE ADOPTION HEREOF ON ONE READING; PROVIDING FOR THE PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Jack Etheridge seconded the motion and all were in favor. The ordinance shall be numbered 94-02, published and filed as legally required.

12. DISCUSS AND CONSIDER AN ORDINANCE AMENDING THE PLUMBING CODE OF THE CITY OF CANTON BY ADOPTING APPENDIX J (WATER CONSERVATION) OF THE STANDARD PLUMBING CODE, 1985 EDITION COMPILED AND PUBLISHED BY THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL, INC. - Mr. Mallory reviewed said ordinance explaining the connection with Ordinance 94-02 as required by the Texas Water Development Board. He further stated the ordinance would require any new homes constructed in Canton to have water conserving fixtures installed and should not cause a hardship as most contractors already use such fixtures.

John Crow made a motion to adopt the following captioned ordinance:

AN ORDINANCE AMENDING THE PLUMBING CODE OF THE CITY OF CANTON BY ADOPTING APPENDIX J (WATER CONSERVATION) OF THE STANDARD PLUMBING CODE, 1985 EDITION COMPILED AND PUBLISHED BY THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL, INC., AS AMENDED BY THIS ORDINANCE; PROVIDING A PENALTY NOT TO EXCEED $200.00 FOR EACH VIOLATION THEREOF; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Jack Etheridge seconded the motion and all were in favor. Said Ordinance shall be numbered 94-03, published and filed as legally required.

13. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE POSSIBLE ADOPTION OF AN ORDINANCE ADOPTING AND PROMULGATING RULES AND REGULATIONS GOVERNING THE PLATTING OF LAND INTO SUB-DIVISIONS IN THE CITY OF CANTON AND WITHIN THE EXTRATERRITORIAL JURISDICTION THEREOF - Mr. Mallory briefly reviewed the proposed ordinance explaining no changes had been made since it was first reviewed several months ago. Mr. Mallory did note Section 8. Variances, which states the City Council may vary the regulations if it finds where such regulations cause extraordinary hardships from strict compliance. Mr. Mallory recommended the adoption of this ordinance in its entirety as he felt it could prevent the City from inheriting street and drainage problems in the future from new sub-divisions or developments.

Jack Etheridge made a motion to adopt the Subdivision Regulations Ordinance in its entirety. Clifford Caviness seconded and all were in favor. The Ordinance shall be numbered 94-04 and filed in accordance with any and all legal requirements.

14. CONSIDERATION AND AWARDING OF BID FOR THE PURCHASE OF AN AUTOMOBILE FOR THE POLICE DEPARTMENT - The Council reviewed the two bids received and opened January 13, 1994 at 1:00 p.m. Said bids as follows:

Lewis Chevrolet - 1994 4 Door Caprice	$17,995.00
Canton Motors - 1994 Crown Victoria	$15,600.00

Jack Etheridge made a motion to accept the bid from Canton Motors and authorize the purchase of the 1994 Crown Victoria for $15,600.00. Ronnie Fugate seconded and all were in favor.

15. DISCUSSION AND UPDATE PERTAINING TO CIVIC CENTER - Al Campbell informed the Council that the General Contractor should be

MILL CREEK RESERVOIR
(LAKE CANTON)
Duck Hunting Designations

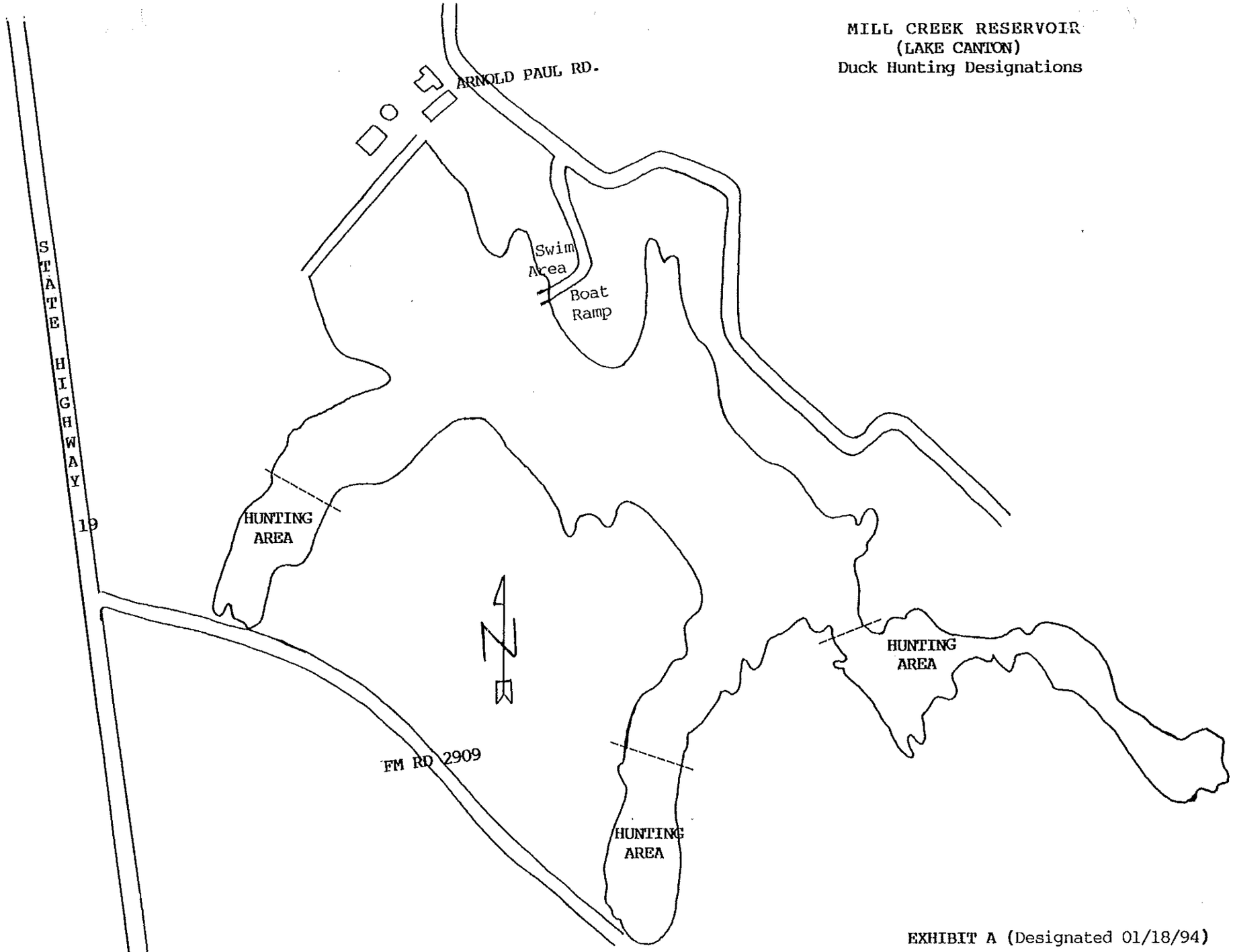

EXHIBIT A (Designated 01/18/94)

finished within two days and all gas installation should be complete by the upcoming weekend. An inspection is planned for the first of next week and the City should then be able to notify vendors for the February First Monday opening.

16. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO PARKS TO INCLUDE STATUS OF THE VOLLEYBALL COURTS AND PLAYGROUND EQUIPMENT - Mr. Mallory informed the Council that a piece of the new playground equipment has been moved to the park and Mr. Tarver should be able to complete the project on his next available day to work. Mr. Mallory also informed the Council that enough sand has been brought in for the volleyball courts, however, it will have to dry out before the spreading can begin.

    Mr. Mallory updated the Council on the Kids Day planned for January 29th and of the 2,000 trout to be placed in the lake by the Texas Dept. of Parks and Wildlife for the event. The fishing pier has not been built, however, Mr. Mallory felt there would be plenty of open area around the west bank.

17. DISCUSS AND CONSIDER DESIGNATING AREA(S) FOR DUCK HUNTING AT MILL CREEK RESERVOIR - Mr. Mallory informed the Council that although there were regulations established for Mill Creek Reservoir to include duck hunting from areas designated by the City Council, the staff has not been able to locate in past minutes where duck hunting areas were designated.

    Following discussion, John Crow made a motion to designate duck hunting on the three major coves, (see Exhibit A), and on the two which intersect FM Rd. 2909 all shooting must be away from the road. Kenneth Pruitt seconded. Those in favor were Jack Etheridge, Kenneth Pruitt, Ronnie Fugate, and Clifford Caviness. Jack Etheridge opposed. Motion carried.

18. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - None

    A closed or executive session will follow pursuant to TEX. REV. CIV. STAT. ANN. ART. 6252.17 Section 2(f).

19. EXECUTIVE SESSION - The Council retired to executive session at 7:40 p.m. to discuss matters pertaining to lease property pursuant to TEX. REV. CIV. STAT. ANN. ART. 6252.17 Section 2(f).

20. RECONVENE TO OPEN SESSION TO TAKE ANY ACTION REQUIRED PURSUANT TO DISCUSSION IN EXECUTIVE SESSION - The Council reconvened to open session at 8:12 p.m. with no action taken pursuant to discussion in executive session.

    The Council then returned to agenda item #7 as Mr. Raymond Peek was present. (See item 7)

21. ADJOURN - There being no further items for discussion, the meeting adjourned at 8:25 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

CALLED CITY COUNCIL MEETING
12:00 P.M., FRIDAY, JANUARY 28, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. Members present were John Crow, Kenneth Pruitt, and Jack Etheridge. Those absent were Clifford Caviness and Ronnie Fugate.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman John Crow

3. CONSIDER THE PASSAGE OF RESOLUTION FOR SCHOOL BOARD RECOGNITION MONTH - The Council reviewed a resolution declaring February, 1994, School Board Recognition Month. A motion was made by Jack Etheridge to adopt said resolution. Kenneth Pruitt seconded and all were in favor. Motion carried.

4. ADJOURN - There being no further items for discussion, the meeting adjourned.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, FEBRUARY 15, 1994

The Canton City Council met at the above named date and time with Mayor Lawrence presiding. All members were present as follows: Clifford Caviness, Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. CONSIDERATION TO APPROVE MINUTES - Kenneth Pruitt made a motion to approve the minutes of the January 18, 1994 Regular Meeting and the January 28, 1994 Called Meeting as written. Jack Etheridge seconded and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS -Following Johnny Mallory's oral review, Jack Etheridge made a motion to approve the January 31, 1994 Financial Statements. Clifford Caviness seconded and all were in favor.

5. GUEST ITEMS - None

6. CONSIDER REQUEST FROM MR. CHARLES LIDE FOR THE INSTALLATION OF A FIRE HYDRANT ON FORREST DRIVE - Mr. Lide requested a fire hydrant be placed at the intersection of Mill Creek and Forrest. Following a brief discussion, Mr. Mallory informed the Council and Mr. Lide that a fire hydrant is scheduled for the above mentioned location. He further explained that fire hydrants have been ordered and should be installed within sixty (60) days. No action was required on this item.

7. CONSIDER REQUEST FROM MS. JESSIE SMITH PERTAINING TO GARBAGE PICK UP IN WYNN COMMUNITY - There were no representatives from the Wynn Community present to discuss this item. As there was no explanation available on the nature of the

request, this item was tabled.

8. CONSIDER ADOPTION OF ORDINANCE ANNEXING PROPERTY LOCATED ON CORNER OF CURRY LANE AND CHERRY CREEK OWNED BY ARCHIE AND RUBY SCROGGINS - Following a brief discussion, Ronnie Fugate made a motion to annex the above named property consisting of one residnece and 0.37 acres of land. Clifford Caviness seconded and all were in favor. The annexation ordinance shall be numbered 94-05 and filed accordingly.

9. DISCUSS AND CONSIDER REQUEST FROM MR. JAMES WARD PERTAINING TO A DRAINAGE PROBLEM ON HILLIARD DRIVE -Mayor Lawrence reviewed Mr. Ward's request as Mr. Ward was not present. Mayor Lawrence also informed the Council of the City Attorney's findings that the City could make improvements on private property upon obtaining necessary easements from the property owner(s). Councilman Fugate cautioned the Council on future problems which could arise from working on private property. Johnny Mallory stated the only solution he felt feasible would be to add soil in the creek area where erosion has occurred. The Council voiced no opposition.

10. CALL OF MAY 7, 1994 ELECTION TO ELECT THREE COUNCIL MEMBERS -Ronnie Fugate made a motion to call the May 7, 1994 General Election for the purpose of electing three Council Members. Jack Etheridge seconded and all were in favor. The Mayor so called.

11. CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT BETWEEN THE CITY OF CANTON AND GRACON CONSTRUCTION FOR THE EXPANSION OF THE WASTEWATER TREATMENT PLANT - Jack Etheridge made a motion to authorize City Manager Johnny Mallory to act on behalf of the City of Canton in entering into and finalizing the required contract between the City of Canton and Gracon Construction for the above named project. Clifford Caviness seconded and all were in favor.

12. DISCUSS AND CONSIDER A POLICY PERTAINING TO THE PLACEMENT OF BARRICADES - Upon Johnny Mallory's recommendation, Jack Etheridge made a motion to place red and white reflective tape along with flashing lights on all barricades used by the City of Canton. John Crow seconded and all were in favor.

13. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE BLACKWELL HOUSE MUSEUM - Mayor Lawrence informed the Council of the Blackwell family's desire to have the renovation of the Blackwell House completed and opened to the public. Mr. Bob Buchanan, who has recently been placed in charge of the renovation, informed the Council of the following three major projects needing completion; sheet rocking, painting, and restaining floors.

    City Manager Johnny Mallory informed the Council that one-half of one percent from the Hotel/Motel Tax Revenue is budgeted for the Blackwell House. The amount budgeted for the present fiscal year being $5,000.00. Discussion was then held pertaining to the possibility of additional funds for the renovation.

    Kenneth Pruitt made a motion to amend the 1993-1994 Budget by adding an additional $1,000.00 to the Blackwell House Museum expenditures. Jack Etheridge seconded and all were in favor.

    The Council asked Mr. Buchanan to proceed with the renovation while not exceeding budgeted expenditures. Should additional funds be needed prior to the end of this fiscal year, the Council will again review the budget and will also consider this matter in the 1994-1995 budget process.

14. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE CIVIC CENTER TO INCLUDE PLANS FOR THE GRAND OPENING -Discussion was held concerning plans for Civic Center Grand Opening with a date being set for the afternoon of Sunday, February 26, 1994. Al Campbell and staff will finalize the plans.

    Al Campbell updated the Council on the First Monday vendor response being very positive and receptive to the Civic Center. Mr. Campbell also informed the Council of a few minor items the contractor is

presently completing.

15. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE PARKS -Johnny Mallory informed the Council of the new playground equipment being in place and additional sand has been brought in for the volleyball courts. Ronnie Fugate questioned whether or not the volleyball courts would require a french drain. Mr. Mallory confirmed the need of such a drain and will schedule the installation.

    Mr. Mallory also offered an update on the recent "Kids Day" fishing activities sponsored by the Texas Department of Parks and Wildlife. The event was very successful despite weather conditions.

16. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - The Council did not have any items to place on future agendas.

17. ADJOURN - There being no further items for discussion, the meeting adjourned.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, MARCH 15, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Pro Tem Jack Etheridge presiding. Members present were Clifford Caviness, Ronnie Fugate, John Crow and Kenneth Pruitt. Mayor Richard Lawrence was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Pro Tem Etheridge

2. INVOCATION - Councilman Clifford Caviness

3. CONSIDERATION TO APPROVE MINUTES - Kenneth Pruitt made a motion to approve the minutes of the February 15, 1994 Regular Meeting as written. John Crow seconded and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS -Following Johnny Mallory's oral review, Clifford Caviness made a motion to approve the February 28, 1994 Financial Statements. John Crow seconded and all were in favor.

5. GUEST ITEMS - None

6. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO COMPLAINTS RECEIVED REGARDING JUNK VEHICLES AT A RESIDENCE LOCATED ON DEBBIE STREET - MR. KENNETH GRIMES - Mr. Grimes of 1325 Debbie addressed the Council with complaints against his neighboring property, 1327 Debbie, regarding junk vehicles and rubbish.

    City Manager Johnny Mallory informed the Council of action taken in accordance with the present City Ordinance being that of citations regarding some vehicles without current plates and inspection stickers. Mr. Harrell of said property did pay the fines. Mr. Mallory had also informed Mr. Harrell that he would not be able to conduct garage type activities at his residence. Mr. Mallory informed the Council that all action within the regulations of the present ordinance had been taken.

Upon Mr. Grimes' questions regarding the boats in the yard, Mr. Mallory stated those had not been checked and that he would do so. The Council also informed Mr. Grimes of a letter received regarding a white Chrysler in front of his residence with expired plates and inspection sticker. Mr. Grimes stated he was not aware the vehicle was in violation and would remove the vehicle from his residence.

The Council informed Mr. Grimes that the ordinance would be reviewed and strengthened if necessary. Mr. Mallory will further investigate the boats and trailers in Mr. Harrell's yard and the entire matter will be discussed with legal counsel.

7. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO TRAFFIC SIGNALS ON HIGHWAY 19 AND INTERSTATE 20 - Johnny Mallory informed the Council that the green light on Highway 19 for those traveling north had been increased 60 seconds late Saturday afternoon of March's First Monday weekend as opposed to the 30 second time frame. Mr. Mallory further stated the traffic looked like normal First Mcnday traffic for this time of year.

   Mark McClanahan of the Texas Department of Transportation informed the Council of 55 accidents last year at the intersections of Highway 19 and Interstate 20. He stated the light has worked in decreasing accidents as there have been none since it's placement. He expressed his department's primary concern is to save lives and apologized for any inconveniences this might cause.

   Police Chief Hoss Williams informed the Council that he, Mr. McClanahan, and DPS Sergeant Webster were in agreement that the light works great during the week. John Crow inquired as to the effectiveness of traffic officers directing the traffic during peak hours of large First Monday weekends. Discussion was held as to the lack of success when this was attempted in the past, the number of officers it would require and the dangers involved.

   Johnny Mallory stated his concern that the bridge is not wide enough. Mr. McClanahan informed the Council that following an extensive study by the Texas Department of Transportation, the bridge would have to be replaced instead of widened. The Council chose to solicit political support in pursuing the allocation of funds for the replacement of the bridge.

8. DISCUSS AND CONSIDER ENTERING INTO AN AGREEMENT WITH THE CANTON CHAMBER OF COMMERCE PERTAINING TO THE SALE OF "THE TRADE" SOUVENIRS - Al Campbell informed the Council of the Chamber of Commerce's desire to help promote and sell the souvenirs. Mr. Campbell stated his discussions with Joe Collins of the Chamber of Commerce and Ronnie Fugate. All being in favor of the Chamber selling the souvenirs for $32.00 and receiving $9.00 of each sale. The Council voiced no opposition.

9. CONSIDER THE APPOINTMENT OF AN ELECTION JUDGE FOR THE MAY 7, 1994 GENERAL ELECTION - Kenneth Pruitt motioned to appoint Barbara Brock to serve as election judge and authorize Mrs. Brock to obtain three clerks. Clifford Caviness seconded and all were in favor.

10. DISCUSSION AND UPDATE OF ALL MATTERS PERTAINING TO THE CIVIC CENTER - Al Campbell informed the Council that the Civic Center was a success during the March First Monday and the majority of the vendors have renewed for the April sale. A waiting list has been started and the building will be full again in April.

11. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO STREET PROJECTS -Kenneth Pruitt questioned the status and start date of repairs to Sides Circle. Mr. Mallory informed the Council the street could be overlayed at the present time for approximately $20,000, however, the cost would be approximately $5,000 if the project is done at the proper ground temperature of 70 degrees. Mr. Mallory felt the ground temperature would reach the required degree toward the end of April or first of May. Councilman Pruitt asked that letters be sent again to the residents on Sides Circle explaining the ground temperature requirement and assuring them that this is still on the priority list.

Mr. Mallory also informed the Council of bids to be opened April 6th for the WalMart and Curry Addition sewer projects. The Curry Addition street project will begin following the completion of the sewer project.

12. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - The Council questioned the status of the volleyball courts and were informed that work is still underway.

Ronnie Fugate asked the Councilmen to look at a problem on Highway 243 addressed in a letter from Mr. Nerrin and that this item be placed on the next agenda.

John Crow informed the Council of the Highway Department's inquiry into possibly closing Debbie Street for three days while completing construction of Highway 19. The Council expressed no objections to this should the Highway Department deem it necessary.

Johnny Mallory informed the Council that he had located a street sweeper for $18,500.00. This item, including notice of bids shall be considered at a later time.

13. ADJOURN - There being no further items for consideration, the meeting adjourned at 7:55 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, APRIL 19, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Richard Lawrence presiding. Members present were as follows: Clifford Caviness, John Crow, Kenneth Pruitt, and Jack Etheridge. Ronnie Fugate was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Clifford Caviness

3. CONSIDERATION TO APPROVE MINUTES - Kenneth Pruitt made a motion to approve the minutes of the March 15, 1994 Regular Meeting as written. John Crow seconded and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS - Following Johnny Mallory's oral review, Kenneth Pruitt motioned to approve the March 31, 1994 Financial Statements. Clifford Caviness seconded and all were in favor.

5. GUEST ITEMS - Mr. Howard Buck addressed the Council on behalf of himself and First Monday vendors set up in the "old section" on top of the hill between rows 2 and 7. Mr. Buck expressed concern of this area losing foot traffic and the lack of spaces rented. He also asked if there were plans to close this section.

Mayor Lawrence and Al Campbell assured Mr. Buck that there are no plans to close the section. Mr. Campbell explained that vacant lots in this section seem to be the least desired by vendors each month, stating part of the problem being the lack of shopper parking areas on the south side of the grounds. He further informed Mr. Buck of plans to reconstruct the roads to smoother surfaces and hoped this would entice some of the vendors back to the area.

Mr. Buck suggested the Council consider running a road east and west between row 1 and the #2 restroom. Mayor Lawrence assured Mr. Buck that a study of the area would be conducted and plans taken to revitalize the area with the possibility of changing the direction of some or all of the roads.

6. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE ANIMAL CONTROL ORDINANCE AND POSSIBLE NEED OF AMENDMENT - Kenneth Pruitt informed the Council of his being contacted by some residents who believe the Animal Control Ordinance is being used by other residents as a tool of harassment concerning their dog. Councilman Pruitt asked City Attorney Richard Davis to review the ordinance as to any amendments needed to prevent harassment. Mr. Davis informed Councilman Pruitt and Mayor Lawrence that the ordinance should be rewritten due to it's excessive lengthiness. Mr. Davis stated there were several parts of the ordinance which should be placed in rules and regulations rather than the ordinance itself.

Johnny Mallory asked the Council to consider placing a limit on the number of animals permitted at any given residence. He discussed complaints he has received concerning persons who have several dogs and/or cats, explaining there are some citizens with up to ten dogs in their back yard. The complaints include excessive barking, odor, and running loose. Mr. Mallory also suggested the possibility of requiring the spaying and neutering of animals prior to releasing them from the animal shelter to the owner.

The Mayor and Councilmen expressed concern and reservations on regulating the number of animals a persons could have. Mayor Lawrence asked Kenneth Pruitt, Johnny Mallory and Richard Davis to further review this matter and draw up an ordinance for the Council's consideration during the next regular meeting.

7. DISCUSS AND CONSIDER APPROVAL OF THE 1992-1993 AUDIT - Mr. Dale Hester of Hart, Hester, & Co. presented the Council with the aforementioned audit. Mr. Hester reviewed the format and audit procedures as well as informing the Council of the deficits in the Water & Sewer Fund and General Operating Fund. As in the past, transfers from the First Monday Fund were made to subsidize the two funds. Mr. Hester explained that approximately $500,000 was required from First Monday to cover expenses in the Water & Sewer Department and that the last user rate increase would not show any significant difference in the next audit due to the increase being minimal compared to the rising cost of providing the services. However, he did express his belief that the City is going in the right direction and making good progress in terms of overall financial affairs.

Mr. Hester discussed his continual concerns regarding First Monday's internal control and suggested the Council consider computer system enhancements to address deficiencies in built in controls, lot inventory control, etc. The Council then asked Mr. Hester to present a proposal pertaining to an evaluation of what is needed and the identifiable problems, along with whatever cost figures he could provide. Mr. Hester agreed and will try to have the proposal prepared by the next regular meeting.

Jack Etheridge made a motion to approve the 1992-1993 Annual Audit. John Crow seconded and all were in favor.

8. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE PLACEMENT OF SIGNS ON RIGHT OF WAYS - As Mr. Vic Weatherholt, who requested the agenda item was not present, Mayor Lawrence tabled this item until which time Mr. Weatherholt could be present.

9. CONSIDER ACCEPTANCE OF A PETITION FOR ANNEXATION RECEIVED FROM MR. & MRS. JOHN WAYNE WARREN FOR PROPERTY LOCATED ON ETHERIDGE ROAD CONSISTING OF 2.667 ACRES OF LAND WITH A RESIDENCE - Mr. Warren was present and withdrew his petition for annexation. No discussion or action was required.

10. DISCUSS AND CONSIDER A REQUEST FOR A WATER TAP OUTSIDE THE CITY LIMITS ON COUNTY ROAD 2102 OFF HIGHWAY 198 RECEIVED FROM MR. JOHN W. WARREN - Mr. Warren corrected the County Road number as being 2205 and explained the location including approximately thirty (30) acres just off Highway 198. Mr. Warren explained his plans of subdivision development and previous discussions with Johnny Mallory concerning the size of lines. Mr. Warren estimated approximately 6,000 feet of line would be required and Mr. Mallory informed the Council Mr. Warren would be responsible for the expense of laying the lines to the city's specifications.

    Jack Etheridge made a motion to approve the requested water tap. Clifford Caviness seconded and all were in favor. The request granted, Mr. Warren will meet with Mr. Mallory to discuss specifications and plans.

11. DISCUSS AND CONSIDER BIDS RECEIVED FOR THE WALMART SUPER CENTER AND CURRY ADDITION SEWER PROJECT - Johnny Mallory reviewed the bids received which were as follows

Buster Paving, Sulphur Springs, TX	$160,519.00
Diamond K Construction, Mt. Pleasant, TX	$175,341.20
John Wright Construction, Henderson, TX	$151,733.00
Max B Construction, Rockwall, TX	$141,015.00
McKinney & Moore, Inc, Jacksonville, TX	$148,691.24
Mustang Construction, Seagoville, TX	$249,210.00
Quantum Contracting Co., Rockwall, TX	$171,505.97

    Upon Johnny Mallory's recommendation, Jack Etheridge made a motion to award the bid to Max B Construction in the amount of $141,015.00. Clifford Caviness seconded and all were in favor.

12. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO A COMPLAINT RECEIVED FROM MR. NERRIN REGARDING REPAIR TO RIGHT OF WAY IN FRONT OF PROPERTIES ON HIGHWAY 243 AND TERRELL STREET - Johnny Mallory informed the Council of fill in work done at the aforementioned properties and Mr. Nerrin's visit with Councilman Fugate. Mr. Nerrin seems satisfied with the repairs and no Council action is required.

13. DISCUSS AND CONSIDER ADOPTING AN ORDINANCE AMENDING THE ORDINANCE AUTHORIZING THE ISSUANCE OF COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1994 - Mr. Mallory explained the original ordinance authorized the issuance of Certificates of Obligations in the amount of $2,422,000.00. Following review and the bids coming in lower than expected, the Texas Water Development Board determined there was excess funds allocated for contingencies and lowered the amount to $2,155,000.00. The new ordinance corrects the actual funds issued.

    Jack Etheridge made a motion to adopt the aforementioned ordinance amending the ordinance authorizing the issuance of Combination Tax and Revenue Certificates of Obligation, Series 1994. Kenneth Pruitt seconded and all were in favor.

14. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE CIVIC CENTER - Al Campbell presented copies of correspondence and a sketch from John Carver detailing lattice type construction panels to be placed over the wrinkled insulation on the east and west ends of the Civic Center. Other ideas were discussed and John Crow suggested the theatre type drapes which would also improve the acoustics. The Council

was more in favor of drapes and asked Mr. Campbell to investigate this avenue as well as possibly obtaining the same type drapery for division curtains.

Mr. Campbell informed the Council that two gun shows have been scheduled for this year and four are scheduled for 1995.

15. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO PARKS - Mr. Mallory informed the Council that the fishing pier is complete at the City Park except for the railing which will be added. He also informed them of the survey conducted by the Texas Department of Parks & Wildlife. The Department reported the fish supply was in good shape with a large population of bass.

Mr. Mallory's update pertaining to the volleyball courts included the need to drain the water in order to bring a tractor in to spread the sand. Discussion was held to the time it has taken on this project and the possibility of pumping the water.

16. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - Along with aforementioned items for the May Regular Meeting, Kenneth Pruitt requested consideration to reduce the Trail Riders water fee to $1.00. John Crow requested an item pertaining to the progression and options in regards to the Blackwell House and property.

17. ADJOURN - There being no further items for discussion or consideration, the meeting adjourned at 7:55 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

CALLED CITY COUNCIL MEETING
12:00 NOON, MONDAY, MAY 9, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers. Mayor Lawrence presided and members present were Clifford Caviness, Ronnie Fugate, Kenneth Pruitt, and Jack Etheridge. John Crow was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Richard Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. CANVASS THE MAY 7, 1994 ELECTION RETURNS - The Mayor and Councilmembers reviewed the aforementioned election returns. Jack Etheridge made a motion to accept the returns for the election of three Councilmembers as follows:

Kenneth Pruitt	224
Clifford Caviness	150
Bob Alexander	179
John Crow	208
Total ballots cast	314

Clifford Caviness seconded the motion and all were in favor.

4. ADJOURN - There being no further items for discussion or consideration, Clifford Caviness made a motion to adjourn. Jack Etheridge seconded and all were in favor.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

CITY COUNCIL MEETING
6:30 P.M., TUESDAY, MAY 17, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers. Mayor Lawrence presided and all members were present as follows: Clifford Caviness, Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. CONSIDERATION TO APPROVE MINUTES - Jack Etheridge made a motion to approve the minutes of the April 19, 1994 Regular Meeting and the May 9, 1994 Called Meeting as written. Ronnie Fugate seconded and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENT - Following Johnny Mallory's oral review, Jack Etheridge made a motion to approve the April 30, 1994 Financial Statements. Kenneth Pruitt seconded and all were in favor.

5. SWEARING IN OF ELECTED COUNCILMEN - Kenneth Pruitt, John Crow, and Bob Alexander were sworn into office by Judge Brenda Sanford.

Mayor Lawrence presented a plaque of appreciation to outgoing Councilman Clifford Caviness.

6. APPOINTMENT OF MAYOR PRO-TEM - Mayor Lawrence opened the floor to nominations for Mayor Pro-tem. Kenneth Pruitt motioned to appoint Jack Etheridge. John Crow seconded and all were in favor.

7. GUEST ITEMS - Mr. John Wayne Warren addressed the Council concerning his previously granted water tap request outside the city limits. Mr. Warren explained the cost of four (4) and six (6) inch lines being approximately $22,000 to $25,000, which is more than he expected and budgeted. Mr. Warren proposed the City run the needed lines and as the subdivision is developed and as lots are sold and require taps, the City would collect approximately $2,000 per tap. He explained fifteen (15) homes are projected in the subdivision however, he would build one at a time and following the sale, begin the next.

Johnny Mallory stated no objections however, he felt a time limit should be placed on the reimbursement to the City. Mayor Lawrence requested Mr. Warren and Mr. Mallory to meet and develop a proposal for the Council's consideration at the next scheduled meeting.

8. DISCUSS AND CONSIDER RECOMMENDATION FROM THE PLANNING AND ZONING BOARD PERTAINING TO A REQUEST FROM MS. VENITA MORGAN TO CHANGE THE ZONING OF 1040 S. TRADE DAYS BLVD.(HWY. 19) FROM RESIDENTIAL (R1) TO BUSINESS (B1) - The Council reviewed the request of Ms. Morgan to rezone 1040 S. Trade Days Blvd. from Residential 1 to Business 1 along with the recommendation from the Planning & Zoning Committee to deny the request.

Ms. Morgan addressed the Council with her need to locate a larger facility and her attempts in the Planning & Zoning meeting to ease concerns of the adjoining property owners pertaining to parking, traffic, taxes, etc.

Following a brief discussion, Ronnie Fugate motioned to accept the Planning & Zoning Committees recommendation and deny the zoning change. Kenneth Pruitt seconded. Those in favor were Jack Etheridge, Ronnie Fugate, and Kenneth Pruitt. John Crow and Bob Alexander were opposed. The motion carried.

9. CONSIDER THE ACCEPTANCE OF AN ANNEXATION PETITION FROM MR. HORACE ETHERIDGE FOR THREE AND ONE-HALF (3 1/2) ACRES ON ETHERIDGE ROAD - The Council reviewed the petition for annexation and Ronnie Fugate made a motion to accept the petition and to begin annexation proceedings. John Crow seconded and all were in favor.

10. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE PLACEMENT OF SIGNS ON RIGHT OF WAYS - MR. VIC WEATHERHOLT - Mr. Weatherholt informed the Council that he had to remove his Bed & Breakfast signs last fall due to being in violation of the Sign Ordinance. He explained his signs were temporary and showed pictures taken of permanent signs placed on City and State right-of-ways. Mr. Weatherholt stated he did not desire to create problems however requested fair and equal enforcement of the ordinance

Following a brief discussion, the Council informed Mr. Weatherholt that the ordinance would be enforced to the utmost possible extent. Mr. Mallory will send letters to those in violation and inform of a time frame in which the signs must be moved.

11. DISCUSS AND CONSIDER ENTERING INTO A SERVICE AGREEMENT WITH FILE PRO RECORDS MANAGEMENT FACILITY TO INVENTORY CITY RECORDS - Johnny Mallory reviewed and recommended a service agreement with File

Pro Records Management Facility and discussed the State requirements of the City's records management compliance by January 1, 1995. Upon entering into the agreement, File Pro would inventory all City records, compile records and retention periods, submit required information to the State for acceptance and aid the staff in implementing the records management system. File Pro would also continue quarterly follow ups throughout the two year agreement to assist in the maintenance of the system.

The total charge would be $6,458.75 with $2,152.92 payable upon entering into the agreement and $179.41 payable monthly for the term of the contract.

Jack Etheridge made a motion to enter into the File Pro service agreement. John Crow seconded and all were in favor.

12. DISCUSS AND CONSIDER REDUCING THE WATER FEE FOR THE CANTON TRAIL RIDERS - Kenneth Pruitt requested the Council's consideration to reduce the water fee for the Canton Trail Riders to $1.00 per month. Councilman Pruitt discussed discounts given other youth organizations and the benefits the local youth receive from the Trail Riders.

Jack Etheridge made a motion to reduce the Canton Trail Riders water fee to $1.00 per month with Kenneth Pruitt seconding. Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge were in favor. Bob Alexander abstained from voting. The motion carried.

13. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE CIVIC CENTER TO INCLUDE OFFICIAL NAMING - Following the Council's review of citizen suggestions for the naming of the civic center, John Crow made a motion that the official name be the "Canton Civic Center". Kenneth Pruitt seconded and all were in favor.

Al Campbell informed the Council that Consulting Engineer, John Carver, is negotiating with the Contractor and following said negotiations, we will be able to pursue the draping of the building. Mr. Campbell also stated he is to meet with the auditors and computer programmer next week to discuss the First Monday accounting system.

14. CONSIDERATION TO APPOINT MEMBERS TO SERVE ON THE PLANNING & ZONING COMMITTEE - Johnny Mallory informed the Council of three (3) resignations from the Planning & Zoning Commission due to moving outside the city limits. The members who have resigned being Anita Wilson, Mike Trice, and Phillip Matthews.

The Council discussed possible appointments and upon solicitation received agreement from Clifford Caviness to serve on the Commission. Mayor Lawrence requested this item be placed on the next agenda and at that time the three appointments shall be made.

Councilman Bob Alexander also informed the Council of his intended resignation from the Board of Adjustment due to his elected position on the City Council. The appointment of a member for said Board shall also be on the next agenda.

15. DISCUSSION AND UPDATE PERTAINING TO PRESENT AND PROPOSED STREET PROJECTS - Kenneth Pruitt requested an update regarding street projects and available funds. Mr. Mallory informed the Council that Sides Circle is ready to be completed as soon as the weather permits. Regarding future plans, Mr. Mallory stated he would like to review available funds following the completion of the Curry subdivision project.

Councilman Pruitt asked that a proposal be prepared for the next regular meeting pertaining to future street improvement plans. Mr. Mallory also stated he would like to discuss some overlay projects at that time.

Councilman Ronnie Fugate requested a status report from the Industrial Board at the next regular meeting. And the Council asked Mr. Mallory to check into forming a street sweeping co-op with the City of Grand Saline.

16. ADJOURN - There being no further items for discussion or consideration, the meeting adjourned at 7:55 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

CALLED CITY COUNCIL MEETING
6:30 P.M., TUESDAY, JUNE 14, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. Members present were Bob Alexander, Ronnie Fugate, John Crow, and Jack Etheridge. Kenneth Pruitt was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. PUBLIC HEARING ON ANNEXATION PETITION FROM MR. HORACE ETHERIDGE FOR THREE AND ONE-HALF (3 1/2) ACRES ON ETHERIDGE ROAD - Mayor Lawrence opened the first public hearing on said annexation petition. No persons were present to speak in favor or against the proposed annexation. Mayor Lawrence closed the public hearing. The second public hearing will be held during the regular Council Meeting June 21, 1994, at 6:30 p.m.

4. CONSIDERATION TO APPOINT MEMBERS TO SERVE ON THE PLANNING & ZONING COMMITTEE - The Mayor opened the floor to nominations for members to serve on the Planning & Zoning Commission. The following nominations were made:

   Clifford Caviness
   Jeff White
   Lynn Etheridge

   Ronnie Fugate made a motion to appoint the three nominees. John Crow seconded and all were in favor.

5. CONSIDERATION TO APPOINT A MEMBER TO SERVE ON THE CANTON BOARD OF ADJUSTMENT - Following a brief discussion, Jack Etheridge made a motion to appoint Ben Shirey to serve on the Board of Adjustment. Ronnie Fugate seconded and all were in favor.

6. CONSIDERATION PERTAINING TO A REQUEST FOR A WATER TAP OUTSIDE THE CITY LIMITS - MS. BARBARA SMITH - Johnny Mallory informed the Council of the location of said request, being off Highway 17, two lots from Swearingens toward the corner in Canton Acres. Mr. Mallory also informed the Council that he and Gil Coil found no problems in approving this request.

Jack Etheridge made a motion to approve the request. John Crow seconded and all were in favor.

7. ADJOURN - There being no further items for discussion, the meeting adjourned at 6:45 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, JUNE 21, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. All members were present as follows: Bob Alexander, Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. CONSIDERATION TO APPROVE MINUTES - Jack Etheridge made a motion to approve the minutes of the May 17, 1994 Regular Meeting and the June 14, 1994 Called Meeting as written. Ronnie Fugate seconded the motion and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS - Following Johnny Mallory's oral review, Bob Alexander made a motion to approve the May 31, 1994 Financial Statements. Jack Etheridge seconded the motion and all were in favor.

5. GUEST ITEMS - Mr. George Pope, a resident on Shady Lane, and Mrs. Debbie Cliatt, a resident on Elm Street, requested the City spray for mosquitoes. Mr. Pope stated he had been informed that previous complaints from citizens claiming the spray caused either personal illness and/or affected their animals or plants had caused the City to not spray. Mr. Pope explained he is allergic to mosquitoes and has become sick from their bites. Mr. Mallory informed all present that the City is planning to spray in certain areas of town while avoiding the areas where past complaints have been received. Mr. Mallory assured Mr. Pope that his area is on the list to spray. Mrs. Cliatt requested Elm Street be added to the list. Both parties also discussed the continuous clean up need each year on certain properties regarding brush, and tall weeds and/or grass. Mrs. Cliatt asked if the City Officials could report the problem areas as they spot them rather than the citizens having to call each time.

   Ms. Edie Booth addressed the Council on behalf of the Canton Band Boosters. Ms. Booth explained the purpose of the Band Boosters in supporting the High School Band and the amount of funds spent over the past year for new instruments and uniforms. She also informed the Council of the Band Boosters' purchase of a food concession trailer which they set up outside the city owned First Monday property. Ms. Booth explained the trailer is worked by volunteers each month however, with the loan payment, inventory purchase, and insurance, they are only breaking even. She requested the city allow them to obtain space in the city owned First Monday property believing they would be able to raise more funds.

Al Campbell reviewed the food concession policy which the Council set in the late 1980's. Said policy limiting the number of food concessions allowed on the grounds, and explained that presently, there are over 800 names on the waiting list. Mr. Campbell explained that he could not issue lots to a new food concession by request while remaining in compliance with the present policy.

Ms. Booth requested the Council make an exception for a local, non-profit, organization benefiting the community youth. The Council briefly discussed the request and informed Ms. Booth that no action could be taken as the request was under guest items, however, it would be placed on the next regular agenda. Ms. Booth briefly discussed the recent water meter placed by the City upon the Band Boosters' request on the band practice field and requested the Council's consideration regarding the possibility of a lower water rate for the practice field. This item will also be considered at the next regular meeting.

Mrs. Janie Pope expressed concern regarding the lack of visibility when attempting to turn onto Highway 64 off Wills Point Street due to vehicles parked at the corner business and the dangerous conditions created by the blocked view. The Council directed Mrs. Pope's concerns to the Department of Highways and Public Transportation as the matter involved the State Right of Way.

6. SECOND PUBLIC HEARING ON CONTEMPLATED ANNEXATION OF THREE AND ONE-HALF ACRES ON ETHERIDGE ROAD - Mayor Lawrence opened the second public hearing on the above named annexation. No persons were present to speak in favor or against the proposed annexation. Mayor Lawrence closed the public hearing and the Council will consider final action during the July regular meeting.

7. DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION URGING THE PUBLIC UTILITY COMMISSION TO APPROVE FOUR NEW TARIFF SCHEDULES PROPOSED BY TEXAS UTILITIES ELECTRIC COMPANY TO PROMOTE ECONOMIC DEVELOPMENT - Steve Winston of T U Electric addressed the Council and requested the passage of a resolution supporting T U Electric's proposed four new tariff schedules. Mr. Winston briefed the Council on the schedules explaining they would in no way affect the residential customers and are designed as incentive programs for industrial growth.

Councilman Alexander expressed concern that eventually the tariff's would reflect increases on the residential customers. Councilman Alexander made a motion that the Council not adopt the proposed resolution. Ronnie Fugate seconded. Following further discussion and a request from the Council for additional information, Bob Alexander withdrew his motion. Mr. Winston agreed to provided additional information prior to the next regular meeting at which time the Council will again consider the resolution.

8. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO A PROPOSAL FROM MR. JOHN WAYNE WARREN REGARDING A WATER LINE TO PROPERTY LOCATED OUTSIDE THE CITY LIMITS ON COUNTY ROAD 2205 OFF HIGHWAY 198 - Mr. Warren reviewed a plat of the proposed development and discussed the cost of running four inch and six inch lines. Mr. Warren stated the approximate cost would be $16,000 to $20,000. He asked that the Council finance the installation of the needed lines and he would reimburse the City $2,000 per lot upon the sale of each of the 15 platted lots.

Discussion was held pertaining to past, present, and future policies; a designated time frame in which the City would be reimbursed; the present cost per gallon in providing water; and the development's relationship to economic development. Mr. Mallory also discussed the possibilities of the developer financing the project with the City furnishing an incentive rebate upon the installation of each water tap.

Bob Alexander made a motion that the City install the necessary lines and in turn, be compensated $2,000 from the closing of each lot per the filed plat containing fifteen (15) lots; said motion being on the basis of good economic development. Jack Etheridge

seconded the motion. Following further discussion, Bob Alexander withdrew his motion and a meeting was called for June 28, 1994 at 7:00 p.m. for further consideration. Bob Alexander also requested the Industrial Board be contacted as to what assistance, if any, they could provide.

9. DISCUSSION AND UPDATE OF ALL MATTERS PERTAINING TO THE STATUS AND ACTIVITIES OF THE CANTON INDUSTRIAL BOARD - Al Campbell gave an update regarding the Industrial Board activities and finances. Funds are beginning to attain a level which could be used for incentives in soliciting industrial growth. Mr. Campbell explained that most contacts have been on a one to one basis and the Board has been meeting more on an as needed basis rather than regularly.

10. DISCUSSION AND UPDATE OF ALL MATTERS PERTAINING TO THE BLACKWELL HOUSE AND PROPERTY - Johnny Mallory updated the Council on the Blackwell House renovations and explained the budgeted funds of $6,000 have been spent. Kenneth Pruitt requested the estimated amount for completion to be calculated in order to consider during the upcoming budget meetings.

11. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE CODIFICATION OF CITY ORDINANCES - Johnny Mallory and Kenneth Pruitt discussed the need of ordinance codification. Mr. Mallory suggested this project be considered following the upcoming inventory and implementation of the records management process in order to have all ordinances available for the codification process.

12. DISCUSS AND CONSIDER MILL CREEK RESERVOIR (LAKE CANTON) REGULATIONS PERTAINING TO JET SKIES AND SIMILAR RECREATION DEVICES - John Crow informed the Council of inquiries pertaining to the use of jet skies and similar devices which are classified as personal water craft on Mill Creek Reservoir. The present ordinance simply states no water skiing. Councilman Crow suggested this item be considered by the Council and the ordinance be amended to address the use of personal water craft. The Council and Mr. Mallory discussed the size of the lake and the original intent of recreational activities on the lake.

    Bob Alexander made a motion to direct the City Manager to prepare the proper documents for future consideration in order to amend the present ordinance prohibiting the use of personal water craft on the lake. Jack Etheridge seconded. All were in favor with the exception of Ronnie Fugate who opposed.

13. CONSIDER ALL MATTERS PERTAINING TO THE PURCHASE OF A VEHICLE FOR FIRST MONDAY - Al Campbell requested the Council's approval to advertise for bids for the purchase of a new truck for First Monday to be used by Rayford Hutcherson. Mr. Campbell informed the Council the truck presently being used by Mr. Hutcherson has over 265,000 miles and is deteriorating past any justification of expenses for future repairs.

    Kenneth Pruitt made the motion to advertise for a vehicle. Bob Alexander seconded and all were in favor.

14. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO PRESENT AND FUTURE STREET IMPROVEMENT PROPOSAL - Mr. Mallory informed the Council that Sides Circle was planned for seal coating the previous Thursday however, the rain delayed the project. In the meantime, it was discovered the First Monday roads were not ready for their seal coating project and Sides Circle would not require a full load. Mr. Mallory expressed his desire to proceed with Sides Circle and to include Etheridge Road and Judy Lane in order to utilize a full load. There were no objections voiced from the Council.

    Mr. Mallory also informed the Council that sewer lines would begin on Curry and Curry Lane the next week and upon completion, the streets work would begin. He suggested the Council review the availability of funds following the completion of Curry and Curry Lane prior to planning the new street projects.

15. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE CANTON CIVIC CENTER - Al Campbell reviewed correspondence from Industrial Construction Management pertaining to final retainage and the unsatisfactory condition of the end walls. Industrial Construction Management has offered a $3,500 credit on the balance owed or will finish the end wall 26 gage liner panels and trim that can be installed by City forces. Mr. Campbell informed the Council it would cost approximately $9,000 for the previously discussed draping. Mayor Lawrence recommended the Council strongly consider draping as it would help with the acoustics as well as appearance.

Ronnie Fugate made the motion to authorize Al Campbell to settle with Industrial Construction Management. Jack Etheridge seconded and all were in favor.

16. DISCUSSION AND UPDATE PERTAINING TO FIRST MONDAY TO INCLUDE ACCOUNTING PROCEDURES - Al Campbell informed the Council of his meetings with the auditors and computer programmer. All of who have agreed upon some programming changes which would improve the accounting procedures. The changes have been made and will begin the following month. The cost of the programming changes was approximately $240.00.

17. DISCUSSION AND UPDATE PERTAINING TO STATUS OF WASTE WATER TREATMENT PLANT IMPROVEMENTS - Johnny Mallory updated the Council on the aforementioned project stating the project is well underway and running approximately one month to six weeks ahead of schedule while remaining within the budget.

18. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - Discussion was held pertaining to the progress on the Americans with Disabilities Act and compliance status. Mr. Mallory suggested some items be reviewed following the State Highway Department's improvements as some of ours are encompassed in their plans. Mr. Mallory also informed the Council of actions taken pertaining to the needed clean-up of the apartments on Bois D' Arc.

Mayor Lawrence informed the Council of his intent to present Council Assignments at the next regular meeting and asked that each Councilmember contact him regarding any preferences. John Crow also requested an item pertaining to the alleyway behind Lazy U be placed on the next regular agenda.

19. ADJOURN - There being no further items for discussion, the meeting adjourned at 9:30 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

CALLED CITY COUNCIL MEETING
7:00 P.M., TUESDAY, JUNE 28, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. Members present were Bob Alexander, Ronnie Fugate, John Crow, and Kenneth Pruitt. Jack Etheridge was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. CONSIDERATION AND POSSIBLE AWARDING OF BID RECEIVED FOR THE PURCHASE OF A REPEATER FOR THE CANTON POLICE DEPARTMENT - The Council reviewed the bids received which were as follows:

Wriden Communication, Inc./Nacogdoches, TX	$10,216.00
Motorola, Inc./Sulphur Springs, TX	$11,044.00
Johnson United Mobile Network/Longview, TX	$ 5,673.00

Mr. Mallory informed the Council that the low bid from Johnson United Mobile Network did not meet the specifications. He also informed the Council that the funds budgeted for this purchase were $8,000.00.

The Council discussed the bids and whether the weatherproof steel cabinet was required. Bob Alexander made a motion to reject all bids. John Crow seconded and all were in favor. Bob Alexander suggested when advertising for bids again, the specifications include a bid with and without the cabinet.

4. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO A PROPOSAL FROM MR. JOHN WAYNE WARREN REGARDING A WATER LINE TO PROPERTY LOCATED OUTSIDE THE CITY LIMITS ON COUNTY ROAD 2205 OFF HIGHWAY 198 - Mayor Lawrence opened discussion to any consideration or proposals pertaining to possible assistance to Mr. Warren on the cost of installing the water lines to his development. Bob Alexander informed the Council that he had received four phone calls from persons in favor of the City assisting Mr. Warren. Councilman Alexander expressed his desire to assist and further discussed the profit which would be received by fronting the $16,000 to $20,000 with a total payback of $30,000 as well as the benefit to the community by adding fifteen additional home and families. He also asked if Mr. Warren could possibly increase the $2,000 per lot reimbursement to the City after the first lot was sold. Mr. Warren stated he could pay $2,000 following the closing of the first lot and $3,000 per lot thereafter until the amount of $30,000 has been paid to the City.

Mr. Mallory reminded the Council that the $16,000 to $20,000 cost estimate would be for a combination of six inch and four inch lines. The estimated cost to lay six inch lines throughout would be $25,000 or higher. Concerns were expressed pertaining establishing policies, and the funds which might be requested for additional development in the future.

The Council asked if funds might be made available through the Industrial Board. Chairman of the Board, Dick Ingram was present and expressed concerns that such assistance might set a precedence for future requests, thereby limiting the funds available when the need arises for industrial growth. Following further discussion and Mr. Warren stating he could probably front at least $10,000, Mr. Ingram said the Board might be willing to consider the request. Mr. Ingram stated a Board meeting could be held the following week.

When questioned as to the availability of city funds, Mr. Mallory stated the funds would have to come from the current budget which will be tight. Mayor Lawrence suggested, as there were no motions made from the Council, that Mr. Warren pursue the matter with the Industrial Board.

5. ADJOURN - There being no further items for discussion, the meeting adjourned at 8:08 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, JULY 19, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. Members present were Bob Alexander, John Crow, Kenneth Pruitt, and Jack Etheridge. Ronnie Fugate was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Bob Alexander

3. CONSIDERATION TO APPROVE MINUTES - Bob Alexander made a motion to approve the minutes of the June 21, 1994 Regular Meeting and the June 28, 1994 Called Meeting as written. Kenneth Pruitt seconded and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS - Following Johnny Mallory's oral review, Jack Etheridge made a motion to approve the June 30, 1994 Financial Statements. Bob Alexander seconded and all were in favor.

5. GUEST ITEMS - Mrs. Tommie Clark and Mrs. Diane Price addressed the Council concerning the lights at the tennis courts. They discussed the frequency of the bulbs going out and their concerns of inadequate wiring and poor conditions of the fixtures. Johnny Mallory informed the Council that the tennis courts are in need of a major re-wiring project and concurred that all fixtures are in bad shape.

   Discussion was also held pertaining to measures the City can take in the maintenance and upkeep of the tennis court surfaces and grounds. Mrs. Clark also informed the Council that a tournament will be held in the fall and any improvements would be greatly appreciated.

   John Crow informed the guests that this was the appropriate time to bring the needed improvements to the Council's attention as the expenditures can be considered in the upcoming budget process and in the meantime the City could begin improvements with funds available in the present budget.

6. CONSIDERATION OF REQUESTS FOR WATER TAPS OUTSIDE THE CITY LIMITS

   A) DEVON BAUGH - CHERRY CREEK - 3/4" TAP
   B) FRANCES WELDON - CR 2205 WEST OF CR 2201 - 1" TAP

The Council reviewed both water tap requests. Mr. Mallory stated he did not have any objections to either request. Jack Etheridge made a motion, seconded by John Crow to approve both requests. All were in favor.

7. CONSIDER THE ADOPTION OF ORDINANCE ANNEXING THREE AND ONE-HALF ACRES ON ETHERIDGE ROAD - HORACE ETHERIDGE PROPERTY - Jack Etheridge made a motion to adopt an ordinance annexing three and one-half acres on Etheridge Road owned by Mr. and Mrs. Horace Etheridge. Kenneth Pruitt seconded. Those in favor were Jack Etheridge, Kenneth Pruitt, and John Crow. Bob Alexander opposed. Motion carried.

8. CONSIDER ACCEPTANCE OF PETITION FOR ANNEXATION OF 0.34 ACRES ON COUNTY ROAD 3101 (WYNNE ROAD) - JERRY AND CLAUDIA SHAMLIN - Mr. Mallory reviewed the petition for annexation with the Council. He explained the location of the property and the method in which sewer could most effectively be serviced which the property owner has agreed to pay for. Kenneth Pruitt made a motion to accept the petition and call the public hearings as required by law. Jack Etheridge seconded and all were in favor with the exception of Bob Alexander who abstained.

9. CONSIDER ACCEPTANCE OF PETITIONS FOR ANNEXATION OF APPROXIMATELY TWENTY ACRES ON COUNTY ROAD 3101 (WYNNE ROAD) - JESSIE ROBERTA WYNNE SMITH AND ELMER J. & RUTH WYNNE - Mr. Mallory presented the two petitions for annexation and reviewed the location of the properties. Mrs. Smith asked that the County Road number be corrected to County Road 3120 and explained the road runs North and South whereas County Road 3101 runs East and West through Wynne Community. Mr. Elmer Wynne addressed the Council with his deep appreciation for their consideration and discussed his primary concerns of health and safety hazards created by present sewer conditions in the Wynne Community.

   Mr. Mallory informed the Council of the two major necessities when annexing property, that of being able to provide water and fire hydrants, which would not present a problem with these annexations, and that of providing sewer service. He expressed concerns that the City would not be able to service from Highway 19 as depth requirements could not be met and the sewer would not be able to gravity flow. In order to service from the South Service Road of Interstate 20, approximately 2,000 feet of line would be required at approximately $8.00 per foot and five manholes would be required at approximately $1,000.00 each. He explained sewer service to these properties differ from that of Mr. Shamlin's as the Shamlin property sits on top of a hill and could sewer to an existing manhole by means of a grinder pump in the existing septic tank and Mr. Shamlin has agreed to bear the cost. Mr. Mallory stated that he felt the sewer could be pumped from the Wynne and Smith properties to Highway 19, and would obtain accurate cost figures by the public hearings should the Council accept the petitions.

   Jack Etheridge made a motion with John Crow seconding to accept both petitions and call the public hearings as required by law. All were in favor with the exception of Bob Alexander who abstained.

10. CONSIDER ENTERING INTO A MUTUAL AID AGREEMENT WITH THE CITY OF EDGEWOOD FOR FIRE SUPPRESSION ASSISTANCE - Mr. Mallory reviewed the proposed agreement and informed the Council of the Canton Volunteer Fire Department's request that the City enter into the agreement. Following a brief discussion, Bob Alexander made a motion to enter into the Mutual Aid Agreement for Fire Suppression with the City of Edgewood. Jack Etheridge seconded and all were in favor.

11. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO A QUIT CLAIM DEED ON THE WEST SIDE OF CAPITOL STREET BETWEEN COLLEGE AND CHURCH STREETS - Mr. Mallory informed the Council that upon the owner's attempt to sell the house at 452 Capitol, it was discovered that the home sits 2 and 1/2 to 3 feet on the City's right of way. Mr. Mallory stated there are actually 2 or 3 homes encroaching on the right of way. The property owner cannot sell the property as it presently stands, however, Mr. Mallory recommended the City quit claim the necessary portion of the right

of way to the owner in order to clear up the matter. Mr. Mallory urged the Council to retain a few feet for utilities and any future needs for street improvements. Discussion was held pertaining to the requirement for enough easement to accommodate utilities including telephone, electric, etc. The prospective purchaser, Mrs. Neef, addressed the Council with her desire to have quit claimed all of the right of way with the exception of possibly 1 foot. Discussion was then held as to whether 1 foot would clear the existing utility poles and cross arms, if any. The Council asked Mr. Campbell to check the distance of the poles and return to the meeting prior to any action.

Upon Mr. Campbell's return, he informed the Council there were no cross arms on the existing utility poles and retaining 1 foot would clear the poles. Jack Etheridge made a motion authorizing the Mayor to sign a quit claim deed for all of the right of way with the exception of 1 foot which shall be retained by the City of Canton. Kenneth Pruitt seconded and all were in favor.

12. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO ALLEYWAY ON LAZY U DRIVE - Councilman John Crow informed the Council of an inquiry from one of the property owners on Lazy U Drive. The property owner discussed an existing problem of standing water at the rear of his property due to drainage problems on the City's alleyway. Said property owner believed he could correct the problem if the City gave the alleyway to the abutting property owners as there are some who have already included the alley in their personal fencing.

Mr. Mallory stated that when he was first informed of this he did not see a problem in quit claiming the property. However, he further studied the request and discovered the City has a sewer line running through the center of the alley. He further explained the present difficulty in access to repair the line due to the existing fences and felt the alley must stay open and the property owners would have to remove the fencing. John Crow suggested letters be mailed to those who are encroaching on the alley allowing them time to move the fences and then follow up by correcting the drainage problem. There were no objections voiced by the other Councilmembers.

13. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO A TWELVE INCH ROAD BOAR ON HIGHWAY 64 - Mr. Mallory informed the Council of a 12 inch road boar needed on Highway 64 East to supply water to a recently approved request on the North side of Highway 64 and explained the City would also need the boar for future projects. The property owner has agreed to pay 1/2 of the cost and Mr. Mallory requested the Council's permission to proceed with permit request and action. Jack Etheridge so moved, seconded by Bob Alexander. All were in favor.

14. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE DEVELOPMENT OF LOTS ON PRAIRIEVILLE TO INCLUDE WATER AND SEWER - Mr. Mallory explained the lots in question are on property located on Prairieville with College Street located behind the property on which City utilities have not been run. There are only about 4 lots on Prairieville which could be built on as the remainder lie in the flood plain. Mr. Mallory's understanding is that the property is owned by 2 brothers who are in the process of splitting it up and wanting to sell the lots. Prior to the lots being sold, Mr. Mallory would like to be clear on the Council's standing pertaining to who will pay for the extension of sewer line to the property. He expressed his desire in requiring the property owner(s) pay for the extensions. Following much discussion pertaining to the approximate distance the line would be laid, the number of present property owners, the present water and sewer tap rates, etc., Jack Etheridge informed the Council he would be abstaining from any vote on this matter as he is a prospective buyer on 2 of the lots. As the property is basically owned by one party at this time, the one party being 2 brothers, consideration was given to the City running the line to the closest point, that being lot 8, and the property owner being responsible for extending to individual lots as needed. The Council was in agreement to have Mr. Mallory pose this position to the property owner. No official action was taken.

15. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE FINAL COVER OF THE LANDFILL - Mr. Mallory updated the Council on the status of the landfill which

ceased operation the end of September, 1993. There are approximately 9 acres on which garbage was placed over the years of operation and not all of the acreage has the required amount of clay. Mr. Mallory informed the Council that the City has recently been notified by the Texas Natural Conservation Commission (TNRCC) that final coverage must be completed by the end of September, 1994, as well as the requirements for the coverage. In compliance with the requirements to obtain an approved coverage, approximately 10,000 cubic yards of clay will be needed which must be covered then with 6 inches of top soil, of which Mr. Mallory is attempting to locate. Mr. Mallory then informed the Council of the expected cost being $100,000.00 which had not been included in the present operating budget. Failure to comply with the TNRCC requirements will result in the City being legally responsible for any leakage for the next 30 years.

As the Council agreed there were no choices on this matter, discussion was held pertaining to funding the project. Mr. Mallory explained the funds would have to come out of those on hand, being Certificates of Deposit or the City would have to borrow the funds. Bob Alexander made a motion to withdraw the needed amount from the City of Canton Certificates of Deposit and to divide that amount by 12 for monthly payments back to the City in the upcoming fiscal year. Jack Etheridge seconded and all were in favor.

16. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO DRAINAGE ON GRANADA SQUARE - The Council reviewed correspondence received from Mr. Wesley Goodin pertaining to his belief the City of Canton is responsible for drainage conditions on his property located next to Granada Square. Mayor Lawrence recommended this matter be referred to legal counsel for review and consideration of options available to the City. There were no objections voiced by the Council.

Mr. Mallory presented a request from Mr. D. D. Mitchell regarding an area of Granada Square on which low areas run through some lots he would like to sell. Mr. Mitchell has requested the City place a drainage pipe from the south side of Granada Square to the north side so that the homes could better be built on the available lots. There were no suggestions or motions from the Council.

17. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - Mayor Lawrence asked the Council to contact him as to their preference on committees as he would be issuing the committee assignments in the near future.

Kenneth Pruitt expressed concern regarding the speed limit on Dealer Row running from FM Rd. 859 to Highway 19. He discussed the need of a speed bump or some measure to slow the traffic down. Mr. Campbell will take care of this matter.

Upcoming budget workshops were discussed and it was agreed upon to conduct a workshop each Tuesday night in August as the budget must be filed by August 30th in order to conduct a public hearing during the September regular meeting. Public Hearings were also scheduled for the annexation petitions received earlier in the evening, those being August 16th and August 23rd.

18. ADJOURN - As there were no further items for discussion or consideration, the meeting adjourned at 9:15 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

CALLED CITY COUNCIL MEETING
6:30 P.M., TUESDAY, AUGUST 2, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers. Mayor Lawrence presided and members present were Bob Alexander, Ronnie Fugate, Kenneth Pruitt and Jack Etheridge. John Crow was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. BUDGET WORKSHOP - City Manager Johnny Mallory reviewed a preliminary budget draft with the Council. Mr. Mallory compared the projected figures with those in the 1993-1994 budget with projected revenue being down approximately $30,000 and expenditures up approximately $83,000. Mr. Mallory explained he was being conservative with the sales tax revenue projections due to the unknown in the upcoming taxes from retail and fast food sales. He also explained the approximate cost of $100,000 for the landfill closure was not reflected in the projected expenditures as it is planned to be completed in the present fiscal year, adding, he is presently having trouble locating good clay and has hopefully found the top soil. Mr. Mallory reminded the Council of the $30,000 payments beginning on October 1, 1994 for the fire truck purchased during this fiscal year. Mr. Mallory stated that overall, the projections were very similar to the present fiscal year's budget, however, the projected surplus of $1,002.00 would make the upcoming fiscal year very tight.

   Mr. Mallory informed the Council that the total for capital improvements for all departments is projected at $557,000. The primary capital improvements include a vehicle and radio equipment for the police department, $200,000 in streets, $17,000 in parks, a vehicle for First Monday as well as the new truck and smoke house for the Fire Department. Mr. Mallory explained some capital improvements would be required at the water treatment plant however we should be able to hold off until the 1995-1996 fiscal year. Al Campbell confirmed that a front end loader for First Monday was not included in the projected expenditures.

   The Council then reviewed each department's projected revenues and expenditures. Mr. Mallory stated he had calculated a 5% salary increase across the board for all full time employees. Ronnie Fugate and Jack Etheridge expressed their desire that an annual incentive or "Christmas Bonus" be included in the salary projections. Bob Alexander questioned the status of the pay scale which was adopted by the City Council three years ago. Mr. Mallory informed the Council the pay scale had not been adjusted since it's adoption and reviewed the present salaries and proposed salaries in comparison with the pay scale. Brief discussion was held concerning merit raises and cost of living raises; including annual evaluations and the status of an evaluation as grounds for a raise. Mr. Mallory and Kenneth Pruitt expressed concerns that the merit system contains flaws whereas personalities become involved. Bob Alexander asked the Council's consent in allowing him to rework the pay scale in line with the cost of living ratios since it's adoption. Following further discussion, Mayor Lawrence asked Bob Alexander to adjust the scale and present such to the Council to see what the financial impact would be.

   Discussion was held pertaining to the future street projects and the availability of funds. Bob Alexander questioned the possibility of allowing the citizens to vote on a two (2) million dollar bond issue for street improvements to be paid with existing revenues. Kenneth Pruitt expressed concern in the ability to sell a bond issue. Jack Etheridge expressed concern that a bond issue would be one year premature. When questioned as to the ability to pay for the bonds, Mr. Mallory explained that it would be approximately two years before the City would be in a position to do so if the plan is to use First Monday and Sales Tax revenues.

Mr. Mallory was questioned as to the lack of funds designated for new sewer lines, specifically should annexations take place. Mr. Mallory informed the Council funds were not budgeted for this item as he believes the property owners petitioning annexation would be responsible for this expense.

First Monday General Manager reviewed the First Monday revenues and expenditures, explaining he would be creating some new revenue line items to distinguish between Civic Center revenue derived from First Monday use and special event use. He would also like to maintain another line item for special events held outdoors. He informed the Council that a truck, as budgeted in this fiscal year, would not be delivered until after September 30th and would be purchased out of the new fiscal year budget; therefore, he felt he would be able to locate a car for First Monday prior to the end of the present fiscal year which would maintain one vehicle in each budget. He also confirmed that funds were projected into capital improvements for the entrance way to be constructed off Highway 19 on H & T property.

4 ADJOURN - There being no further items for discussion, the meeting adjourned with the Mayor calling the second budget workshop for Tuesday, August 9, 1994 at 6:30 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

CALLED CITY COUNCIL MEETING
6:30 P.M., TUESDAY, AUGUST 9, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. Members present were Bob Alexander, Ronnie Fugate, Kenneth Pruitt, and Jack Etheridge. John Crow was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. BUDGET WORKSHOP - Johnny Mallory reviewed the second budget draft with the Council and explained an error in the first draft which reflected a line item of $65,000 that should have reflected $6,500. Other changes included correcting the salaries under Sanitation and Landfill to reflect the amount the City will actually be out as the Van Zandt County Waste Disposal District pays one-half of the cost. Mr. Campbell had amended a few line items in the First Monday revenue by separating First Monday Civic Center revenue, Special Event Civic Center revenue, and Special Event open air revenue. Through the adjustments and corrections throughout the budget, the second draft reflected a surplus of $93,047 as opposed to the first draft of $1,000. Mayor Lawrence and Ronnie Fugate encouraged administration to see if an additional $7,000 could be found to increase the surplus to the $100,000 mark.

   Upon reviewing the health insurance estimates, discussion was held to the feasibility of the City being self-insured. Further discussion led to the possible savings for other cities throughout the County should they all join forces under one self-insured policy and share the cost of an employee. As the present health insurance policy for the City of Canton

expires in February, Kenneth Pruitt asked that this matter be researched with details on feasibility and cost for the Council's consideration and presentation to the other cities.

Bob Alexander asked the Council's consideration on some proposed policy changes for First Monday which would generate additional revenue. Councilman Alexander discussed the present policy forbidding sub-leasing and transferring of lots with the exception that food concessions can transfer their lots upon the sale of the food concession. He stated there is sub-leasing taking place and proposed the City adopt a transfer or records fee of a said amount, possibly $25 for all lots with the exception of food concessions which he proposed being $500. He suggested the City allow existing vendors who may presently be sub-leasing or maintaining receipts in another party's name to "come clean" in the 4th quarter of this year by paying the transfer/record fee. Councilman Alexander explained this would not only generate additional funds, it would improve and maintain records of vendors for the First Monday office.

Bob Alexander also proposed the City increase the number of food concessions presently allowed on the park from 180 to possibly 200 or more. Discussion was held pertaining to the ratio of lots presently operated by the City of Canton in comparison to those operated by the City at the time the limit was placed. The Council asked Mr. Campbell to further develop the proposals presented by Councilman Alexander and present to the Council for further consideration.

4. EXECUTIVE SESSION - The Council retired to executive session at 8:30 p.m. for discussion of matters pertaining to personnel evaluations pursuant to TEX. REV. CIV. STAT. ANN. 6252.17 2(g).

5. RECONVENE TO OPEN SESSION TO TAKE ANY ACTION REQUIRED PURSUANT TO DISCUSSION IN EXECUTIVE SESSION - The Council reconvened to open session at 9:35 p.m. with no action being taken pursuant to discussion in executive session.

6 ADJOURN - There being no further items for discussion, the meeting adjourned.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, AUGUST 16, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. All members were present as follows: Bob Alexander, Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. CONSIDERATION TO APPROVE MINUTES - Kenneth Pruitt made a motion to approve the minutes of the July 19, 1994 Regular Meeting, August 2, 1994 Called

Meeting, and August 9, 1994 Called Meeting as written. Jack Etheridge seconded the motion and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS - Following Johnny Mallory's oral review, Jack Etheridge made a motion to approve the July 31, 1994 Financial Statements. John Crow seconded and all were in favor.

5. GUEST ITEMS - None

6. PUBLIC HEARING ON CONTEMPLATED ANNEXATION OF 0.34 ACRES ON COUNTY ROAD 3101 (WYNNE ROAD) - JERRY AND CLAUDIA SHAMLIN - Mayor Lawrence opened the first public hearing on the aforestated annexation. No persons were present to speak in favor or against the annexation. City Manager Johnny Mallory informed the Council that Mr. Shamlin does know he is responsible for the cost of connecting to the city sewer service. Mayor Lawrence closed the public hearing and announced the second hearing to be held August 23, 1994.

7. PUBLIC HEARING ON CONTEMPLATED ANNEXATIONS OF APPROXIMATELY TWENTY ACRES ON COUNTY ROAD 3120 (WYNNE ROAD) - JESSIE ROBERTA WYNNE SMITH AND ELMER J. & RUTH WYNNE - After Mayor Lawrence opened the public hearing, Ms. Jessie Roberta Wynne Smith voiced the petitioners desires to have the city sewer and trash collection services. Ms. Smith also stated her belief that additional annexation requests from Wynne Community would be made in the future. She also invited Mr. Mallory to attend a small meeting at the Wynne Community Church as the Church is considering applying for annexation.

   Mr. Mallory informed the Council that further study found the properties in question could be serviced for sewer from Highway 19. It would require 1,500 feet of line at a cost of approximately $15,000.00. Upon a question from the audience pertaining to how this project would be funded, Mr. Mallory informed all present that upon any annexation, the property owners are obligated to pay for the extension of the sewer line.

   There being no further discussion, Mayor Lawrence closed the public hearing and announced the second to be held August 23, 1994.

8. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO UTILITY LINES ON STATE RIGHT OF WAYS - MR. MARK McCLANAHAN/TEXAS DEPT. OF TRANSPORTATION - Mr. Mark McClanahan, Maintenance Section Supervisor for the Texas Department of Transportation, addressed the Council with appreciation for the assistance given his department by Gil Coil and his employees on the Highway 198 project. He also expressed appreciation for the City's past cooperation and stated his department tries to do the same for the City.

   Mr. McClanahan informed the Council of the large number of applications for permits throughout Van Zandt County and discussed the rapid growth pattern throughout the County. He expressed the necessity in laying sewer lines within the specifications of five feet within the State's right of way and at a minimum depth of two feet to prevent future problems of maintenance of the need of moving said lines. Mr. McClanahan stated a line had been laid on Highway 64 East which does not meet the two feet minimum depth requirement in whole and must be removed. He stated this is not presently a big problem and does not want to see it turn into one, therefore, he requested a removal date in writing and explained that all permits for the City of Canton are frozen until this matter is rectified.

   Mr. Mallory informed the Council the line was laid to service Miss Susie's Restaurant which is owned by Mr. Virgil Pierce. He agreed that some of the line was shallow as it could not all be laid two feet deep. After being contacted by the Texas Department of Transportation, Mr. Mallory informed Mr. Pierce the line could not be used and suggested he contact Mr. Curry, an adjoining property owner along Highway 64, to discuss the possibility of the line being placed just inside Mr. Curry's property line. Mr. Pierce has not contacted Mr. Mallory regarding the outcome of that discussion. When questioned,

Mr. Mallory stated there was probably 200 to 300 feet of the line which could remain at the present location as it does meet the State's requirements. Mr. McClanahan confirmed that any portion within the requirements could remain as long as it was properly covered.

Councilman Fugate expressed his desire of maintaining good relations with the State and his feelings that Mr. Mallory was looking out for the good of the City and citizens while Mr. McClanahan was doing the same for the State. Mr. Mallory stated that he believed the Mutual Aid Agreement between the State and City of Canton requires the City to maintain any line in the State's right of way to include the relocation of a line if deemed necessary in the future. Mr. Mallory expressed his agreement in the need of placing the utilities correctly to prevent future problems and confirmed that the line would be removed. Mr. McClanahan concluded by informing the Council that the removal of the line and coverage of any remaining line would require his inspection.

9. DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION URGING THE PUBLIC UTILITY COMMISSION TO APPROVE FOUR NEW TARIFF SCHEDULES PROPOSED BY TEXAS UTILITIES ELECTRIC COMPANY TO PROMOTE ECONOMIC DEVELOPMENT - Mr. Steve Winston of TU Electric addressed some concerns the Council had expressed during the June meeting pertaining to the four new tariff schedules. Mr. Winston stated that use of Economic Development rates would assist residential customers in future rate cases. He assured the Council that the rate schedules proposed would not affect the citizens rates and stated that a commercial customer choosing to discontinue TU Electric service would be required to sign an affidavit to that effect before TU could negotiate the customer's rates, preventing abuse of the intended incentives. When questioned as to the need of the word "tariff", Mr. Winston explained the legalities and requirement of the word.

Jack Etheridge made a motion to approve the Resolution urging the Public Utility Commission to approve the four new tariff schedules proposed by Texas Utilities Electric Company. John Crow seconded and all were in favor.

10. DISCUSS AND CONSIDER ACCEPTANCE OF PETITIONS FOR ANNEXATION ON PROPERTIES LOCATED IN WYNNE COMMUNITY:

A. 0.2719 ACRES - TOMMIE B. AND LURENDA B. SHAMLIN
B. 0.563 ACRES - JAMES T. AND RUBY L. WIDEMON
C. 1.00 ACRE - MRS. H. B. GRIFFIN
D. 1.00 ACRE - ADA LOU BOWMAN

Mr. Mallory reviewed the aforestated petitions for annexation and explained that the properties in petitions B, C, and D are not contiguous to the city limits, therefore could not be annexed at this time. Petition A. for 0.2719 acres of land owned by Tommie and Lurenda Shamlin could be the only property considered for annexation.

John Crow made a motion to accept the petition received from Tommie and Lurenda Shamlin for annexation of 0.2719 acres in Wynne Community and to begin annexation proceedings. Jack Etheridge seconded and those in favor were Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge. Bob Alexander abstained. Motion carried.

Jack Etheridge made a motion to deny the petitions received from James and Ruby Widemon, Mrs. H. B. Griffin, and Ada Lou Bowman as the properties are not contiguous to the city limits. Ronnie Fugate seconded and all were in favor with the exception of Bob Alexander who abstained. Motion carried.

11. DISCUSS AND CONSIDER APPROVAL OF AN APPLICATION FOR A SOLICITOR'S PERMIT RECEIVED FROM MR. ROBERT C. ANDERSON - Mr. Robert C. Anderson introduced himself to the Council and discussed the company for which he is employed, Edward D. Jones Company. He explained the company is a full service investment firm and he has recently relocated to Van Zandt County. Mr. Anderson stated he did not desire to sell merchandise door to door, instead, he would like to introduce himself, his company, and drop off a brochure in residential areas. Bob Alexander made a motion to grant the Solicitor's Permit. John Crow seconded and those

in favor were Jack Etheridge, Bob Alexander, and John Crow. Those opposed were Ronnie Fugate and Kenneth Pruitt. Motion carried.

12. DISCUSS AND CONSIDER AWARDING OF BID RECEIVED FOR THE PURCHASE OF A REPEATER FOR THE CANTON POLICE DEPARTMENT - The Council reviewed the following bids received and opened Thursday, August 4, 1994, at 2:00 p.m.:

TELETOUCH	MSF 5000 w/out Secure Net		$7,899.00
2121 Old Henderson Hwy.	MSF Limited (Alternate)		$5,995.00
Tyler, TX 75701	(w/out Secure Net)		
INTER-COUNTY COMMUNICATIONS			
222 Linda Drive	MSF 5000 w/out Secure Net		$6,991.00
Sulphur Springs, TX 75482	With Secure Net	add	$1,849.00
			$8,840.00
WRIDEN COMMUNICATIONS	MSF 5000 w/out Secure Net		$9,525.00
2729 Douglas Rd.			
Nacogdoches, TX 75961			

Following a brief discussion, Bob Alexander made a motion to accept the bid of $6,991.00 from Inter-County Communications provided the bid meets all specifications. Ronnie Fugate seconded and all were in favor.

13. DISCUSS AND CONSIDER AWARDING OF BID RECEIVED FOR THE PURCHASE OF A VEHICLE FOR THE FIRST MONDAY DEPARTMENT - The Council reviewed the following bids received for a 1995 1/2 ton pick up which were opened Friday, August 12, 1994, at 1:00 p.m.:

LEWIS CHEVROLET Canton, TX	$15,500.00
CANTON MOTORS, INC. Canton, TX	$16,400.00

Following a brief discussion, Jack Etheridge made a motion to accept the bid of $15,500.00 from Lewis Chevrolet provided all specifications are met. Kenneth Pruitt seconded and all were in favor.

14. DISCUSS AND CONSIDER THE ADOPTION OF AN ORDINANCE AMENDING THE PRESENT CITY LAKE ORDINANCE TO PROHIBIT SKIING AND THE USE OF PERSONAL WATER CRAFT ON MILL CREEK RESERVOIR - Mr. Mallory informed the Council that while attempting to draft the proposed ordinance amending the present City Lake ordinance, it was discovered the present ordinance is not dated or numbered. Research was made into past minutes and the date of the ordinance adoption could not be determined. Mr. Mallory suggested the Council direct the drafting of a new ordinance in entirety to included the item of personal water craft. The Council so directed. Ronnie Fugate asked if the Council could consider limiting the number of jet skies rather than prohibiting their use. Discussion was held pertaining to the difficulty in enforcing a limit.

15. DISCUSS AND CONSIDER THE ADOPTION OF AN ORDINANCE ESTABLISHING FOOD SERVICE PERMITS - Mr. Mallory informed the Council of correspondence mailed from the State Health Department to restaurants, meat markets, etc., informing the businesses of their need to apply for a $250.00 permit from the State if they are not being inspected under a local health agency. Mr. Mallory contacted the State to see how the City could become a permitting authority. The State is forwarding information on the law, which he understands the City could adopt an Ordinance in order to become a permitting agency. Upon receipt of the information, an ordinance will be drafted for the Council's review.

16. DISCUSS AND CONSIDER THE ADOPTION OF A POLICY PERTAINING TO JOB APPLICATION PROCEDURES - Ronnie Fugate proposed an inter-office tracking procedure for employment applications and other documents as may be feasible. Councilman Fugate proposed a rubber stamp for office use which would reflect the date and by whom the document was received, where document was directed, when responded to and filed. The Council was in agreement this could be handled administratively and Bob Alexander suggested applicants be informed their application will be remain active for 90 days. It was also suggested each applicant be sent a letter acknowledging receipt of their application and status of such.

17. DISCUSSION AND UPDATE PERTAINING TO FIRST MONDAY ACTIVITIES - Bob Alexander informed the Council of appreciation expressed by the promoters of the Gun Show pertaining to assistance received from city employees, namely Al Campbell, Julie Jackson and Rayford Hutcherson.
Al Campbell updated the Council on the following items:

Restroom Construction in the T Section - The construction should be completed by the October Sale and the facility will meet ADA requirements.

Streets - The improvements to rows in the 2000 area is complete and row 8 has been re-shot. The improvements and reconstruction in the section including row 1A, the hill area, and area around the main gate office have begun. A new row will be constructed running east and west from row 1 to the horseshoe area of rows 5 and 6 which will hopefully improve traffic flow for the vendors. There are also plans in the near future to re-work the front PA system which covers this area.

Civic Center - Landscaping and the installation of a sprinkler system are the upcoming projects for the Civic Center and should begin soon. Upon Kenneth Pruitt's question pertaining to signs directing visitors to the civic center, Mr. Campbell stated Mr. McClanahan of the Texas Department of Transportation is looking into the placement of the direction signs.

18. DISCUSSION AND UPDATE PERTAINING TO STATUS OF STREET PROJECTS - Mr. Mallory informed the Council of the plans to begin street construction on Curry and Curry Lane during the upcoming week if Jack Daniel's schedule permitted. He also stated some curbing repair would be required where one of the water towers has been dismantled on Tower and Big Rock Streets. The Council briefly discussed renovation plans for the water tower located by the Police Department.

19. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - No items were requested for placement on future agendas. A brief discussion was held pertaining to some junk vehicles located on Shady Lane as well as junk left piled up outside at a vacated house on Woodland. Administration will handle these items in accordance with existing ordinances.

A closed or executive session will follow pursuant to TEX. REV. CIV. STAT. ANN. ART. 6252.17 Section 2(g).

20. EXECUTIVE SESSION - The Council retired to Executive Session at 8:05 p.m. for discussion pertaining to personnel evaluations.

21. RECONVENE TO OPEN SESSION TO TAKE ANY ACTION REQUIRED PURSUANT TO DISCUSSION IN EXECUTIVE SESSION - The Council reconvened at 8:35 p.m. Kenneth Pruitt made a motion to conduct employee evaluations twice a year, once during the 2nd quarter of the fiscal year, and the other during the 4th quarter, with documentation to be placed in each employee's personnel file. Bob Alexander seconded and all were in favor.

22. ADJOURN - There being no further items for discussion, the meeting adjourned at 8:40 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

CALLED CITY COUNCIL MEETING
6:30 P.M., TUESDAY, AUGUST 23, 1994

The Canton City Council met at the above named date and time with Mayor Lawrence presiding. All members were present as follows: Bob Alexander, Ronnie Fugate, John Crow, Kenneth Pruitt and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Bob Alexander

3. 2ND PUBLIC HEARING ON CONTEMPLATED ANNEXATION OF 0.34 ACRES ON COUNTY ROAD 3101 (WYNNE ROAD) - JERRY AND CLAUDIA SHAMLIN - Mayor Lawrence opened the public hearing and no persons were present to speak in favor or against the proposed annexation. Mayor Lawrence closed the hearing and action will be taken during the September 20, 1994 Regular Meeting.

4. 2ND PUBLIC HEARING ON CONTEMPLATED ANNEXATIONS OF APPROXIMATELY TWENTY ACRES ON COUNTY ROAD 3120 (WYNNE ROAD) - JESSIE ROBERTA WYNNE SMITH AND ELMER J. & RUTH WYNNE - Mayor Lawrence opened the public hearing. As no one was present to speak in favor or against the proposed annexation, Mayor Lawrence closed the hearing and announced action to be taken during the September 20, 1994 Regular Meeting.

5. DISCUSS AND CONSIDER ADOPTING A CITY EMPLOYEE PAY SCALE, SALARY PLAN, AND SALARY POLICY - The Council reviewed a proposed pay scale, based on longevity rather than merit, and salary plan offering proposal #1 and proposal #2 for consideration. Discussion was held pertaining to the drafting of a salary policy in connection with the scale and plan. Bob Alexander made a motion to approve the pay scale and salary plan under proposal #2 and to direct the administrators to present a written policy at the September 20th Regular Meeting. Ronnie Fugate seconded the motion. Kenneth Pruitt expressed his desire that action be delayed until which time the salary policy is in writing and consideration can be given on all three items. John Crow stated he was in favor of the pay scale and salary plan and would also like to see the three items considered at one time as a positive statement and action for the city employees. Mayor Lawrence called for a vote on the motion on the floor. Those in favor were Bob Alexander and Ronnie Fugate. Those opposed were John Crow, Kenneth Pruitt and Jack Etheridge. The motion failed. The Mayor and Council asked the administrators to prepare a written salary policy to be considered during a Called Meeting August 30, 1994.

6. BUDGET WORKSHOP - The Council reviewed the proposed budget for the fiscal year beginning October 1, 1994 and ending September 30, 1995. The proposal reflected total revenue of $4,422,400 and total expenditures of $4,322,662, leaving a surplus of $99,738. Al Campbell gave a report on projected revenue feasible through the adoption of a First Monday Records Fee as previously discussed. Mr. Campbell suggested the fee for transferring of spaces be based on lot rent, with a fee space. Mr. Campbell projected the

revenue to be $12,000. The Council was in general agreement to pursue a records fee policy and asked Mr. Campbell to present a written policy at the next regular meeting.

Following a brief discussion on the proposed budget, Ronnie Fugate made a motion to accept this proposal with an amendment reflecting a line item in First Monday Revenue of $12,000 for records fees and to file said budget with the City Secretary by August 30th for public view. Kenneth Pruitt seconded the motion. Those in favor were Ronnie Fugate and Kenneth Pruitt. Those opposed were Bob Alexander and Jack Etheridge. John Crow abstained. Mayor Lawrence placed in vote in favor and the motion carried. A public hearing pertaining to the proposed budget will be held during the September 20th Regular Meeting with action to follow.

7. ADJOURN - There being no further items for discussion, the meeting adjourned.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

CALLED CITY COUNCIL MEETING
6:30 P.M., TUESDAY, AUGUST 30, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. All members were present as follows: Bob Alexander, Ronnie Fugate, John Crow, Kenneth Pruitt and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

Mayor Lawrence introduced Miss Lindsey Plunk, representing the District 5 Farm Bureau in a Free Enterprise Speech Contest. The Mayor explained the competition and scholarship opportunities. Miss Plunk gave her speech on Free Enterprise to the Council and guests.

3. DISCUSS AND CONSIDER ADOPTING A CITY SALARY POLICY - Discussion was held pertaining to a written salary policy. Kenneth Pruitt expressed concern with the provision allowing administration to advance an employee two steps on the pay scale. He stated this was reverting back to merit rather than longevity. Councilman Pruitt stressed his objection to merit raises due to the involvement of personalities. He also expressed concern with the exception allowing administration to withhold a step increase, stating if an employee's performance does not warrant a raise, the employee should not be retained.

Ronnie Fugate and John Crow interjected their feelings that there may be cases where the employee's performance is unsatisfactory but not necessarily warranting dismissal. The

ability to withhold an increase until performance is brought up to satisfactory status could result in an improved and motivated job performance.

Bob Alexander stated he was not against the aforementioned elements of the policy, however he was against the policy in general. Councilman Alexander stressed his belief that employees should be rewarded on merit more so than longevity. He stated he could accept this policy and does look at it as a longevity policy with a mechanism to allow management to recognize employees with excelled job performance.

Councilman Pruitt questioned the availability of a grievance policy should an employee feel he/she has been unjustly evaluated due to personality conflicts. Johnny Mallory reminded the Council that the City's Personnel Policy Manual addresses employee grievances through the chain of command and up to the City Council should the employee so wish.

4. DISCUSS AND CONSIDER ADOPTING A NEW CITY SALARY CHART - The Council briefly discussed the previously proposed Salary Chart.

5. DISCUSS AND CONSIDER ADOPTING A CITY SALARY PLAN - The Council discussed the previously proposed Salary Plan with all expressing agreement in proposal #2 of the plan.

Jack Etheridge made a motion, seconded by John Crow to accept and adopt the Salary Policy, Salary Scale, and Salary Plan Proposal 2. Discussion included Ronnie Fugate stressing the importance of the Supervisors to document evaluations and other job related reviews. Upon Kenneth Pruitt's request to vote on each item seperately, Jack Etheridge withdrew his motion.

Jack Etheridge made a motion, seconded by Ronnie Fugate to approve and adopt the Salary Policy discussed and reviewed under agenda item 3. Those in favor were Bob Alexander, Ronnie Fugate, John Crow, and Jack Etheridge. Kenneth Pruitt opposed. Motion carried.

Jack Etheridge made a motion, seconded by Ronnie Fugate to approve and adopt the Salary Scale discussed and reviewed under agenda item 4. All were in favor.

Jack Etheridge made a motion, seconded by Ronnie Fugate to approve and adopt the Salary Plan under Proposal #2 discussed and reviewed under agenda item 5. All were in favor.

6. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO FIRST MONDAY MONUMENT - John Crow addressed the Council concerning the small replicas and the Chamber of Commerce's involvement in marketing the replicas. He expressed the Chamber's eagerness to begin the marketing strategy and implementation, however, the Chamber would like to use the future location of the lifesize monument in it's promotional material and is unsure of the location. The Council discussed the County Commissioner's rejection in placing the monument on the Courthouse lawn, the possibility of the Commissioner's changing their mind and other possible locations including the Log Cabin office area on the west side of the First Monday Park and the future Highway 19 entrance on H & T property on the east side of the Park.

Following further discussion, Bob Alexander made a motion to pursue with H & T Parking, the development of the East Gate Entrance with a courtyard on which the monument could be placed. Jack Etheridge seconded and all were in favor.

7. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO STREET IMPROVEMENTS ON CURRY AND CURRY LANE - Bob Alexander expressed the need of close communications with the residents of Curry and Curry Lane regarding their street construction. He suggested placing door hangers with an approximate time and activity schedule of the different phases upcoming in the project. No objections were voiced.

8. ADJOURN - There being no further items for discussion, the meeting adjourned.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, SEPTEMBER 20, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. All members were present as follows: Bob Alexander, Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. CONSIDERATION TO APPROVE MINUTES - Kenneth Pruitt made a motion to approve the minutes of the August 16, 1994 Regular Meeting, August 23, 1994 Called Meeting, and the August 30, 1994 Called Meeting as written. John Crow seconded and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS - Following Johnny Mallory's oral review, Jack Etheridge made a motion to approve the August 31, 1994 Financial Statements. Kenneth Pruitt seconded and all were in favor.

5. GUEST ITEMS - None

6. CONSIDERATION PERTAINING TO THE ADOPTION OF AN ORDINANCE ANNEXING 0.34 ACRES ON COUNTY ROAD 3101 (WYNNE ROAD) - JERRY AND CLAUDIA SHAMLIN - Following review of the proposed annexation ordinance, Kenneth Pruitt made a motion to adopt the ordinance. Jack Etheridge seconded and those in favor were Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge. Bob Alexander voted against said annexation. Motion carried.

7. CONSIDERATION PERTAINING TO THE ADOPTION OF AN ORDINANCE ANNEXING APPROXIMATELY TWENTY ACRES ON COUNTY ROAD 3120 (WYNNE ROAD) - JESSIE ROBERTA WYNNE SMITH AND ELMER J. & RUTH WYNNE - Johnny Mallory informed the Council that the ordinance was not completely finished as a survey was needed to tie the two properties together for description in the ordinance. He informed the Council that action could be taken and must be taken no later than the 40th day after the first public hearing which was August 16, 1994. Ronnie Fugate made a motion to adopt the annexation ordinance with the provision that upon completion of the survey, both properties are inclusive. John Crow seconded the motion.

   Councilman Bob Alexander asked the Council to carefully consider the action about to be taken, reminding the Council of the past attempts by the Wynne Community in an annexation petition drive to obtain the majority consent of annexing the entire community. He expressed concerns in "piece milling" annexation and the difficulties it would pose on

city limit determination for police and fire protection, street maintenance, and garbage collection. Councilman Alexander also reminded the Council that past annexations, such as the Country Club and Country Club Estates, required the property owners to pay the cost of extending sewer service to the area and questioned whether the same would be required of this annexation. He concluded by stating he had no problem with annexing the Wynne Community in it's entirety but felt it would be a mistake to annex one property at a time.

Councilman Ronnie Fugate reminded the Council the property owners have agreed to pay the cost of connecting to the sewer service upon annexation. He also stated he did not feel the Council should penalize the ones wishing to obtain improved services through annexation because of not being able to acquire a majority to annex all of Wynne Community. Councilman Alexander stressed his belief that the City would be acquiring massive street problems if said properties are annexed while presently unable to budget the desired amount of funds to improve streets presently inside the city limits. He also discussed some difficulties previously experienced in joint efforts between the City and County in street improvements. Councilman Kenneth Pruitt reminded the Council of successful street repairs on Old Kaufman Road through joint efforts between the City and County. Councilmen Jack Etheridge and John Crow stated their belief that additional annexation requests from Wynne Community would come about as more properties become contiguous to the city limits through these annexations, and will inevitably end in a majority of the Wynne Community being annexed.

There being no further discussion, Mayor Lawrence called for a vote. Those in favor were Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge. Bob Alexander opposed. Motion carried.

8. PUBLIC HEARING ON CONTEMPLATED ANNEXATION OF 0.2719 ACRES ON COUNTY ROAD 3120 (WYNNE ROAD) - TOMMIE B. & LURENDA B. SHAMLIN - Mayor Lawrence opened the public hearing on said contemplated annexation. No persons were present to speak in favor or against the annexation. The Council directed Mr. Mallory to discuss the approximate cost with the petitioners and verifying the understanding that the they are responsible for the cost. Mr. Mallory stated approximately 550 feet of sewer line would be required and the depth must be determined prior to obtaining an accurate cost. Mayor Lawrence closed the public hearing and announced the 2nd hearing would be held September 27, 1994, during a Called Meeting.

9. DISCUSS AND CONSIDER AWARDING BID FOR A BANK DEPOSITORY CONTRACT - Mayor Lawrence excused himself and Mayor Pro tem Jack Etheridge opened the floor to discussion pertaining to the two bids received for a two year bank depository contract. The bids were from The Bank of Van Zandt, Canton, Texas, and First National Bank, Canton, Texas. Mr. Mallory discussed the similarities of the bids and the percentage difference to be paid on both NOW Accounts and Certificates of Deposits. Mr. Mallory did not have a recommendation. Following a brief discussion, Bob Alexander made a motion to remain with the Bank of Van Zandt as the bids were substantially the same. Ronnie Fugate seconded and all were in favor.

10. DISCUSS AND CONSIDER PROPOSED FIRST MONDAY POLICY PERTAINING TO THE ESTABLISHMENT AND COLLECTION OF RECORDS FEES WHEN TRANSFERRING LOTS - Mayor Lawrence returned to chair the meeting. Al Campbell reviewed the proposed policy with the Council explaining the fees of $150 for food concessions and $40 for all other businesses when selling their businesses and transferring their leased First Monday spaces to the new owner. Mr. Campbell stated the ability to transfer spaces when selling business would further discourage sub-leasing and help in updating and maintaining accurate records of the City's vendors. Following a brief discussion and a few questions from guests in the audience, Bob Alexander made a motion to adopt the policy as written. John Crow seconded and all were in favor.

11. PUBLIC HEARING ON PROPOSED BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 1994 AND ENDING SEPTEMBER 30, 1995 - Mayor Lawrence opened said public hearing. Mrs. Georgia Phillips, food concession vendor on First Monday,

described a water drainage problem at her lot location following recent street repair and questioned whether funds had been allocated to correct the problem. Mayor Lawrence assured Mrs. Phillips that funds are allocated in First Monday maintenance and repairs, then directed her particular problem to First Monday Administration. No other persons spoke regarding the budget. Mayor Lawrence closed the public hearing.

12. CONSIDERATION TO ADOPT THE 1994-1995 BUDGET - Kenneth Pruitt made a motion to adopt the proposed budget for the fiscal year beginning October 1, 1994 and ending September 30, 1995 by ordinance. Jack Etheridge seconded and all were in favor.

13. DISCUSS AND CONSIDER APPROVAL OF A REQUEST FOR A WATER TAP OUTSIDE THE CITY LIMITS ON COUNTY ROADS 2202 & 2205 FOR DARRELL McEVERS - Mr. Mallory informed the Council that he and city staff had no objections to granting said request and could see no problems arising from another water tap at this location. Jack Etheridge made a motion to approve the water tap request, seconded by John Crow. All were in favor.

14. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO COLLECTION OF SOLID WASTE TO INCLUDE A 4% RATE INCREASE REQUEST FROM LAIDLAW WASTE SYSTEMS - Ms. Vickie Layman, Municipal Marketing Representative of Laidlaw Waste Systems, addressed the Council with Laidlaw's request for a rate increase. Ms. Layman stated that following conversations with Mr. Mallory, Laidlaw has lowered the percentage from a 4% increase to a 3% increase request which is more in line with the Consumer Price Index. Mr. Mallory informed the Council that with a 3% rate increase, the citizens of Canton would still be paying less for hauling than any other city in the County.

The Council discussed a previous rate increase denial to Laidlaw and the cooperation received from Laidlaw in correcting problems which existed at the time of that denial. Mr. Mallory and Ms. Layman assured the Council the request for a rate increase would in no way affect any terms of the existing contract which is scheduled to automatically renew for a five year period beginning December 1, 1994. Bob Alexander asked if Mr. Mallory believed the renewal of the contract with a 3% increase would be at a lower cost to our citizens than if the City re-bid the contract. Mr. Mallory confirmed this belief based on present rates in other cities.

Jack Etheridge made a motion to grant Laidlaw Waste Systems, Inc. a 3% rate increase effective November 1, 1994. Bob Alexander seconded and all were in favor.

15. CONSIDERATION TO APPROVE THE PURCHASE OF A VEHICLE FOR THE FIRST MONDAY DEPARTMENT - Mr. Campbell informed the Council of two quotes he had obtained for a program vehicle, both being below the bid requirements. Lewis Chevrolet quoted $11,995.00 on a Chevrolet Lumina and Canton Motors quoted $14,500.00 on a Mercury Sable. Discussion was held on the purchase of an extended warranty. Bob Alexander made a motion to authorize Mr. Campbell to purchase a vehicle not to exceed $13,999.00. Jack Etheridge seconded and all were in favor.

16. DISCUSSION AND UPDATE OF ALL MATTERS PERTAINING TO FIRST MONDAY - Al Campbell informed the Council that the present year's street projects should be completed this week. There is a small number of streets to be done in the upcoming year and Mr. Campbell stated his plans to begin a solid preventative maintenance program on the streets. He also informed the Council the new restroom in the T Section should be open October First Monday weekend. The Council questioned repairs needed to the street entering the R.V. Park off Highway 64 and methods of reducing the speed on Dealer's Row when entering from FM Rd. 859. Mr. Campbell will review both matters.

17. DISCUSS AND CONSIDER POLICY PERTAINING TO CITY APPOINTED BOARDS AND COMMITTEES - Bob Alexander expressed a need for policies and enforcement regarding City appointed Boards and Committees. He stated his feelings that some of the Boards/Committees have become inactive, some members no longer live

within the city limits, and some need new appointments to fill vacancies. Councilman Alexander stated the Board of Adjustment and Planning and Zoning Boards seem to be functioning well and both have recently been appointed a number of new members due to vacancies. He suggested the members of the two Boards draw for staggered two year terms and that possibly the other Boards/Committees be reappointed.

Following discussion of the Council, it was decided the Chairpersons of each Board/Committee be contacted as to their suggestions of how the Council can assist in reviving activity, involvement, etc. This item shall appear on the October 18 agenda.

18. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE SENIOR CITIZENS BUILDING TO INCLUDE REMODELING - Mr. Mallory informed the Council of his being contacted by two ladies involved with the dances held at the Senior Citizens Building a few times a month. The ladies requested a petition wall be removed which separates a small room from the larger part of the building to allow more space for the dances. Mr. Mallory directed them to the Senior Citizens Advisory Board. After the Board denied the request, the ladies again contact Mr. Mallory stating they understood and after considering the matter, decided it would be better to add on to the existing building. The Council was in agreement the request should be taken to the Advisory Board for study and consideration.

19. DISCUSSION AND UPDATE PERTAINING TO LANDFILL CLOSURE - Mr. Mallory informed the Council that as of 4:00 p.m. on this same date, the dirt work was completed. Approximately 8,000 cubic yards of clay and 14,000 cubic yards of top soil were used. Plans are to seed the soil Thursday morning and schedule the needed inspection.

20. DISCUSSION AND UPDATE PERTAINING TO STATUS OF STREET PROJECTS - Mr. Mallory informed the Council he had Mr. Jack Daniel lined up to begin the dirt work on Curry and Curry Lane however Mr. Daniel has declined from the job stating he doesn't have the time. Mr. Mallory has scheduled Mackey Lewis, however Mr. Lewis couldn't begin until the landfill project was completed. Mr. Lewis should begin tearing up the street this week. The Council asked to keep this item on the agenda until the project is complete.

21. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - Mayor Lawrence updated the Council on the recent First Monday Museum Dedication and praised Linda Brown, "First Monday Museum Curator" for her diligent efforts and success. Ms. Brown reminded all that the project is "still work in progress".

22 ADJOURN - There being no further agenda items, the meeting adjourned at 8:30 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

FIRST MONDAY POLICY
RECORDS FEE
(Adopted September 20, 1994)

TRANSFER OF LOTS

City of Canton First Monday vendors who choose to sell their business, may transfer their rented First Monday lots to the new business owner upon meeting the following requirements:

1) Both the buyer and seller must come to the First Monday office with drivers license for identification purposes along with sales tax identification number.

2) Proof of the business sale must be presented.

3) Payment of a Records Fee to the City of Canton must be made by either party in the following amounts:

Food Concession	$150.00
All other businesses	$ 40.00

4) Only at the time of the records transfer will the purchaser be allowed to obtain any number of lots presently in the sellers name and same location. Lots released by the seller and not retained by the purchaser will become open to the public and vendors with adjoining spaces.

5) A records fee will be required for each location should the business purchase include lots in different locations on the First Monday Park.

ADDITION OF BUSINESS PARTNERS

City of Canton First Monday vendors desiring to add a business partner, change from a personal name to a business name, etc., may do so with proper identification and the payment of a records fee as outlined above.

A records fee will not be charged for a change of address, with proper identification reflecting the new address.

During the months of October through December, 1994, all vendors are encouraged to correct any records with false or inaccurate information. Should a vendor be renting space under another persons name, notification from the vendor whose name is on the receipt, either in person or by a notarized letter, wishing to release the lots to the existing vendor will be sufficient. A records fee will be required as outlined above to correct the records. Neither party will be penalized by the loss of lots if the records are corrected during October, November, or December, 1994. Beginning in January, 1995, identification will be periodically verified and any vendor found sub-leasing or falsifying information will lose their First Monday lots.

CALLED CITY COUNCIL MEETING
6:30 P.M., TUESDAY, SEPTEMBER 27, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. Members present were Bob Alexander, John Crow, Kenneth Pruitt, and Jack Etheridge. Councilman Ronnie Fugate was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Bob Alexander

3. CONSIDER ACCEPTANCE OF PETITION FOR ANNEXATION OF PROPERTY BELONGING TO THE NEW HOPE BAPTIST CHURCH ON COUNTY ROAD 3120 (WYNNE ROAD) - Following a review of the aforementioned petition for annexation, John Crow made a motion to accept the petition and begin annexation proceedings. Jack Etheridge seconded. Those in favor were John Crow, Kenneth Pruitt and Jack Etheridge. Bob Alexander was opposed. Motion carried.

4. 2ND PUBLIC HEARING ON CONTEMPLATED ANNEXATION OF 0.2719 ACRES ON COUNTY ROAD 3120 (WYNNE ROAD) - TOMMIE B. & LURENDA B. SHAMLIN - Mayor Lawrence opened the second public hearing on the named contemplated annexation. No persons were present to speak in favor or against said annexation. Councilman Alexander noted his understanding of public hearings being for citizens to address the Council and City Council discussion to take place at the time of considered action, contrary to what the local paper had recently reported. Mayor Lawrence closed the public hearing and noted action would be considered during the October Regular Meeting.

5. CONSIDERATION OF ALL MATTERS PERTAINING TO LEVYING THE 1994-1995 TAX RATE - Kenneth Pruitt made a motion to approve the following captioned ordinance levying the tax rate at $0.00 per $100.00 valuation during the October 1, 1994 through September 30, 1995 fiscal year.

   AN ORDINANCE LEVYING TAXES FOR ALL TAXABLE PROPERTY IN THE CITY OF CANTON, TEXAS FOR THE ENSUING FISCAL YEAR COMMENCING ON THE FIRST DAY OF OCTOBER, 1994, AND ENDING THE 30TH DAY OF SEPTEMBER, 1995.

   Jack Etheridge seconded the motion and all were in favor. The ordinance shall be numbered 94-11 and filed in accordance with City requirements.

   A closed or executive session followed pursuant to TEX. REV. CIV. STAT. ANN. ART. 6252.17 Section 2(f).

6. EXECUTIVE SESSION FOR DISCUSSION PERTAINING TO POSSIBLE PURCHASE OF PROPERTY - The Council retired to executive session for discussion of property matters.

7. RECONVENE TO OPEN SESSION TO TAKE ANY ACTION REQUIRED PURSUANT TO DISCUSSION IN EXECUTIVE SESSION - The Council reconvened at 7:09 p.m. with no action taken.

8. ADJOURN - There being no further items for consideration, the meeting adjourned at 7:10 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

CALLED CITY COUNCIL MEETING
6:30 P.M., TUESDAY, OCTOBER 11, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. All members were present as follows: Bob Alexander, Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. PUBLIC HEARING ON CONTEMPLATED ANNEXATION OF PROPERTY BELONGING TO THE NEW HOPE BAPTIST CHURCH ON COUNTY ROAD 3120 (WYNNE ROAD) - Mayor Lawrence opened the aforementioned public hearing. No persons were present to speak in favor or against the contemplated annexation. Mayor Lawrence closed the public hearing and informed the Council of the 2nd public hearing scheduled for October 18, 1994 during their regular meeting and action to be taken during the November regular meeting.

4. CONSIDERATION OF A REQUEST FROM THE CANTON CHAMBER OF COMMERCE FOR OFFICE SPACE - Mr. Joe Collins, Manager of the Chamber of Commerce, informed the Council that the Chamber is having to relocate their office within 30 to 90 days. Mr. Collins discussed the past locations of the Chamber office, four that he was aware of the in the past five or six years and the Chamber's fairly limited budget. He expressed the Chamber's desire for a location which could be considered more permanent. Following approval of the Chamber's Board of Directors, Mr. Collins had sent a letter to the Mayor and Council requesting consideration to locate the Chamber office in the Blackwell House. Following is the letter in it's entirety:

October 5, 1994

Honorable Mayor and City Council
City of Canton
Canton, Texas

The Canton Chamber of Commerce is being required to vacate its present "home" on or before January 1, 1995. The staff and board members have been searching for a suitable location for its operation.

Should the City of Canton consider entering into an agreement with the Chamber of Commerce and permit the Chamber to locate their offices in the Blackwell House, be advised of the following:

The office of the Chamber is open Monday through Friday from 8 a.m. to 5 p.m. The main objective of the Chamber is to promote business. Business includes promoting events that take place in and around Canton. Tourism is paramount in the daily operation of the Chamber. We work with the City of Canton, East Texas Tourism Association, North East Texas Tourism Association in all their endeavors. We are active members of the Texas Convention and Visitors Bureau, promoting Canton at every opportunity.

The Blackwell House would be ideal for the headquarters of the Chamber to continue its operations. Membership in the Chamber is now in excess of 200 with active committees working in many areas.

As occupants of the Blackwell House it would be a part of the daily operations to welcome visitors to this historic site as well as cooperate with any tour group that might wish to tour the house. There also appears to be ample room for small groups to conduct meetings. Presently, we make available our current location to The Women's League, Garden Club and others that wish permission to use the facility for meetings.

The Board of Directors and Staff has full understanding of the usage intent of the Blackwell House and would cooperate fully with those intentions by being responsible for conducting tours and accepting visitors. An enlarged volunteer staff would be recruited and made available when needed for special tours.

The Board of Directors has authorized me to appear on their behalf at your called meeting of October 11, 1994. I would therefore request to be placed on the agenda and would field any questions from the Council or any visitor to the meeting.

Respectfully submitted
Joe Collins, Manager

Mayor Lawrence informed the Council of a telephone conversation with Mr. Rebel Blackwell. As Mr. Blackwell nor a representative would be able to attend the meeting, he asked the Mayor to convey the Blackwell family's feelings that allowing the Chamber to office in the home would be contrary to the intent of the gift from the Blackwell family to the City of Canton. Mr. Blackwell stated the home should be used only as a museum and historical park. Mayor Lawrence concluded by stating the Blackwell family is strongly opposed to such use as requested by the Chamber of Commerce.

Richard Davis, Attorney at Law, informed the Council of his review of the deeds and restrictions contained therein. Mr. Davis discussed the two different restrictions, both applying to one part of the property which he believed contained the house and one applying to the other. Mr. Davis stated the restriction forbidding any First Monday use of the property could present a potential problem if the Chamber's primary function is to promote First Monday, this being not just a part of their function. He also stated the restriction stating the property would be used as a historical park did not prohibit the type of use of the Chamber as the Chamber had stated in their correspondence their desire to comply by giving tours. Mr. Davis stated the restrictions both come to a "fact" question regarding the Chamber's request. He also informed the Council the only restrictions they must deal with are those in the deed, stating the letter dated December 13, 1988 from Mr. Rebel Blackwell outlined the family's wishes for the future of the property. Mr. Davis concluded by expressing his opinion that the deed restrictions are not so inclusive that nothing else, besides a museum/historical park, can be done with the property.

Bob Alexander questioned whether the restrictions could be removed by condemning the property. Mr. Davis informed the Council that being able to condemn the property would depend on what the intended use would be as the law is explicit in the reasons for condemnation.

Mayor Lawrence asked the Council if the City did not have an obligation to fulfill the requirements of the deed and/or the wish list by completing the restoration prior to granting requests to use the property. The Council was in agreement the restoration would not be delayed or abandoned. Joe Collins again stressed the Chamber's willingness to comply with restrictions of touring, educating, and "showing off" the Blackwell Homeplace as they would be very proud of the property; informed the Council that usually two and no more than three employees/volunteers would be in the office five days a week, stated the Chamber owned very few office furnishings and would certainly not take away from the homeplace appearance, and discussed the average number of visitors on a per day basis and small community groups who would all be able to view the homeplace.

Bob Alexander made a motion to proceed with allowing the Chamber of Commerce to occupy the Blackwell House for Chamber of Commerce business and purposes. Jack Etheridge seconded. Mayor Lawrence again questioned the moral obligation of completing the restoration prior to granting any use of the facility. Mr. Mallory stated the restoration could possibly be complete by the first of the year. Ronnie Fugate expressed his feelings that nobody wants to discount the City's appreciation of the gift from the Blackwells, and that all wanted to utilize the gift to the benefit of the entire community while maintaining its intent. Kenneth Pruitt stated the last two family members to live in the home were both teachers and he felt the Chamber's occupancy would allow teaching to continue by having personnel available to present the history of the home to visitors.

The Council was collective in their opinion the Chamber's use would be the best way to meet the intent of the gift.

Mayor Lawrence called for a vote on the motion. All were in favor with the exception of John Crow who abstained due to his position of President of the Chamber of Commerce. Motion carried.

5. CONSIDERATION OF A REQUEST TO CHANGE THE ZONING FROM RESIDENTIAL (R1) TO BUSINESS (B1) ON PROPERTIES LOCATED AT 635 S. TRADE DAYS BLVD. AND 657 S. TRADE DAYS BLVD. - Mr. Mallory reviewed the request for a zoning change on the two stated properties. He explained seventeen (17) notifications were mailed of which eleven (11) were returned in favor, one (1) envelope was returned undeliverable, and no responses were received against the change. Mr. Mallory also reminded the Council of the Planning and Zoning Committee's standing recommendation to approve any request to change the zoning to B1 on properties along Highway 19 north of Elm.

   John Crow made a motion, seconded by Bob Alexander, to approve the zoning change to Business 1 at 635 and 657 S. Trade Days Blvd. All were in favor with the exception of Jack Etheridge who abstained.

6. CONSIDERATION OF PROPOSAL TO CO-SPONSOR FALL FESTIVAL WITH THE MINISTERIAL FELLOWSHIP - Mayor Lawrence expressed a request from the Ministerial Fellowship for the City to join them in co-sponsoring the Fall Festival to be held on Halloween night. Co-sponsoring to include utilizing the Civic Center for the activities which would provide the youth a place to congregate. Ronnie Fugate made a motion, with Jack Etheridge seconding, to co-sponsor this event. All were in favor. Joe Collins offered to address the Chamber Board of Directors during their upcoming meeting to join in the efforts of the Fall Festival. The Council thanked Mr. Collins and asked him to contact the Ministerial Fellowship.

7. CONSIDER THE ADOPTION OF AN ORDINANCE ESTABLISHING GENERAL AND SPECIFIC RULES AND REGULATIONS PERTAINING TO THE PUBLIC USE OF MILL CREEK RESERVOIR, ALSO KNOWN AS LAKE CANTON, AND ADJOINING CITY OWNED PROPERTY - Mr. Mallory informed the Council the proposed ordinance was primarily a combination of two which have been used and referred to in the past. Changes were made to prohibit the use of personal watercraft, designate duck hunting, and prohibit the use of trotlines. Ronnie Fugate asked the Council to consider limiting the number of personal watercraft rather than prohibiting and made reference to other sections which would allow enforceability. Councilman Fugate also requested the ordinance include no swimming in the boat ramp area and include canopies and picnic tables in the section titled DAMAGE TO SIGNS, MARKERS. Bob Alexander asked that hours of operation be addressed as he did not see a need of being on the property after dark.

   Mayor Lawrence suggested the ordinance be presented at the next regular meeting with alternate wording addressing the aforementioned items for the Council's consideration. John Crow made a motion to table this item until the next meeting. Jack Etheridge seconded and all were in favor.

8. ADJOURN - There being no further items for discussion, the meeting adjourned at 7:25 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, OCTOBER 18, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. All members were present as follows: Bob Alexander, Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. CONSIDERATION TO APPROVE MINUTES - Bob Alexander made a motion to approve the minutes of the September 20, 1994 Regular Meeting; September 27, 1994 Called Meeting; and the October 11, 1994 Called Meeting as written. Kenneth Pruitt seconded and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS - Following Johnny Mallory's oral review, Kenneth Pruitt made a motion to approve the September 30, 1994 Financial Statements. Jack Etheridge seconded and all were in favor.

5. GUEST ITEMS - Mrs. Gladys Wheeler addressed the Council on behalf of the Senior Citizens and Community. She discussed the plans made some time ago to build another building just west of the existing Senior Citizens Building as the Center needs additional space; recent attempts with no support in removing the wall dividing the dining area from a smaller recreation room; and recently investigating the possibility of adding on to the west end of the building. Mrs. Wheeler informed the Council of the Senior Citizens' financial status and her concern that without fund raising, the group would be broke in a few years. Mrs. Wheeler asked the Council to consider allowing the Senior Citizens to park vehicles in the adjoining parking lot each month on Friday of First Monday weekend to replenish and maintain their funds, while continuing to allow the Fire Department to utilize the lot the remaining days of each First Monday. Mrs. Wheeler also expressed her appreciation of the members serving on the Senior Citizens Advisory Board and expressed concerns that some new members may need to be appointed to bring in new ideas and promote growth of all the Senior Citizens activities and functions. She asked the Council to also consider this matter.

   Mayor Lawrence thanked Mrs. Wheeler for bringing her concerns to the Council and asked that both items be placed on the next regular agenda.

6. CONSIDERATION PERTAINING TO THE ADOPTION OF AN ORDINANCE ANNEXING 0.2719 ACRES ON COUNTY ROAD 3120 (WYNNE ROAD) - TOMMIE AND LURENDA SHAMLIN - Kenneth Pruitt made a motion to adopt the ordinance annexing 0.2719 acres of land on County Road 3120. Jack Etheridge seconded the motion. Ronnie Fugate asked if Mr. Shamlin was made aware of the cost for sewer line extension to his property. Mr. Mallory stated he had not been contacted by Mr. Shamlin and believed Mr. Shamlin understood the cost would be his responsibility. Bob Alexander expressed concern that the property owner has not been given an estimate and restated his previous objections of not annexing Wynne Community as a whole at one time and not setting ground rules prior to the individual annexations.

   Kenneth Pruitt amended his motion to annex the property provided the property owner pays for the extension of the sewer line. Jack Etheridge seconded the amendment. All were in favor with the exception of Bob Alexander who opposed. Motion carried. The ordinance shall be numbered 94-12 and filed in accordance with annexation requirements.

7. 2ND PUBLIC HEARING ON CONTEMPLATED ANNEXATION OF PROPERTY ON COUNTY ROAD 3120 BELONGING TO NEW HOPE BAPTIST CHURCH - Mayor Lawrence opened the second public hearing on the aforementioned property. No persons were present to speak in favor or against the contemplated annexation. Mayor Lawrence

closed the public hearing. Action will be taken during the November 15, 1994 Regular Meeting.

8. DISCUSS AND CONSIDER POLICY PERTAINING TO CITY APPOINTED BOARDS AND COMMITTEES -Bob Alexander expressed a need to become organized in the term lengths for City appointed Boards and Committees. He stated that as the Planning & Zoning Committee and Board of Adjustment have recently obtained newly appointed members, they should be instructed to draw for term lengths and that most other Boards and Committees should be reviewed and possibly re-appointed, not to mean some of the same members couldn't be again appointed. Ronnie Fugate stated the Handicap Barrier Committee has served it's intended purpose and could be abolished. Bob Alexander also stressed he did not want to hurt anyone's feelings and was not trying to remove anyone, he was basically concerned with getting more organized.

   Following further discussion, Bob Alexander made a motion that the following Boards and/or Committees be notified in writing of the need to draw for terms, surveyed as to any member wishing to step down, and the City to fill any vacancies: Canton Industrial Development Board, Canton Senior Citizens Advisory Board, Planning and Zoning Committee, and the Board of Adjustment; with motion including the following Boards and/or Committees be abolished as their intended purposes have been met: Handicap Barrier Committee, Blackwell House Committee, Park Committee, and First Monday Museum Committee. Ronnie Fugate seconded the motion and all were in favor. Mayor Lawrence asked that this item also be carried to the next regular meeting for an update, committee member responses, and further action if needed.

   Kenneth Pruitt made a motion to nominate David King to fill the existing vacancy on the Industrial Development Board. Bob Alexander seconded and all were in favor.

9. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO DOWNTOWN PARKING - The Council reviewed correspondence received from a downtown merchant. Said merchant expressed great concern with County officials and employees parking around the Courthouse Square and leaving very few, if any, parking spaces for the downtown shoppers. The Council discussed the frequency of this same complaint from others in the downtown area. Bob Alexander suggested a letter be sent to each County elected official and department head requesting their cooperation in utilizing the County parking areas at the Courthouse Annex and the old library site, or the City leased lot east of City Hall. The Council was in agreement with this suggestion and also asked that this item be carried to the next regular meeting for any responses and/or additional suggestions.

10. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO STREET LIGHTING ON HIGHWAY 19 - Kenneth Pruitt discussed past attempts in having street lights placed on both sides of Highway 19 along the First Monday Park and an accident this past First Monday which he felt could have been prevented with proper lighting. Councilman Pruitt asked for the Council's support in pursuing the installation of street lights. The Council also discussed the need of additional flashing lights at all crosswalks in the same area and the traffic flow problems during First Monday weekends. Mayor Lawrence suggested, with the Council's consent, a meeting be called between all "players", including the City staff, T U Electric, Department of Public Safety, Canton Police Department, and if possible, the State Representative and State Senator, to discuss and offer possible solutions for increased safety measures. Said meeting will be held prior to the next regular meeting.

11. DISCUSSION AND UPDATE PERTAINING TO STATUS OF STREET PROJECTS - Al Campbell updated the Council on the progress of Curry and Curry Lane. No action was required.

12. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - The Council had no additional items for the next agenda.

13. ADJOURN - There being no further items for discussion, the meeting adjourned at 7:22 p.m.

Richard W. Lawrence, MAYOR

ATTEST:

Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, NOVEMBER 15, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. Members present were Bob Alexander, Ronnie Fugate, Kenneth Pruitt, and Jack Etheridge. John Crow was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence

2. INVOCATION - Councilman Ronnie Fugate

3. CONSIDERATION TO APPROVE MINUTES - Kenneth Pruitt made a motion to approve the minutes of the October 18, 1994, Regular Meeting as written. Jack Etheridge seconded and all were in favor.

4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS - Following an oral review by City Manager Johnny M. Mallory, Kenneth Pruitt made a motion to approve the October 31, 1994 Financial Statements. Jack Etheridge seconded and all were in favor.

5. GUEST ITEMS - Ms. Laura Council, Director of the Canton Senior Citizens Center, requested the Council consider when persons are picking up a key to the center from the Police Department, the persons be made to show a paid receipt for the use of the center. Ms. Council suggested this begin after the first of the year. Mayor Lawrence offered to look into this matter and stated it could probably be handled administratively. He stated that if City Council action was needed, it would be placed on a future agenda.

6. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE SENIOR CITIZENS BUILDING TO INCLUDE A REQUEST FOR THE USE OF THE PARKING LOT - Mrs. Gladys Wheeler, representing the Senior Citizens, briefly restated her prior request that the City Council consider allowing the Senior Citizens to park vehicles on the Center's parking lot on Friday of each First Monday weekend as a source of income. Mrs. Wheeler expressed her concern that the Senior Citizens funds would deplete to zero in three or four years without means of raising funds.

   Mr. Clifford Caviness of the Senior Citizen's Advisory Board addressed the newspaper article relating Mrs. Wheeler's request and statements during the last City Council meeting. Mr. Caviness informed the Council that the Advisory Board was not in favor of expanding the present building nor of taking a parking day away from the Canton Volunteer Fire Department each month. Mr. Caviness also gave an overview of the Senior Citizen funds and stated a financial statement is always available to the public.

   Mr. Ron Sanford of the Canton Volunteer Fire Department stated the Fire Department is not greedy, however, feels they have earned the right to receive the parking income as the funds are used to serve the entire community. Mr. Sanford explained the Fire Department

is presently making 300+ runs per year and what the parking lot generated funds have been able to provide. Expenses have included a $70,000 fire station, pager system, radios, training for the volunteers, bunker gear, etc. Mr. Sanford stated the City is generous with the budget concerning the Fire Department however, it is not enough. The City's recent upgrade of the water distribution system along with improvements made by the Fire Department have helped in reducing the Insurance Key Rate from $0.54 to $0.40 or less. Mr. Sanford explained this reduction would save the property owners within the community approximately $50,000 in insurance rates. He again interjected the funds used by the Fire Department have benefited and serve the entire community rather than any part thereof.

Councilman Kenneth Pruitt suggested reviewing other City owned parking lots which might be made available to the Senior Citizens group one day each First Monday. Councilman Bob Alexander expressed concerns of who would be in charge of a parking lot and the funds if the Advisory Board does not recommend such. Councilman Pruitt felt the Board was not against generating revenue, however, they are not if favor of taking it away from the Volunteer Fire Department. Mrs. Wheeler also stated the Senior Citizens are no longer pursuing the expansion of the Senior Citizen's Center and never intended to deplete the funds.

Mayor Lawrence asked Kenneth Pruitt to meet with the necessary Boards and persons concerning the possibility of utilizing another City owned parking lot. This item shall be placed on the agenda for the December 13, 1994 meeting. He asked anyone wanting information on the developments to contact Kenneth Pruitt prior to the next meeting.

Approximately four other citizens addressed the Council expressing concerns including the City is not in support of the Senior Citizen activities, the City should provide funds for the Fire Department out of the First Monday revenues, etc. Mayor Lawrence assured all that the Council is very supportive and interested in the Senior Citizen activities and is seeking a way for an ongoing source of funding for both the Senior Citizens and Fire Department.

7. CONSIDERATION OF REQUESTS FROM CENTURY 21 MABRY & JOHNSON FOR WATER TAPS OUTSIDE THE CITY LIMITS ON LOTS 3, 5, & 7 IN WASHAM ACRES ADDITION - Mr. Mallory informed the Council that until a six inch (6") line is placed, the water is not available to permit other taps in this location. Ronnie Fugate made a motion to deny the three taps at the present time. Kenneth Pruitt seconded and all were in favor.

8. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE BLACKWELL HOUSE TO INCLUDE THE RESTORATION THEREOF - Mayor Lawrence informed the Council of a meeting held with himself, Councilman John Crow, Mr. Rebel Blackwell, and Mr. Bob Buchanan to discuss the restoration and use of the Blackwell House. The Mayor stated the meeting went very well with the net result being the Chamber of Commerce would move into the Blackwell House as soon as the restoration is complete, which should be in the near future.

Bob Alexander stated he felt the intent of the Council was plain two months ago in allowing the Chamber of Commerce to utilize the facility. He asked if any additional restrictions had been agreed to in the recent meeting other than those in the deed restrictions. Mayor Lawrence stated there was discussion that some points need to be further addressed as the Chamber does engage in First Monday business in their day to day operations. Mr. Blackwell had brought this to the table and felt the deed restriction pertaining to no First Monday use would need to be changed to prevent any problems in the future. Mayor Lawrence stated the meeting was one of understanding.

Bob Alexander made a motion that no additional agreements be made to the Blackwell family unless voted on by the City Council. Ronnie Fugate seconded.

Discussion included Ronnie Fugate asking if there had been any agreements entered into without the Council's knowledge and/or consent as a result of the meeting. Mayor

Lawrence stated the parties meeting agreed to the Chamber's use of the facility and to respect and preserve the family's heritage. Bob Alexander expressed concern for future Council's should there be any type of written correspondence which could be construed as agreements with the Mayor's signature representing the City Council. Mayor Lawrence stated he had agreed to send a letter to Mr. Blackwell stating the City's understanding of what the Blackwell family's intent was for the use of the building. Ronnie Fugate stated Councilman Alexander's concern, as is all of their concerns, is that the three deed restrictions have not been added to. Mayor Lawrence assured the Council no deed restrictions had been added to and would require legal procedures to do so. Jack Etheridge stated the deed restrictions are the only binding restrictions.

Bob Alexander amended his motion to issue no documents, letters, agreements, etc. to the Blackwell family without approval of the Council. Ronnie Fugate seconded and all were in favor.

9. CONSIDER THE ADOPTION OF AN ORDINANCE ANNEXING PROPERTY ON COUNTY ROAD 3120 BELONGING TO NEW HOPE BAPTIST CHURCH - Johnny Mallory informed the Council that after the agenda was posted, the surveyor's discovered the aforementioned property is not contiguous with the present city limits. Bob Alexander made a motion to deny the annexation as it cannot presently be legally annexed into the city limits of Canton. Kenneth Pruitt seconded and all were in favor.

10. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO DOWNTOWN PARKING - The Council reviewed the letter mailed to County elected officials and supervisors following last month's meeting. The letter requested the officials and supervisors to comply with the parking regulations on the square and to utilize the County owned and City owned parking facilities. Mr. Mallory informed the Council no responses had been received from the mailing. Police Chief Hoss Williams stated there has been some compliance however, similar attempts have been made for years with compliance for short periods of time.

Bob Alexander asked that this item be carried to the December 13th agenda and that downtown merchants be contacted for their input.

11. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO STREET LIGHTING AND TRAFFIC ON TRADE DAYS BLVD. - HIGHWAY 19 - Johnny Mallory updated the Council on a recent meeting with the Highway Department, TU Electric, Al Campbell, Mayor Lawrence, Kenneth Pruitt, and himself. TU Electric will light Highway 19 between Highway 64 and Wynne Road, however, the City will need to set poles at the curbs which requires easements and/or permission from the State which is forthcoming. The traffic lights at Highway 19 and Interstate 20 are being reviewed pertaining to the left turn signal for westward flowing traffic. The widening of the bridge is on the drawing board, however, the project is a minimum of three (3) years away.

Kenneth Pruitt asked to carry this item to the next agenda for review and a progress report.

12. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO PARKING ON FIRST MONDAY WEEKENDS - Councilman Alexander expressed concerns regarding the areas dangerously congested with parked vehicles during First Monday weekends. He asked Mr. Mallory to have no parking signs posted on Buffalo including the block where Peace Pharmacy is located. Councilman Alexander also asked the Council to consider bringing in other officers from different agencies to patrol the downtown area on foot with radios as the Canton Police Department is stretched beyond their limits on First Monday weekends. Mr. Mallory agreed with the need of bringing in part-time assistance and stated it would be the most feasible solution especially in enforcing the no parking along the right of ways of Highway 19.

Bob Alexander made a motion to authorize Mr. Mallory to hire part-time officers to supplement the Canton Police Department as needed. Ronnie Fugate seconded and all were in favor.

13. CONSIDER THE ADOPTION OF AN ORDINANCE ESTABLISHING GENERAL AND SPECIFIC RULES AND REGULATIONS PERTAINING TO PUBLIC USE OF MILL CREEK RESERVOIR (LAKE CANTON) AND ADJOINING CITY OWNED PROPERTY - The Council reviewed the proposed ordinance with alternate wording and restrictions. Ronnie Fugate made a motion to adopt Alternate 1B and limit personal watercraft to no more than two on the lake at the same time, as opposed to Alternate 1A which prohibits the use of personal watercraft. Bob Alexander seconded. Kenneth Pruitt and Jack Etheridge expressed concerns regarding the feasibility in enforcing such a policy. Those in favor were Bob Alexander and Ronnie Fugate. Those opposed were Jack Etheridge and Kenneth Pruitt. Mayor Lawrence voted in opposition. Alternate 1A shall become a part of the ordinance for adoption consideration.

Ronnie Fugate made a motion to adopt Alternates 2B to include no swimming in the boat ramp, 3B to include a phrase prohibiting damage to canopies, picnic tables, etc, 4B-J to allow overnight camping by obtaining a permit from City Hall, and 5B-K to allow night fishing upon receipt of a permit obtained at City Hall. Bob Alexander seconded and all were in favor.

Ronnie Fugate made a motion to adopt the ordinance with the above selected alternates. Kenneth Pruitt seconded and all were in favor. The ordinance shall be numbered 94-13 and published in accordance with the requirements in the Canton Herald.

14. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO FIRE DAMAGED PROPERTIES ON BOIS D' ARC AND SHADY LANE - Bob Alexander expressed concern in the property owners lack of efforts in restoring properties damaged by fire on Bois D' Arc and Shady Lane. Ronnie Fugate stated his belief the owner of the property on Shady Lane is in the process of beginning restoration. Mr. Mallory stated he had spoken with the owner of the Bois D' Arc property and believes he could write a letter to the owner designating a completion date of the restoration.

Bob Alexander made a motion to refer the Bois D' Arc property to the Board of Adjustment for review and to begin condemnation proceedings. Jack Etheridge seconded and all were in favor. Bob Alexander asked to carry the Shady Lane property issue to the next agenda to report any progress. The Council asked Mr. Mallory to send a letter to both property owners informing them of the Council's actions as a result of the unsafe conditions of the properties.

15. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO SOLICITATIONS ON CITY STREETS AND INTERSECTIONS - The Council reviewed a previously adopted policy pertaining to solicitations at intersections. Bob Alexander expressed concern with the enforceability of the policy as it is not in ordinance form. He also stated the permit for solicitations door to door in a residential district must be approved by the City Council, however intersection solicitations are administratively approved and/or denied.

Bob Alexander made a motion to have an ordinance or addendum drafted pertaining to intersection solicitations based on the same guidelines as the residential soliciting permit. Kenneth Pruitt seconded and all were in favor.

16. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO FIRST MONDAY RULES AND REGULATIONS - The Council reviewed the First Monday Rules and Regulations which are scheduled for print as soon as possible. Bob Alexander suggested changing the rule regarding no pets on the grounds as it is impossible to enforce due to the number of entrances from privately owned properties. Mr. Campbell was instructed to contact the insurance carrier pertaining to the City's liability with allowing pets as opposed to the liability of the present policy.

Bob Alexander made a motion to allow dogs and/or cats on the grounds when on a leash and attended. Kenneth Pruitt seconded and all were in favor.

One visitor asked the Council if he could legally buy a lot from a concession stand vendor. Mayor Lawrence and Al Campbell explained the lots could be transferred upon the sale of the concession stand as could now also be done with the sale of any business on the grounds. Clifford Frantz informed the Council he was personally aware of lots being sold without the sale of a business. Bob Alexander suggested the use by any person of the wording "offering lots for sale" will be grounds for removal from the grounds. This issue shall be referred to the City's legal counsel for consideration.

17. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO FIRST MONDAY SECURITY - Bob Alexander expressed concerns regarding matters on the First Monday grounds which are difficult to patrol at night such as gray water being dumped, physical disputes, etc. He stated the authorization previously given in this meeting to hire part-time officers would encompass this issue.

18. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO FIRST MONDAY PARKING LOT OFF FM RD. 859 - Bob Alexander reviewed a list of organizations wishing to obtain parking dates for the upcoming year as well as the guidelines and instructions to the organizations. Councilman Alexander suggested the groups be required to turn in the money daily at the log cabin office as opposed to Monday at City Hall. All Councilmen agreed.

Councilman Alexander also expressed concern that some of the organizations listed might not be Canton organizations and suggested those which are more County-wide be instructed to approach the County for parking revenue, while the City concentrated more on the Canton school and City organizations. Mayor Lawrence expressed an opinion that when the number of organizations participating reached #36, the Canton based organizations be given priority. He stated he understood Councilman Alexander's concerns but did not feel it was presently a problem. Kenneth Pruitt said the organizations on the present list are all Canton based.

The Council agreed the guidelines and requirements should be studied as to a need of being more restrictive. Mayor Lawrence asked the First Monday Committee to complete the study and develop guidelines for consideration during the December 13, 1994 Council Meeting.

19. DISCUSSION AND UPDATE PERTAINING TO STATUS OF STREET PROJECTS - Johnny Mallory gave an update on the status of the Curry and Curry Lane street project. Bob Alexander questioned the need of being more restrictive with utility companies restoring streets after making their repairs. Mr. Mallory felt he could stay on this matter more and the street repairs would meet the Council's approval.

20. EXPRESSION OF MAYOR LAWRENCE'S INTENT TO RESIGN - Mayor Lawrence informed the Council of his intent to resign at the December 13, 1994 Council Meeting as a result of his recently elected position of County Judge. Mayor Lawrence asked the Council to be considering their plans as they may appoint a fellow Councilman to complete the unexpired term.

21. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - Bob Alexander requested a review of the First Monday Food Concession Policy on the next agenda. Ms. McCarty asked the Council to consider condemnation of 1212 Big Rock. She stated this structure is vacant, has no flooring, and is hazardous. Mr. Mallory informed Ms. McCarty he would begin action immediately.

A closed or executive session followed pursuant to the provision of the Open Meetings Law, Article 6252-17, Vernon's Texas Civil Statutes, in accordance with the authority contained in Sections 2(f) and 2(g).

22. EXECUTIVE SESSION - The Council retired to Executive Session at 9:40 p.m. for discussion of the following matters:

A. DISCUSSION PERTAINING TO PROPERTY MATTERS

B. DISCUSSION PERTAINING TO PERSONNEL

23. RECONVENE TO OPEN SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION - The Council reconvened to open session at 10:00 p.m. with no action taken.

24. ADJOURN - The meeting adjourned at 10:01 p.m.

Richard W. Lawrence, MAYOR

ATTEST:
Michelle Wilson, City Secretary

REGULAR CITY COUNCIL MEETING
6:30 P.M., TUESDAY, DECEMBER 13, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Lawrence presiding. All members were present as follows: Bob Alexander, Ronnie Fugate, John Crow, Kenneth Pruitt, and Jack Etheridge.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Lawrence
2. INVOCATION - Councilman Ronnie Fugate
3. CONSIDERATION TO APPROVE MINUTES - Kenneth Pruitt made a motion to approve the minutes of the November 15, 1994 Regular Meeting as written. John Crow seconded and all were in favor.
4. CONSIDERATION TO APPROVE FINANCIAL STATEMENTS - Following Johnny Mallory's oral review, Jack Etheridge made a motion to approve the November 30, 1994 Financial Statements. Kenneth Pruitt seconded and all were in favor.
5. RESIGNATION OF MAYOR LAWRENCE - Mayor Richard Lawrence read an open letter resigning his office of Mayor of the City of Canton due to his elected office of Van Zandt County Judge. Mayor Lawrence thanked past and present Councilmembers and staff for their support and handed the gavel to Mayor Pro-tem Jack Etheridge.

   Mayor Pro-tem Etheridge presented Richard Lawrence with an appreciation gift from the City of Canton.
6. APPOINTMENT TO FILL VACANCY CREATED BY RESIGNATION OF THE MAYOR AND TO MAKE APPOINTMENT TO FILL VACANCY ON CITY COUNCIL IF DETERMINED BY THE CITY COUNCIL TO BE NECESSARY - Kenneth Pruitt made a motion to appoint Jack Etheridge to fill the Mayor's unexpired term. John Crow seconded and all were in favor. Mayor Jack Etheridge was sworn into office by Municipal Court Judge Brenda Sanford.

   Bob Alexander made a motion to appoint former Councilmember Don Hackney to fill the unexpired term of Jack Etheridge's Council seat. Kenneth Pruitt seconded and all were in favor. As Mr. Hackney was unable to attend the meeting, he will be sworn into office during the next meeting.
7. GUEST ITEMS - Mr. Richard Haynes of the Bank of Van Zandt addressed the Council with the Bank's desire to assist with annexation of the Wynne Community. He requested the City undertake any and all efforts needed to determine the cost of providing services to this area as the cost figures were needed in the Bank's efforts toward financial assistance.

   Mr. Mallory stated the procedures are underway and figures should be available by the end of January.

8. DISCUSS AND CONSIDER REQUEST FROM THE CHAMBER OF COMMERCE TO ENDORSE THE EXPANDED TOLL-FREE CALLING AREA - Mr. Joe Collins of the Canton Chamber of Commerce discussed the expanded toll-free calling area program and the interest expressed by many Canton and Van Zandt County exchange residents. Mr. Collins explained the Chamber would be presenting the petitions for this service to the Public Utility Commission and requested the Council's endorsement of the program and inclusion in the presentation. The telephone company would issue ballots in each phone bill for persons in the exchanges of 567, 829, 833, 848, and 479. Should the issue pass by 70% of the ballots cast, the adopted exchanges would be billed $3.50 per month on all residential and $7.00 per month on each business line. The exchanges would be able to call toll-free to other exchanges within a 22 mile radius of the exchange.

   Bob Alexander stated he had mixed emotions concerning this matter as he could see the savings for businesses yet was concerned with the residential rate of $3.50 being a temporary rate which the telephone company could petition PUC for an increase should this rate not cover the expense in providing the service.

   Following further discussion, John Crow made a motion to endorse the program based on the interest shown by 300+ Canton residents. Kenneth Pruitt seconded and all were in favor. The Council stated the endorsement was made to allow the citizens the opportunity to vote on the program.

9. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE CANTON INDUSTRIAL BOARD - MR. RICHARD INGRAM - Mr. Richard Ingram, Chairman of the Canton Industrial Board, informed the Council of four vacancies on the Board and asked permission to fill two with persons who have personally expressed interest and to assist with the other two appointments. Councilman Pruitt explained the Council has been discussing the different boards and committees and has some ideas which will be discussed during the January meeting. No action was taken.

10. DISCUSS AND CONSIDER REQUEST FOR A ZONING CHANGE FROM RESIDENTIAL (R1) TO BUSINESS (B1) AT 840 S. TRADE DAYS BLVD. (HWY. 19) - MR. RICHARD INGRAM - This request was brought before the Council with a standing recommendation from the Planning & Zoning Committee for approval as the property is located on Highway 19 between Elm and Highway 64. Fourteen (14) property owners within 200 feet had been notified, with written responses being nine (9) in favor and three (3) opposed.

    Councilman Fugate asked Mr. Ingram his intent pertaining to traffic and access off Pacific Street as some residents had expressed concerns. Mr. Ingram informed the Council that the home would continue to be used as residential with only the garage being converted to a show room for wall paper. He explained there would be no commercial vehicles utilizing Pacific and there would be no need for a commercial dumpster.

    Ronnie Fugate made a motion to approve the zoning change to Business 1. Bob Alexander seconded and Mayor Etheridge opened the floor for discussion.

    Mr. Paul Norris and Mr. Athol Emerson, residents on Pacific Street, addressed the Council with concerns regarding future use of the property if it was zoned for business use. They discussed previous problems with a dumpster located at the rear of this property. Mr. Ingram stated his understanding of their concerns regarding the future and again assured them of his intent for the present use.

    Councilman John Crow asked if a restriction of no commercial vehicles using the rear access to the property off Pacific would satisfy the concerns. Discussion was then held pertaining to the definition of commercial vehicles.

    Ronnie Fugate withdrew his original motion, followed by a motion to approve the zoning change with a restriction of no commercial vehicles, being those classified greater than a light duty vehicle, be allowed access of the rear entrance off Pacific. Bob Alexander seconded and all were in favor.

11. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO THE REQUEST FROM THE SENIOR CITIZENS FOR THE USE OF THE PARKING LOT - Kenneth

Pruitt informed the Council of his meeting with the Senior Citizen's Advisory Board and the City's offer of allowing the Senior Citizens to utilize the parking lot on Tyler Street east of City Hall on Fridays and Saturdays of First Monday weekends. The Board asked for time to take this matter to the Senior Citizens for consideration and formation of a committee and chairman to operate the lot. Kenneth Pruitt asked that this item be carried to the January meeting with hopes of the Senior Citizens to begin operating the parking lot in February.

12. CONSIDERATION OF THE FOLLOWING REQUESTS FOR WATER TAPS OUTSIDE THE CITY LIMITS:

a)	DARRELL McEVERS	COUNTY ROAD 2202
b)	TRAVIS WILLIAMS	CORNER OF COUNTY ROADS 1255 & 4126
c)	BARRY BURRAGE	COLLEGE STREET

Johnny Mallory recommended the request for water taps outside the city limits made by Darrell McEvers and Barry Burrage be approved. He explained the request from Travis Williams was in an area which the Council has denied other requests until the distribution to the area is upgraded.

John Crow made a motion to approve the requests of Darrel McEvers and Barry Burrage and to deny the request of Travis Williams with the understanding Mr. Williams will be notified when the distribution is upgraded and allowed to present another request for consideration. Ronnie Fugate seconded. All were in favor with the exception of Bob Alexander who abstained.

13. REVIEW AND APPROVAL OF CORRESPONDENCE TO THE BLACKWELL FAMILY - The Council reviewed the following letter drafted by former Mayor Richard Lawrence to the Blackwell family.

December 13, 1994

Mr. Rebel Blackwell & family

3129 Bryn Mawr

Dallas, Texas 75225

Dear Mr. Blackwell & family,

By way of this letter, the City of Canton wishes to express its appreciation to the Blackwell family for the spirit of cooperation which we have enjoyed as we near completion of the renovations being made to the Blackwell House.

Please be assured that the City recognizes the historical significance of the Blackwell House and it respects the intent of the family's gift...to provide, for all our citizens and visitors to enjoy, a glimpse of the past, the flavor of life as it used to be. In whatever secondary use the City may make of the facility, it shall always endeavor to preserve the ambiance of the Blackwell heritage and to protect the integrity of the gift.

With Kindest Regards,

Richard W. Lawrence, Mayor

City of Canton

Bob Alexander made a motion to approve the correspondence. Ronnie Fugate seconded and all were in favor with the exception of John Crow who abstained.

14. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO DOWNTOWN PARKING - Johnny Mallory informed the Council some cooperation had been received from the Courthouse employees in not parking on the square however, it is not entirely County employees violating the abusing the downtown parking. Ronnie Fugate stated this has always been a problem and his experience when he previously had a business on the square was that when strict enforcement and tire marking began, his business was adversely affected. No action was needed or taken on this matter.

15. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO STREET LIGHTING AND TRAFFIC ON TRADE DAYS BLVD. - HIGHWAY 19 - Mr. Mallory informed the Council that TU Electric could place forty foot (40') lighted poles with extended arms using sodium vapors on the east side of Highway 19 from Wynne Road south to the existing lights at a cost to the City of approximately $600.00 per month. Bob Alexander made a motion to have the lighted poles installed on Highway 19 from Highway 64 north to Interstate 20. John Crow seconded and all were in favor.

16. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO FIRE DAMAGED PROPERTIES ON BOIS D' ARC AND SHADY LANE - Mr. Mallory informed the Council he had spoken with both property owners. Mr. Barrentine will begin tearing down the structure on Bois D'Arc after the first of the year. Mr. Mallory stated he will place a placard on the structure on Shady Lane and will need to do the same to a structure at 1212 Big Rock. He plans to begin these proceedings during January. No action was required or taken.

17. DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO FIRST MONDAY PARKING LOT OFF FM RD. 859 TO INCLUDE PROPOSED GUIDELINES - Kenneth Pruitt informed the Council of the First Monday Committee meeting and the Committee's preference in not changing the guidelines and regulations at this time. The drawing for the organizations to obtain parking assignments for the upcoming year will be conducted Thursday, December 15, 1994 at 3:30 p.m.

    The Council was made aware of the request from the Senior Citizens to participate in the drawing. Discussion was held pertaining to the upcoming awarding of a parking lot to the Senior Citizens. Bob Alexander stressed the need of written criteria and qualifications for the organizations utilizing the parking lot program as fund raisers. He asked Mr. Campbell to prepare such with direct benefit to children, youth, and school organizations.

18. DISCUSSION AND UPDATE PERTAINING TO STATUS OF STREET PROJECTS - Mr. Mallory informed the Council that approximately 500 feet of curb and gutter had been poured on Curry and Curry Lane last week. The project is slowed now by the rain and as soon as the ground dries, the remaining curb and gutter can be completed.

19. DISCUSSION PERTAINING TO OLD AND NEW BUSINESS FOR PLACEMENT ON FUTURE AGENDAS - Johnny Mallory presented a written agreement to be considered between the City and Chamber of Commerce for the Chamber's use of the Blackwell House. The Council chose to have a called meeting Monday, December 19, 1994, at 12:00 noon.

    John Crow requested consideration pertaining to the placement of the First Monday monument be placed on the January agenda. All matters pertaining to committees and terms will also be placed on the January agenda.

20. ADJOURN - There being no other items for consideration, the meeting adjourned at 8:10 p.m.

Jack Etheridge, Mayor

ATTEST:

Michelle Wilson, City Secretary

CALLED CITY COUNCIL MEETING
12:00 P.M., MONDAY, DECEMBER 19, 1994

The Canton City Council met at the above named date and time in the City Hall Council Chambers with Mayor Etheridge presiding. Members present were Bob Alexander, John Crow, and Kenneth Pruitt. Ronnie Fugate was absent.

Discussion and action were as follows:

1. MAYOR'S WELCOME - Mayor Jack Etheridge

2. INVOCATION - Councilman John Crow

3. SWEARING IN OF NEWLY APPOINTED COUNCILMAN DON HACKNEY - Don Hackney was sworn into office by Michelle Wilson, Notary Public. Councilman Hackney will be filling the unexpired Councilman term of Jack Etheridge.

4. APPOINTMENT OF MAYOR PRO-TEM - Mayor Etheridge opened the floor to nominations for Mayor Pro-tem. Bob Alexander nominated Kenneth Pruitt. The nomination was seconded by John Crow who then moved to close nominations and appoint Kenneth Pruitt as Mayor Pro-tem by acclamation. All were in favor.

5. CONSIDERATION TO ENTER INTO AN AGREEMENT WITH THE CHAMBER OF COMMERCE PERTAINING TO THE USE OF THE BLACKWELL HOUSE - Johnny Mallory reviewed a proposed agreement between the City of Canton and Chamber of Commerce pertaining to the Chamber's use of the Blackwell House. Mr. Mallory informed the Council the agreement was drafted through a meeting of himself, Joe Collins, John Crow, and Richard Davis. Mr. Mallory explained the conditions of the agreement being basically the same as if the Chamber of Commerce was the renter and the City of Canton being the landlord.

   Councilman Hackney made a motion to enter into the agreement. Kenneth Pruitt seconded and all were in favor with the exception of John Crow who abstained due to his position with the Chamber of Commerce.

6. ADJOURN - There being no further items for discussion, the meeting adjourned.

Jack Etheridge, Mayor

ATTEST:

Michelle Wilson, City Secretary