

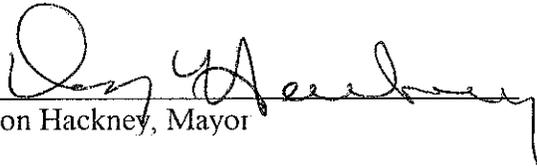
Councilman Sanford seconded, and all were in favor.

**EXECUTIVE SESSION FOR DELIBERATIONS REGARDING POTENTIAL PURCHASE OF REAL PROPERTY (SEC. 551.072)** - The Council adjourned into Executive Session at 7:40 p.m. to consider the proposed purchase of real property on behalf of the City of Canton.

**EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS (Section 551.074)** - The Council moved to discussion of personnel matters at 7:55 p.m.

**RECONVENE INTO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION** - At 8:15 p.m. the Council returned to open session with no action taken.

**ADJOURN** - There being no further business to come before the Council, Councilman Fugate moved that the meeting be adjourned. Councilman Lide seconded, and the meeting was adjourned.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**REGULAR MEETING**  
**CANTON CITY COUNCIL**  
6:30 P.M., TUESDAY, JANUARY 19, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS

**CALL TO ORDER AND ANNOUNCE QUORUM** - The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Ronnie Fugate, Ron Sanford, Charles Lide, Hoss Williams, and Raymond Pruitt. Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 6:30 p.m. and declared that a quorum was present.

**MAYOR'S WELCOME** by Mayor Don Hackney

**INVOCATION** was given by Councilman Ronnie Fugate.

PLEDGE OF ALLEGIANCE –The Pledge of Allegiance was led by Mayor Hackney

GUEST ITEMS – Mayor Hackney recognized Joe Collins, Executive Director of the Canton Chamber of Commerce Mr Collins updated the Council on the Chamber's activities and upcoming travel shows

PRESENTATION BY REPRESENTATIVE OF HESTER, CONWAY & COMPANY REGARDING 1997-1998 AUDIT – Mike Conway, CPA, distributed his audit report and directed the Council's attention to the "clean opinion" letter from his firm. He stated that he had no problem accepting the financial statements of the City of Canton He further stated that, according to the Balance Sheet, the City is in excellent shape He then highlighted the audit report for the Council

DISCUSS AND CONSIDER APPROVAL OF 1997-1998 AUDIT – Councilman Fugate moved that the audit be accepted as presented Councilman Sanford seconded the motion Councilmen Fugate, Lide, Pruitt, and Sanford voted in favor, and the motion carried

CONSIDER APPROVAL OF MINUTES OF DECEMBER 15, 1998 MEETING - Councilman Fugate moved that the Minutes be approved Councilman Lide seconded, and Councilmen Fugate, Lide, Pruitt, and Sanford voted in favor The motion to approve the Minutes carried

CONSIDER APPROVAL OF DECEMBER 1998 FINANCIAL STATEMENTS - Mr Mallory read the totals from the December 1998 Financial Statements Councilman Pruitt moved that the Financial Statements be approved as presented Councilman Lide seconded, and all were in favor

SECOND PUBLIC HEARING ON ANNEXATION OF 13 ACRES LOCATED ON HIGHWAY 243 EAST OWNED BY JOHN W CROW INCLUDING ANY AND ALL ROADWAY AND RIGHT OF WAY ADJACENT AND CONTIGUOUS TO SAID TRACT – Mayor Hackney opened the public hearing at 6:52 p m There were no comments regarding the proposed annexation, and the public hearing was closed at 6:53 p m

DISCUSS AND CONSIDER ACCEPTANCE OF PETITION FOR ANNEXATION BY JANIE MULLINS FOR 3.78 ACRE TRACT ON INTERSTATE HIGHWAY NO 20 WEST OF STATE HIGHWAY 64 – Mr Mallory explained that the purpose of this annexation is the construction of a billboard on the property Councilman Fugate moved that the petition be accepted Councilman Lide seconded, and all voted in favor

DISCUSS AND CONSIDER APPROVAL OF "STANDBY TRUST AGREEMENT" WITH THE AMERICAN NATIONAL BANK OF TEXAS FOR ISSUANCE OF TRANSFER STATION PERMIT BY TEXAS NATURAL RESOURCE CONSERVATION COMMISSION – Mr Mallory explained that the proposed trust agreement was necessary for TNRCC's issuance of a permit for the transfer station He stated that a bond had also been purchased In the event the TNRCC orders the closing of the transfer station and the City is unable to fund the necessary closing requirements, TRNCC will execute on the bond The bond proceeds will be placed in the trust and expended by the Bank as the Trustee Councilman Sanford moved that the Standby

Trust Agreement be approved. Councilman Williams seconded, and all voted in favor of the motion.

DISCUSS AND CONSIDER REQUEST FOR WATER TAP OUTSIDE CITY LIMITS BY RAMOND MILTON (668 VZCR 3101) – Mr. Mallory explained that the subject property is located on Wynne Road. He stated that the City has water service to the site and there is no objection to the request. Councilman Fugate moved that the request be granted. Councilman Williams seconded, and all voted in favor.

DISCUSS AND CONSIDER AMENDMENT TO ORDINANCE NO. 91-5 (SUBSTANDARD HOUSING) – Mr. Mallory informed the Council that it had come to the attention of the City staff that the current ordinance provided for placarding a condemned dwelling with no penalty provision for removal of the placard. Councilman Sanford moved that the following amendment be adopted:

Amend Section 11(e) of Ordinance No. 91-5 by adding a penalty provision:

A person who violates this provision by defacing or removing the placard is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine of not less than \$50.00 nor more than \$250.00.

Councilman Lide seconded, and all were in favor.

DISCUSS AND CONSIDER AMENDMENTS TO ORDINANCE NO. 97-03 (SIGN ORDINANCE) – Mr. Mallory proposed the following amendments to Ordinance No. 97-03:  
Section II:

A)1) Minimum height – No wall sign may be mounted in a manner that results in the lowest portion of the sign being less than six and one-half (6½) ~~eight (8)~~ feet or greater than twenty (20) feet above the sidewalk surface. Businesses and offices may mount signs at lower elevations that indicate the name of the establishment and street address only. These signs must not exceed eight (8) square feet.

Section II:

A)2) Intent - Marquee signs are to be generally considered as “theater-type” signs, which have changeable message boards. Use of a marquee sign will be limited to entertainment-oriented land uses (movie theaters, dramatic theaters, civic centers, opera houses, **restaurants**, etc). Verification of this fact will be required on the sign permit.

Minimum Height - The lowest portion of a marquee sign must be no less than eight (8) feet, or no greater than twenty (20) feet above the sidewalk surface, **or integrated into existing pole signs.**

Section III: A)

Minimum Setback – ~~Five feet outside the existing right-of-way. One-half distance from building line to property line.~~

Maximum Height – ~~Thirty (30) feet Twenty-five (25) feet~~

**DELETE entire paragraph:**

Design - All billboard and off premise signs addressed in this Section shall be designed and constructed according to stamped, engineered blueprints reflecting structure to meet 30 PSF wind load requirements

Section III: B)

Minimum Setback – ~~Twenty (20) foot minimum setback. One-half distance from building line to property line.~~

Design - All signs shall be designed and constructed to wind pressures as outlined in the **SBCCI adopted by Building Codes** of the City of Canton

**DELETE entire paragraph:**

C) Ground Sign Clearance - There shall be an open space of at least three feet in height between the ground and the bottom of such ground sign

Section IV:

E) Design - All signs shall be designed and constructed according to **SBCCI Code requirements. DELETE balance of paragraph:**  
the following wind load requirements:

<del>Height, in feet above ground, as measured</del> <del>above the average level of the ground</del> <del>adjacent to the structure</del>	<del>Pressure, pounds per</del> <del>square foot</del>
<del>0 - 5</del>	<del>0</del>
<del>6 - 30</del>	<del>20</del>
<del>31 - 50</del>	<del>25</del>
<del>51 - 94</del>	<del>35</del>

All signs exceeding a height of 20 feet shall be designed and constructed according to stamped, engineered blueprints reflecting structure to meet the wind load requirements set forth **in the SBCCI Code** above

Section V:

H) Banners - A banner may be used as a temporary sign for up to ninety (90) days  ~~Banner signs shall contain no more than three (3) colors.~~ Banners will be hung from the wall only, and

are subject to all pertinent standards and permit procedures. Streamers and promotional flags are not allowed. A maximum of one (1) banner per business shall be allowed.

Section VI:

C) Electrical - Prior to the issuance of any permit for signage with lighting, a licensed Canton electrician shall apply for an electrical permit and the local power company engineer shall verify that there is a minimum ten (10) foot clearance between any portion of the sign and all overhead power lines.

D) Location - Signs permitted pursuant to this Ordinance may be located only in districts zoned B-1, B-2, RPO, GI-1, or FMB only and must be situated no less than 100 feet from any residential or agricultural district.

Councilman Williams moved that the ordinance be amended as proposed. Councilman Fugate seconded, and all voted in favor of the motion.

DISCUSS AND CONSIDER APPROVAL OF AN INDEMNITY AGREEMENT FOR WESTERN SURETY COMPANY ON BEHALF OF THE CANTON VOLUNTEER FIRE DEPARTMENT FOR BINGO LICENSE – Mr. Mallory informed the Council that this matter had been resolved by City staff. With the approval of the Council, Mayor Hackney announced that the item would be withdrawn.

DISCUSS AND CONSIDER AWARDED BID FOR 12" SEWER TRUNK LINE REPLACEMENT – Mr. Mallory informed the Council that the new sewer line to be constructed will be under Highway 19 and through a hill. He directed the Council's attention to the compilation of the seven bids received:

McKinney & Moore	\$88,771.05
T & S Construction	\$125,861.25
John Wright Construction, Inc	\$138,590.00
Benson Construction	\$141,965.50
Duval & Sons, Inc	\$142,974.00
Richard Crow	\$172,787.75
A. E. Shull & Co.	\$202,829.96

Upon questioning by the Council, Mr. Mallory stated that McKinney & Moore has satisfactorily performed for the City of Canton in the past. Councilman Sanford moved that the bid be awarded to McKinney & Moore. Councilman Lide seconded, and all were in favor.

DISCUSS AND CONSIDER SCHOOL ZONE TRAFFIC ON SOUTH BUFFALO – Councilman Fugate expressed concern about parking on South Buffalo and children crossing the street to the schools. He said that he felt there was a definite safety issue since children are

crossing in heavy traffic It was determined that Mr. Mallory would meet with school officials to review the problem

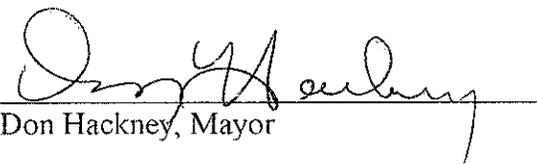
DISCUSS AND CONSIDER UPDATE ON STREET CONDITIONS, REPAIRS, AND IMPROVEMENTS – Al Campbell reported that all driveways have been constructed on Big Rock and all of the sod is in Driveways have been completed on Mill Creek Road and Murrey Street, but some of the curbs and transitions still need to be constructed Those streets are scheduled to be primed in the next two to three weeks He stated that the City is still waiting for enough stone to make the repairs on Old Kaufman Road and Dodson Street There has been a problem getting rock from the crushing company All rock delivered to the City is now being stockpiled to accumulate enough for the jobs scheduled.

EXECUTIVE SESSION FOR DELIBERATIONS REGARDING POTENTIAL PURCHASE OF REAL PROPERTY (SEC. 551.072) - The Council adjourned into Executive Session at 7:35 p m to consider the proposed purchase of real property on behalf of the City of Canton

EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS (Section 551.074) – The Council moved to discussion of personnel matters at 7:55 p m.

RECONVENE INTO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION - At 8:10 p m the Council returned to open session Councilman Fugate moved that the City of Canton offer to purchase the Tarpley Duke property located at the northeast corner of the intersection of Highway 64 and Buffalo Street for the sum of \$50,000 with all expenses of sale to be paid by the City of Canton and the site to be called “Duke Plaza ” Councilman Lide seconded the motion, and all were in favor

ADJOURN – There being no further business to come before the Council, Councilman Fugate moved that the meeting be adjourned Councilman Pruitt seconded, and the meeting was adjourned

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**REGULAR MEETING**  
**CANTON CITY COUNCIL**  
6:30 P M , TUESDAY, FEBRUARY 16, 1999  
CITY HALL, 290 E TYLER STREET, CANTON, TEXAS

CALL TO ORDER AND ANNOUNCE QUORUM - The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Ronnie Fugate, Ron Sanford, Charles Lide, Hoss Williams, and Raymond Pruitt. Discussion and action were as follows:

CALL TO ORDER AND ANNOUNCE QUORUM - Mayor Hackney called the meeting to order at 6:30 p.m. and declared that a quorum was present.

MAYOR'S WELCOME by Mayor Don Hackney

INVOCATION was given by Councilman Ronnie Fugate

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Hackney.

GUEST ITEMS - Mayor Hackney recognized Joe Collins, Executive Director of the Canton Chamber of Commerce. Mr. Collins reported that 4,500 packets had been distributed at the Houston Travel Show. The next show will be March 5-7 in Dallas.

CONSIDER APPROVAL OF MINUTES OF JANUARY 19, 1999 MEETING - Councilman Pruitt moved that the Minutes be approved. Councilman Sanford seconded, and all voted in favor. The motion to approve the Minutes carried.

CONSIDER APPROVAL OF JANUARY 1999 FINANCIAL STATEMENTS - Councilman Pruitt moved that the Financial Statements be approved as presented. Councilman Fugate seconded, and all voted in favor.

CALL OF GENERAL ELECTION FOR MAY 1, 1999 TO ELECT MAYOR AND TWO COUNCILMEMBERS - Mayor Hackney announced that a general election was in order to elect the mayor and two council positions. Councilman Lide moved that the election be called for May 1, 1999. Councilman Sanford seconded, and all voted in favor.

Mayor Hackney announced that Agenda Item No. 16 would be taken out of order.

DISCUSS AND CONSIDER PROPOSALS FOR FIRST MONDAY ADVERTISING AND APPROVAL OF AGREEMENT - City Manager Johnny Mallory announced that proposals had been received from Tayjon Marketing, Canton Herald Marketing, and NRB Media. Mr. Mallory stated that, after reviewing the proposals, he had several questions and would be hesitant to make a recommendation. It was agreed that the item would be moved to the Council's next regular meeting agenda.

DISCUSS AND CONSIDER REVISION TO CITY OF CANTON APPLICATION FOR BUILDING PERMIT TO ADD PERMIT FOR PRIVATE SEWAGE DISPOSAL – Mr. Mallory explained that the City's current building permit process did not provide for private sewage disposal or septic systems. Due to the annexation of the Lake Meadow subdivision which does not have access to city sewer, it would now be necessary to inspect and issue permits for such systems. Councilman Sanford moved that the building permit application be amended to provide for the inspection of private sewage disposal systems at a fee of \$20. Councilman Fugate seconded, and all voted in favor.

DISCUSS AND CONSIDER ADOPTION OF ANNEXATION ORDINANCE FOR ANNEXATION OF 1.3 ACRES LOCATED ON HIGHWAY 243 EAST OWNED BY JOHN W. CROW INCLUDING ANY AND ALL ROADWAY AND RIGHT OF WAY ADJACENT AND CONTIGUOUS TO SAID TRACT – Councilman Fugate moved that the annexation ordinance be adopted. Councilman Lide seconded, and all voted in favor.

FIRST PUBLIC HEARING ON ANNEXATION OF 3.778 ACRE TRACT ON I-20 OWNED BY JANIE C. MULLINS – Mayor Hackney opened the public hearing at 6:39 p.m. There being no comment from the public, the Mayor closed the hearing at 6:40 p.m.

DISCUSS AND CONSIDER ACCEPTANCE OF PETITION FOR ANNEXATION OF 1.02 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF I-20 AND SH 19 OWNED BY STAGGERS OIL CO. – Mr. Mallory informed the Council that the subject property was adjacent to the city limits and that the tracts on both sides of the property are already inside the city limits. Councilman Fugate moved that the petition for annexation be accepted. Councilman Sanford seconded, and all voted in favor.

PUBLIC HEARING ON RECOMMENDATION OF PLANNING AND ZONING COMMISSION ON ZONING CHANGE FOR 8.42 ACRES AND ADJACENT TRACT ORIGINALLY CONTAINING 20 ACRES ON CHERRY CREEK OWNED BY GEORGE AND MARY PITTS FROM RA AND R-2 TO MF-1 AND R-2 – Mr. Mallory displayed an overhead view of the plat of the property and the requested zoning change. The property owners have proposed thirteen lots on the back of the property for tri-plexes with the remainder to be developed as R-2. Councilman Pruitt asked if the traffic would still be channeled to Cherry Creek and whether funds were available to repair College Street. Mr. Mallory said that funds would have to be diverted from scheduled projects. Councilman Pruitt then asked whether Cherry Creek could be opened to the high school. Mr. Mallory said that would be the school's decision. Upon questioning, Mrs. Pitts stated that they would like to proceed with development of the first ten lots behind the existing houses on Cherry Creek. She said they were not yet sure when the remainder of the tract might be developed. She added that there would also be another entrance from Cherry Creek closer to College Street. Mrs. Pitts informed the Council that, contrary to prior concerns from area property owners, they had never intended to construct apartments on the subject property. Councilman Sanford stated that he thought area property owners were originally concerned about apartments and traffic. He said that he thought if area homeowners would look at the proposal they would see that this is about as good as they will get. He stated that the proposed development blends with the existing neighborhood. Councilman Sanford said that the City will need to address the condition of the streets which would be affected by this development. Mayor Hackney noted that the development would evolve slowly and would not fill up right away. Local property owner Eric Cliburn stated that he thought the proposed

development was a good idea. He said that his earlier concerns were based on Mr. Pitts' statement that he was an investor and the potential sale of the property to a developer. He stated that he had not been as concerned about what the Pitts might do as much as what an outside developer might do. Mayor Hackney stated that the Council would consider granting or denying the request for zoning change based on the plan presented. Mr. Cliburn said that he thought the proposed development was good and that there might be other areas in the City of Canton for this type of development as well.

DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION ON ZONING CHANGE FOR 8.42 ACRES AND ADJACENT TRACT ORIGINALLY CONTAINING 20 ACRES ON CHERRY CREEK OWNED BY GEORGE AND MARY PITTS FROM RA AND R-2 TO MF-1 AND R-2 - Cindy Malouf asked the Mayor to clarify the measure as it was being considered by the Council. Mayor Hackney explained that the zoning change was being considered subject to the plat proposed. He further explained that substantial changes would require additional approval through the usual planning and zoning process. He added that, in the event the Pitts sold the property and the new owner planned a different development, it would be necessary to go through the entire process for changing the property's zoning. Councilman Sanford moved that the zoning request be granted subject to and contingent upon the plat presented. Councilman Fugate seconded, and all voted in favor of the motion.

DISCUSS AND CONSIDER AWARDED BID FOR PURCHASE OF 1999 PICKUP TRUCK  
- Mr. Mallory reported that the following bids had been received:

Canton Motors, Inc.	\$19,865
Lewis Chevrolet Co	\$19,995

Councilman Lide moved to award the bid to Canton Motors, Inc. Councilman Fugate seconded, and all voted in favor.

DISCUSS AND CONSIDER AWARDED BID FOR SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 150 WEST TERRELL (FORMER LOCATION OF CANTON POLICE DEPARTMENT), CANTON, TEXAS - Mr. Mallory informed the Council that the property had been advertised for sale with only one bid received:

Eric James	\$45,001
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He stated that closing costs were estimated to be \$1,177. Mayor Hackney recommended that the bid be rejected. Councilman Fugate moved that the bid be rejected and that the property be re-advertised for bids. Councilman Pruitt seconded, and all voted in favor.

DISCUSS AND CONSIDER MAINTENANCE, REPAIR, AND REPLACEMENT OF 12 INCH TRUNK SEWER LINE - Mayor Hackney announced that this item would involve negotiations regarding the acquisition of real property and would be moved to Executive Session pursuant to Section 551.072 of the Texas Government Code.

DISCUSS AND CONSIDER REQUEST FROM DENNIS GORE FOR WATER TAP OUTSIDE CITY LIMITS AT SH 64 EAST AND FM 243

DISCUSS AND CONSIDER REQUEST FROM JAMES L. HARRIS FOR WATER TAP OUTSIDE CITY LIMITS ON FM 1255 (BEHIND FAIRGROUNDS)

**DISCUSS AND CONSIDER REQUEST FROM BOB MORRIS FOR WATER TAP OUTSIDE CITY LIMITS ON FM 17 AT GREAT DIVIDE ROAD**

Mr. Mallory advised that there was water to the area for all three requests. Councilman Fugate moved that all three requests be granted. Councilman Pruitt seconded the motion and all voted in favor.

**DISCUSS AND CONSIDER APPOINTMENTS TO THE BOARD OF DIRECTORS OF THE CANTON ECONOMIC DEVELOPMENT CORPORATION** – Mr. Mallory advised the Council that the terms of CEDC Directors Ben Shirey, Al Campbell, and Ron Sanford would expire. He stated that Mr. Campbell and Mr. Sanford had agreed to be re-appointed and that Mr. Shirey had asked that he not be re-appointed to the Board. It was noted that the CEDC Executive Director had notified the Council that Billy Jack Deen would be willing to serve on the Board. Councilman Pruitt stated that he had been contacted by Henry Lewis who had asked to be considered to serve on the Board. Councilman Williams questioned the function of the CEDC. In response to Councilman Williams' request and questions from the audience, Mr. Mallory explained the creation of the CEDC, its economic development functions, and the jobs created to date. Councilman Fugate informed the Council that he had received calls requesting that Wade Whitaker be considered for appointment to the Board. Mayor Hackney requested that the Council indicate their votes to fill the third position, and the vote was as follows: Councilmen Lide and Sanford for Billy Jack Deen and Councilmen Fugate, Williams, and Pruitt for Henry Lewis. Mayor Hackney announced that Al Campbell, Ron Sanford, and Henry Lewis would be appointed to serve on the Board of Directors of the Canton Economic Development Corporation.

**DISCUSS AND CONSIDER UPDATE ON STREET CONDITIONS, REPAIRS, AND IMPROVEMENTS** – Al Campbell briefly updated the Council on the status of ongoing street repairs.

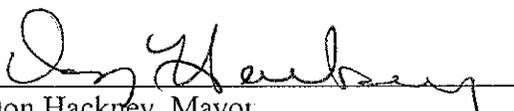
**EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS (Section 551.074)** - The Council adjourned into Executive Session at 7:30 p.m. to consider personnel matters.

**EXECUTIVE SESSION FOR DELIBERATIONS REGARDING POTENTIAL PURCHASE OF REAL PROPERTY (Section 551.072)** - The Council began its Executive Session at 8:25 p.m. to consider the proposed purchase of real property on behalf of the City of Canton.

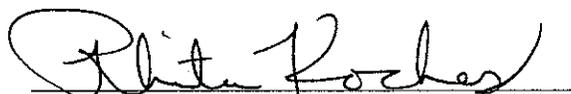
**RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION** – At 8:45 p.m., the Council returned to open session. Councilman Sanford moved that the City of Canton extend, at the City's expense, dependent insurance coverage to employee Carlos Mora based on his employment prior to September of 1987. To clarify, it was noted that employees hired after September, 1987 are not subject to this policy providing for the City's payment of such dependent coverage expense. Councilman Sanford seconded the motion. Councilmen Sanford, Fugate, and Lide voted in favor of the motion. Councilman Pruitt voted against the motion, and the motion carried. Councilman Fugate moved that City Manager Johnny Mallory be authorized to enter into negotiations with The Bank of Van Zandt for the purchase of real property adjacent to the Bank. Councilmen Fugate and

Lide voted in favor of the motion Councilmen Pruitt and Sanford voted against the motion Due to the tie vote, Mayor Hackney voted in favor; and the motion carried

ADJOURN – There being no further business to come before the Council, Councilman Fugate moved that the meeting be adjourned Councilman Pruitt seconded, and the meeting was adjourned at 8:50 p.m.

  
 Don Hackney, Mayor

ATTEST:

  
 Rhita Koches, City Secretary

**REGULAR MEETING**  
**CANTON CITY COUNCIL**  
 6:30 P.M., TUESDAY, MARCH 16, 1999  
 CITY HALL, 290 E TYLER STREET, CANTON, TEXAS

**CALL TO ORDER AND ANNOUNCE QUORUM** - The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor Don Hackney, Ronnie Fugate, Ron Sanford, Charles Lide, Hoss Williams, and Raymond Pruitt Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 6:30 p.m. and declared that a quorum was present.

**MAYOR'S WELCOME** by Mayor Don Hackney.

**INVOCATION** was given by Councilman Ronnie Fugate

**PLEDGE OF ALLEGIANCE** –The Pledge of Allegiance was led by Mayor Hackney

**GUEST ITEMS** – Mayor Hackney recognized Faughlette Hilliard who addressed the problems of speeding traffic and potholes on Tyler Street Mrs. Hilliard acknowledged that 25 mph speed limit signs had been installed on Live Oak and requested that signs also be put on Tyler Street. Mayor Hackney said that the matter had been addressed and he had noted speed limit signs on Tyler Street earlier in the day He also advised Mrs. Hilliard that the Police Chief has been asked to have his patrols monitor that area

Gary Lide then addressed the Council concerning the requirement for permits on Mill Creek Lake. Mr. Lide stated that, although he lives outside the Canton city limits, he considers himself a resident of Canton. Mr. Lide said that he agreed with the permit for out-of-town boaters but did not feel it was right to charge residents of the Canton area. Councilman Fugate responded that he had previously asked the Council to allow Van Zandt County residents to obtain permits free of charge. Mr. Lide stated that he could understand charging "out-of-town" visitors, but he felt that the permits should be free to those who live in Canton. It was his suggestion that permits be issued without charge to those in the 75103 zip code.

CONSIDER APPROVAL OF MINUTES OF FEBRUARY 16, 1999 MEETING - Councilman Sanford moved that the Minutes be approved. Councilman Fugate seconded, and the motion carried with all voting in favor.

CONSIDER APPROVAL OF FEBRUARY 1999 FINANCIAL STATEMENTS - City Manager Johnny Mallory presented the Financial Statements. Councilman Fugate moved that the Financial Statements be approved as presented. Councilman Pruitt seconded, and all voted in favor.

DISCUSS AND CONSIDER APPOINTMENT OF ELECTION JUDGE AND DESIGNATION OF POLLING PLACE FOR GENERAL ELECTION ON MAY 1, 1999 - Councilman Pruitt moved that Mary Wages be appointed Election Judge with City Hall designated as the polling place for the May 1, 1999 election. Councilman Williams seconded, and all voted in favor.

SECOND PUBLIC HEARING ON ANNEXATION OF 3.778 ACRE TRACT ON I-20 OWNED BY JANIE C. MULLINS - Mayor Hackney opened the public hearing at 6:44 p.m. There being no comments from the public, the hearing was closed at 6:45 p.m.

FIRST PUBLIC HEARING ON ANNEXATION OF 1.02 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF I-20 AND SH 19 OWNED BY STAGGERS OIL CO. - Mayor Hackney opened the public hearing at 6:45 p.m. There being no comments from the public, the hearing was closed at 6:45 p.m.

DISCUSS AND CONSIDER PROPOSALS FOR FIRST MONDAY ADVERTISING AND APPROVAL OF AGREEMENT - Mayor Hackney announced that it was the recommendation of the First Monday Committee to award the advertising agreement to Tayjon Marketing. Councilman Pruitt moved to award the advertising agreement to Tayjon Marketing. Councilman Lide seconded. Councilmen Fugate, Lide, Pruitt and Sanford voted in favor. Councilman Williams abstained from voting. The motion carried.

DISCUSS AND CONSIDER ADOPTION OF AN AIRPORT HAZARD ZONING ORDER AND THE APPOINTMENT OF TWO MEMBERS TO THE AIRPORT BOARD OF ADJUSTMENT - Mayor Hackney announced that the proposed Airport Hazard Zoning Ordinance was a joint effort with Van Zandt County to control the placement and construction of towers near the airport. He stated that other cities with airports could also join the Airport Zoning Board upon adoption of the appropriate ordinance. Councilman Pruitt moved to adopt the ordinance. Councilman Fugate seconded the motion, and all voted in favor.

DISCUSS AND CONSIDER ADOPTION OF ORDINANCE REGULATING THE OPERATION OF TAXICABS – Mr. Mallory reported that the City had been contacted about a potential taxi service and that the Texas Local Government Code requires local cities to regulate such businesses. Councilman Fugate moved that the ordinance be adopted. Councilman Sanford seconded, and all voted in favor.

DISCUSS AND CONSIDER REQUEST BY KEITH WAGNER FOR WATER TAP OUTSIDE THE CITY LIMITS ON OLD KAUFMAN ROAD – Mr. Mallory explained that there was water in the area of the request and that the City had no objections to the tap. Councilman Fugate moved that the request be granted. Councilman Williams seconded, and all voted in favor.

DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION ON ZONING CHANGE FOR LOT 6, LARGE LOT 29 (PECAN STREET) OWNED BY ALBERT WISE R-1 TO R-4 – Because there was not a quorum for the meeting of the Planning and Zoning Commission, there was no recommendation to be considered.

DISCUSS AND CONSIDER INSTALLATION OF THREE WAY STOP SIGNS AT THE INTERSECTION OF BIG ROCK AND COLLEGE STREETS – Councilman Fugate reported that he had received several comments regarding this intersection. He said that, after inspecting traffic in the area, it appeared that there was a necessity for additional control of the intersection. Councilman Sanford moved that the additional sign be added on the east to west route. Councilman Fugate seconded, and all voted in favor.

DISCUSS AND CONSIDER UPDATE ON STREET CONDITIONS, REPAIRS, AND IMPROVEMENTS – Mr. Mallory reported that construction was completed on Big Rock, Murrey and Mill Creek Road. He also told the Council that soil tests on Prairieville Street revealed the necessity for lime at an approximate additional cost of \$5,000. Mr. Mallory said the engineering for Oak, Denise, and a portion of Forrest should be available for the next Council meeting. The portion of Old Kaufman in front of Lakeside Baptist Church will be seal-coated when it dries. Councilman Lide asked that City crews check the Old Kaufman and Cherry Creek area to be sure there are sufficient fireplugs.

EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS (Section 551.074) The Council adjourned into Executive Session at 7:10 p.m. to consider personnel matters.

EXECUTIVE SESSION FOR DELIBERATIONS REGARDING POTENTIAL PURCHASE OF REAL PROPERTY (Section 551.072) - The Council began its Executive Session at 7:55 p.m. to consider the proposed purchase of real property on behalf of the City of Canton.

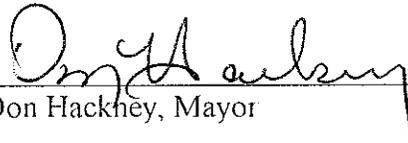
RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION - At 8:20 p.m., the Council returned to open session. Councilman Fugate moved that the City of Canton purchase approximately five acres located on FM 243 at a cost of \$15,000 per acre from The Bank of Van Zandt and that City Manager Johnny

Mallory and/or Mayor Don Hackney be authorized to proceed with executing the necessary documentation for such purchase. Councilman Sanford seconded the motion, and all voted in favor

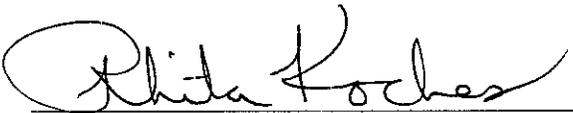
Councilman Ron Sanford moved that City Manager Johnny Mallory be authorized to proceed with condemnation proceedings against Henry Lewis to acquire the necessary easement to replace the 12 inch sewer trunk line between Highway 19 and Mill Creek. Councilman Pruitt seconded the motion, and all voted in favor

**DISCUSSION PERTAINING TO BUSINESS FOR PLACEMENT ON FUTURE AGENDAS –**  
There were no items to be placed on the Council's April agenda at this meeting

**ADJOURN -** There being no further business to come before the Council, Councilman Fugate moved that the meeting be adjourned. Councilman Lide seconded, and the meeting was adjourned at 8:25 p.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**REGULAR MEETING**  
**CANTON CITY COUNCIL**  
6:30 P.M., TUESDAY, APRIL 20, 1999  
CITY HALL, 290 E TYLER STREET, CANTON, TEXAS

**CALL TO ORDER AND ANNOUNCE QUORUM -** The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Ron Sanford, Charles Lide, Hoss Williams, and Raymond Pruitt. Ronnie Fugate joined the meeting during Guest Items.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM -** Mayor Hackney called the meeting to order at 6:30 p.m. and declared that a quorum was present.

**MAYOR'S WELCOME** was given by Mayor Don Hackney.

**INVOCATION** was given by Councilman Charles Lide.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Mayor Hackney.

GUEST ITEMS – Mr. Joe Collins, Executive Director of the Canton Chamber of Commerce informed the Council of upcoming travel shows and announced plans to change the handouts being distributed at the shows. He explained that the number of pieces necessary have become too costly for small business owners. Mr. Collins stated that he thought the shows were very profitable for the community; however, the Chamber cannot afford to participate in all of the shows. He requested that the Council reconsider the amount budgeted for the Chamber if they want representation at all of the travel shows. He stated that participation costs approximately \$2,500 per show.

DISCUSS AND CONSIDER ADOPTION OF RESOLUTION DESIGNATING APRIL AS CHILD ABUSE PREVENTION MONTH – Mayor Hackney read the proposed Resolution. Councilman Lide moved that the Resolution be adopted. Councilman Fugate seconded, and all voted in favor.

DISCUSS AND CONSIDER APPROVING MINUTES OF MARCH 16, 1999 MEETING – Councilman Fugate moved that the Minutes be approved as presented. Councilman Sanford seconded, and all voted in favor.

DISCUSS AND CONSIDER APPROVING MARCH 1999 FINANCIAL STATEMENTS – City Manager Johnny Mallory read the totals of the Financial Statements. Councilman Fugate moved that the Financial Statements be approved. Councilman Lide seconded, and all voted in favor.

DISCUSS AND CONSIDER ESTABLISHING SPEED LIMITS FOR STREETS IN LAKE MEADOW SUBDIVISION – Mr. Mallory advised the Council that the developer of the subdivision has requested that the speed limit be set at 25 mph. The Chief of Police had notified Mr. Mallory that 30 mph was the standard residential rate, but the City may establish a lower rate. The Mayor stated that it would be his recommendation that the speed limit be set according to the developer's request. Councilman Fugate moved that the speed limit for Lake Meadow Subdivision be established at 25 mph pursuant to the request of the developer and the recommendation of the Mayor. Councilman Sanford seconded, and all were in favor.

PRESENTATION BY JUDGE RICHARD LAWRENCE REGARDING WYNNE COMMUNITY SEWER SYSTEM; REPORT OF CEDC'S CONSIDERATION OF PROJECT BY EXECUTIVE DIRECTOR BOB ALEXANDER – County Judge Rick Lawrence presented a request for the Council's endorsement and a commitment for matching funds for a grant application. The application will be seeking \$250,000 for the construction and installation of a sewer system for the Wynne Community. Judge Lawrence cited the needs of the community and the potential for disease with the existing situation. He noted that the Wynne Community is located immediately adjacent to the CEDC's developing industrial park.

Judge Lawrence informed the Council that the deadline for submitting the application is May 4, 1999, with a determination expected in June. He explained that the application will be competing with numerous other projects, and there is no guarantee that the grant will be awarded. Judge Lawrence told the Council that he had presented the proposal to the CEDC Board and had a good feeling about their support; however, he stated that the CEDC Board was probably looking to the Council for guidance.

Mayor Hackney stated that the representatives had previously appeared before the Council requesting funding for a sewer system, and the City did not have adequate funds. He said the residents were advised to attempt to obtain grants which would not necessarily be available to the City. The Mayor stated that the residents have now done that and that he was in support of the project.

Bob Alexander, Executive Director of the CEDC, advised the Council that he thought the Board was generally in favor of the project. He said that the Board had asked him to address the Council to determine 1) whether the Council endorses the project and whether the Council wants the CEDC to fund the project; and 2) whether the Council would be willing to delay the downtown park project in order to shift those funds to the Wynne Community sewer system project.

Mayor Hackney recommended that the Council pass a resolution to encourage the CEDC to look favorably on funding both projects. Councilman Fugate agreed that both were very worthwhile projects, and he would be pleased to see both accomplished. Councilman Lide stated that he was present at the CEDC meeting and that there was some concern over funding. He said the downtown park has been on the table for some time and should be completed and that the Wynne Community sewer system is greatly needed. Mayor Hackney said he did not feel this was an insurmountable problem due partly to the fact that funding is at least a year away.

DISCUSS, CONSIDER, AND ACT ON REQUEST FOR COMMITMENT FOR FUNDING FOR WYNNE COMMUNITY SEWER SYSTEM - Councilman Sanford moved that the Council recommend the continuance of both the downtown park and the Wynne Community sewer projects to the CEDC Board. Councilman Fugate seconded, and all voted in favor.

DISCUSS AND CONSIDER ADOPTION OF ANNEXATION ORDINANCE FOR ANNEXATION OF 3.778 ACRE TRACT ON I-20 OWNED BY JANIE C MULLINS - Councilman Fugate moved that the annexation ordinance be adopted. Councilman Sanford seconded, and all voted in favor.

SECOND PUBLIC HEARING ON ANNEXATION OF 1.02 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF I-20 AND SH 19 OWNED BY STAGGERS OIL CO - Mayor Hackney opened the Public Hearing at 6:55 p.m. There being no comment regarding the proposed annexation, the Public Hearing was closed at 6:56 p.m.

DISCUSS AND CONSIDER ACCEPTANCE OF ANNEXATION PETITION FOR THREE 0.47 ACRE TRACTS LOCATED ON ETHERIDGE ROAD OWNED BY HORACE ETHERIDGE - Mr. Mallory advised the Council that a petition for annexation had been received, there is water and sewer in the area, and acceptance of the petition was recommended. Councilman Fugate moved that the annexation petition be accepted. Councilman Sanford seconded, and all voted in favor.

DISCUSS AND CONSIDER REQUEST BY LEANN DANIEL FOR WATER TAP OUTSIDE CITY LIMITS ON HIGHWAY 19 NORTH - Mr. Mallory advised that the subject property is located north of the Holiday Inn Express, there was water in the area, and the City had no objection to the request. Councilman Sanford moved that the request be granted. Councilman Fugate seconded, and all voted in favor of the motion.

DISCUSS AND CONSIDER APPLICATIONS FOR A SOLICITOR'S PERMIT FROM HELEN AND BOBBY TERRY – Mr. Bob Terry presented members of the Council with a copy of a letter from Reliable Life Insurance and told the Council that he planned to re-locate to Canton in June. He said that he currently has over 200 customers in the area and would like to visit with their neighbors and relatives to offer his services. Mayor Hackney advised Mr. Terry that the Council did not usually grant permits due to problems incurred in the past. Councilman Lide asked Mr. Terry about making telephone contacts. Mr. Terry said that referrals from customers usually involved knocking on a door. Mr. Mallory advised that Mr. Terry that there is no prohibition against him calling on a home to which he has been invited. Councilman Pruitt moved that the request be denied. Councilman Sanford seconded, and all voted in favor.

DISCUSS AND CONSIDER APPROVAL OF CONTRACT FOR SALE OF FORMER POLICE DEPARTMENT BUILDING LOCATED ON TERRELL STREET – Mr. Mallory advised the Council that an offer to purchase the former police department building had been received from Mike Goggans of Edgewood. He reported that the offer was for \$50,000 net to the City of Canton. He further explained that the offer provided for the transfer of the old water tower property in the event the tower is removed. He said that if the City abandons the site, the property would revert to the purchaser. Mayor Hackney suggested that the property be sold with the City retaining ownership of the water tower property, and that the purchaser be granted the option to purchase the additional tract for \$1.00 upon abandonment of the site. Mr. Mike Goggans was present in the Council Room and indicated his agreement with the Mayor's proposal.

Councilman Fugate moved that the property be sold to Mr. Mike Goggans for the amount of \$50,000 net to the City with the City retaining ownership of the water tower property, and that the purchaser be granted the option to purchase the additional tract for \$1.00 upon abandonment of the site. Councilman Pruitt seconded the motion, and all voted in favor.

DISCUSS AND CONSIDER FEES FOR LAUNCH PERMITS ON MILL CREEK LAKE – Councilman Fugate reminded the Council of a recent request to issue launch permits free of charge to persons with a 75103 zip code. Councilman Fugate said that he thought that might be confusing and would again recommend issuing permits free of charge to all Van Zandt County residents. He stated that he was not suggesting refunds and that the permits should still be obtained. Councilman Fugate moved that launch permits be issued free of charge to all Van Zandt County residents. Councilman Pruitt asked about the expenses associated with the children's fishing day. Mr. Mallory stated that the project cost approximately \$11,000. Councilman Pruitt said he felt those who live outside the City should help to defray the expenses associated with maintaining the lake. The motion died for lack of a second.

DISCUSS AND CONSIDER MAINTENANCE OF CITY PARKS – Councilman Pruitt expressed his displeasure with the condition of the parks. Mr. Mallory said he hoped the area could be cleaned in the next week.

DISCUSS AND CONSIDER ENGINEERING REPORTS FOR IMPROVEMENTS TO OAK STREET, DENISE STREET, AND A PORTION OF FORREST STREET

DISCUSS AND CONSIDER UPDATE ON STREET CONDITIONS, REPAIRS, AND IMPROVEMENTS - Mr. Mallory reported that engineering has been prepared for Oak and Denise. The engineer is having problems addressing the grade of the driveways on Forrest. Mr.

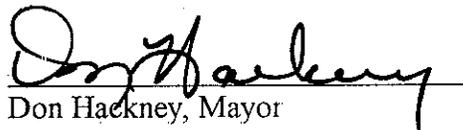
Mallory stated that the entire project would probably be included in one bid package. It is also proposed that Stacey be correct to some degree and that Oak Street be lowered to better mesh with Stacey Street.

Councilman Lide requested that the Council consider a mural on the wall of the building on Buffalo across from the proposed downtown park. He proposed that a mural be painted depicting the history of First Monday Trade Days in an effort to bring the downtown area and First Monday together. He also suggested a mural on the wall of the building beside the property purchased for the park depicting a history of Van Zandt County. Councilman Pruitt suggested allocating proceeds from one First Monday parking lot for improvements to the downtown park. It was the consensus of the Council that the matter be addressed at a future meeting of the Council.

**EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS**  
(Section 551 074) - The Council adjourned into Executive Session at 7:25 p.m. to consider personnel matters.

**RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION** - At 8:25 p.m., the Council returned to open session. Councilman Fugate moved that the Council uphold the decision of City Manager Johnny Mallory and Interim Chief of Police Jack Stroud to terminate City of Canton employee Heath Burton. Councilman Pruitt seconded, and all voted in favor.

**ADJOURN** - There being no further business to come before the Council, Councilman Sanford moved that the meeting be adjourned. Councilman Lide seconded, and the meeting was adjourned at 8:30 p.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**SPECIAL CALLED MEETING  
CANTON CITY COUNCIL  
6:30 P.M., TUESDAY, APRIL 27, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Ron Sanford, Charles Lide, Hoss Williams, Ronnie Fugate, and Raymond Pruitt.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** – Mayor Hackney called the meeting to order at 6:30 p m. and declared that a quorum was present.

**DISCUSS AND CONSIDER RENEWAL OF LEASE WITH MT. PISGAH LAND & CATTLE CO., INC., FOR PROPERTY AND IMPROVEMENTS LOCATED AT 400 S BUFFALO IN CANTON, TEXAS** – City Manager Johnny Mallory reported to the Council that the existing lease on the Police Department building at 400 S Buffalo expires July 31, 1999. He read provisions of the Lease regarding and option to renew for three years at \$1,650 per month. Mr. Mallory said that, at the request of the Council, he had discussed the purchase of the property from the owner; however, he had not discussed the possibility of reducing the renewal term. Councilman Fugate asked whether the City could be in a new facility in the next three years. Mr. Mallory said that was definitely possible should the Council make such a commitment to a new facility. It was the consensus of the Council that the lease would have to be renewed but preferably for a shorter term.

Councilman Sanford moved that the lease be renewed and that Mr. Mallory attempt to negotiate a shorter term or an escape clause should a new City facility become available before the expiration of three years. Councilman Fugate seconded, and all voted in favor.

**DISCUSS AND CONSIDER IMPROVEMENTS TO CITY PARKS** – Councilman Fugate said that he had been approached by a citizen requesting a loading area at Old City Lake. After discussion concerning the construction and location of such a ramp, Councilman Pruitt moved that a loading dock be constructed at Old City Lake. Councilman Lide seconded, and all voted in favor.

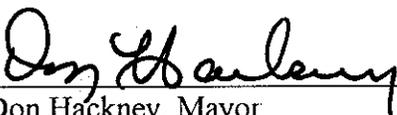
**UPDATE ON WYNNE COMMUNITY SEWER PROJECT; DISCUSS AND CONSIDER ANY ACTION NECESSARY PURSUANT TO UPDATE** – Mr. Mallory informed the Council that the CEDC Board had voted to fund \$52,300 in matching funds for a grant to extend sewer service to the Wynne Community. He stated that, following such vote, Director Henry Lewis had received an anonymous telephone call questioning the validity of such funding. The caller had contacted the Attorney General's Office and was notified that the funding would be in a gray area. CEDC Executive Director Bob Alexander had also contacted the Attorney General's Office and spoken with Scott Joslove who had agreed that the matter was in a gray area. Mr. Mallory advised the Council that the CEDC had met earlier in the day and there had been no change in the Board's vote to fund the project.

**EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS TO CONSIDER HIRING A CHIEF OF POLICE (Section 551.074)** – The Council adjourned into Executive Session at 6:55 p m. to consider hiring a Chief of Police.

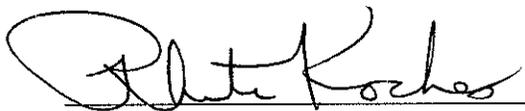
**RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION** – At 7:07 p m., the Council returned to open session. Councilman Fugate moved that David Hammonds be hired as the City of Canton's Chief of

Police Councilman Sanford seconded the motion Councilman Sanford seconded the motion Councilmen Fugate, Pruitt, Sanford, and Williams voted in favor Councilman Lide voted against the motion The motion carried.

ADJOURN – There being no further business to come before the Council, Councilman Sanford moved that the meeting be adjourned. Councilman Lide seconded, and the meeting was adjourned at 7:10 p.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

CALLED CITY COUNCIL MEETING  
1:30 P.M., TUESDAY, MAY 4, 1999

The Canton City Council met at the above named date and time in the City Hall Council Chambers Members present were Mayor Don Hackney, Ron Sanford, and Charles Lide. Councilmen Ronnie Fugate, Raymond Pruitt, and Hoss Williams were absent

Discussion and action were as follows:

CALL MEETING TO ORDER - Mayor Don Hackney called the meeting to order

CANVASS MAY 1, 1999 GENERAL ELECTION RETURNS - The Council canvassed the election returns for the May 1, 1999 general election of the Mayor and two Council members. After the Council canvassed the results of the election, Councilman Lide made a motion to accept the returns as presented by the Election Judge with the results being as follows:

<u>CANDIDATE</u>	<u>OFFICE</u>	<u># OF VOTES</u>
Don Hackney	Mayor	268
Rusty Wilson	Council member	171
Ron Sanford	Council member	170
Beverly Hutcherson	Council member	164
Alton Smith	Council member	143
William F. Hilliard	Council member	97
John C. Marshall	Council member	63

TOTAL NUMBER OF VOTES CAST: 439

Councilman Sanford seconded the motion, and all voted in favor.

ADJOURN - There being no further items for discussion, Councilman Sanford moved that the meeting be adjourned. Councilman Lide seconded, and all were in favor.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**REGULAR MEETING  
CANTON CITY COUNCIL  
6:30 P.M., TUESDAY, MAY 18, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

**CALL TO ORDER AND ANNOUNCE QUORUM** - The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Ron Sanford, Ronnie Fugate, and Raymond Pruitt. Councilmen Charles Lide and Hoss Williams were absent.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 6:30 p.m. and declared that a quorum was present.

**MAYOR'S WELCOME** was given by Mayor Don Hackney.

**INVOCATION** was given by Councilman Ronnie Fugate.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Mayor Hackney.

**OATH OF OFFICE ADMINISTERED TO ELECTED COUNCIL MEMBERS AND MAYOR BY MUNICIPAL COURT JUDGE BRENDA SANFORD** - Judge Brenda Sanford administered the oath of office to newly elected Mayor Don Hackney and Council members Ron Sanford and Rusty Wilson. Mayor Hackney then presented a plaque to outgoing Councilman Ronnie Fugate and thanked him for his 14 years of service to the Council and the City of Canton. Mr. Fugate then told those in attendance that he had always promised to do his best for the City of Canton. He said that it had been a privilege to serve the community he loves so much and lives in by choice. Mr. Fugate commended those who had served with him on the Council through the years and complimented the service of the City staff.

**APPOINTMENT OF MAYOR PRO TEM** - Charles Lide was unanimously elected as Mayor Pro Tem on a motion made by Councilman Sanford and seconded by Councilman Pruitt.

GUEST ITEMS – Mayor Hackney recognized Mrs. Edith Elliott who asked to address the Council regarding the proposed downtown park located at the corner of South Buffalo and Highway 64. Mrs. Elliott expressed the need to protect property she owns adjacent to the proposed park site. She said that there was no real need for public restrooms downtown since the Courthouse is open five days a week. She said there are not enough people downtown except on First Monday weekends. Mrs. Elliott suggested that downtown merchants would be willing to allow visitors to use their restrooms. She also told the Council that the area provided the only convenient parking for elderly clients for four attorneys in the area. It was Mrs. Elliott's opinion that a picnic area would not be used and, when used, would produce litter for neighboring offices and merchants. She said restrooms would be a constant burden to the City in the form of maintenance and supplies. She was also concerned about the potential decrease in adjoining property values. Mrs. Elliott suggested that the property would be better used as a parking lot. Mrs. Elliott concluded by acknowledging that her concerns may be premature since she understood that the Canton Economic Development Corporation would not have any funds due to funding for the Wynne Community sewer project.

DISCUSS AND CONSIDER APPROVING MINUTES OF APRIL 20, APRIL 27, AND MAY 4, 1999 MEETINGS – Councilman Pruitt moved that the Minutes be approved as presented. Councilman Sanford seconded, and all voted in favor.

DISCUSS AND CONSIDER APPROVING APRIL 1999 FINANCIAL STATEMENTS – City Manager Johnny Mallory read the totals from the April 1999 Financial Statements. Councilman questioned the line item "Administration-skilled labor" which appears to be at 86% of budget. Mr. Mallory said that he would check the records to determine the allocations to that item. Councilman Sanford moved that the Financial Statements be approved. Councilman Wilson seconded, and all voted in favor.

DISCUSS AND CONSIDER APPROVAL OF PLAT OF LAKE RIDGE SUBDIVISION PURSUANT TO CITY OF CANTON ORDINANCE NO 94-04 – Bob Alexander, Executive Director of the Canton Economic Development Corporation, presented the preliminary plat of Lake Ridge Subdivision. The proposed plat provides for 156 lots in three units. Mr. Alexander explained that Deed Restrictions had been adopted by the CEDC Board of Directors and that arrangements for utilities had been made. Councilman Wilson inquired whether development would be in phases. Mr. Alexander stated that the engineers had estimated a 20% increase in costs to develop in phases. He explained that engineering had revealed the necessity for dealing with floodway property. Mr. Alexander informed the Council that some of the proposed lots would require zoning under a new classification to be considered by the Council later in the agenda. Councilman Pruitt asked about a proposed construction schedule. Mr. Alexander said a public hearing would be held to obtain citizens' input on the project. He said that he would like to have lots available for sale by next summer. Councilman Pruitt asked whether any agreements to hold off construction had been made with the developers of Lake Meadow Subdivision. Mr. Alexander explained that a two year moratorium on development had been requested but not approved by the CEDC Board. He went on to explain that the Board has proceeded at a leisurely pace and would continue to move forward. He said that the development had not progressed as quickly as it probably could have. Mr. Alexander told the Council that he has attempted to notify every potential developer of the CEDC development in order to avoid any future problems. Mayor Hackney stated that he felt the Lake Ridge Subdivision would be aimed at a different

market. Upon further questioning, Mr. Alexander told the Council that he anticipated sell out in three to five years. Councilman Sanford moved that the preliminary plat be accepted. Councilman Pruitt seconded. Councilman Pruitt asked about the return of revenue to the City of Canton. Mr. Alexander confirmed that revenue over the CEDC's development costs would be refunded to the City. Mr. Alexander explained that, due to the topographical surveys and existing floodway, the original estimated return of \$750,000 has been reduced to \$400,000. All voted in favor of the motion.

**DISCUSS AND CONSIDER AUTHORIZATION OF MOTORS NOT TO EXCEED 5 HP ON OLD CITY LAKE** – Mr. Mallory reminded the Council that it had addressed the size of motors on the Old City Lake at a recent Council meeting. Councilmen Wilson and Pruitt agreed that the lake was not large enough for 5 hp motors. No action was taken.

**DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION REGARDING APPROVAL OF AMENDMENT TO ZONING ORDINANCE TO CREATE NEW R-3 ZONING CLASSIFICATION** – Mr. Mallory explained that the proposed zoning classification provides for smaller lots for smaller houses and had been approved and recommended by the Planning and Zoning Commission. Councilman Pruitt moved that the amendment to the Ordinance be adopted. Councilman Sanford seconded, and all voted in favor.

**DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION REGARDING REQUEST TO CHANGE ZONING OF 3.7 ACRE TRACT ON INTERSTATE 20 OWNED BY JANIE C. MULLINS FROM RA (RURAL AGRICULTURAL) TO B-1 (LOCAL BUSINESS DISTRICT)** – Mr. Mallory explained that the property owner has requested a zoning change to construct a billboard. He advised that the Planning and Zoning Commission had recommended approval of the request. Councilman Sanford moved that the zoning be changed as requested. Councilman Wilson seconded, and all voted in favor.

**DISCUSS AND CONSIDER REVISION TO ORDINANCE 94-13 (RULES AND REGULATIONS PERTAINING TO THE PUBLIC USE OF MILL CREEK RESERVOIR) ARTICLE V (GENERAL & MISCELLANEOUS), ITEMS J AND K** – Councilman Sanford moved that the following amendment to Ordinance 94-13 be adopted:

Ordinance 94-13

Rules and Regulations Pertaining to Mill Creek Reservoir

Amendment to Article V; General & Miscellaneous

- J) No overnight camping will be allowed on the water of Mill Creek Reservoir or on the public lands immediately adjoining Mill Creek Reservoir without first obtaining a Fishing/Camping Permit from the Canton ~~City Hall~~ Police Department.
- K) No persons shall be allowed on the public lands immediately adjoining Mill Creek Reservoir or its tributaries between the hours of 30 minutes following sunset and 30 minutes prior to sunrise except for fishing, for which a permit must first be obtained from then Canton ~~City Hall~~ Police Department.

Councilman Wilson seconded, and all voted in favor.

DISCUSS AND CONSIDER APPROVAL OF RESOLUTION FOR PERMANENT FINANCING OF CONSTRUCTION OF TRADE CENTER II – Mr Mallory explained that the interim construction loan for Trade Center II was to be closed into permanent financing Councilman Pruitt moved that the following Resolution be adopted:

**Resolution**

BE IT REMEMBERED that on the 18<sup>th</sup> day of May, 1999, the City Council of the City of Canton, Van Zandt County, Texas, duly considered and adopted the following resolution:

WHEREAS, the City obtained an interim construction loan from THE BANK OF VAN ZANDT in the amount of \$400,000 and a subsequent loan in the amount of \$25,000 (the "Notes") to construct a pavilion (the "Pavilion"); and

WHEREAS, the Canton City Council finds that the Pavilion will serve an essential public purpose; and

WHEREAS, City finds that it is fiscally responsible and in the best interest of the City to refinance the Notes with a new five (5) term note, (the "New Note"); and

WHEREAS, the City approves the terms and conditions of the New Note from THE BANK OF VAN ZANDT;

NOW, THEREFORE, BE IT RESOLVED that the Canton City Council authorizes the Honorable Don Hackney, Mayor of the City of Canton, to execute on behalf of the City of Canton, the New Note and all other loan documents necessary to borrow \$425,000.00 from THE BANK OF VAN ZANDT to refinance the Notes

Councilman Sanford seconded, and all voted in favor

DISCUSS AND CONSIDER ADOPTION OF ANNEXATION ORDINANCE ON ANNEXATION OF 1.02 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF I-20 AND SH 19 OWNED BY STAGGERS OIL CO. – Mayor Hackney announced that the public hearings had been conducted with no opposition to annexation presented. Councilman Pruitt moved that the annexation ordinance be adopted. Councilman Wilson seconded, and all voted in favor

FIRST PUBLIC HEARING ON ANNEXATION OF THREE 0.47 ACRE TRACTS LOCATED ON ETHERIDGE ROAD OWNED BY HORACE ETHERIDGE – Mayor Hackney opened the public hearing at 7:25 p.m. There being no comment from the public, the hearing was closed at 7:26 p.m.

DISCUSS AND CONSIDER ISSUANCE OF A PERMIT TO DAVID YOUNG FOR PUBLIC DISPLAY OF FIREWORKS (ORDINANCE NO. 93-03 AS AMENDED BY ORDINANCE NO. 95-10) – First Monday Manager Al Campbell reported that SCA has rented the First Monday Park for the weekend of July 10<sup>th</sup> and contracted for a fireworks display. Mr. Campbell explained that the City's fireworks ordinance required investigation by the City Fire Marshal and authorization by the Council to issue a permit. The pyrotechnician will have staff on duty, and the display area will be isolated from the spectators. Mr. Campbell said that arrangements will be made to have Canton Volunteer Firefighters on site. Councilman Sanford moved that the permit be issued. Councilman Wilson seconded, and all were in favor

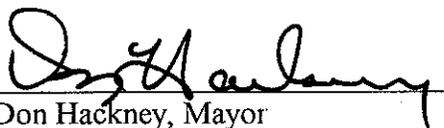
DISCUSS AND CONSIDER MAINTENANCE OF PARKS – Councilman Pruitt stated he felt the parks were not very well maintained. He said that he had discussed this matter with Mr. Mallory and would like to see a better effort this summer.

DISCUSS AND CONSIDER CONDITION, REPAIRS, AND IMPROVEMENTS TO SHADY LANE – Councilman Pruitt told the Council that Councilman Williams had requested the Council's consideration of this matter. Mayor Hackney noted that certain commitments for street improvements have already been made. Mr. Mallory said the engineers had encountered problems with elevations necessary to divert water. He said that engineering would be completed in the next few weeks for improvements to Forrest, Denise, and Oak Streets, and Shady Lane would be added for future consideration.

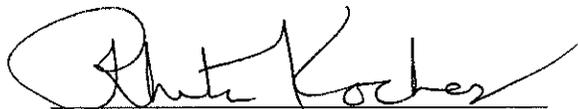
DISCUSS AND CONSIDER ACQUISITION OF TRENCH SHIELD FOR USE BY CITY MAINTENANCE CREWS – Councilman Pruitt said that Councilman Williams had requested that this matter be addressed and cited a recent incident involving a City employee. Public Works Director Pete Lucas told the Council that a trench shield is leased for any excavation deeper than five feet. Mr. Lucas said the incident in question was only a water tap which would not normally require that depth or a trench shield. He explained that a sewer tap requires a trench approximately 90% of the time. He estimated the cost of a trench shield to be approximately \$4,800. Mr. Lucas told the Council he would contact the rental company regarding the possibility of storing the trench shield at Canton's Utility Service Center with charges when the equipment was used.

DISCUSSION PERTAINING TO BUSINESS FOR PLACEMENT ON FUTURE AGENDAS – There were no items to be placed on the Council's June agenda at this meeting. Mr. Mallory announced that a Staff Briefing would be conducted Saturday, May 29, 1999, at 8:00 a.m.

ADJOURN - There being no further business to come before the Council, Councilman Sanford moved that the meeting be adjourned. Councilman Pruitt seconded, and the meeting was adjourned at 7:45 p.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**CALLED MEETING OF CANTON CITY COUNCIL  
CITY OF CANTON, TEXAS  
8:00 A.M., SATURDAY, MAY 29, 1999  
CITY HALL, 290 E. TYLER STREET  
CANTON, TEXAS**

**CALL TO ORDER AND ANNOUNCE QUORUM** - The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Charles Lide, Ron Sanford, and Rusty Wilson. Councilmen Raymond Pruitt and Hoss Williams were absent.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 8:00 a.m. and declared that a quorum was present.

**DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION REGARDING ADOPTION OF SUPPLEMENT TO THE CITY OF CANTON ZONING ORDINANCE TO PROVIDE FOR "SPECIFIC USE PERMITS"** - The proposed supplement relating to special use permits was presented to the Council by City Manager Johnny Mallory who reported that the supplement had been recommended by the Planning and Zoning Commission. Councilman Sanford moved that the supplement be adopted. Councilman Lide seconded, and all voted in favor.

**DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION REGARDING ADOPTION OF SUPPLEMENT TO THE CITY OF CANTON ZONING ORDINANCE TO ADDRESS CABLE TV, PCS, AND CELLULAR TOWERS** - Mr. Mallory presented the proposed amendment to the City's zoning ordinance which addresses the construction and location of radio, cable television, PCS, and cellular towers. Councilman Wilson moved that the amendment be adopted. Councilman Lide seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPOINTMENTS TO PLANNING & ZONING COMMISSION** - Mr. Mallory informed the Council that the terms of Jimmy Buroughs and Tommy Eubank would expire May 31, 1999. Councilman Sanford moved that Jimmy Buroughs and Tommy Eubank be appointed for two year terms on the Planning and Zoning Commission. Councilman Lide seconded, and all were in favor.

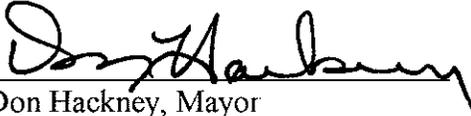
**DISCUSS AND CONSIDER APPOINTMENTS TO BOARD OF ADJUSTMENT** - Mr. Mallory informed the Council that the terms of Walter Clemments and Larry Roe would expire May 31, 1999. Councilman Lide moved that Walter Clemments and Larry Roe be appointed for two year terms on the Board of Adjustment. Councilman Wilson seconded, and all were in favor.

**EXECUTIVE SESSION FOR CONFERENCE WITH EMPLOYEES TO RECEIVE INFORMATION AND/OR QUESTION EMPLOYEES (Section 551.075)** - The Council adjourned into Executive Session at 8:00 a.m. pursuant to the provision of the Open Meetings

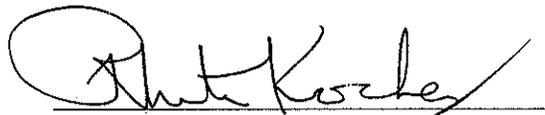
Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.075. During this briefing, members of the Council heard presentations and questioned employees regarding water and sewer matters, First Monday operations, and administrative personnel matters

**RECONVENE TO OPEN SESSION TO TAKE ANY ACTION REQUIRED PURSUANT TO DISCUSSIONS IN EXECUTIVE SESSION** - The Council returned to open session at 9:15 a.m. with no action taken. During this meeting, members of the Council did not deliberate public business or agency policy which affected public business

**ADJOURN** - There being no further business to come before the Council, Councilman Sanford moved that the meeting be adjourned. Councilman Lide seconded, and all were in favor.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**REGULAR MEETING  
CANTON CITY COUNCIL  
6:30 P.M., TUESDAY, JUNE 15, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

**CALL TO ORDER AND ANNOUNCE QUORUM** - The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Charles Lide, Ron Sanford, and Rusty Wilson. Councilmen Raymond Pruitt and Hoss Williams were absent

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 6:30 p.m. and declared that a quorum was present.

**MAYOR'S WELCOME** was given by Mayor Don Hackney.

**INVOCATION** was given by Councilman Charles Lide.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Mayor Hackney.

**GUEST ITEMS** - There were no guest items to come before the Council.

DISCUSS AND CONSIDER APPROVING MINUTES OF MAY 18 AND MAY 29, 1999 MEETINGS – Councilman Sanford moved that the Minutes be approved as presented Councilman Wilson seconded, and all voted in favor.

DISCUSS AND CONSIDER APPROVING MAY 1999 FINANCIAL STATEMENTS – City Manager Johnny Mallory read the totals from the May 1999 Financial Statements. Councilman Lide moved that the Financial Statements be approved Councilman Sanford seconded, and all voted in favor

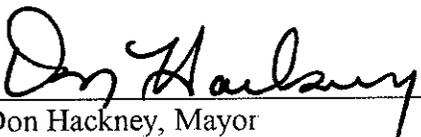
DISCUSS AND CONSIDER APPROVAL OF PRELIMINARY PLAT OF RIVER OAKS ESTATES PURSUANT TO CITY OF CANTON ORDINANCE NO 94-04 – Mr Mallory noted that the proposed lots for development as multi-family were not wide enough. He told the Council that they could approve the preliminary plat subject to the revisions necessary to comply with lot width requirements. George Pitts questioned whether the zoning ordinance length requirements for cul-de-sacs had been met. Councilman Lide moved that the preliminary plat be approved subject to revisions necessary to comply with lot width requirements. Councilman Wilson seconded, and all voted in favor.

SECOND PUBLIC HEARING ON ANNEXATION OF THREE 0.47 ACRE TRACTS LOCATED ON ETHERIDGE ROAD OWNED BY HORACE ETHERIDGE – Mayor Hackney opened the public hearing at 6:39 p.m. There being no comment from the public, the hearing was closed at 6:39 p.m.

DISCUSS AND CONSIDER SALE OF 80 ACRE TRACT, LOCATED IN THE J. STOCKWELL SURVEY, CONVEYED TO THE CANTON ECONOMIC DEVELOPMENT CORPORATION – Mayor Hackney announced that this agenda item had been requested by Councilman Pruitt and, in his absence, would be passed until the Council's next regular meeting.

DISCUSSION PERTAINING TO BUSINESS FOR PLACEMENT ON FUTURE AGENDAS – Councilman Lide requested that his proposed revisions to add camping trailers to the junked car ordinance be included on the next regular agenda. Councilman Sanford requested that the issue of City employees responding to Canton Volunteer Fire Department calls be placed on the Council's next regular agenda. Mr. Mallory told the Council that a special-called meeting will need to be held to consider a preliminary plat for the George Pitts Subdivision, Phase II and a petition for annexation from the Canton ISD. It was agreed that a meeting would be called for Monday, June 21, 1999, at 6:00 p.m.

ADJOURN - There being no further business to come before the Council, Councilman Sanford moved that the meeting be adjourned. Councilman Lide seconded, and the meeting was adjourned at 6:44 p.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**SPECIAL CALLED MEETING  
CANTON CITY COUNCIL  
6:00 P.M., MONDAY, JUNE 21, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

CALL TO ORDER AND ANNOUNCE QUORUM - The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Rusty Wilson, Charles Lide, Raymond Pruitt and Ron Sanford.

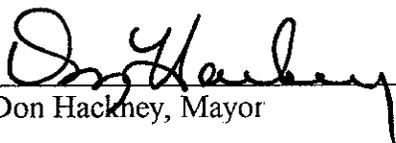
Discussion and action were as follows:

CALL TO ORDER AND ANNOUNCE QUORUM - Mayor Hackney called the meeting to order at 6:00 p m. and declared that a quorum was present.

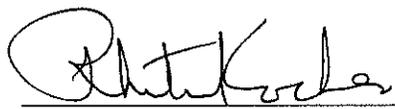
DISCUSS AND CONSIDER APPROVAL OF PRELIMINARY PLAT OF GEORGE PITTS SUBDIVISION, PHASE II, LOCATED ON CHERRY CREEK, CANTON, TEXAS - City Secretary Rhita Koches presented the preliminary plat to the Council and noted that the Planning and Zoning Commission had previously conducted its pre-submission conference on the plat. The Council was reminded of its consideration of the zoning of this property several months ago and approval of the zoning requested subject to development according to the plat presented. Mary Pitts was present to answer any questions. Councilman Sanford moved that the preliminary plat be accepted as presented. Councilman Wilson seconded, and all voted in favor.

DISCUSS AND CONSIDER ACCEPTANCE OF ANNEXATION PETITION FROM CANTON INDEPENDENT SCHOOL DISTRICT FOR 30 ACRE TRACT IN THE STOCKWELL SURVEY LOCATED ON HWY 243 - City Manager Johnny Mallory presented the School District's request for annexation. Councilman Pruitt moved that the annexation petition be accepted. Councilman Sanford seconded, and all voted in favor.

ADJOURN - There being no further business to come before the Council, Councilman Lide moved that the meeting be adjourned. Councilman Lide seconded, and the meeting was adjourned at 6:10 p m.

  
\_\_\_\_\_  
Don Hackney, Mayor

ATTEST:

  
\_\_\_\_\_  
Rhita Koches, City Secretary

**REGULAR MEETING  
CANTON CITY COUNCIL  
6:30 P.M., TUESDAY, JULY 20, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Charles Lide, Ron Sanford, Raymond Pruitt, and Rusty Wilson.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 6:30 p.m. and declared that a quorum was present.

**MAYOR'S WELCOME** was given by Mayor Don Hackney.

**INVOCATION** was given by Councilman Charles Lide.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Mayor Hackney.

**GUEST ITEMS** - There were no guest items to come before the Council.

**DISCUSS AND CONSIDER APPROVING MINUTES OF JUNE 15 AND JUNE 21, 1999 MEETINGS** - Councilman Sanford moved that the Minutes be approved as presented. Councilman Lide seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVING JUNE 1999 FINANCIAL STATEMENTS** - City Manager Johnny Mallory read the totals from the June 1999 Financial Statements. Councilman Pruitt moved that the Financial Statements be approved. Councilman Wilson seconded, and all voted in favor.

**DISCUSS AND CONSIDER RESIGNATION OF COUNCILMAN D. G. "HOSS" WILLIAMS** - The Council reviewed the written resignation from Councilman Hoss Williams. Councilman Lide moved that Councilman Williams' resignation be accepted. Councilman Sanford seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPOINTMENT TO FILL UNEXPIRED TERM OF COUNCILMAN WILLIAMS** - Mayor Hackney opened the floor for the Council's nominations, if any, to fill Councilman Williams' unexpired term. Councilman Pruitt nominated Beverly Hutcherson. Councilman Lide nominated former Councilman Alton Smith. Mayor Hackney called for a vote. Councilmen Pruitt, Sanford, and Wilson voted for the appointment of Beverly Hutcherson, and Councilman Lide voted for the appointment of Alton Smith. Mayor Hackney announced that, by majority vote of the Council, Beverly Hutcherson will be sworn in as a member of the Council at the Council's next regular meeting on August 17, 1999.

**FIRST PUBLIC HEARING ON ANNEXATION OF 30 ACRES LOCATED ON HIGHWAY 243 OWNED BY CANTON INDEPENDENT SCHOOL DISTRICT** - Mayor Hackney opened the public hearing at 6:36 p.m. and asked for comments from the public. There being none, the public hearing was closed at 6:37 p.m.

DISCUSS AND CONSIDER ADOPTION OF ANNEXATION ORDINANCE ON ANNEXATION OF THREE 0.47 ACRE TRACTS LOCATED ON ETHERIDGE ROAD OWNED BY HORACE ETHERIDGE – Councilman Pruitt moved that the annexation ordinance be adopted. Councilman Sanford seconded, and all voted in favor.

DISCUSS AND CONSIDER ACCEPTANCE OF ANNEXATION PETITION FOR 8.59 ACRES ON INTERSTATE 20 OWNED BY DARRELL W MIZE – Mr. Mallory advised the Council that water and sewer were available to the subject property. Councilman Sanford moved that the petition be accepted. Councilman Wilson seconded, and all voted in favor.

DISCUSS AND CONSIDER SALE OF 80 ACRE TRACT, LOCATED IN THE J STOCKWELL SURVEY, CONVEYED TO THE CANTON ECONOMIC DEVELOPMENT CORPORATION – Councilman Pruitt noted the decrease in the proposed return to the City from the development of the 80 acre tract and asked whether the Canton Economic Development Corporation would consider bidding out to a private developer. Mr. Mallory commented that the CEDC Board would be willing to do whatever would yield the largest return. Councilman Sanford stated that he would be willing to sell the property if a buyer would agree to develop the property for residential lots immediately. Mr. Mallory advised the Council that the CEDC had advertised for proposals for development by a private developer and would be addressing that issue at its next meeting.

DISCUSS AND CONSIDER REQUEST OF ROBERT J HUNT AND MISTI RASURE REGARDING PACKING AND SHIPPING SERVICES AT FIRST MONDAY PARK – Mr. Bob Hunt addressed the Council and explained his proposal for a shipping service at the First Monday Park. He proposed going out to vendors to pick up merchandise or having vendors deliver merchandise to his location in the First Monday Park. He asked the Council for permission to operate a “gator” cart-type vehicle on the grounds. He also requested direction from the Council regarding insurance requirements. Councilman Sanford recommended that Mr. Hunt meet with the First Monday Committee, Al Campbell, and Johnny Mallory to consider Mr. Hunt’s proposal. There was no additional action on the matter.

DISCUSS AND CONSIDER FIREWORKS DISPLAY FOR JULY 4, 2000 – Councilman Wilson asked the Council to consider budgeting funds for a 4<sup>th</sup> of July display. He suggested obtaining corporate sponsorships. Mr. Mallory informed the Council that he and Al Campbell had met with a representative of the company that recently directed a display for a group on the First Monday grounds. Councilman Wilson moved that the Council approve holding a 4<sup>th</sup> of July fireworks display. Councilman Sanford seconded, and all voted in favor.

DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION ON REQUEST TO CHANGE ZONING OF THREE TRACTS ON HIGHWAY 198 SOUTH OWNED BY JOHN WARREN FROM RA (RURAL AGRICULTURAL) TO B-2 (GENERAL BUSINESS DISTRICT) – Councilman Pruitt moved that the Planning and Zoning Commission’s recommendation to approve the requested zoning change be accepted and that the change be approved. Councilman Sanford seconded, and all voted in favor.

DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION ON REQUEST TO CHANGE ZONING OF 10.01 ACRE TRACT AND LOTS 6 AND 7 OF TANGLEWOOD ADDITION (COLLEGE STREET) OWNED BY SPANISH PEAKS RANCH, INC. FROM RA AND R-1 TO MULTIPLE FAMILY (MF) AND

**RESIDENTIAL (R-3)** – Mr. Mallory directed the Council's attention to a plat of the proposed residential subdivision which calls for the development of property immediately adjacent to the Westview Apartments as Multiple Family (MF) and the remaining portion of the tract to be developed as Residential (R-3). Councilman Sanford moved that the Planning and Zoning Commission's recommendation to approve the requested zoning change be accepted and that the change be approved. Councilman Pruitt seconded, and all voted in favor.

**DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION ON REQUEST TO CHANGE ZONING OF 0.6656 ACRE TRACT AT 901 WEST DALLAS STREET OWNED BY TREVA BURNS FROM RESIDENTIAL (R-1) TO LOCAL BUSINESS DISTRICT (B-1)** - Councilman Lide moved that the Planning and Zoning Commission's recommendation to approve the requested zoning change be accepted and that the change be approved. Councilman Wilson seconded, and all voted in favor.

**DISCUSS AND CONSIDER AWARDED BID FOR STREET AND DRAINAGE IMPROVEMENTS TO DENISE, FORREST AND OAK STREETS; DISCUSS AND CONSIDER REPAIR AND MAINTENANCE FOR CITY STREETS** – Mr. Mallory directed the Council's attention to the bid tabulations and stated that the low bid of \$473,460 was received from All-Tex. Mr. Mallory noted that a change order for a drainage project on Meadow and Stacy will add approximately \$80,000 to the total job. The Council addressed necessary improvements to Lazy U, Shady Lane, and Malinda Lane. Councilman Sanford moved that the All-Tex bid be accepted and the project awarded to that company. Councilman Lide seconded the motion, and all voted in favor.

**DISCUSS AND CONSIDER PROVIDING WATER SERVICE TO SEVEN CUSTOMERS IN LAKEWOOD TRAILS SUBDIVISION (VZCR 2909)** – Mr. Mallory told the Council that Steve Box was operating a water system for a small subdivision off VZCR 2909. TNRCC has had problems with the water service provided. Mr. Mallory said the City would need to install approximately 200 feet of 2 inch pipe. In addition to the City's customary water tap fees, there will be a \$1,200 fee payable to the Lake Meadows developer pursuant to a reimbursement agreement. Councilman Pruitt questioned whether a 2 inch pipe would be adequate. Public Works Director Pete Lucas said a 2 inch line is currently providing service. Mr. Mallory noted that the property owners will be responsible for any expenses of laying a larger line. Councilman Lide questioned providing water service outside the city limits when water was rationed last year. Mr. Mallory said that the City is currently only selling about 60% of the water being produced. He also noted that last year's rationing was only on First Monday weekends. Mr. Mallory told the Council that there will need to be future improvements to the water plant. However, those improvements are due to new TNRCC requirements and are not related to gallons produced or used. Councilman Pruitt moved that water service to Lakewood Trails Subdivision be approved. Councilman Wilson seconded the motion, and all voted in favor.

**DISCUSS AND CONSIDER APPROVAL OF EXPENDITURE TO CONSTRUCT FENCE AT THE CITY OF CANTON'S WATER TREATMENT PLANT** – Mr. Mallory notified the Council that, due to a TNRCC rule change, it would be necessary to construct a fence around the clear well at the water plant. Three estimates were obtained with the lowest being \$2,800 by Furrh. Councilman Lide moved that the \$2,800 expenditure be authorized by the Council. Councilman Pruitt seconded, and all voted in favor.

**DISCUSS AND CONSIDER AUTHORIZING EXPENDITURE FOR CITY HALL PLANS –** Mr. Mallory told the Council he had spoken with Joe Gordon, the architect who designed the Van Zandt County Library building, regarding fees for plans and specifications for a new City Hall building. Mr. Mallory explained that fees are usually based on the construction cost of the building. The estimated fee for spec plans is \$77,850 with an additional \$20,000 in construction fees. Following discussion, it was the consensus of the Council that the current facility is inadequate, and plans and specifications would be necessary to proceed with obtain construction cost estimates. Councilman Sanford moved that the Council authorize the expenditure to proceed with obtaining building plans and specifications. Councilman Wilson seconded, and all voted in favor.

**DISCUSS AND CONSIDER RATES CHARGED AT CITY'S TRANSFER STATION –** Mr. Mallory reminded the Council of the monthly deficit in operating the Transfer Station. He then reviewed the City's current rate schedule of \$13 per cubic yard for compacted trash, \$8 per cubic yard for loose trash, and \$11 per cubic yard of construction debris. Mr. Mallory said the problem appears to be in loose trash and construction debris. He proposed increasing the rate for loose trash to \$10 per cubic yard and construction debris to \$13 per cubic yard. A lady in the audience stated that she was running a similar site for the County at lower rates. It was later determined that her arrangements with the County were different from the City's operations. Shane Starnes of Starnes Trucking told the Council that he felt like the City was losing money on the open top containers. Mr. Starnes said he had no objection to a rate increase if it was necessary and on the proper type of container. Mayor Hackney asked Mr. Starnes and Councilman Wilson to meet to review the operations of the Transfer Station and make a recommendation to the Council at its next meeting.

**DISCUSS AND CONSIDER AMBULANCE SERVICES OF CHAMPION EMS (FORMERLY TRINITY MOTHER FRANCES) AND CONTRACT EXPIRATION IN JANUARY, 2000 –** Councilman Pruitt told the Council he would like to see the City contact other ambulance services for bids and try to have the process completed by November. Mayor Hackney expressed his concerns about the commitment of East Texas Medical Center to the City of Canton and cited the recent closing of the ETMC health center. He stated that he had no problem with the services currently being provided to the City by Champion. Councilman Pruitt said that he did not know whether ETMC would be able to offer anything, but he thought the City should contact them to see what they have to say. Councilman Sanford concurred. Councilman Pruitt moved that the City Manager be instructed to contact ETMC regarding ambulance service. Councilman Sanford seconded. Councilmen Pruitt, Sanford, and Wilson voted in favor of the motion. Councilman Lide voted against the motion. The motion carried.

**DISCUSS AND CONSIDER ADOPTION OF POLICY FOR CITY EMPLOYEES RESPONDING TO FIRE DEPARTMENT CALLS AND CVFD'S REQUEST FOR ASSISTANCE FROM THE CITY OF CANTON –** Mr. Mallory presented a proposed policy for City employees responding to CVFD calls. Mr. Mallory said that he had reviewed the policy with two representatives of the CVFD, and they were comfortable with it. Mr. Mallory also advised the Council that the CVFD had completed inspections of approximately one-third of the City's fire hydrants. They have prepared reports on each hydrant and will present those needing repair to the City. Mr. Mallory then addressed the CVFD's concerns about improvements to the Fire Station. Mr. Mallory told the Council that Olympic has expressed an interest in constructing a

building to be leased to Olympic. Those plans, however, will be dependent on the City's decision in awarding a contract for ambulance services

Councilman Sanford moved that the following policy be adopted:

**City of Canton**  
**Policy for Employees Responding to CVFD Calls**

It shall be the policy of the City of Canton, Texas, to permit employees who are members of the Canton Volunteer Fire Department to answer fire calls within the City Limits of Canton when they are at their work station for the City of Canton.

This policy shall be subject to the following rules:

1. The fire call must be a structure fire or an emergency that requires more volunteer firemen than are available at the time
2. An employee will not be permitted to leave the job while in the process of repairing a water break or sewer repairs that have citizens out of service.
3. In any situation, a supervisor's approval must be obtained before an employee may leave any work site to answer fire calls.
4. Employees will not answer calls outside the Canton City Limits without a supervisor's permission.
5. Employees on duty during First Monday or on weekend work assignment will not be permitted to answer fire calls.

Councilman Pruitt seconded, and all voted in favor

**DISCUSS AND CONSIDER AUTHORIZATION OF EXPENSES ASSOCIATED WITH FINISH-OUT OF 1999 FORD FIRE TRUCK** – Mr Mallory explained that the City of Canton has previously purchased a 1999 chassis for a new fire truck. The accessories and finish-out on the new firetruck has been completed at a cost of \$46,980. Mr Mallory said that he had discussed the matter with representatives of the CVFD, and he was recommending 4-year financing with payments to be made by the CVFD. Councilman Sanford moved that City Manager Johnny Mallory be authorized to obtain financing for the improvements with payments to be made by the Canton Volunteer Fire Department. Councilman Lide seconded, and all voted in favor

**DISCUSS AND CONSIDER ADOPTION OF REVISED JUNKED VEHICLES ORDINANCE (PREVIOUSLY ORDINANCE NO. 88-12)** – Mr Mallory presented the proposed revised ordinance and noted that the revisions include camper's which did not have current registration. Councilman Lide moved that the following ordinance be adopted:

ORDINANCE NO. 99-09

AN ORDINANCE DEFINING AND PROVIDING FOR DISPOSAL OF JUNKED VEHICLES; AUTHORIZING OFFICIALS TO GO ON PRIVATE PROPERTY FOR INSPECTION OR REMOVAL OF JUNKED VEHICLES AND VEHICLE ACCESSORIES; PROVIDING FOR NOTICE AND PUBLIC HEARING PRIOR TO THE REMOVAL OF JUNKED VEHICLES; PROVIDING THAT A VEHICLE WHICH HAS BEEN SO REMOVED SHALL NOT BE RECONSTRUCTED; PROVIDING FOR NOTICE TO BE GIVEN TO THE TEXAS HIGHWAY DEPARTMENT; PROVIDING FOR CERTAIN EXCEPTIONS TO THIS ORDINANCE; PROVIDING FOR CERTAIN PENALTIES; PROVIDING FOR THE ADMINISTRATION OF THE ORDINANCE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS THAT:

The City Council hereby adopts this ordinance, to supercede previous ordinances, declaring that IT SHALL BE UNLAWFUL FOR ANY PERSON OWNING OR HAVING CUSTODY OF ANY JUNKED VEHICLE OR VEHICLE ACCESSORY TO STORE OR PERMIT TO BE STORED ANY SUCH VEHICLE OR ACCESSORY TO REMAIN ON ANY PRIVATE PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF CANTON, TEXAS AND ANY PLACE WHERE THEY ARE VISIBLE FROM A PUBLIC PLACE OR PUBLIC RIGHT-OF-WAY IT SHALL BE FURTHER UNLAWFUL FOR ANY PERSON OWNING ANY PRIVATE PROPERTY IN THE CITY TO STORE OR TO PERMIT TO REMAIN ANY SUCH JUNKED VEHICLES OR VEHICLE ACCESSORIES ON HIS PROPERTY. SUCH STORAGE IS DECLARED TO BE A PUBLIC NUISANCE AND MAY BE ABATED OR REMOVED AND PENALTIES IMPOSED AS PROVIDED IN THIS ORDINANCE. IT SHALL BE UNLAWFUL FOR ANY PERSON, AFTER NOTIFICATION TO REMOVE ANY JUNKED VEHICLE OR VEHICLE ACCESSORIES FROM ANY PRIVATE PROPERTY HAS BEEN GIVEN, TO MOVE THE SAME TO ANY OTHER PRIVATE PROPERTY UPON WHICH SUCH STORAGE IS NOT PERMITTED OR ONTO ANY PUBLIC HIGHWAY OR OTHER PUBLIC PROPERTY FOR PURPOSES OF STORAGE

DEFINITIONS:

As used in this Ordinance:

- (1) "vehicle" is defined as
  - (a) any motor driven or propelled vehicle, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, tractors, and construction equipment and machinery;
  - (b) any trailer or semitrailer, other than manufactured housing, including but not limited to boat trailers, travel trailers;

- (c) any four-wheel all-terrain vehicle designed by the manufacturer for off-highway use;
  - (d) any motorcycle, motor-driven cycle or moped;
  - (e) any recreational conveyances including but not limited to boats, dune buggies; or
  - (f) any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.
- (2) "Junked vehicle" is defined as a vehicle that for a continuous period of more than (30) thirty days is either inoperative; does not have lawfully affixed to it either an unexpired license plate or a valid vehicle safety inspection certificate or both if both is required for operation on public roads; is wrecked, dismantled, or discarded; or which is partially dismantled or wrecked and which cannot safely or legally be operated
- (3) "vehicle accessories" means any part or parts of any vehicle

#### PROHIBITED ACTS:

Junked vehicles and vehicle accessories which are located in any place where they are visible from a public place or public right-of-way, are detrimental to the safety and welfare of the general public tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the State and the City of Canton, Texas, by producing urban blight which is adverse to the maintenance and continuing development of the municipalities of the State of Texas, including the City of Canton, and such vehicles are therefore, declared to be a public nuisance.

Section 1. It shall be unlawful for any person owning or having custody of any junked vehicle or vehicle accessories to store or permit any such junked vehicle or vehicle accessories to remain on any private property within the City of Canton, Texas, for a period of more than (10) ten days after the receipt of a notice requiring such removal, and it shall further be unlawful for any person owning any private property in the City of Canton, Texas, to store or to permit to remain any such junked vehicle or vehicle accessories on his property for more than a like period. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this ordinance

It shall be unlawful for any person, after notification to remove any junked vehicle or vehicle accessories from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or public property for purposes of storage.

EXCEPTIONS:

**Permitted Storage:** This ordinance shall not apply to any vehicle or vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner. Such business enterprises shall include auto junk yards, auto repair and auto body shops but shall not include automobile service stations or tire, battery and accessory sales stores.

ADMINISTRATION AND ENFORCEMENT:

Section 1. The building inspector and/or Chief of Police on routine inspection or upon receipt of a complaint may investigate a suspected junked vehicle or vehicle accessories and record the make, model, style and identification numbers and its situation.

Section 2. Whenever the building inspector or any member of his department finds or is notified that any junked vehicle or vehicle accessories have been stored or permitted to remain on any private property in the City, the building inspector shall send by certified mail or registered mail a notice to the owner of record of such junked vehicle or vehicle accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as listed on the tax assessment records of the City, on which the same is located to remove the junked vehicle or vehicle accessories within ten (10) days. Such notice shall contain the following additional information:

1. Nature of Complaint;
2. Description and location of the junked vehicle and/or vehicle accessories;
3. Statement that the junked vehicle or vehicle accessories will be removed from the premises not later than ten (10) days from the date of notification and/or that a request for a hearing must be made before the expiration of the ten (10) day period;
4. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;
5. Statement that if removal is made within the time limits specified, notification shall be given in writing to the building inspector.
6. Statement of the penalties provided for non-compliance with such notice.

Section 3. In the event of the failure, refusal or neglect of the owner or occupant of the premises or property involved to cause such nuisance to be removed or abated in the manner and within the time provided herein, it shall be the duty of the building inspector and/or Chief of

Police to cause the condition constituting a nuisance to be promptly and similarly abated, in a reasonable and prudent manner, at the expense of the City. The building inspector or his duly authorized representative shall compile cost of such work done and improvements made in abating such nuisance, and shall charge the same against the owner of the premise or property. It is hereby provided that general overhead of administrative expense, inspections, locating owner and/or owners, issuing a notice, reinspection and ordering work done, together with all necessary incidents of same, shall require a charge of at least \$25 00 for each occurrence or incident. Notwithstanding, therefore, any tabulation of recorded cost, a minimum of \$25 00 dollars shall be assessed against each lot owner or vehicle owner, but such sum of \$25 00 is hereby expressly stated to be a minimum charge only and shall have no application when the tabulated cost of the work done shall exceed such minimum charge.

After said junked vehicle and/or vehicle accessories has been removed, it shall not be reconstructed or made operable

Section 4. Upon removal of said junked vehicle, notice shall be given to the Texas Highway Department within five (5) days after the date of the removal identifying the vehicle or part thereof.

The building inspector may cause the removal of said junked vehicle or vehicle accessories thereof from property by any duly authorized towing service and/or by notifying the Canton Police Department and having it authorize removal.

Section 5. PENALTY: In addition to the above remedies, any person, firm or corporation violating any provision of this ordinance shall be punished by a fine not to exceed \$200 00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction it shall not effect any other section, paragraph, subdivision, clause, phrase, work or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose

Section 8. A public emergency and necessity exists for the passage of this Ordinance, and therefore this Ordinance is passed on the date of its introduction and shall take effect immediately and be in full force and effect from and after its passage.

Councilman Pruitt seconded the motion to adopt the ordinance, and all voted in favor

DISCUSS AND CONSIDER ADOPTION OF REVISED HOTEL OCCUPANCY TAX ORDINANCE (PREVIOUSLY ORDINANCE NO. 87-2 AS AMENDED) – Mr. Mallory told the Council that the current hotel tax ordinance has been amended numerous times and contains outdated and ambiguous provisions. He noted that the proposed ordinance clarifies the method for computing the penalty for non-payment and abolishes the Hotel Tax Advisory Board which appears to have never been activated. Councilman Lide moved that the following Hotel Occupancy Tax Ordinance be adopted:

**Ordinance No. 99-08**

AN ORDINANCE PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A HOTEL OCCUPANCY TAX; PROVIDING CERTAIN DEFINITIONS; PROVIDING FOR THE ALLOCATION OF REVENUE DERIVED FROM THE LEVY OF THE HOTEL OCCUPANCY TAX; PROVIDING FOR A PENALTY OF FIVE PERCENT (5%) PER MONTH FOR NON-PAYMENT; PROVIDING FOR A PENALTY UPON CONVICTION FOR FAILURE TO COMPLY OF NOT LESS THAN FIFTY DOLLARS (\$50.00) NOR MORE THAN THREE HUNDRED DOLLARS (\$300.00) FOR THE FIRST OFFENSE AND NOT LESS THAN TWO HUNDRED DOLLARS (\$200.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR THE SECOND AND EACH SUBSEQUENT OFFENSE IN ANY 180-DAY PERIOD; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

**Section 1. Title.** This ordinance shall be referred to as the hotel occupancy tax ordinance

**Section 2. Definitions.** Whenever any of the following words, terms, or definitions are used in this ordinance, they shall have the following meaning:

City: The City of Canton, Texas

Hotel accommodations: A room or rooms in any building or structure kept, used or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, dormitory or place, where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals, in which ten (10) or more such accommodations are used or maintained for guests, lodgers, or roomers. The term "hotel accommodations" does not include an accommodation which a person occupies, or has the right to occupy, as a domicile or permanent residence, nor does it include hospitals, sanitariums, convalescent centers, nursing homes, or assisted-living facilities

Person: Any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, copartnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. Whenever the term "person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean that the owners or part-owners thereof, and as applied to corporations, the officers thereof

Quarterly basis: Each successive three month period of the calendar year with January, February, and March comprising the first quarter

**Section 3. Gender and Number.** In this ordinance, unless the text otherwise requires, words in the singular number include the plural and in the plural include the singular; words of the masculine gender include the feminine and the neuter; and when the sense so indicates, words in the neuter gender may refer to any gender

**Section 4. Tax Imposed.** There is hereby imposed and shall immediately accrue and be collected a tax, as herein provided, at the rate of five percent (5%) of the gross rental or leasing charge of any hotel accommodations in the City where the cost of occupancy is at the rate of Two Dollars (\$2.00) or more each day

No tax shall be imposed hereunder upon a corporation or association organized and operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any shareholder or individual.

**Section 5. Lessee's Liability for Payment.** The ultimate incidence of and liability for payment of said tax shall be borne by the lessee or tenant of any such hotel accommodations. The tax herein levied shall be in addition to any and all other taxes. It shall be the duty of every owner, manager or operator of hotel accommodations to secure said tax from the lessee or tenant of said hotel accommodations and pay over to the City of Canton said tax under rules and regulations prescribed by the City Secretary and as otherwise provided by this ordinance

**Section 6. Collection.** The tax herein levied shall be secured by the hotel owner, manager or operator from the lessee or tenant when collecting the price, charge or rent to which it applies. Every lessee or tenant shall be given a bill, invoice, receipt or other statement or memorandum of the price, charge or rent payable upon which the hotel accommodations tax shall be stated, charged and shown separately. The hotel accommodations tax shall be paid on a quarterly basis to the person required to collect it as trustee for and on behalf of the City on or before the last day of the month following each quarterly period.

**Section 7. Forms to be Filed and Penalty for Nonpayment.** (a) On or before the last day of the month following each quarterly period, every owner, manager, or operator of hotel accommodations within the City shall file a sworn tax return with the City Secretary showing tax receipts received with respect to hotel accommodation space rented or leased during the preceding quarterly period, upon forms prescribed by the City Secretary. At the time of filing said tax return, the owner, manager or operator of hotel accommodations shall pay to the City of Canton all taxes due for the period to which the tax return applies

(b) If for any reason any tax is not paid when due, a penalty at the rate of five percent (5%) per calendar month, or portion thereof, on the amount of tax which remains unpaid shall be added and collected. Whenever any person shall fail to pay any tax as herein provided, upon the

request of the City Manager, the City Attorney shall bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction.

**Section 8. Records Required.** Every owner, manager, or operator of hotel accommodations in the City shall keep books and records showing the prices, rents or charges made or charged, and occupancies taxable under this ordinance. The City Secretary, or the City Secretary's designee, shall at all reasonable times have full access to said books and records.

**Section 9. Proceeds.** All proceeds resulting from the imposition of the tax under this ordinance, including penalties, shall be paid into the treasury of the City of Canton. Proceeds collected hereunder must be used solely for the general promotion of tourism and the convention and hotel industry in the City of Canton as those uses are defined in Section 351.101 of the Tax Code of the State of Texas. Forty percent (40%) of the hotel occupancy tax proceeds collected shall be paid to the Canton Chamber of Commerce to be expended for the advertising for the general promotion of tourism and the convention and hotel industry in the City of Canton pursuant to an Annual Contract Service Agreement between the City of Canton and the Chamber of Commerce. The balance of the hotel occupancy tax proceeds and any penalties and/or fines collected shall be paid to the City of Canton.

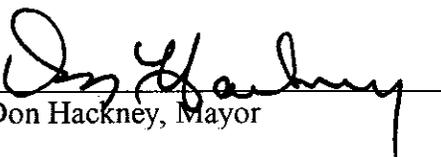
**Section 10. Penalties.** Any person found guilty for violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this ordinance, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for the first offense and not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) for the second and each subsequent offense in any 180-day period.

**Section 11. Severability of Provisions.** If any provision, clause, sentence, paragraph, section, or part of this ordinance, or application thereof to any person, firm, corporation, public agency or circumstance, shall for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provisions to other persons, firms, corporations, public agencies, or circumstances, but shall be continued in its operation to the provisions, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency, or circumstances involved. It is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

**Section 12. Repeal.** All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

**Section 13. Effective Date.** This ordinance shall become effective and in full force and effect on and after 12:00 a.m. on July 31, 1999.

ADJOURN - There being no further business to come before the Council, Councilman Sanford moved that the meeting be adjourned Councilman Lide seconded, and all were in favor

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**CALLED MEETING OF CANTON CITY COUNCIL  
CITY OF CANTON, TEXAS  
8:00 A.M., SATURDAY, AUGUST 7, 1999  
CITY HALL, 290 E. TYLER STREET  
CANTON, TEXAS**

CALL TO ORDER AND ANNOUNCE QUORUM - The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor Don Hackney, Councilmen Charles Lide, Ron Sanford, and Rusty Wilson. Councilman Raymond Pruitt was absent

Discussion and action were as follows:

CALL TO ORDER AND ANNOUNCE QUORUM - Mayor Hackney called the meeting to order at 8:00 a. m. and declared that a quorum was present.

DISCUSS AND CONSIDER RE-PAYMENT OF LOAN FOR FINISH-OUT OF 1999 FORD FIRE TRUCK BY CANTON VOLUNTEER FIRE DEPARTMENT - City Manager Johnny Mallory informed the Council that he had obtained financing for the finish-out of the new firetruck through The Associates for 48 months at 5.82% Mayor Hackney recognized Ronnie Fugate who was recently elected to serve as the CVFD's Liaison Officer Mr. Fugate introduced Assistant Chief Patrick Terrell and Lt. James Hollingsworth Mr. Fugate explained that he did not like controversy and his purpose would be to foster better communications between the CVFD and the City of Canton He said he would work on public relations and promote fundraisers for the benefit of the CVFD He has recommended that the Fire Department present monthly reports to the Council setting out their call activity for the previous month. Mr. Fugate said his purpose for appearing before the Council was to get the desperately needed new firetruck and arrive at some method of payment Mr. Fugate asked about the outstanding balance on notes for other Fire Department equipment and suggested a combination of those notes with a reduced payment. Mr. Fugate, Chief Terrell, and Lt. Hollingsworth then addressed the Council's questions concerning the Department's expenditures and allocation of revenue from the First Monday parking lot Mr.

Fugate reminded the Council that the Department has in the past and intends to again transfer vehicles to various City departments for continued use

Mayor Hackney explained that the City has previously agreed to purchase the chassis with the understanding that the CVFD would pay for the rest of the improvements. He said that the Fire Department was now in a bind, and the City is at the end of its budget year. He also noted that the final cost of the finish-out is approximately \$18,000 more than originally estimated. Mayor Hackney stated that he thought the City could obtain a longer term for re-payment of the note and asked whether the Department had conducted any fundraisers. Mr. Fugate stated that no fundraisers had been held. Councilman Sanford asked Mr. Fugate to elaborate on the controversy he had earlier mentioned. Mr. Fugate stated that he thought there was no controversy, just a lack of communication. Councilman Sanford expressed concern that a \$60,000 truck had become a \$90,000 truck and asked how that could happen. Mr. Fugate said he was not able to address that issue, but he did know that two and a half weeks of labor was lost when Special Equipment discovered that the old truck bed could not be converted to this chassis. Upon questioning by Councilman Wilson, Chief Terrell stated that a bid was not obtained for the finish-out because the original plan was to change out an older bed.

Mayor Hackney noted that the loan for the truck is already being paid by the City. Mr. Mallory expressed concern that Special Equipment took eight months to build the truck and now wants payment overnight. He then asked the Fire Department representatives what expenses were obligated from the Fire Department's parking lot funds. Mr. Fugate reported that computers, pages, and equipment had been purchased. He explained that the funds are also used to repair hoses and generally maintain the Department so they do not have to come before the City Council for those funds.

Mr. Mallory clarified his question by asking what time payments were being paid from the parking lot revenue. Councilman Sanford noted that it was his understanding the Fire Department had purchased another set of jaws. Chief Terrell said the details for that purchase had not yet been worked out. He said it was his understanding that there would be no payments on that equipment for one year. The jaws were not new and had previously been used for demo purposes. He estimated the cost to be between \$14,000 and \$17,000.

Mr. Mallory suggested that the CVFD begin an annual budget process which would be beneficial in planning for expenditures and allowing funds for emergencies. It was noted that the Department receives approximately \$80,000 per year in the City's budget. The note for the pumper is paid from those funds, and Mr. Mallory said he thought that note would be paid off this year. Mr. Mallory told the CVFD representatives that he had to proceed with the financing and had done so with terms of 48 months because of the favorable interest rate.

The CVFD representatives then discussed the intended use of the new firetruck as a first response vehicle. It has been equipped for fighting grass fires and for motor vehicle accident rescues. The truck has a 733 gallon water tank. Councilman Sanford noted that, while the vehicle is a good one, it started out as a \$65,000 grass rig and escalated to a multi-purpose rig. Councilman Sanford told the CVFD not to think of the Council as an enemy. He said that during nearly ten

years of handling the financial matters for the CVFD, the Council had never told him no. Councilman Sanford also told the CVFD that City Manager Johnny Mallory had substantially increased the Department's budget. He noted that Mr. Mallory had done more for the Department and had the best interests of the Department at heart.

Upon questioning by Councilman Lide, Mr. Fugate stated that he hoped to hold two fundraisers per year which could bring in \$10,000 to \$14,000. He acknowledged that there was a certain mindset about fundraisers within the Department, but he felt that had been overcome. Discussion was had concerning letter drives and follow up contacts with persons who had had fire calls outside the city limits.

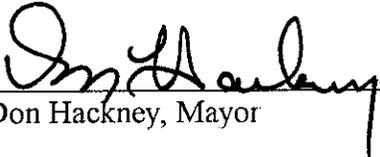
Mr. Fugate said that the Department would like to arrange financing for the finish-out with payments of \$800 per month.

Councilman Wilson said that he had a big concern with changes being made on the finish-out with no one knowing about those decisions. Lt. Hollingsworth said it was his understanding that CVFD Chief Mike McLemore contacted someone at City Hall about going to Kaufman to check on the truck and that person was not available to go. Mr. Mallory acknowledged that a trip to Kaufman had been proposed. Mr. Mallory said he did not feel it was his place to tell the CVFD how to spend its money, and the Department was to be paying any balance due for the finish out. Mr. Fugate and the CVFD representatives requested Mr. Mallory's assistance in preparing a budget. Councilman Wilson said he thought past problems such as this could be overcome with the help of Mr. Fugate and additional information being provided.

Councilman Sanford asked for clarification from the Department regarding fundraisers, and Mr. Fugate said he thought any fundraising proceeds would be used to retire debt. He stated that allocation of those funds was not his call.

Councilman Sanford moved that the proposed Note for funds to finish out the firetruck be extended to allow the Canton Volunteer Fire Department to re-pay the City of Canton at a rate of \$800 per month. Councilman Lide seconded the motion, and all voted in favor.

ADJOURN – There being no further business to come before the Council, Councilman Sanford moved that the meeting be adjourned. Councilman Wilson seconded, and all voted in favor.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**REGULAR MEETING  
CANTON CITY COUNCIL  
6:30 P.M., TUESDAY, AUGUST 17, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Charles Lide, Ron Sanford, Raymond Pruitt, and Rusty Wilson.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 6:30 p m and declared that a quorum was present.

**MAYOR'S WELCOME** was given by Mayor Don Hackney.

**INVOCATION** was given by Councilmember Charles Lide.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Mayor Hackney.

**OATH OF OFFICE ADMINISTERED TO NEWLY APPOINTED COUNCILMEMBER BEVERLY HUTCHERSON BY MUNICIPAL COURT JUDGE BRENDA SANFORD** - Judge Brenda Sanford administered the oath of office to Councilmember Beverly Hutcherson.

**GUEST ITEMS** - There were no guest items to come before the Council. Mayor Hackney informed the audience that no issues concerning the administration of the Senior Citizens Building has been placed on the Council's agenda and, therefore, would not be addressed at this meeting. He stated that he would be researching the matter and hoped a resolution could be reached in the near future.

**DISCUSS AND CONSIDER APPROVING MINUTES OF JULY 20, 23, AND 31, 1999 AND AUGUST 7, 1999 MEETINGS** - Councilmember Lide moved that the Minutes be approved as presented. Councilmember Sanford seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVING JULY 1999 FINANCIAL STATEMENTS** - Manager Johnny Mallory read the totals from the July 1999 Financial Statements. Councilmember Sanford moved that the Financial Statements be approved. Councilman Wilson seconded, and all voted in favor. It was noted that the Water and Sewer fund had depleted its budgeted First Monday transfers in August.

**SECOND PUBLIC HEARING ON ANNEXATION OF 30 ACRES LOCATED ON HIGHWAY 243 OWNED BY CANTON INDEPENDENT SCHOOL DISTRICT** - Mayor Hackney opened the public hearing at 6:36 p m and asked for comments from the public. There being none, the public hearing was closed at 6:37 p m.

**FIRST PUBLIC HEARING ON ANNEXATION OF 8.59 ACRES ON INTERSTATE 20 OWNED BY DARRELL W. MIZE** - Mayor Hackney opened the public hearing at 6:38 p m and asked for comments from the public. There being none, the public hearing was closed at 6:38 p m.

DISCUSS AND CONSIDER ACCEPTANCE OF PETITION FOR ANNEXATION OF 0.05 ACRE LOCATED ON INTERSTATE 20 OWNED BY JOHNNIE McKAY – Mr. Mallory explained that this property owner was interested in constructing a billboard on this site. Councilmember Pruitt moved that the petition be accepted. Councilmember Sanford seconded. Councilmembers Wilson, Sanford, Pruitt, and Hutcherson voted in favor of the motion. Councilmember Lide voted against, and the motion carried.

DISCUSS AND CONSIDER ADOPTION OF ORDINANCE PROVIDING FOR POLICIES AND PROCEDURES REGARDING THE OPERATION OF FIRST MONDAY TRADE DAYS AND PROVIDING FOR PENALTIES FOR FAILURE TO COMPLY WITH SUCH POLICIES AND PROCEDURES AND INCORPORATING POLICY AND PROCEDURES FOR TERMINATION OF LOT RENTALS ADOPTED APRIL 21, 1998, INTO ORDINANCE – First Monday General Manager Al Campbell told the Council that the proposed rules were basically the same as those adopted by the Council in the past. He noted that the fee for insufficient checks has been increased from \$15 to \$25 to coincide with City procedures. He said that some language had been clarified, private golf carts have been prohibited, and a requirement has been added for permission to photograph a vendor's merchandise. Super Tuesday is being moved from the Log Cabin to First Monday's City Hall offices. Councilmember Sanford moved that the following Ordinance be adopted:

#### **Ordinance No. 99-09**

AN ORDINANCE PROVIDING FOR THE POLICIES AND PROCEDURES FOR THE OPERATION OF THE CITY OF CANTON'S FIRST MONDAY TRADE DAYS; PROVIDING FOR THE COLLECTION OF RENT AND PROCEDURE FOR PAYMENT, RESERVATION AND RENEWAL OF VENDOR SPACES, MERCHANDISE, SALES, SOLICITATIONS, AND SET-UP ON THE PREMISES, AND TRAFFIC AND PARKING ON THE PREMISES; PROHIBITING SUBLEASING, SELLING AND TRANSFERRING LOTS; PROVIDING FOR PENALTIES FOR FAILURE TO COMPLY WITH SUCH ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS THAT:

The City Council hereby adopts this ordinance, to supercede previous ordinances, declaring as follows:

**Section 1. Title.** This ordinance shall be referred to as the First Monday Policies & Procedure ordinance

**Section 2. Adoption of Policies and Procedures.** The City Council of the City of Canton has previously adopted, on an annual basis, certain "Policies & Procedures" concerning the operation of the City's First Monday Trade Days. Said "Policies & Procedures" are incorporated into a brochure for distribution to the public. The "Policies & Procedures" set out in the attached brochure are hereby adopted and incorporated herein by reference as if cited herein verbatim.

**Section 3. Ratification of Adoption of Policy and Procedures for Termination of Lot Rentals.** On April 21, 1998, the City Council adopted its policy regarding procedures for termination of lot rentals due to failure to comply with the aforementioned "Policies & Procedures" By this Ordinance, the following policy is hereby ratified and confirmed and incorporated into this Ordinance:

Upon determination by First Monday management that a vendor has failed to comply with First Monday Policies and Procedures as adopted by the City Council, management shall notify said vendor in writing, addressed to the last known address provided by the vendor, that the vendor space rental will not be renewed for the following market. Such written notice shall:

Describe the vendor's violation of First Monday Policies and Procedures

Inform the vendor of his right to appeal management's decision to the City Council's First Monday Committee in writing addressed to City Hall within ten days from receipt of the written notice

Upon receipt of a written appeal, the First Monday Committee, at its option, may schedule a meeting with management and the vendor to review the matter. The First Monday Committee shall notify the vendor, in writing, of their determination of the appeal.

**Section 4. Amendments, Revisions, and Rescission.** The City's "First Monday Policies & Procedures" and the "Policy and Procedure for Termination of Lot Rentals" may be amended, revised, or rescinded by the City Council of the City of Canton at any properly noticed meeting of the Council at which a quorum is present

**Section 5. Gender and Number.** In this ordinance, unless the text otherwise requires, words in the singular number include the plural and in the plural include the singular; words of the masculine gender include the feminine and the neuter; and when the sense so indicates, words in the neuter gender may refer to any gender

**Section 6. Penalties.** Failure to comply with the policies and procedures referred to herein may result in removal and/or eviction of violator and/or violator's employer, invitor, or licenser from the premises and/or loss of or eviction from the lots rented, subject only to the provisions of Section 3 above.

Any person found guilty for violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of the "Traffic & Parking" provisions of the First Monday Policies & Procedure, may be cited and, upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Section 11. Severability of Provisions.** If any provision, clause, sentence, paragraph, section, or part of this ordinance, or application thereof to any person, firm, corporation, public agency or circumstance, shall for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provisions to other persons, firms, corporations, public agencies, or circumstances, but shall be continued in its operation to the provisions, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency, or circumstances involved. It is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

**Section 12. Repeal.** All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

**Section 13. Effective Date.** This ordinance shall become effective and in full force and effect on and after 12:00 a m on October 1, 1999.

Councilmember Pruitt seconded, and all voted in favor.

DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO CONSTRUCTION OF NEW CANTON INTERMEDIATE SCHOOL – Canton ISD Superintendent Larry Davis told the Council that the School District had been unaware of the building permit charges when planning for the construction of the new Intermediate School and asked that the Council consider waiving or reducing the charges. He said the District will have a full time professional on site each day. Mr. Mallory reminded the Council that building permit charges had been considered a couple of years ago upon the request of Word of Victory Church, and the decision was made to consider such requests on a case-by-case basis. Mr. Mallory estimated that the City's Building Inspector will spend 350 hours on the CISD project at a cost to the City of \$6,500 to \$7,000. In regard to the District's on-site inspector, Mr. Mallory noted that the City is responsible for enforcing its own codes. Mr. Mallory told the Council that the building permit fee under the current fee structure would be \$18,000 to \$19,000. Councilmember Wilson asked what was included in the City's costs. Mr. Mallory said the fees are based on the Building Inspector's salary, benefits, vehicle, training, and purchase of code materials. Councilmember Wilson asked whether the fee could be set at a specific amount. Mr. Mallory said that, based on prior Council action, the Council could consider each case separately. Councilmember Hutcherson inquired about the fee charged to Word of Victory, and Mr. Mallory explained the fee schedule which was reduced and adopted earlier by the Council. Councilmember Sanford stated that he felt the City should charge an amount to at least cover its expenses. Mr. Mallory noted that other matters should also be taken into consideration such as water and sewer lines. Mr. Davis said the sewer line will cost approximately \$20 per foot and will be one of the most expensive parts of the project. He suggested that Canton ISD purchase the materials with City crews and equipment installing the line. Mayor Hackney noted that historically the City has not paid for the installation of sewer service. In the past, residents have paid for the construction of lines and entered into a reimbursement agreement for others to connect to the line. Councilmember Sanford expressed concern that, while the City may have the equipment and expertise, our crews do not have time to

complete the City's projects. Mayor Hackney told Mr. Davis that City crews are attempting to stay ahead of the contractor now on a street project. Councilmember Pruitt concurred with Councilmember Sanford and stated that he did not think the City's crews would be able to assist Public Works Director Pete Lucas offered to review the District's bids for installation of the sewer line to see if he could assist with suggestions for reducing costs on material. Councilmember Sanford moved that the building permit fee for the Canton Intermediate School be set at \$7,000. The motion was seconded by Councilmember Lide. Councilmembers Sanford, Lide, and Hutcherson voted in favor of the motion. Councilmembers Wilson and Pruitt voted against the motion. The motion carried.

**DISCUSS AND CONSIDER UPDATE ON CONTACTS REGARDING AMBULANCE SERVICE CONTRACT** – Mr. Mallory reported that he had met with Tony Davis of East Texas Medical Center regarding their interest in providing ambulance service in Canton. At Mr. Davis' request, information was provided concerning the number of ambulance calls dispatched. Upon review of that information, Mr. Davis advised that ETMC was not interested and suggested that the City of Canton stay with its current arrangements.

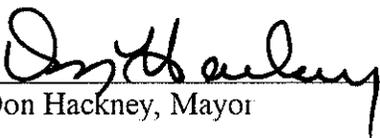
**DISCUSS AND CONSIDER COUNCIL WORKSHOPS AND PUBLIC HEARING FOR 1999-2000 BUDGET** – The Council set a budget workshop for Saturday, August 21, 1999, at 7:00 a.m.

**EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS (Section 551 074)** - The Council adjourned into Executive Session at 7:13 p.m. to consider personnel matters.

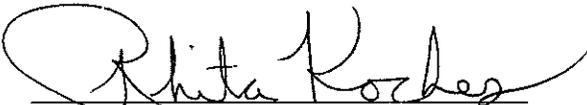
**RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION** – At 7:30 p.m., the Council returned to open session with no action taken.

**DISCUSSION PERTAINING TO BUSINESS FOR PLACEMENT ON FUTURE AGENDAS** – There were no items to be placed on the Council's next agenda at this meeting.

**ADJOURN** - There being no further business to come before the Council, Councilman Lide moved that the meeting be adjourned. Councilman Wilson seconded, and the meeting was adjourned at 7:30 p.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**SPECIAL CALLED MEETING  
CANTON CITY COUNCIL  
7:00 A.M., SATURDAY, AUGUST 21, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Beverly Hutcherson, Charles Lide, Ron Sanford, Raymond Pruitt, and Rusty Wilson.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 7:00 a.m. and declared that a quorum was present.

**DISCUSSION AND WORKSHOP PERTAINING TO PROPOSED 1999-2000 BUDGET** - City Manager Johnny Mallory presented a workshop draft of a proposed budget and explained that a decrease in revenue of approximately \$200,000 was being projected. He noted that the revenue amount specified in the debt service fund must be directed to debt service. Total expenditures are down by approximately \$100,000. Mr. Mallory told the Council that the proposal did not provide for any increase in fees. Transfers from First Monday are projected to be \$1,024,651. Councilmember Sanford pointed out that the \$4,000,000 in road bonds will soon be depleted with additional street improvements remaining and that First Monday cannot continue to fund City services.

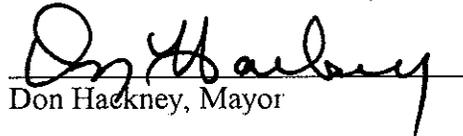
The Council then discussed the possibility of using an abandoned water well. After discussion, it was the consensus of the Council that such use would not be feasible. Mr. Mallory reminded the Council that the budget draft contained no provisions for utility relocation along Highway 19 when TxDOT begins improvements of that roadway. Mr. Mallory suggested that there were not as many vendors and not as many visitors at First Monday.

The Council then reviewed a request from Municipal Judge Brenda Sanford for additional staff and funding. Councilman Sanford abstained from discussion on this request.

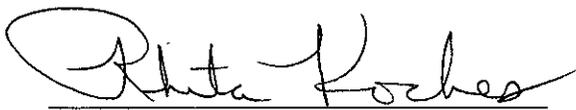
The Council discussed raising water and sewer rates and hiring a paid fire chief.

Councilmember asked that Mr. Mallory provide information on projects which were budgeted in this fiscal year and not completed as well as projects which were completed that were not budgeted.

**ADJOURN** - There being no further business to come before the Council, Councilman Sanford moved that the meeting be adjourned. Councilman Pruitt seconded, and the meeting was adjourned at 8:30 a.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**SPECIAL CALLED MEETING  
CANTON CITY COUNCIL  
7:00 A.M., SATURDAY, AUGUST 28, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Beverly Hutcherson, Charles Lide, Ron Sanford, Raymond Pruitt, and Rusty Wilson.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 7:00 a.m. and declared that a quorum was present.

**DISCUSS AND CONSIDER CONSTRUCTION OF THIRD PAVILION AT CITY'S FIRST MONDAY PARK** - Councilmember Sanford told the Council that the City needs to continue to make improvements at the First Monday Park, and the Council needs to begin considering whether or not to construct another pavilion. City Manager Johnny Mallory told the Council that they need to be thinking about the size and location of any future pavilion. Councilman Sanford said that he wanted to bring this to the attention of the Council to generate some additional ideas.

**DISCUSSION AND WORKSHOP PERTAINING TO PROPOSED 1999-2000 BUDGET** - City Manager Johnny Mallory presented an updated draft of a proposed budget and explained that an increase in revenue has been included because of the transfer station. Since the transfer station's separate checking account has been closed, these items will need to be reflected in the City's books. The Council then discussed the operation of the transfer station. Mr. Mallory said the amount budgeted for the operation of the transfer station is based on the bill from Olympic Mayor Hackney suggested monitoring the activity of the transfer station for six months to determine whether it is generating sufficient proceeds to pay its expenses. Mr. Mallory reported that the operator is keeping records to determine the revenue produced per unit. First Monday is billed for trash delivered to the transfer station.

Mr. Mallory informed the Council that the budget for the police department had been reduced by deleting one new vehicle. Councilmember Hutcherson asked whether the number of police officers was excessive. Mr. Mallory explained that it is necessary to have at least two patrolmen on each shift. Each officer has vacation and sick time making it necessary to have 13 officers. Councilmember Pruitt concurred and relayed his experiences riding with patrolmen when calls are received from across town. Councilmember Pruitt expressed concern with replacing vehicles with 147,000 miles. Mr. Mallory told the Council about maintenance and repairs that are made to City vehicles to maintain them.

The Council discussed deleting the police department's canine unit. Mr. Mallory said that he had discussed the matter with Chief Hammond who had agreed to cut the unit for now if it could be replaced at a later date. It would also eliminate an officer taking a vehicle home. Councilmember Pruitt stated that he had no objection to leaving the item in the budget but would like to make a decision on the continuation of the program in the near future.

Councilmember Pruitt suggested that Mr. Mallory and Mr. Campbell confer with representatives of the City of Kaufman who have a paid fire chief and assistant. Councilmember Sanford noted that Kaufman also has a fire district. Councilmembers discussed the necessity of having a fire chief who understands the operations of a volunteer fire department and is also a professional fire fighter.

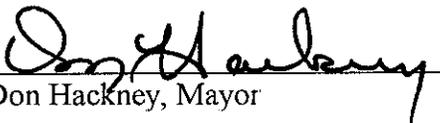
The Council discussed whether the City would be able to afford a paid fire chief when the Council had recently determined that the City could not afford to build a new City Hall. Mr. Mallory explained the estimated debt service on a new City Hall facility. It was also noted that the existing building is in need of repair.

The Council reviewed the status of the proposed downtown park. The Council discussed the possibility of selling the property since the merchants association had not made any progress on improvements.

Mr. Mallory related the capital improvements which are mandated by TNRCC. Councilmember Wilson asked for a list of capital improvements and estimated costs with a notation as to which are mandated. Mr. Mallory stated that the mandated items have been included in the proposed budget. The Council then addressed the possibility of rate increases based on age. Mr. Mallory expressed some concern about such a rate schedule particularly since the City has outstanding bonds. Councilmember Pruitt said he would like to see a break in the rates for citizens over age 65. Mayor Hackney pointed out that an estimated 40% of the community is retired which would negate most of the increase. Councilmembers Sanford and Lide concurred that revenue cannot be derived if discounts are given.

Councilmember Wilson suggested publicizing the City's current rates in comparison to other cities and showing the deficits. Councilmember Hutcherson agreed and recommended that councilmembers obtain feedback.

ADJOURN - There being no further business to come before the Council, Councilmember Pruitt moved that the meeting be adjourned. Councilmember Sanford seconded, and the meeting was adjourned at 8:15 a.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**REGULAR MEETING  
CANTON CITY COUNCIL  
6:30 P.M., TUESDAY, SEPTEMBER 21, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Beverly Hutcherson, Charles Lide, Raymond Pruitt, Ron Sanford, and Rusty Wilson.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 6:30 p.m. and declared that a quorum was present.

**MAYOR'S WELCOME** was given by Mayor Don Hackney.

**INVOCATION** - The invocation was given by Councilmember Charles Lide.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Mayor Hackney.

**GUEST ITEMS** - Joe Collins, Executive Director of the Canton Chamber of Commerce, addressed the Council and presented a copy of an advertisement from the *San Antonio Express* which has a circulation of 225,000. The advertisement was won at a travel show and was valued at over \$5,300. Mr. Collins also presented copies of the newly published *Destination Canton* which was compiled by the Chamber's Tourism Committee and published with proceeds from the sale of ads. He then outlined plans for attending future travel shows in Austin, Houston, Dallas, and Fort Worth.

**DISCUSS AND CONSIDER APPROVING MINUTES OF AUGUST 17, 21, AND 28, 1999 MEETINGS** - Councilmember Sanford moved that the Minutes be approved as presented. Councilmember Lide seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVING AUGUST 1999 FINANCIAL STATEMENTS** - City Manager Johnny Mallory read the totals from the August 1999 Financial Statements. Councilmember Pruitt moved that the Financial Statements be approved. Councilman Hutcherson seconded, and all voted in favor.

**PUBLIC HEARING ON PROPOSED BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 1999, AND ENDING SEPTEMBER 30, 2000** - Mayor Hackney opened the public hearing on the proposed budget for fiscal year 1999-2000 at 6:45 p.m. Mr. Mallory presented the proposed budget and read totals from the budget summary. He noted that the budget projected small expenditures and revenues than the current budget.

**DISCUSS AND CONSIDER ADOPTION OF ORDINANCE APPROVING PROPOSED 1999-2000 BUDGET** - Councilmember Sanford moved that the budget be adopted as proposed. Councilmember Wilson seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVAL OF ENGAGEMENT LETTER RETAINING HESTER, CONWAY & COMPANY TO CONDUCT 1998-1999 AUDIT** - Mr. Mallory summarized the provisions of the engagement letter for the 1998-99 audit. Councilmember Pruitt

moved that the engagement letter be adopted. Councilmember Lide seconded, and all voted in favor.

DISCUSS AND CONSIDER EXTENSION/ADOPTION OF PROPOSED SERVICE AGREEMENT BETWEEN THE CITY OF CANTON AND THE CANTON CHAMBER OF COMMERCE – Mr. Mallory explained that the proposed agreement was basically the same as the current agreement. Councilmember Lide moved that the agreement be approved. Councilmember Wilson seconded, and all voted in favor.

DISCUSS AND CONSIDER APPROVAL OF ANNEXATION ORDINANCE ON 30 ACRES LOCATED ON HIGHWAY 243 OWNED BY CANTON INDEPENDENT SCHOOL DISTRICT – Councilmember Sanford moved that the annexation ordinance be adopted. Councilmember Lide seconded, and all voted in favor.

SECOND PUBLIC HEARING ON ANNEXATION OF 8.59 ACRES ON INTERSTATE 20 OWNED BY DARRELL W. MIZE – Mayor Hackney opened the public hearing at 6:54 p.m. There being no public comment on the proposed annexation, the public hearing was closed at 6:55 p.m.

FIRST PUBLIC HEARING ON ANNEXATION OF 0.05 ACRE LOCATED ON INTERSTATE 20 OWNED BY JOHNNIE McKAY - Mayor Hackney opened the public hearing at 6:55 p.m. There being no public comment on the proposed annexation, the public hearing was closed at 6:56 p.m.

DISCUSS AND CONSIDER AWARDED CONTRACT FOR AMBULANCE SERVICE – Mr. Mallory told the Council that he had met with representatives of Champion EMS to discuss the terms of a proposed contract and the possible construction of an EMS facility. Mr. Mallory told the Council that the contract should be ready for presentation to the Council at its next meeting.

DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO SALE OF 0.100 OF AN ACRE TRACT IN THE STOCKWELL SURVEY LOCATED AT THE CORNER OF BUFFALO STREET AND STATE HIGHWAY 64 (PROPOSED DOWNTOWN PARK) – Councilmember Wilson noted that the property had been purchased and that there had been no further activity for development or use of the property. He questioned whether the City could make better use of its funding.

Donna Thompson addressed the Council on behalf of the Canton Merchants Association to request that the Association be given an opportunity to develop a plan for the utilization of the property. Councilmember Lide noted that he had voted to purchase the property for the purpose of a small downtown park. Mrs. Thompson explained that the Merchants Association was a volunteer group with several recent changes in ownership. She said that even the new owners are interested in the project. Mrs. Thompson said that the original plan included the reconstruction of the log cabin. The original proposal was a five year project, and Mrs. Thompson stated that it was still a very viable project. She requested that the property be used as originally intended. Mrs. Thompson also pointed out that the idea of restrooms was part of future plans and that there may not be room for restrooms.

Councilmember Wilson asked about responsibility for maintenance and upkeep. Mrs. Thompson said the current plan would be for a self service visitors center and that maintenance would only be necessary in the event a restroom was constructed. She suggested that the Association might

be able to share responsibility for maintenance with the Historical Society. She said the group had originally considered using the old police department building but preferred the Duke property when it became available.

Councilmember Sanford said that although he had originally voted in favor of the project, he was in agreement with Councilmember Wilson that perhaps the City's funds could be better utilized in another way.

Mrs. Thompson told the Council that the Merchants Association was entering its busiest retail season and could not proceed with development of the property until January.

Councilmember Wilson asked if funding would be provided by the Merchants Association or the Canton Economic Development Corporation. Mrs. Thompson explained that neither the Association nor the Chamber had the funds to assist with this project, and additional funding would come from the CEDC. Upon questioning from the Council, Mr. Mallory explained that the CEDC had only approved funding for the purchase of the property. Mrs. Thompson stated that the purchase of the property was only the first step, and there were many things the Merchants Association would like to see done.

With the consensus of the Council, Mayor Hackney announced that the matter would be tabled until the Council's next regular meeting.

Ronnie Fugate told the Council he would like to see any potential sale of the property postponed for six months to see if a plan could be presented.

**DISCUSS AND CONSIDER ADOPTION OF ORDINANCE INCREASING WATER AND WASTEWATER RATES** – Mr. Mallory presented proposed rate increases for water and wastewater treatment services. He noted that current rates proved a cap on residential wastewater treatment rates, and the proposed increase would eliminate the cap. Mr. Mallory explained that more revenue was needed in the water and sewer fund and that another rate increase would probably be proposed next year.

Tommy Roberts asked whether the additional revenue from the proposed rate increase had been calculated. Mr. Mallory responded that the additional revenue would be approximately \$170,000. Mr. Roberts stated that he saw no justification for an increase since a budget had been adopted which did not include the rate increase.

Mayor Hackney explained that the water and sewer fund lacked approximately \$300,000 in paying for itself and that figure did not include debt service. He noted that rates in the City of Canton were among the cheapest around and that First Monday could no longer afford to continue such subsidies.

Mr. Roberts stated that was the purpose of First Monday and that his comparison showed that Canton's rates are in line with others in the area. He said that he had provided his research to Councilmember Pruitt.

Mayor Hackney reminded the Council of the proposed water and sewer line improvements necessary in the reconstruction of Highway 19. Mr. Mallory explained that all water and sewer capital improvements had been deleted to make the budget work. He further explained that upgrades were necessary at the water plant and that a fine had been levied against the City relating to water quality. Mr. Mallory outlined some of the state mandated procedures being required at

the water plant, the increased costs associated with producing water, and the additional government regulations and inspections.

Councilmember Pruitt questioned the possibility of different rates for residential and commercial customers. Mr. Roberts said that every City he interviewed had different rate classifications. Councilmember Pruitt corrected that information and noted that only Grand Saline had different rates.

Mr. Mallory noted that cities provide water from different sources which affects cost.

Councilmember Sanford moved that the following ordinance be adopted:

**ORDINANCE NO. 99-12**

**AN ORDINANCE AMENDING ORDINANCE 92-9 PASSED BY THE CANTON CITY COUNCIL ON OCTOBER 20, 1992, AS AMENDED BY ORDINANCE 93-12 PASSED BY THE CITY COUNCIL ON SEPTEMBER 21, 1993, AND BY ORDINANCE 95-09 PASSED BY THE CITY COUNCIL ON OCTOBER 17, 1995, PROVIDING FOR AN INCREASE IN THE RESIDENTIAL AND COMMERCIAL WATER AND SEWER RATES; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**SECTION 1:** That the section titled Water Service Monthly Charges under Division 1. Rates and Charges of Ordinance 92-9 as amended by Ordinance 93-12 passed and approved by the City Council on the 21st day of September, 1993, and as amended by Ordinance 95-09 passed and approved by the City Council on the 17<sup>th</sup> day of October, 1995, be and the same is amended to read as follows:

<u>WATER RATES</u>	<u>INSIDE CITY LIMITS</u>	<u>OUTSIDE CITY LIMITS</u>
0 to 1,500 gallons	\$8.00	\$14.00
over 1,500 gallons	\$2.50/thousand	\$ 2.50/thousand

**SECTION 2:** That the section titled Sewer Service Monthly Charge under Division 1. Rates and Charges of Ordinance 92-9 passed and approved by the City Council on the 20th day of October, 1992, be and same is amended to read as follows:

Sewer rates are charged based on water usage as follows:

Residential:

0 to 1,500 gallons	\$6.00
over 1,500 gallons	.60 per thousand

Commercial:

0 to 1,500 gallons	\$6.00
over 1,500 gallons	.60 per thousand

**SECTION 3:** That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not effect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose

### **Effective Date**

This ordinance shall become effective and in full force on and after the October 17, 1999 billing, due November 10, 1999

Councilmember Wilson seconded, and all voted in favor

DISCUSS AND CONSIDER REQUEST FOR WATER TAP OUTSIDE THE CITY LIMITS BY JAY SMITH ON LAKEWOOD TRAIL (OFF CHERRY CREEK) – Mr. Mallory told the Council that City staff had confirmed the availability of water in the area. Councilmember Wilson moved that the water tap be approved. Councilmember Pruitt seconded, and all voted in favor.

DISCUSS AND CONSIDER ACCEPTANCE OF 1.649 ACRE TRACT (WESTVIEW LANE) FOR USE AS A PUBLIC STREET – Mr. Mallory explained to the Council that a survey of the proposed street had been conducted, and it was discovered that the plat did not correspond to the actual street as constructed. Councilmember Hutcherson moved that Westview Lane be accepted for use as a public street subject to construction according to the plat. Councilman Lide seconded, and all voted in favor.

DISCUSS AND CONSIDER UPDATE ON STREET IMPROVEMENTS – Mr. Mallory and Public Works Director Pete Lucas updated the Council on the replacement of water and sewer lines on Oak Street. Mr. Mallory explained about problems obtaining permission from TxDOT to drain water on to Highway 198.

DISCUSS AND CONSIDER CHANGE ORDER ON CURRENT CONTRACT WITH ALL-TEX PAVING, INC., FOR IMPROVEMENTS TO STACY STREET – Mr. Mallory told the Council that the engineers are still working on plans for improvements to Stacy Street.

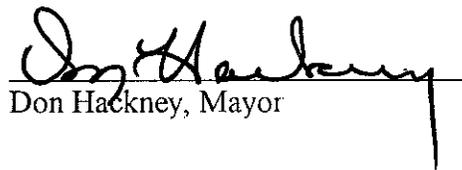
DISCUSS AND CONSIDER APPROVAL OF FINANCING FOR CANTON VOLUNTEER FIRE DEPARTMENT EQUIPMENT – CVFD Chief Mike McLemore told the Council that the Department had been able to purchase a demo set of rescue tools. The Department has located financing providing for annual payments, but they would like to be able to pay off the loan in one year. The lender is requiring execution of the loan documents by the City of Canton. Chief McLemore told the Council that the Department is aware that it will need to initiate some fundraising projects. Councilmember Sanford moved that the City execute the loan documents to obtain financing for the equipment with payments to be made by the Canton Volunteer Fire Department. Councilmember Wilson seconded, and all voted in favor.

EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS (Section 551.074) - The Council adjourned into Executive Session at 7:45 p.m. to consider personnel matters.

RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION -- At 8:00 p.m., the Council returned to open session with no action taken.

DISCUSSION PERTAINING TO BUSINESS FOR PLACEMENT ON FUTURE AGENDAS -- There were no items to be placed on the Council's next agenda at this meeting

ADJOURN - There being no further business to come before the Council, Councilmember Lide moved that the meeting be adjourned. Councilmember Wilson seconded, and the meeting was adjourned at 8:03 p.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**CALLED MEETING  
CANTON CITY COUNCIL  
6:30 P.M., TUESDAY, SEPTEMBER 28, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Charles Lide, and Ron Sanford. Councilmembers Raymond Pruitt and Rusty Wilson were absent.

Discussion and action were as follows:

CALL TO ORDER AND ANNOUNCE QUORUM - Mayor Hackney called the meeting to order at 6:00 p.m. and declared that a quorum was present.

DISCUSS AND CONSIDER ADOPTING ORDINANCE LEVYING TAX RATE FOR FISCAL YEAR BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30, 2000 -- Councilmember Sanford moved that the following ordinance adopting a zero tax rate be adopted:

**ORDINANCE NO. 99-13****AN ORDINANCE LEVYING TAXES FOR ALL TAXABLE PROPERTY  
IN THE CITY OF CANTON, TEXAS FOR THE ENSUING FISCAL YEAR  
COMMENCING ON OCTOBER 1, 1999, AND ENDING SEPTEMBER 30,  
2000.**

WHEREAS, the City Council of the City of Canton, Texas met in a called session at 6:00 o'clock p.m., on September 28, 1999, and after having heard and adopted the Annual Budget for the City of Canton, Texas, for the ensuing 1999-2000 fiscal year, and it having been determined that a tax rate of \$0.00 per \$100.00 valuation will support and ensure the payment of all proposed expenses and liabilities of the City for the ensuing 1999-2000 fiscal year as set forth in the Annual Budget adopted September 21, 1999, in a regular meeting of the City Council; and

WHEREAS, the proposed tax rate and increase or decrease, if any, does not exceed the requirements imposed by law;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS:

**SECTION 1.**

A tax is hereby levied in the amount of \$0.00 per \$100.00 valuation against all taxable property in the City of Canton, Texas to defray all expenses and liabilities of the City and for the purposes specified in the Annual Budget duly adopted for the ensuing fiscal year beginning October 1, 1999, and ending September 30, 2000

**SECTION 2.**

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict

**SECTION 3.**

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not effect any other section, paragraph, subdivision, clause, phrase, word, or provision hereof given full force and effect for its purpose.

**SECTION 4.**

This Ordinance shall become effective and in full force and effect October 1, 1999.

Councilmember Hutcherson seconded, and all voted in favor.

DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION ON REQUEST TO CHANGE ZONING OF TRACT LOCATED AT 1080 SOUTH TRADE DAYS BLVD. OWNED BY TRENT BRIGHT FROM R-1 (RESIDENTIAL) TO B-1 (LOCAL BUSINESS DISTRICT) – City Manager Johnny Mallory told the Council that the Planning and Zoning Commission had recommended that the zoning of the subject property be changed from R-1 to B-1 Councilmember Sanford moved that the zoning change be granted in

accordance with the recommendation of the Planning and Zoning Commission Councilmember Lide seconded, and all voted in favor

DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION ON REQUEST TO CHANGE ZONING OF TRACT LOCATED AT 548 WEST HIGHWAY 243 OWNED BY BILL LOVEN FROM R-1 (RESIDENTIAL) TO B-1 (LOCAL BUSINESS DISTRICT) – Mr. Mallory told the Council that the Planning and Zoning Commission had recommended that the zoning of the subject property be changed from R-1 to RPO instead of B-1. Mr. Loven and his proposed purchaser had agreed to the zoning. Councilmember Lide moved that the zoning be changed to RPO in accordance with the recommendation of the Planning and Zoning Commission. Councilmember Sanford seconded, and all voted in favor.

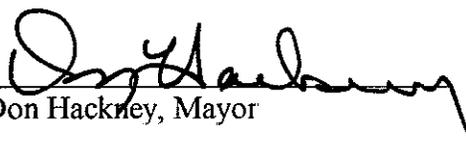
DISCUSS AND CONSIDER APPROVAL OF EASEMENT FROM CITY OF CANTON TO GEORGE W MURPHY (WASTEWATER TREATMENT PLANT) – Mr. Mallory explained that Mr. Murphy had previously deeded property to the City of Canton for the sewer plant road. However, Mr. Murphy had not retained an easement for access to his remaining property. Councilmember Lide moved that the proposed easement be approved. Councilmember Hutcherson seconded, and all voted in favor.

DISCUSS AND CONSIDER AUTHORIZING CITY MANAGER TO EXECUTE AN AGREED ORDER IN AN ENFORCEMENT ACTION BEFORE THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION AND AUTHORIZING PAYMENT OF AN ADMINISTRATIVE PENALTY – Mr. Mallory explained to the Council that TNRCC had levied a fine against the City for exceeding turbidity limits in September of 1998 and March of 1999. The administrative penalty is \$1,250; however, TNRCC will discount that amount by \$250 if the City will agree to the enforcement order. That Order specifically states that the City does not admit any wrongdoing. Mayor Hackney noted that any appeal of this matter would probably be useless and cost prohibitive. Councilmember Sanford moved that the City Manager be authorized to execute the proposed enforcement order, pay the administrative penalty in the amount of \$1,000, and notify the TNRCC that the payment is being made under protest. Councilmember Lide seconded, and all voted in favor.

DISCUSS AND CONSIDER ADOPTION OF REVISIONS TO ORDINANCE NO. 89-16 (ANIMAL CONTROL ORDINANCE) PROVIDING FOR THE CONTROL, TREATMENT, AND SALE OF ANIMALS IN THE CITY OF CANTON AND PROVIDING FOR FEES AND FINES – It was the consensus of the Council that consideration of this matter be postponed pending the availability of Councilmember Pruitt.

Mayor Hackney informed the Council that the Board of Directors of the Canton Economic Development Corporation had requested a joint meeting to discuss disposition and plans for the development of the eighty acre proposed residential subdivision. It was the consensus of the Council that the meeting be held with the Council's next regular meeting on October 19, 1999.

ADJOURN – There being no further business to come before the Council, Councilmember Lide moved that the meeting be adjourned. Councilmember Sanford seconded, and all voted in favor

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**REGULAR MEETING  
CANTON CITY COUNCIL  
6:30 P.M., TUESDAY, OCTOBER 19, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Beverly Hutcherson, Charles Lide, and Ron Sanford. Councilmembers Raymond Pruitt and Rusty Wilson were absent.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 6:30 p.m. and declared that a quorum was present.

**MAYOR'S WELCOME** was given by Mayor Don Hackney.

**INVOCATION** – The invocation was given by Councilmember Charles Lide.

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Mayor Hackney.

**GUEST ITEMS** – First Monday vendor Marilee McLemore addressed the Council with questions on behalf of several vendors in Trade Center I. Mrs. McLemore asked about the status of repairs to the speaker system. Julie Jackson said the system was worked on last First Monday. Mrs. McLemore then asked how to contact a First Monday employee when a vendor needs assistance during the day. Mayor Hackney requested that Mrs. McLemore convey her concerns to Al Campbell and the First Monday staff since the Council would not be able to answer her questions. Mrs. McLemore told the Council that vendors are concerned about having to compete with all the other markets and shows going on in the area, particularly in the metroplex. Mr. Campbell stated that First Monday is advertised heavily in the metroplex. Mayor Hackney concurred that the market has been greatly expanded in the last few years. He then asked Mrs. McLemore to get with Mr. Campbell and his staff to resolve her questions.

Mayor Hackney announced that, due to the absence of Councilmember Wilson, Agenda Item No. 12 regarding the sale of the downtown lot which is the proposed site of a downtown park would be postponed and would not be considered by the Council at this meeting. Mayor Hackney stated that he understood that a representative of the Canton Merchants Association was present to address the Council.

Helen Sehart told the Council that the Merchants Association was requesting that the City provide funding for a pocket park or green space in the downtown area. Mrs. Sehart presented a proposal for improvements totaling \$5,000. Mrs. Sehart said she understood that the Council had already adopted a budget but felt the funds could be found somewhere in the budget. She noted that people who make their living in Canton are often lost in the shuffle and should be afforded the same things other towns offer every weekend. She asked that the Council make a commitment to the business people of Canton. Mayor Hackney stated that the proposal would be taken under advisement by the Council. Mrs. Sehart asked that a member of the Council be appointed as a contact for the Merchants Association to keep the lines of communication open. The Council also heard brief remarks in support of the project from Dorothy Miller and Donna Thompson.

**DISCUSS AND CONSIDER APPROVING MINUTES OF SEPTEMBER 21 AND 28, 1999 MEETINGS** – Councilmember Lide moved that the Minutes be approved as presented. Councilmember Sanford seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVING SEPTEMBER 1999 FINANCIAL STATEMENTS** – City Manager Johnny Mallory read the totals from the September 1999 Financial Statements. Councilmember Sanford moved that the Financial Statements be approved. Councilmember Hutcherson seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVAL OF ANNEXATION ORDINANCE ON 8.59 ACRES ON INTERSTATE 20 OWNED BY DARRELL W. MIZE** – Councilmember Lide moved that the annexation ordinance be adopted. Councilmember Sanford seconded, and all voted in favor.

**SECOND PUBLIC HEARING ON ANNEXATION OF 0.05 ACRE LOCATED ON INTERSTATE 20 OWNED BY JOHNNIE MCKAY** – Mayor Hackney opened the public hearing at 6:54 p.m. There being no comment from the public, the hearing was closed at 6:55 p.m.

**DISCUSS AND CONSIDER AWARDED BID FOR PURCHASE OF TWO (2) POLICE CARS** – Mr. Mallory presented the two bids which had been received:

Payton Wright	\$20,218 w/speed control
Grapevine	\$19,983 w/o speed control
1999 model year vehicles in stock	

Canton Motors	\$21,500
Canton	
2000 model year vehicles, delivery 60 – 90 days	

Mr. Mallory recommended the purchase of two vehicles at \$19,983 each. Police Chief David Hammonds confirmed that the department needs both vehicles at this time. Councilmember Hutcherson moved that two police cars be purchased from Payton Wright Ford in Grapevine at a

cost of \$19,983 each and that City Manager Johnny Mallory be authorized to execute the necessary documentation for financing. Councilmember Sanford seconded, and all voted in favor.

**DISCUSS AND CONSIDER AWARDDING BID FOR PURCHASE OF EXTENDED CAB PICKUP FOR FIRST MONDAY** – Mr. Mallory told the Council that only one bid was received for the purchase of an extended cab pickup. That bid was from Canton Motors for \$19,700. Mr. Mallory recommended awarding the bid as soon as possible since the truck will have to be ordered and may not be delivered for 60 to 90 days. Councilmember Sanford moved that the extended cab pickup be purchased from Canton Motors. Councilmember Lide seconded, and all voted in favor.

**DISCUSS AND CONSIDER WATER TAP OUTSIDE CITY LIMITS ON VZCR 2205 FOR DAVID L KING, JR.** – Mr. Mallory reported that City water is available in the area and the City had no objections to providing water service. Councilmember Sanford moved that the request be granted. Councilmember Hutcherson seconded, and all voted in favor.

**DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO SALE OF 0.100 OF AN ACRE TRACT IN THE STOCKWELL SURVEY LOCATED AT THE CORNER OF BUFFALO STREET AND STATE HIGHWAY 64 (PROPOSED DOWNTOWN PARK)** – Agenda item postponed pursuant to earlier announcement of Mayor Hackney.

**DISCUSS AND CONSIDER CONSTRUCTION OF THIRD PAVILION AT CITY'S FIRST MONDAY PARK** – Mr. Mallory told the Council that he had met with the First Monday Committee and First Monday staff regarding the possibility of constructing a third pavilion and it was the consensus that the City needed to make a decision to begin construction or move on to other projects. Mr. Mallory said he was requesting permission to have plans and specifications drawn up for bid purposes. Councilmember Lide asked Mr. Mallory if he was absolutely sold on constructing another pavilion. John Thompson asked whether the construction of a new pavilion would improve income to the City in light of last month's budget information estimating a loss in First Monday revenue of \$400,000. Mr. Mallory said that construction of a new pavilion should increase revenue considerably since the proposed location is an area which is currently vacant. Mr. Mallory said that area is usually vacant due to a change in traffic patterns. It was also noted that the City's existing pavilions remain filled and generate revenue in excess of the payment for construction. Councilmember Sanford said that, if not for the pavilions, the loss may have been higher. He explained that the pavilions took \$50 lots and made them \$150 pavilion spaces. Helene Sehrt questioned whether \$150 might be perceived by vendors as gouging when they could find outdoor spaces in other areas for \$50. She also noted that the construction of pavilions takes up more green space. Mayor Hackney stated that vendors are asking for covered spaces. Mr. Mallory concurred and said that seven out of ten vendor inquiries are for covered space. Alton Smith asked if the construction of additional pavilion spaces was possibly killing what originally made Canton's First Monday famous. He stated that he felt the head is causing the decrease in First Monday attendance and that First Monday is gradually being lost. Mr. Mallory said he did not feel that First Monday was being lost but instead was being spread out among several markets. Marilee McLemore told the Council that parking lots are critical in directing traffic to particular areas of First Monday. Mr. Mallory agreed and noted that the parking at the Senior Citizens Building had been expanded for that reason. In response to Mrs. Sehrt's comments, Mr. Mallory noted that no rate increase is being proposed and \$150 is the going rate.

for pavilion space in Canton. Mr. Mallory also pointed out that construction of a new pavilion was a way to utilize an area of the First Monday Park which is currently not utilized. Mrs. Sehart asked whether the vendors requesting covered space could be polled to determine if there was some solution other than concrete and steel. Councilmember Lide expressed doubts about a third pavilion, but acknowledged that both types of vendors have to be accommodated. Mayor Hackney stated that, although there may be more people visiting First Monday, they are divided among more parks and providers.

Councilmember Sanford moved that City Manager Johnny Mallory be authorized to proceed with obtaining plans and specifications for bid purposes. Councilmember Lide seconded, and all voted in favor.

**DISCUSS AND CONSIDER UPDATE ON STREET IMPROVEMENTS/DISCUSS AND CONSIDER CHANGE ORDER ON CURRENT CONTRACT WITH ALL-TEX PAVING, INC., FOR IMPROVEMENTS TO STACY STREET** – Mr. Mallory told the Council that engineering documents have been obtained for improvements on Stacy Street from Oak to the dead end. Councilmember Sanford moved that Mr. Mallory be authorized to execute a change order to add the improvements to Stacy Street to the existing contract with All-Tex Paving, Inc., of Dallas, Texas. Councilmember Hutcherson seconded, and all voted in favor.

**DISCUSS AND CONSIDER ADOPTION OF REVISIONS TO ORDINANCE NO. 89-16 (ANIMAL CONTROL ORDINANCE) PROVIDING FOR THE CONTROL, TREATMENT, AND SALE OF ANIMALS IN THE CITY OF CANTON AND PROVIDING FOR FEES AND FINES** – Mayor Hackney announced that this agenda item would be postponed for consideration at a future meeting.

**UPDATE ON STATUS OF ACTIVITIES OF SENIOR CITIZENS BOARD** – Councilmember Charles Lide told the Council that the Senior Citizens have formed a new Board, and that Board is in the process of drafting bylaws. He said that Minutes of the Board's meetings will be presented to the Council and the proposed bylaws will be presented for changes and approval. He said that the new site manager is working out well. Elections for new officers will be held in December or January. It has been proposed that nominations will be made by members with Board members serving staggered terms.

**DISCUSS AND CONSIDER APPROVAL OF PLACEMENT OF ANTENNA ON CITY'S WATER TOWER FOR VAN ZANDT COUNTY FIREFIGHTERS ASSOCIATION** – Mr. Mallory told the Council he would like to see plans for any proposed antenna prior to installing same but otherwise had no problem. Councilmember Sanford moved that the installation of the antenna be approved subject to the approval of City Manager Johnny Mallory prior to installation. Councilmember Lide seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVAL OF INTERLOCAL AGREEMENT FOR TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT WITH VAN ZANDT COUNTY AND CANTON ECONOMIC DEVELOPMENT CORPORATION (WYNNE COMMUNITY SEWER SERVICE)** – Mr. Mallory explained that Van Zandt County had obtained a grant, with matching funds from the Canton Economic Development Corporation, to install sewer service for the Wynne Community. It is now necessary to have the County, CEDC, and the City of Canton enter into an interlocal agreement for the actual construction of the project with the City overseeing construction. Mr. Mallory recommended that the agreement be approved.

Councilmember Hutcherson moved that the proposed interlocal agreement be approved and that Johnny Mallory be authorized to execute the agreement. Councilmember Lide seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVAL OF INTERLOCAL CONTRACT AND AGREEMENT FOR THE PROVISION OF SANITATION SERVICES WITH VAN ZANDT COUNTY FOR INSPECTION OF ON-SITE SEWAGE FACILITIES** – Mr. Mallory explained that a few Canton residents have septic systems which are required to be inspected. He told the Council that, pursuant to a meeting with representatives of TNRCC, an interlocal contract was being proposed which would utilize the services of the County's on-site sewage inspector. Mr. Mallory explained that there would be no charge to the City or County since the inspector is paid directly by the property owner. Councilmember Sanford moved that the proposed interlocal contract with Van Zandt County be approved. Councilmember Hutcherson seconded, and all voted in favor.

**JOINT MEETING WITH BOARD OF DIRECTORS CANTON ECONOMIC DEVELOPMENT CORPORATION TO DISCUSS AND CONSIDER DISPOSITION AND DEVELOPMENT OF 80 ACRE TRACT AS A RESIDENTIAL SUBDIVISION** – Mayor Hackney announced that the Council would be sitting with the Board of Directors of the Canton Economic Development Corporation for the purpose of discussing the development of an 80 acre tract as a residential subdivision.

Board members Al Campbell, Henry Lewis, Johnny Mallory, Kenneth Pruitt and Ron Sanford were present. Also present were Executive Director Bob Alexander, Board Treasurer Cathy Cummins, and Board Secretary Rhita Koches. Board members David King and Joe Groves were absent. CEDC Board President Johnny Mallory announced that a quorum of the Board was present.

Mr. Mallory explained that a member of the CEDC Board had suggested giving the 80 acre tract back to the City. Mr. Alexander informed the Council that preliminary engineering has been completed and detailed information for bid specifications should be available in 60 – 90 days.

Councilmember Lide asked why this matter was coming before the Council when the property had been conveyed to the CEDC for development. Mr. Mallory explained that some members of the Board had suggested the property be returned to the City. Mayor Hackney noted that the property was deeded to the CEDC for the purpose of development and asked whether that was still the desire of the Council. Mr. Sanford, who serves on both the Council and the CEDC Board, told the Mayor that there had been a question about the Board serving in a development capacity. Mayor Hackney stated that it would be his recommendation that the Council ask the CEDC to proceed with development of the 80 acre tract. Councilmember Lide said that he still did not understand why the issue was coming back to the Council.

Mr. Lewis told the Council that he felt three things were necessary to accomplish a project: 1) money, 2) expertise, and 3) want to. He stated that, in his opinion, the CEDC did not have the money nor the expertise. He reminded the Council that the CEDC was in the process of developing the Industrial Park. He further stated that he did not anticipate criticism for the CEDC's development of the Industrial Park; however, he did not think many economic

development councils were involved in residential development. He also stated that he felt the City held an unfair advantage in competition due to its tax exempt status. He said that private developers competing against the CEDC had the same disadvantage as those competing against the City in First Monday related businesses. Mr. Lewis said it would be his recommendation that the City take the property back and bid it as presently platted if they wanted to see it developed.

Mayor Hackney questioned why the CEDC could not continue with the project as it had been. Mr. Mallory told the Council that the property has been owned by the City and has not been on the tax rolls since 1929. Mr. Mallory stated that it did not matter whether the property was developed by the City, the CEDC, or a private developer, it needs to be developed and needs to go back on the tax rolls.

Kenneth Pruitt told the Council that he would like to see lots available to enable the average person a place to build. He acknowledged that higher end development was available. Mr. Pruitt said he did not think private developers had expressed an interest due to the size of the project.

Mr. Mallory said that, without specifications, no one knows the cost of the project. He said he would like to see the project proceed to bids, which could always be rejected, to determine the cost of the project. He expressed concern that a private developer might want to re-plate the property into smaller lots which is not the kind of development wanted. Mr. Mallory said he would like to see the Board proceed with specifications and obtaining bids.

Mayor Hackney concurred and said he would urge the Board to find out the costs. Mr. Lewis asked whether the City expected any profit from the project. Mr. Mallory said that the original plan was for revenue in excess of development costs to be returned to the City, and that has not changed. Kenneth Pruitt stated that selling lots at less than fair market value had never been intended and that any profit would go back to the City as the original owner of the property.

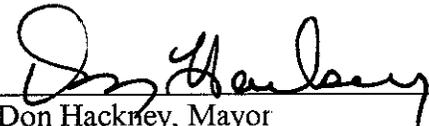
Mr. Mallory reiterated his desire to see the property developed and returned to the tax rolls. Kenneth Pruitt told the Council that the development had been planned to meet the needs of several groups. He said the Board heard from senior citizens who wanted zero lot lines as well as average income families. Mr. Pruitt said he did not know whether the project was feasible, but he would like to see what the cost would be.

After conferring with the members of the Council, Mayor Hackney stated that it was the consensus of the Council that the Board proceed with the project.

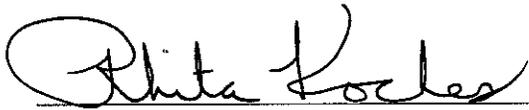
**DISCUSSION PERTAINING TO BUSINESS FOR PLACEMENT ON FUTURE AGENDAS –**  
There were no items to be placed on the Council's next agenda at this meeting.

Mr. Mallory told the Council that the Shriners would be soliciting at the intersection of Hwy. 64 and Buffalo Street during the next First Monday weekend. Al Campbell told the Council that an article regarding Canton's First Monday Trade Days would appear in the following Sunday's *Dallas Morning News*.

ADJOURN - There being no further business to come before the Council, Councilmember Sanford moved that the meeting be adjourned Councilmember Lide seconded, and the meeting was adjourned at 7:45 p m

  
 Don Hackney, Mayor

ATTEST:

  
 Rhita Koches, City Secretary

**SPECIAL CALLED MEETING  
 CANTON CITY COUNCIL  
 8:00 A.M., SATURDAY, NOVEMBER 6, 1999  
 CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor Don Hackney, Beverly Hutcherson, Charles Lide, Ron Sanford, Raymond Pruitt, and Rusty Wilson

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 8:00 a. m. and declared that a quorum was present.

**DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO CONSTRUCTION OF NEW PAVILION, INCLUDING BUT NOT LIMITED TO LOCATION, BUILDING SPECIFICATIONS, BIDDING PROCESS, AND FINANCIAL ARRANGEMENTS** - City Manager Johnny Mallory presented several site plans showing various locations for the construction of a new pavilion at the City's First Monday park. Councilmember Pruitt noted that, if a pavilion is to be constructed, it is time to do so. While the Council reviewed the various site plans, Mr. Mallory suggested that consideration of the placement of a new pavilion should also include the location of any future pavilions. It was the consensus of the Council that a longer pavilion be placed west of the Arbors from the end of Row 94 toward the City's Trade Center I. Councilmember Sanford moved that Mr. Mallory be authorized to proceed with obtaining bid specifications for the construction of a new pavilion Councilmember Wilson seconded, and all voted in favor.

**DISCUSS AND CONSIDER AMENDMENT TO ORDINANCE NO. 99-09 PROVIDING POLICIES AND PROCEDURES FOR THE OPERATION OF THE CITY OF CANTON'S FIRST MONDAY TRADE DAYS TO ALLOW EARLIER ENTRY TO THE UNRESERVED AREA (OFF FM 859)** - Councilmember Sanford asked the Council to begin thinking about allowing unreserved vendors into the First Monday park earlier since other markets already allow

earlier entry. Councilmember Hutcherson noted the additional costs associated with personnel, trash, and security. Councilmember Sanford agreed that there may be problems with the idea.

Mayor Hackney pointed out that earlier entry could also prohibit leasing the grounds on the weekend prior to First Monday. Councilmember Wilson said that allowing earlier entry for the unreserveds would eventually lead to earlier entry for all vendors. Mr. Mallory said that some vendors set up in the holding area as long as a week before First Monday. Councilmember Lide said that residents in the area have in the past complained about trash in the area.

First Monday Operations Manager Rayford Hutcherson suggested that all vendors be allowed into the park at staggered times on the same day. It was his recommendation that concessions be allowed in early with reserveds later in the morning and unreserveds early in the afternoon on Wednesday. Mr. Hutcherson noted that allowing vendors in earlier also means allowing the tent and table vendors in earlier, and they already come in a day earlier to set up canopies and drop off tables. Mr. Hutcherson also reminded the Council of the mowing and cleaning that needs to be done between events and just prior to the actual First Monday market. First Monday General Manager Al Campbell and City Manager Johnny Mallory stated that they had no problem with the suggestion to allowed entry at staggered times on the same day. Mr. Mallory reminded the Council and staff of the importance of getting the word out to all vendors of any change.

Councilmember Hutcherson moved that the First Monday Policies and Procedures and Vendor Information brochure be revised to reflect that concession, reserved, and unreserved vendors are allowed to enter the First Monday park on Wednesday before the sale at staggered times to be determined by the First Monday staff. Councilmember Lide seconded, and all voted in favor.

**DISCUSS AND CONSIDER ALLOCATION OF REVENUE FROM WEST GATE FIRST MONDAY PARKING (FM 859)** – Mr. Mallory explained that there have been some problems with a few organizations that are not able to adequately handle parking. The problems result in traffic being allowed into the First Monday park. Mr. Mallory said it has been suggested that the City allow the Canton ISD to handle parking every month. Councilmember Sanford suggested that the school could work out an allocation between the various organizations. Mr. Mallory said that the City does not have the personnel to handle parking. Mayor Hackney said the matter would be placed on the Council's regular November agenda to allow City staff an opportunity to discuss the matter with the CISD Superintendent. Notices for the drawing for parking dates will be postponed until the matter is resolved. It was the consensus of the Council that the split for parking would remain at \$1 to the group parking.

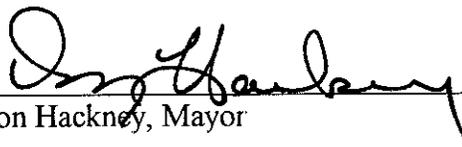
Mayor Hackney announced that the Council's December meeting would be moved up one week earlier to December 14<sup>th</sup>.

Mr. Mallory told the Council that he is attempting to negotiate a new garbage and refuse contract which would include the operation of the transfer station. He also reported that prices are being obtained for the construction of a facility to house the EMS personnel and that information, along with a proposed contract, should be available at the Council's next regular meeting.

**EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS TO CONSIDER HIRING A FIRE CHIEF (Section 551 074)** - The Council adjourned into Executive Session at 8:40 a.m. to consider personnel matters.

RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION - At 9:15 a.m., the Council returned to open session. Councilmember Wilson moved that the City Manager be instructed to offer the position of Fire Chief to Gary Benningfield. Councilmember Hutcherson seconded the motion. Councilmembers Wilson, Hutcherson, and Lide voted in favor of the motion. Councilmembers Sanford and Pruitt voted against the motion. The motion carried.

ADJOURN - There being no further business to come before the Council, Councilmember Pruitt moved that the meeting be adjourned. Councilmember Sanford seconded, and the meeting was adjourned at 9:20 a.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**REGULAR MEETING  
CANTON CITY COUNCIL  
6:30 P.M., TUESDAY, NOVEMBER 16, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Beverly Hutcherson, Charles Lide, Ron Sanford, Raymond Pruitt and Rusty Wilson.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 6:30 p.m. and declared that a quorum was present.

**MAYOR'S WELCOME** was given by Mayor Don Hackney.

**INVOCATION** - The invocation was given by Councilmember Charles Lide.

**PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Mayor Hackney.

**GUEST ITEMS** - There were no guest items to come before the Council.

**DISCUSS AND CONSIDER APPROVING MINUTES OF OCTOBER 19 AND NOVEMBER 6, 1999 MEETINGS** - Councilmember Sanford moved that the Minutes be approved as presented. Councilmember Hutcherson seconded, and all voted in favor.

DISCUSS AND CONSIDER APPROVING OCTOBER 1999 FINANCIAL STATEMENTS – Councilmember Pruitt moved that the Financial Statements be approved. Councilmember Wilson seconded, and all voted in favor.

DISCUSS AND CONSIDER APPROVAL OF ANNEXATION ORDINANCE ON 0.05 ACRE LOCATED ON INTERSTATE 20 OWNED BY JOHNNIE McKAY – Councilmember Sanford moved that the Annexation Ordinance be adopted. Councilmember Lide seconded, and all voted in favor.

DISCUSS AND CONSIDER ACCEPTANCE OF ANNEXATION PETITION FOR 2 ACRES ON NORTH I-20 SERVICE ROAD OWNED BY MIKE AND SARAH VAN DEUSEN – Sarah Van Deusen was present and announced that she was available to answer any questions the Council might have concerning her request for annexation. City Manager Johnny Mallory told the Council that any questions or concerns he might have concerning this annexation could be addressed at the public hearings. Councilmember Hutcherson moved that the annexation petition be adopted. Councilmember Sanford seconded, and all voted in favor.

DISCUSS AND CONSIDER REQUEST FOR WATER TAP OUTSIDE CITY LIMITS ON VZCR 4126 FOR JOSE A. ZARAGOZA – Mr. Mallory told the Council that Public Works Director Pete Lucas has confirmed the availability of City water in the area requested. Councilmember Wilson moved that the request be granted. Councilmember Lide seconded, and all voted in favor.

DISCUSS AND CONSIDER RECOMMENDATION OF PLANNING AND ZONING COMMISSION ON:

REQUEST TO CHANGE ZONING OF LOT AT 649 SOUTH TRADE DAYS BLVD OWNED BY ELLIOTT WILSON FROM R-1 (RESIDENTIAL) TO B-1 (LOCAL BUSINESS DISTRICT) – Mayor Hackney announced that this request has been withdrawn at the request of the property owner.

REQUEST TO CHANGE ZONING OF 1.02 ACRE TRACT AT THE INTERSECTION OF HWY 19 NORTH AND I-20 OWNED BY STAGGERS OIL CO OF TEXAS FROM RA (AGRICULTURAL) TO B-2 (GENERAL BUSINESS DISTRICT) – Mayor Hackney announced that the subject property had recently been annexed into the City and should be re-zoned according to its current use. Councilmember Sanford moved that the zoning of the property be changed from RA to B-2. Councilmember Lide seconded, and all voted in favor.

REQUEST TO CHANGE ZONING OF 1.3 ACRE TRACT ON HIGHWAY 243 EAST OWNED BY JOHN CROW FROM RA (AGRICULTURAL) TO B-2 (GENERAL BUSINESS DISTRICT) – Mayor Hackney announced that the subject property had recently been annexed into the City and should be re-zoned according to its current use. Councilmember Lide moved that the zoning of the property be changed from RA to B-2. Councilmember Sanford seconded, and all voted in favor.

REQUEST TO CHANGE ZONING OF 0.05 ACRE TRACT ON INTERSTATE 20 OWNED BY JOHNNIE MCKAY FROM RA (AGRICULTURAL) TO B-2 (GENERAL BUSINESS DISTRICT) - Mayor Hackney announced that the subject property had recently been annexed into the City and should be re-zoned according to its current use. Councilmember Wilson moved that the zoning of the property be changed from RA to B-2. Councilmember Sanford seconded, and all voted in favor.

REQUEST TO CHANGE ZONING OF 8.59 ACRE TRACT ON I-20 WEST OF VZCR 3120 OWNED BY DARRELL MIZE FROM RA (AGRICULTURAL) TO B-2 (GENERAL BUSINESS DISTRICT) - Mayor Hackney announced that the subject property had recently been annexed into the City and should be re-zoned according to its proposed use. Councilmember Hutcherson moved that the zoning of the property be changed from RA to B-2. Councilmember Lide seconded, and all voted in favor.

DISCUSS AND CONSIDER AWARDED CONTRACT FOR AMBULANCE AND EMERGENCY MEDICAL SERVICE - Mr. Mallory explained that negotiations with Mother Frances Hospital Regional Health Care Center of Tyler, Texas dba Champion EMS, included the City's construction of a building to house the EMS equipment and personnel. The building would then be leased back to Champion for monthly payments equivalent to the debt service on the construction loan. Mr. Mallory stated that the monthly rental amount would be approximately \$1,428 with a ten year term and lease. Donnie Martin, representing Champion EMS, told the Council that he agreed with that figure. Mr. Mallory said he had no objection to entering into a ten year contract as opposed to the previously proposed five year term. Councilmember Lide asked about the possible addition of a third ambulance. Mr. Mallory stated that the proposed building would have three bays. Mr. Mallory stated that it was his understanding that the lease agreement would contain standard landlord-tenant provisions and that Champion would be responsible for payment of utilities. Mr. Martin concurred. Councilmember Sanford asked about a provision in the proposed contract providing that "Champion EMS shall be responsible for obtaining all back-up ambulance coverage for the city." Mr. Martin confirmed that they would contact the closest available unit. Mayor Hackney commented that his personal contacts with Champion had been favorable and that it was his recommendation that the contract be approved. Councilmember Sanford stated that it was his opinion that the Champion staff had been doing a great job. Councilmember Sanford moved that the proposed contract with Mother Frances Hospital Regional Health Care Center of Tyler, Texas dba Champion EMS, be approved for a term of ten years. Councilmember Pruitt seconded, and all voted in favor.

DISCUSS AND CONSIDER AWARDED CONTRACT FOR GARBAGE AND REFUSE COLLECTION - Mr. Mallory told the Council that research on this matter had not been completed and requested that the item be re-set for the Council's December agenda.

DISCUSS AND CONSIDER PURCHASE OF TWO NEW VEHICLES TO REPLACE EXISTING CITY VEHICLES - Mr. Mallory told the Council that the two vehicles being considered for replacement were the 1993 Chevrolet Lumina. He said that one of the vehicles badly needed to be replaced and that the budget included \$10,000 for vehicles. Councilmember Sanford noted that the vehicles are ragged and it is time to replace them. Councilmember asked if

there was money in the budget for replacing the vehicles. Mr. Mallory said there was not enough to purchase the vehicles, but there would be enough to lease. It was noted that the vehicles in question have 100,000 to 125,000 miles on them. Councilmember Wilson asked if it might be cheaper to repair the vehicles and wait to budget for purchase in the next fiscal year. Mr. Mallory explained that one of the vehicles needed a new transmission and paint. Councilmember Lide stated that he had no objection if the money was available. Councilmember Sanford said he would like to check on program cars and would like to see the City consider purchasing one full-size vehicle such as a Ford Crown Victoria. Councilmember Sanford moved that the City look into the cost of obtaining two vehicles. Councilmember Hutcherson seconded. Councilmembers Lide, Sanford, and Hutcherson voted in favor. Councilmembers Wilson and Pruitt voted against, and the motion carried.

DISCUSS AND CONSIDER ALL MATTERS PERTAINING TO SALE OF 0.100 OF AN ACRE TRACT IN THE STOCKWELL SURVEY LOCATED AT THE CORNER OF BUFFALO STREET AND STATE HIGHWAY 64 (PROPOSED DOWNTOWN PARK) – Mayor Hackney recognized Ronnie Fugate who asked the Council to proceed with the development of the subject property as a downtown park. He asked that, in the event the property is sold, the proceeds be allocated for new park equipment. Helene Sehart asked that the Council delay further consideration of the sale of the property until February. She asked that a panel, including at least one member of the Council, further evaluate the proposed development of the lot as a park. Zacki Gutzke asked the Council to consider improvements which would enhance the downtown area. Mrs. Edith Elliott reminded the Council of her previous opposition to the development of a downtown park because of potential vandalism and litter. Councilmember Lide said that he was opposed to selling the property and would like to see the park developed with a mural depicting the history of Canton. Paul Elliott told the Council that he was a tenant of Mrs. Edith Elliott's building adjoining the property, and he wanted the Council to be aware that there were other options available. He said that he would like to see the property utilized for parking and eventually have a building for a law office. He noted that the size of the lot would severely limit its use as a park. Councilmember Wilson said he has been disappointed that it took putting the sale of the property on the agenda to get anything done. He said he was also a proponent of parks but did not know if this particular property was the best place for a park. Councilmember Hutcherson stated that the matter had previously been tabled and asked why it could not be postponed until February to allow time for an engineer to check drainage and have a panel review development. Councilmember Wilson noted the significant cost factor to the City and the difficulty keeping up the parks the City now has. Councilmember Sanford agreed that the idea had merit but there is not enough space on this lot. Councilmember Hutcherson moved that the Council place a moratorium on the sale of the property until February and that two Council members be appointed to meet with the Merchants Association to discuss development of the park. Councilmember Lide seconded. Councilmembers Hutcherson and Lide voted in favor of the motion. Councilmembers Wilson, Sanford, and Pruitt voted against the motion, and the motion failed. Councilmember Wilson then moved that the property be sold. Councilmember Sanford seconded. Councilmembers Wilson, Sanford, and Pruitt voted in favor of the motion. Councilmembers Lide and Hutcherson voted against, and the motion carried.

**DISCUSS AND CONSIDER REQUEST FROM VAN ZANDT COUNTY LIBRARY ADVISORY BOARD FOR AUTHORIZATION TO EXPAND LIBRARY PARKING LOT –** Dan Flynn, President of the Van Zandt County Library Advisory Board, explained to the Council that the Advisory Board had raised funds to be used for capital improvements at the Library. He said the Library is in need of additional parking space. A community enhancement grant in the amount of \$5,000 has been obtained from the Canton Economic Development Corporation and approval for the project has been granted by the County Commissioners and the Friends of the Library. Mr. Flynn explained that the Advisory Board was requesting permission to construct additional parking on the property owned by the City and authorization to turn over all Board funds and grants to the City for administration of the project. He noted that the Board had estimated 25 additional spaces possibly behind the Chamber of Commerce building. Councilmember Sanford moved that the City accept the funds and administer the construction of the additional parking at the Library.

**DISCUSS AND CONSIDER ADOPTION OF REVISIONS TO ORDINANCE NO 89-16 (ANIMAL CONTROL ORDINANCE) PROVIDING FOR THE CONTROL, TREATMENT, AND SALE OF ANIMALS IN THE CITY OF CANTON AND PROVIDING FOR FEES AND FINES –** Mr. Mallory told the Council that the proposed revisions to the ordinance addressed the issues recently considered by the Council. Mayor Hackney noted that numerous complaints had been received from neighbors about adjacent property owners. Highlighted revisions included limitations on the number of dogs and cats, prohibition of livestock, and numerous “housecleaning” items. Councilmember Pruitt moved that the proposed revised ordinance be adopted. Councilmember Sanford seconded, and all voted in favor.

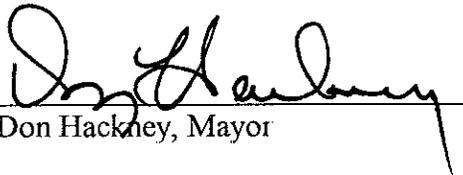
**DISCUSS AND CONSIDER ALLOCATION OF REVENUE FROM WEST GATE FIRST MONDAY PARKING (FM 859) –** First Monday General Manager Al Campbell reported that he had met with Canton ISD Superintendent Larry Davis about the district taking over FM 859 parking. Mr. Davis has asked for additional time to review this opportunity. Councilmember Hutcherson moved that the matter be postponed to the December agenda. Councilmember Wilson seconded, and all voted in favor.

**EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS (Section 551 074) -** The Council adjourned into Executive Session at 7:35 p.m. to consider personnel matters.

**RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION -** At 8:00 p.m., the Council returned to open session with no action taken.

**DISCUSSION PERTAINING TO BUSINESS FOR PLACEMENT ON FUTURE AGENDAS -** There were no items to be placed on the Council’s December agenda at this meeting.

ADJOURN - There being no further business to come before the Council, Councilman Sanford moved that the meeting be adjourned Councilman Lide seconded, and the meeting was adjourned at 8:00 p m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary

**REGULAR MEETING  
CANTON CITY COUNCIL  
6:30 P.M., TUESDAY, DECEMBER 14, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor Don Hackney, Beverly Hutcherson, Ron Sanford, Raymond Pruitt and Rusty Wilson Councilmember Charles Lide was absent.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 6:30 p m. and declared that a quorum was present.

**MAYOR'S WELCOME** was given by Mayor Don Hackney.

**INVOCATION** – The invocation was given by Mayor Don Hackney.

**PLEDGE OF ALLEGIANCE** –The Pledge of Allegiance was led by Mayor Hackney.

**GUEST ITEMS** – There were no guest items to come before the Council.

**PRESENTATION BY REPRESENTATIVE OF HESTER, CONWAY & COMPANY REGARDING 1998-1999 AUDIT** – Mike Conway presented the audit for the 1998-1999 fiscal

year. Mr. Conway told the Council that the audit again included a "clean opinion" from his office and that the City's records are in good shape. He noted that the City's total assets have increased from \$20,668, 017 in 1998 to \$21,285,769 in 1999. Liabilities have decreased slightly from \$8,280,052 to \$8,279,220 in 1999. Mr. Conway stated that, while the audit was otherwise a very healthy report, there was a net loss in water operations of about \$626,000. He told the Council that user fees in water are only two-thirds of what they should be in order for the fund to break even. He advised that this shortfall was something that should be watched carefully. Mr. Conway said it was his understanding that rates had been raised in October, and it was a good thing. Mr. Conway also directed the Council's attention to the bonded indebtedness which would require payments in 2000 of \$769,000.

**DISCUSS AND CONSIDER APPROVAL OF 1998-1999 AUDIT** – Councilmember Sanford moved that the 1998-1999 audit be accepted. Councilmember Pruitt seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVING MINUTES OF NOVEMBER 16, 1999 MEETING** - Councilmember Hutcherson moved that the Minutes be approved as presented. Councilmember Wilson seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVING NOVEMBER 1999 FINANCIAL STATEMENTS** – First Monday General Manager Al Campbell read the totals from the November 1999 financial statements. Councilmember Pruitt moved that the Financial Statements be approved. Councilmember Sanford seconded, and all voted in favor.

**FIRST PUBLIC HEARING ON ANNEXATION OF 2 ACRES ON NORTH I-20 SERVICE ROAD OWNED BY MIKE AND SARAH VAN DEUSEN** – Mayor Hackney opened the public hearing on the subject annexation at 6:47 p.m. and asked for comments. There being no comments from the public, the hearing was closed at 6:48 p.m.

**DISCUSS AND CONSIDER APPROVAL OF DRUG ENFORCEMENT OFFICER STATE GRANT** – Mr. Campbell told the Council that it was necessary to accept the state grant for the 80/20 grant for the City's drug enforcement officer. He noted that the City is currently in the fourth year of the grant, and the fifth year will begin in September of 2000. Councilmember Sanford moved that the grant be accepted. Councilmember Pruitt seconded, and all voted in favor.

**DISCUSS AND CONSIDER AMENDMENTS TO ORDINANCE NO 99-16 (WATER AND SEWER RATES)** – Councilmember Wilson told the Council that his research showed the rate increase had generated an additional \$35,000 the first month and \$23,000 in the second month. He expressed concern that perhaps the increase had been over-estimated. He stated that he would like to investigate a cap on the sewer rate that would be higher than the old rate cap. Mayor Hackney told the Council that, due to State regulations, there would be \$45,000 in expenses at the water plant this month. He also noted that an additional clarifier and racetrack to meet upcoming regulations may cost as much as one million dollars. Councilmember Wilson said it was his understanding that the rate increase would generate additional revenue of approximately \$180,000 but might actually generate an additional \$400,000. Councilmember Hutcherson said

that she did not want to see people penalized for watering their yard. Mayor Hackney reminded the Council that the City could no longer continue to depend on First Monday for subsidies. Councilmember Pruitt agreed that a cap on sewer rates during watering months may be necessary. He suggested that the City staff review projections and bring the Council additional figures at its next meeting. Councilmember Wilson concurred and noted that there would then be a full quarter's billing to review. Mayor Hackney asked that the matter be placed on the Council's January agenda.

**DISCUSS AND CONSIDER CITY PARK IMPROVEMENTS** – Councilmember Wilson asked for recommendations for surface cover for the area around the playground equipment. The Council then discussed the possibility of using bark chips. Mayor Hackney asked Al Campbell to research the feasibility of using bark chips. Councilmember Pruitt also recommended that the remaining wood and metal retainers be replaced with plastic and that an eight foot section of the plastic retainer be removed for wheelchair accessibility.

**DISCUSS AND CONSIDER PURCHASE OF GARBAGE TRUCK FOR FIRST MONDAY** – Al Campbell told the Council that one of the garbage trucks used for First Monday is worn out and requires maintenance at night in order to operate the next day. He told the Council that City staff is obtaining quotes for the purchase of truck for future Council approval.

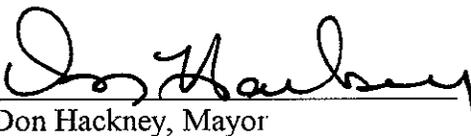
**DISCUSS AND CONSIDER ALLOCATION OF REVENUE FROM WEST GATE FIRST MONDAY PARKING (FM 859)** - Al Campbell told the Council that Canton ISD Superintendent Larry Davis has reported that the District is willing to assume responsibility for scheduling parking for the FM 859 parking lot. Mr. Campbell suggested that an agreement for parking procedures and division of proceeds be reduced to writing for Council and school district approval.

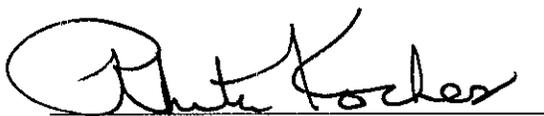
**EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS (Section 551.074)** - The Council adjourned into Executive Session at 7:05 p.m. to consider personnel matters.

**RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION** - At 7:30 p.m., the Council returned to open session with no action taken.

**ADJOURN** - There being no further business to come before the Council, Councilman Sanford moved that the meeting be adjourned. Councilman Pruitt seconded, and the meeting was adjourned at 7:30 p.m.

ATTEST:

  
Don Hackney, Mayor

  
Rhita Koches, City Secretary

**SPECIAL CALLED MEETING  
CANTON CITY COUNCIL  
5:00 P.M., SATURDAY, DECEMBER 28, 1999  
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Don Hackney, Beverly Hutcherson, Charles Lide, and Ron Sanford. Raymond Pruitt and Rusty Wilson arrived after the meeting was called to order.

Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 5:00 a.m. and declared that a quorum was present.

**DISCUSS AND CONSIDER APPROVAL OF RESOLUTION ADOPTING AN ANNEXATION PLAN FOR THE CITY OF CANTON** - Mayor Hackney explained that recent legislation required the adoption of a plan outlining the City's annexation intentions for the next three years. It was noted that the majority of the City's annexations are voluntary annexations initiated by petition of the property owner. Those types of voluntary annexations are exempt from the plan. Councilmember Wilson arrived. Councilmember Sanford moved that the following Resolution be adopted:

**RESOLUTION NO. 99-\_\_\_\_\_**

**A RESOLUTION ADOPTING AN ANNEXATION PLAN  
FOR THE CITY OF CANTON; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 76<sup>th</sup> Legislature, 1999, adopted S.B. 89, extensively amending the Texas Annexation Act, Chapter 43, Local Government Code; and

**WHEREAS**, Section 17(b) of S.B. 89, 76<sup>th</sup> Texas Legislature, 1999, requires that each city adopt an annexation plan on or before December 31, 1999, that includes territory the city plans to annex three years from the date the territory is placed in the plan in accordance with Section 43.052, Local Government Code; and

**WHEREAS**, there are a number of exceptions that authorize annexation of territory without the territory having been placed in an annexation plan and for the foreseeable future annexations of territory contemplated by the city fit into one of these exceptions; **NOW, THEREFORE**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CANTON**

**SECTION 1.**

For the purposes of Section 17(b) of S.B. 89, adopted by the 76<sup>th</sup> Texas Legislature, 1999, and Section 43.052, Local Government Code, the City Council adopts the following Annexation Plan:

**CITY OF CANTON  
ANNEXATION PLAN**

The City Council has reviewed the future expansion needs of the City and the prospects of development within the City's extraterritorial jurisdiction. After studying the effects of amendments to the Texas Annexation Act enacted by S.B. 89, 76<sup>th</sup> Texas Legislature, 1999, the City Council has determined that at this time, the City does not intend to annex any territory that in order to be annexed, is required to be in an annexation plan.

The City Council reserves the right to amend this annexation plan in the future to add territory for annexation should circumstances change

## SECTION 2.

This resolution shall take effect from and after its passage, and it is accordingly so resolved

Councilmember Hutcherson seconded, and all voted in favor

**DISCUSS AND CONSIDER ADOPTION OF RESOLUTION FOR FINANCING EMS FACILITY** -- City Manager Johnny Mallory told the Council that the proposed resolution is to comply with anticipated requirements for funding the construction of a new building for the EMS crews and equipment pursuant to the recently adopted agreement with Champion EMS. Councilmember Lide moved that the following resolution be adopted:

### Resolution

BE IT REMEMBERED that on the 28<sup>th</sup> day of December, 1999, the City Council of the City of Canton, Van Zandt County, Texas, duly considered and adopted the following resolution:

WHEREAS, the City desires to obtain an interim construction loan from THE AMERICAN NATIONAL BANK in the amount of \$125,000 (the "Note") to construct an EMS facility (the "facility"); and

WHEREAS, the Canton City Council finds that the facility will serve an essential public purpose; and

WHEREAS, City finds that it is fiscally responsible and in the best interest of the City to finance the Notes with a five (5) year term note, amortized over ten (10) years (the "Note"); and

WHEREAS, the City approves the terms and conditions of the Note from THE AMERICAN NATIONAL BANK;

NOW, THEREFORE, BE IT RESOLVED that the Canton City Council authorizes the Honorable Don Hackney, Mayor of the City of Canton, or Johnny Mallory, City Manager, to execute on behalf of the City of Canton, the Note and all other loan documents necessary to borrow \$125,000.00 from THE AMERICAN NATIONAL BANK to finance the Notes.

Councilmember Sanford seconded the motion, and all voted in favor

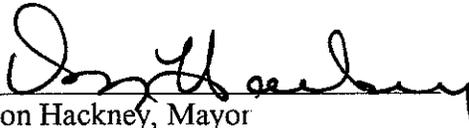
**DISCUSS AND CONSIDER APPROVAL OF EASEMENT/CONTRACT ALLOWING INGRESS AND EGRESS VIA ARNOLD PAUL ROAD TO JOHN W ELLIOTT** -- City Secretary Rhita Koches advised the Council that Mr Elliott's home was built in a subdivision that was platted but never completed. He currently uses Arnold Paul Road for access to his home. A local title company has found that Arnold Paul Road was not a dedicated city street. In the process of selling his property, Mr. John Elliott is being required to obtain written permission from the City of Canton allowing access to the property from Arnold Paul Road. Councilmember Pruitt arrived. Mrs Koches told the Council that the City's ordinance containing rules and regulations pertaining to the public use of Mill Creek Reservoir provides that ingress and egress across City owned land from privately owned land to a Mill Creek Reservoir Road or public road

is prohibited except by formal contractual agreement approved by the City Council. Mrs. Lynn Etheridge, the real estate agent representing Mr. Elliott, discussed the lack of any other access to the property. Councilmember Wilson moved that Mr. Elliott be granted ingress and egress to his property from Mill Creek Road. Councilmember Hutcherson seconded, and all voted in favor. Councilmember Hutcherson moved that the consideration for such agreement be set at Ten Dollars (\$10.00). Councilmember Wilson seconded, and all voted in favor.

**DISCUSS AND CONSIDER CHANGES TO PROPOSED NEW FIRST MONDAY PAVILION**  
 – Councilmember Wilson proposed that the design of the City's new pavilion be such that the pavilion would be the focal of First Monday activity. Councilmember Lide expressed concern that the City was attempting to keep up with Mr. Lewis and getting away from the original First Monday open-air market concept. He cited the need for a new City Hall and a community center. Councilmember Sanford noted that construction at First Monday would be an income-producing project. City Manager Johnny Mallory stated that today's shoppers and vendors seem to prefer buildings. Mr. Mallory also noted that the area considered for the site of the new pavilion is currently not being rented. Councilmember Sanford told the Council that he and Mr. Mallory had recently toured the other markets and did not see problems with occupancy. Councilmember Wilson moved that the City proceed with obtaining engineering specifications for constructing the type of pavilion with a center elevated food court. Councilmember Pruitt seconded. Councilmembers Wilson, Sanford, Pruitt, and Hutcherson voted in favor of the motion. Councilmember Lide voted against the motion, and the motion carried. Councilmember Sanford suggested that this information was necessary in order to estimate cost and project income. He then suggested that the Council meet for a workshop Saturday to tour the property. Councilmember Pruitt concurred and noted that a Saturday tour during the upcoming First Monday market would give the best picture of the current use of the area.

Mayor Hackney announced that a Council workshop would be held Saturday, January 1, 2000, at 9:00 a.m. with the meeting to convene at the Senior Citizens Center and include a tour of the First Monday Park.

**ADJOURN** - There being no further business to come before the Council, Councilmember Pruitt moved that the meeting be adjourned. Councilmember Sanford seconded, and the meeting was adjourned.

  
 Don Hackney, Mayor

ATTEST:

  
 Rhita Koches, City Secretary

**SPECIAL CALLED MEETING  
CANTON CITY COUNCIL  
9:00 A.M., SATURDAY, JANUARY 1, 2000  
CANTON SENIOR CITIZENS CENTER  
200 W. GROVES STREET, CANTON, TEXAS**

The Canton City Council met at the above-named date and time at the Senior Citizens Center. Members present were Mayor Don Hackney, Beverly Hutcherson, Ron Sanford, Raymond Pruitt, and Rusty Wilson. Councilmember Charles Lide was absent.

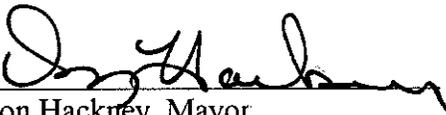
Discussion and action were as follows:

**CALL TO ORDER AND ANNOUNCE QUORUM** - Mayor Hackney called the meeting to order at 9:00 a.m. and declared that a quorum was present.

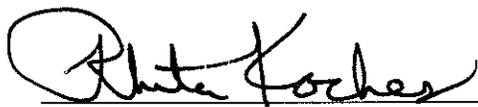
**DISCUSSION AND WORKSHOP PERTAINING TO DESIGN, LOCATION, AND CONSTRUCTION OF THIRD PAVILION AT CITY'S FIRST MONDAY PARK** - Mayor Hackney announced that the Council would be visiting the proposed site of the City's new pavilion. City Manager Johnny Mallory, City Secretary Rhita Koches, and First Monday Operations Manager Rayford Hutcherson accompanied members of the Council to the area of Rows 25, 26, and 27 at the First Monday Park. Councilmembers and City staff heard questions and comments from several vendors concerning the construction and placement of the new pavilion. Councilmembers also discussed the necessity of re-locating any vendors displaced by the new construction.

Councilmembers then returned to the Senior Citizens Center where a black-eyed pea luncheon was being hosted for all vendors.

**ADJOURN** - There being no further business to come before the Council, Councilmember Pruitt moved that the meeting be adjourned. Councilmember Hutcherson seconded, and the meeting was adjourned at 10:55 a.m.

  
Don Hackney, Mayor

ATTEST:

  
Rhita Koches, City Secretary