charter. Councilmember Maris clarified the charter was not drawn up by the council, but by a cross-section of citizens, which would go to the citizens for a vote He said the council had nothing to do with it, and public meetings would be called and everyone's input was welcome. He said the charter would design the structure of the city government and would be a roadmap for how the City conducts business

**EXECUTIVE SESSION**

An executive session was not required, therefore the Council did not convene in closed session

21. Deliberations Regarding Potential Purchase, Lease or Sale of Real Property (Section 551.072)

22. Deliberations Regarding Personnel Matters (Section 551.074)

23 Consultation with Attorney Regarding Pending Litigation (Section 551.071)

**RETURN TO OPEN SESSION**

24 Reconvene to Open Session and Consider Action, if Any, on Items Discussed in Executive Session

25. Adjourn - There being no further business to come before the Council, the meeting adjourned at 7:13 p.m. upon motion by Councilmember Maris and second by Councilmember Brockman.

R C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**CITY COUNCIL WORKSHOP**
**5:30 P.M., TUESDAY, JANUARY 17, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

**MINUTES**

1. Call to Order – Mayor Anderson called the meeting to order at 5:37 p.m. with Councilmembers Ross Maris, Ron Sanford, and Rusty Wilson in attendance. Councilmember Robert Brockman and Raymond Pruitt were absent. Also present was City Attorney Richard Davis

2. Invocation - None

3. Pledge of Allegiance - None

4. Declarations Regarding Conflicts of Interest - None

5. Proclamations and Announcements - None

## CITIZEN'S FORUM

6. Citizen's Forum – Citizens are invited to speak for three (3) minutes on matters relating to City government that are not listed on the regular agenda - None

## CONSENT AGENDA

7 Consider Approval of Minutes from September 19 and December 20, 2005 City Council Meetings – No discussion

8. Consider Approval of December 2005 Financial Statements – Mayor Anderson asked staff to determine in which instrument the recently matured Fanny Mae note was reinvested. He also stated he would like to find ways to pay off the five-year construction loans and to present clearer reports, possibly in the manner used by Greenville.

9 Consider Adoption of Resolution Authorizing Application for a City Credit Card – Cliff Bowden explained the need for staff to have new credit cards with their names on them for security identification purposes Julie Seymore reported the type of card suggested earlier by Councilmember Wilson was not available to an organization of Canton's size.

10. Consider Adoption of an Amendment to Ordinance 96-06 Adopting the 2003 Standard Building Codes – Rick Malone explained the adoption of the 2003 International Building Codes was required by the state

11 Consider Approval of Professional Services Agreement with Boyle & Lowry, L L P. for Legal Services Associated with the Development of a Home Rule Charter – Cliff Bowden informed the Council the law firm would be helping assist the citizens' charter commission and the consultant develop the home rule charter.

12. Consider Acceptance of Petition for Annexation of a 28-acre Tract Situated in the J Douthit Survey, A-198, Located on SH 19 South, Owned by J.W Burnett Family Trust, and Schedule Public Hearings for February 21 and 28, 2006 – Rick Malone explained the property adjoined the Firestation and EMS Building on the south side. All agreed to hold the Public Hearings at 6:30 p.m on February 21 and at 11:00 a m on February 27 instead of February 28

## INDIVIDUAL CONSIDERATION

13 First Public Hearing on Voluntary Annexation of a 1.0-acre Tract Situated in the Q. C. Nugent Survey, A-618, Located on I-20 North Service Road West of Highway 17, Owned by Kelly Cox – Rick Malone reported the Cox property was about a quarter mile from Highway 17, and was to be used for an off-premise sign which by City Ordinance had to be on Interstate 20 and 4,500 feet from another sign

14. Consider Appointments to Water and Wastewater Future Planning Committee – Councilmember Maris stated he attended a meeting of the Texas Water Board which was in the process of approving a regional water plan they had been working on the past five years. He said he found there was little planning for Van Zandt County's future needs and

the plan recommended the use of water wells, which was only a short-term solution. He said the City needed to get involved in the development of future plans and if it didn't comply with the plan it wouldn't be able to access funds through the state. He said other avenues needed to be researched with the Sabine River Authority. He also said the City needed to determine its future long-term and short-term needs, research drought relief and the need for more serious conservation. He recommended the formation of a committee comprised of himself and staff members Al Campbell and Patrick Terrell. He noted Van Zandt County did not have big lakes to draw from and the City needed to research public utility districts, building lakes, and then develop a plan and alternatives for presentation to the Council.

Cliff Bowden noted the wastewater treatment facility's longevity was short-lived. Patrick Terrell explained the plant had been expanded to a 1.3 million gallon per day facility but with projected growth, it would only last to 2008. He said it had been in the expansion phase for three years and they needed to start planning for twenty to twenty-five years down the road when they would need to double capacity. Al Campbell reported the lake level was down between 5.5 and 6 feet. He also reported the plant was capable of producing 2 million gallons per day and it had peaked at 1.6 the past year leaving about 400,000 gallons per day growth if the plant were working properly and only 250,000 gallons per day if it were not. He said they pumped another 500,000 gallons from the well, adding a little buffer. He added the City needed to be looking into a long-range program either with the Sabine River Authority about where it might get water rights or by acquiring land for a future lake. Councilmember Maris indicated the City may need to put in a few more wells for the short-term. Mr. Campbell reported the new well was expected to produce about one-half million gallons per day and the existing well produced about 250,000 gallons per day, which in the winter months would take care of the city's needs while it brought the plant down for maintenance.

Councilmember Maris stated both the water and sewer plants were nearing capacity and serious planning was needed. Mr. Bowden asked the Council to appoint a committee in addition to what the staff was already working on. The Council discussed the potential problems smaller cities might have with their water contracts if lakes reach a level that would not support all those with rights. Councilmember Maris said he'd like to see Lonny Cluck on the committee and Mayor Anderson stated Elaine Seymore had volunteered to serve on the committee.

## APPOINTMENTS AND REPORTS

15. Mayor's Report - None

16. City Manager's Report – Deferred to the staff reports.

17. Staff Reports – Lonny Cluck reported the new water well was coming in at $420,000, the new restroom bid was about $280,000, and the clarifier repairs were estimated to cost about $375,000. He asked Gary Burton to report on his inspection of Lake Meadows streets. Mr. Burton said he didn't see any major issues such as base failures, but the road had been in for seven years and had cracks in areas. He added without knowing what's under the road he could not give a definitive opinion but could do four corings for $1,500 to find more. Mr. Malone said the builder followed the specifications at the time it was constructed. Councilmember Maris said he didn't see any reason to core then. Mr.

Burton said some cracks needing fixing and maybe it needed more lime, but it wouldn't require any more maintenance than other roads in town

Jim Stephens reported the City's first newsletter was at the press and would be mailed to water customers on the 24th. He also reported taking bids to demolish the buildings on the recently acquired land downtown He said he did not yet have all that land obligated, but he had a good relationship with the owners and thought they would sell He further reported the parking lot behind the theater would be landscaped by Main Street and they would erect signage. He said a lot of buildings downtown were empty for the first time in a while, but a new Downtown Economic Development Committee was working on it He also praised the Educate Van Zandt program organized formed four years prior. Mayor Anderson asked Mr Stephens to find out if there was anything they needed that was feasible for the city to help with

Councilmember Wilson asked if the budget allowed training on the new software and noted there were issues concerning the need for more training.

Tim Gothard reported the Fire Department answered 894 calls in 2005, double the year before; he was working with Smith County on a grant for computers in the squad cars; he was working on the First Monday Emergency Operations Plan, and the Fire Department Banquet was scheduled for 7:00 p m., Saturday, January 28th at the Senior Citizens Building

Linda Hatfield reported First Monday was moving its offices to the log cabin; the Tony Douglas concert was scheduled for January 28th; they hosted an SCA event at the First Monday park the previous weekend; and staff had attended and planned to attend trade shows in Arlington, Atlanta, Georgia, Shreveport, and Longview

Jerry Shamlin reported the Utilities Department was working on a water line on Athens Street and the sewer line was in for the Animal Shelter

Rick Malone reported the parapet for Trade Center IV was complete and he was to order the tents the following day; they were starting on the First Monday bridge the next day; planning was going well for the Animal Shelter; he was meeting with contractors on the dredging of the lake later that week; and one population estimate provided by the state based on building permits estimated Canton's population in 2005 at 12,496 Jim Stephens noted developers also used that estimate Councilmember Maris said new estimates needed to be provided to the Water Board

Mike Echols reported the new computers for dispatch were set up; the police department took in 7,168 calls in 2005 and case cards increased by 1,390 from 2004; crime was down on assaults, criminal mischief and disorderly conduct, but up on forgeries

Judge Lilia Durham reported she was working on an updated list of court cost fees and the Juvenile Case Manager fees were already being collected but wouldn't be spent until October when they would propose hiring and sharing a clerk with the police department

18. Items for Future Agendas – Not discussed.

## EXECUTIVE SESSION

**A closed or executive session will follow 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 Sections 551.071 and 551.072.** – Not held during workshop.

19. Consultation with Attorney Regarding Pending Litigation (Section 551.071)

20. Deliberations Regarding Potential Purchase, Lease or Sale of Real Property (Section 551.072)

**RETURN TO OPEN SESSION**

21. Reconvene to Open Session and Consider Action, if Any, on Items Discussed in Executive Session

22. Adjourn – The meeting adjourned at 6:35 p.m. and the Mayor announced a five minute recess before convening the Regular Meeting.

R C Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**CITY COUNCIL REGULAR MEETING**
**6:30 P.M., TUESDAY, JANUARY 17, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

**MINUTES**

1. Call to Order – Mayor Anderson called the meeting to order at 6:40 p.m. with Councilmembers Ross Maris, Ron Sanford and Rusty Wilson attending. Councilmembers Robert Brockman and Raymond Pruitt were absent. Also attending was City Attorney Richard Davis.

2. Invocation – given by Rick Malone.

3. Pledge of Allegiance – led by Tim Gothard

4. Declarations Regarding Conflicts of Interest - None. Mayor Anderson noted the new conflict disclosure laws effective January 1, 2006

5. Proclamations and Announcements - None

**CITIZEN'S FORUM**

6. Citizen's Forum – Citizens are invited to speak for three (3) minutes on matters relating to City government that are not listed on the regular agenda - None

## CONSENT AGENDA

7. Consider Approval of Minutes from September 19 and December 20, 2005 City Council Meetings

8. Consider Approval of December 2005 Financial Statements

9. Consider Adoption of Resolution Authorizing Application for a City Credit Card

10 Consider Adoption of an Amendment to Ordinance 96-06 Adopting the 2003 Standard Building Codes

11 Consider Approval of Professional Services Agreement with Boyle & Lowry, L.L.P for Legal Services Associated with the Development of a Home Rule Charter

12. Consider Acceptance of Petition for Annexation of a 28-acre Tract Situated in the J. Douthit Survey, A-198, Located on SH 19 South, Owned by J.W Burnett Family Trust, and Schedule Public Hearings for February 21 and 28, 2006

Following the Mayor's reading of the consent agenda items and his announcement the public hearings on the annexation of the Burnett Family Trust property would be amended to February 21 and February 27, Councilmember Maris made a motion to pass all items on the consent agenda Councilmember Sanford seconded, and all voted in favor.

## INDIVIDUAL CONSIDERATION

13 First Public Hearing on Voluntary Annexation of a 1.0-acre Tract Situated in the Q C. Nugent Survey, A-618, Located on I-20 North Service Road West of Highway 17, Owned by Kelly Cox – Mayor Anderson opened the Public Hearing at 6:44 p m He described the location and noted the purpose of the request was to erect a billboard. He announced the second public hearing would be held the following Tuesday at 11:00 a.m Rick Malone explained billboards could not be erected outside the city limits without a license which was no longer available from the state. He added billboards were only allowed along I-20 in the city limits and a minimum 4,500 foot setback from another billboard was in effect. The Public Hearing was then closed at 6:48 p.m

14. Consider Appointments to Water and Wastewater Future Planning Committee – Councilmember Wilson made the motion to appoint Ross Maris Chairman of the Water and Wastewater Future Planning Committee, along with additional members Al Campbell, Patrick Terrell, Lonny Cluck and Elaine Seymore. Councilmember Sanford seconded and all voted in favor

## APPOINTMENTS AND REPORTS

15 Mayor's Report – Mayor Anderson announced his pleasure in the publication of a bi-monthly newsletter and encouraged councilmembers to submit articles for inclusion. Based on information from the newsletter, he reported the number of fire calls had doubled, police calls were up 30%, the water plant maximum capacity was two million gallons per day and the City was currently using 1 6 million, and the wastewater treatment

plant would be too small in two years, all showing Canton was growing and it either needed to take the bull by the horns or it would be an unpleasant ride.

16. City Manager's Report – Cliff Bowden stated there was nothing further than what was previously reported during the workshop.

17. Staff Reports – None

18. Items for Future Agendas –

Richard Davis reported new Conflict of Interest filing requirements and Mr. Bowden announced information and forms would be forthcoming.

Mayor Anderson asked Richard Davis for an opinion on how to respond to requests from the press for comments regarding pending litigation. Mr. Davis advised as a general rule, as long as the City was in litigation there should be no public comment and all discussion needed to be held in executive session. Dan Aikin, city reporter for the CANTON HERALD advised the paper would be reporting the contents of a printed lawsuit and the City might want to respond. Mr. Davis stated that mediation was recognized by the legislature as being recommended to try to resolve any type of lawsuit without the expense involved if it were to go to court.

Upon a request from the paper concerning deadlines, Mayor Anderson asked the Council if it would be willing to consider moving its meetings to Monday night. He then encouraged everyone to attend a Town Hall Meeting to introduce and explain the City Charter Commission at 6:00 p.m. the following Monday at the Civic Center. Richard Davis advised no action could be taken, but councilmembers could attend as citizens but not enter into the discussion.

## EXECUTIVE SESSION

**A closed or executive session was scheduled to follow 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 Sections 551.071 and 551.072.** – The Council determined a closed session was not necessary, therefore the executive session was not convened.

19. Consultation with Attorney Regarding Pending Litigation (Section 551.071)

20. Deliberations Regarding Potential Purchase, Lease or Sale of Real Property (Section 551.072)

## RETURN TO OPEN SESSION

21. Reconvene to Open Session and Consider Action, if Any, on Items Discussed in Executive Session

22. Adjourn – There being no further business to discuss, the meeting adjourned at 7:04 p.m. upon motion by Councilmember Sanford and second by Councilmember Maris.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**CITY COUNCIL REGULAR MEETING**
**11:00 A.M., TUESDAY, JANUARY 24, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

**MINUTES**

1. Call to Order – Mayor Anderson called the meeting to order at 11:02 a.m. with Councilmembers Ross Maris, Robert Brockman, Ron Sanford, Raymond Pruitt and Rusty Wilson in attendance. City Attorney Richard Davis was absent.

2. Second Public Hearing on Voluntary Annexation of a 1.0-acre Tract Situated in the Q. C. Nugent Survey, A-618, Located on I-20 North Service Road West of Highway 17, Owned by Kelly Cox – Mayor Anderson opened the Public Hearing at 11:02 a.m. and subsequently closed hearing no comments.

3. Consider Budget Amendment for Construction of New Restroom at First Monday Park – Mayor Anderson explained the budget amendment re-allocated $80,000 the City was saving on the water well project and applying it to the First Monday restroom project which came in $80,000 higher than anticipated. Councilmember Brockman made the motion to adopt Ordinance 2006-02 amending the budget as described. Councilmember Sanford seconded and all voted in favor.

4. Award Bid for Construction of New Restroom at First Monday Park – Mayor Anderson announced the low bid of $288,500 was received from K.W. Brown Construction and the engineering consultants advised the company was qualified and reputable. Councilmember Sanford made the motion to award the bid for the construction of the new restroom to K.W. Brown Construction for $288,500. Councilmember Wilson seconded and all voted in favor.

5. Authorize Expenditures for Water Plant Clarifier from Certificates Of Obligation Funds – Mayor Anderson explained the water plant clarifier, which broke earlier in the Spring, needed major repairs and he asked for authorization to pay for it from the certificates of obligation revenue account designated for water, sewer and streets capital expenditures. Councilmember Pruitt made the motion to authorize the expenditure as requested. Councilmember Brockman seconded and all voted in favor.

6. Consider a Resolution for TRPA-Small Community Recreation Grant Program – Mayor Anderson reported the resolution authorized the application for a matching grant from the state to continue with phase II of development of a City Park on Cherry Creek. Resolution No. 2006-02 authorizing the grant application was unanimously adopted upon motion by Councilmember Pruitt and second by Councilmember Sanford.

## EXECUTIVE SESSION

7 Consultation with Attorney Regarding Pending Litigation (Section 551.071) – Pursuant to the provision of the Open Meetings Law, Chapter 551 Govt Code, Vernon's Texas Codes Annotated, in authority contained in Section 551.071, the Council convened in closed session at 11:08 for consultation with the attorney Paul Pearce regarding pending litigation in Hammonds et al v City of Canton and Charles Fenner.

## RETURN TO OPEN SESSION

8. Reconvene to Open Session and Consider Action, if Any, on Items Discussed in Executive Session – The Council reconvened in open session at 12:06 p m with no action taken.

9. Adjourn – There being no further business to discuss, the meeting adjourned at 12:07 p.m upon motion by Councilmember Brockman and second by Councilmember Pruitt

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

## CITY COUNCIL WORKSHOP MEETING
**5:30 P.M., TUESDAY, FEBRUARY 21, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

## MINUTES

1 CALL TO ORDER – Mayor Anderson called the meeting to order at 5:30 p.m. with Councilmembers Ross Maris, Robert Brockman, and Ron Sanford attending. Councilmembers Raymond Pruitt and Rusty Wilson were absent. Also attending was City Attorney Richard Davis

2. INVOCATION – None

3. PLEDGE OF ALLEGIANCE – None

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None

5. PROCLAMATIONS AND ANNOUNCEMENTS - None

## CITIZEN'S FORUM

6. CITIZEN'S FORUM – Citizens are invited to speak for three (3) minutes on matters relating to City government that are not listed on the regular agenda. - None

## CONSENT AGENDA

7. CONSIDER APPROVAL OF MINUTES FROM JANUARY 17 AND 24, 2006 CITY COUNCIL MEETINGS – No discussion

8 CONSIDER APPROVAL OF JANUARY 2006 FINANCIAL STATEMENTS – No discussion.

9 CONSIDER ADOPTION OF ORDINANCE NO. 2006-03 CALLING THE MAY 13, 2006 CITY OF CANTON GENERAL ELECTION TO ELECT THREE COUNCILMEMBERS AND DESIGNATING THE POLLING PLACE AND TIMES FOR EARLY VOTING AND ELECTION DAY - Cliff Bowden noted the hours for Early Voting would be longer than normal and turned to Julie Seymore for explanation Ms. Seymore explained state law required two weekdays during Early Voting be twelve hours long since the Early Voting period was shortened to allow for the availability of shared HAVA-compliant voting machines required in all elections. She said the staff recommended the required twelve-hour days be the last two days of Early Voting and the hours for the remaining Early Voting days be extended to 8:00 a m to 7:00 p m. so more citizens would have an opportunity to vote Ms Seymore advised one AutoMark Voting machine would be leased from the County and voters could vote by machine or hand mark their ballots, and that all votes would be hand-counted.

10. CONSIDER ADOPTION OF RESOLUTION 2006–03 DECLARING SUPPORT FOR THE PURSUIT OF STATE, FEDERAL, AND PRIVATE FOUNDATION GRANTS TO FUND THE SMITH COUNTY PUBLIC SAFETY TECHNOLOGY INITIATIVE (SCPSTI) – Tim Gothard reported he had read about the grant project and got involved at the early stages. He then introduced Harvey Tanner, the Smith County IT Officer heading up the technology grant project for Smith County Mr Tanner reported the Smith County Sheriff's Office started on the project for the purpose of putting laptops in officers' vehicles the previous summer and were considering the Panasonic toughbook and a sturdy rack He said they were seeking $4.4 million on behalf of fourteen entities in Smith County plus the City of Canton to buy software, laptops, video cameras and communications to place in police and fire vehicles as needed. He said it would enable officers to scan identification cards, write tickets, write reports, check for warrants without involving the dispatchers, and network systems with other participating agencies He said Smith County was paying the grant writer so there would be no application cost to the City of Canton and a committee giving each entity one vote would allocate any funds received fairly. Upon questioning, Mr Tanner said they were trying to get funding for three to four years after which they'd try to renew the grant, but if they didn't get it everyone would pay their own way to replace the PC's as needed He added the life span of the toughbook was up to five years Tim Gothard said the city had twelve cars Mayor Anderson said he thought it was a great cooperative venture and he appreciated Smith County allowing Canton to join them.

11. CONSIDER ADOPTION OF RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE ALL DOCUMENTS PERTAINING TO FIRST MONDAY LEASES, INCLUDING TRANSFERS AND AMENDMENTS – Cliff Bowden noted the item coincided with item twelve regarding the lease assignment to Texas Best Concessions He said Councilmember Wilson and his partners were to be the assignees of Jerry Aikin's lease and in his research on whether this could be done, he did not find where the city manager was authorized although there was a lot of discussion indicating he was. He said adoption of the proposed resolutions would settle the issue Julie Seymore presented a revised resolution. Councilmember Brockman indicated the City needed to adopt the resolution because it was Mr. Bowden's responsibility and if something needed to be brought to the Council's attention, he should do so.

12. CONSIDER ADOPTION OF RESOLUTION AUTHORIZING ASSIGNMENT AND AMENDMENT OF JERRY AKIN'S FIRST MONDAY LEASE TO H.W.L. TEXAS BEST CONCESSIONS – No further discussion.

13. CONSIDER APPOINTMENT OF 2006 PARKS AND RECREATION ADVISORY BOARD – Amy Huddle recommended the following for re-appointment to the board: herself, Andy Reese, Kevin Bradway, Tina Ingram and Chris Howard She also recommended the following new appointments: Michelle Mackelfresh who played a role in the daycare process during the construction of the playscape, Patti Michels and Rene Riffe who were involved in the park daycare and school projects, Larry Nelson who acted as construction superintendent of the playscape, and Mitch Mitchell who was also construction captain and assisted on all park workdays. Ms. Huddle posed the question of whether or not board members needed to reside inside the city limits because current member Andy Reese lived in Martins Mill and the Patti Michels lived in Edgewood. City Manager Cliff Bowden stated it was not a requirement.

In other park matters, Ms Huddle recommended the City adopt ordinances similar to Plano's on such things as loitering in the park at night and cars parking near the playscape. She said Andy Reese was working on rules and ordinances for the Park and they would like to have them posted by the March 25th kiosk signing Mr Malone said he had read Plano's ordinances, and they might be helpful with some issues regarding permits for large functions, deposits, cleaning, etc. He noted the city had been dealing with some issues on an individual basis. Mrs. Huddle said the city needed to address banning pets in the playscape area and smoking in all parks and recreation areas. Cliff Bowden suggested the staff review the ordinances and develop drafts for an upcoming meeting. Mr Reese added the hours of operation needed to be set, possibly allowing no activity from 11:00 p.m. to 5:00 a.m. Mr. Bowden stated the City currently had a ban on activity in the parks from dusk to dawn and they would enforce those rules until an ordinance could be established

Mrs. Huddle reported the bids for the construction of 3880 feet of concrete park trails would be opened the next day; a community workday was scheduled for March 25th to complete the playscape and landscaping and to post the sign; and a grand opening for the playscape and trails was tentatively scheduled for May 20th. She said they would like to have the grand opening prior to the school's release. Mrs Huddle further reported the grant process for phase II was postponed until July at which time they would seek $400,000 She noted only one grant was awarded all year, but there were smaller grants for which they could apply Mayor Anderson asked about the additional jogging trails and Ms Huddle stated they fed to the frisbee golf course and would be constructed at a later time In answer to Mayor Anderson's question on lighting, Ms. Huddle indicated there would only be some safety lighting, and they were discouraging night traffic in the park.

## INDIVIDUAL CONSIDERATION

14. FIRST PUBLIC HEARING ON VOLUNTARY ANNEXATION OF A 28-ACRE TRACT SITUATED IN THE J. DOUTHIT SURVEY, A-198, LOCATED ON SH 19 SOUTH, OWNED BY J.W BURNETT FAMILY TRUST – Rick Malone described the Burnett property as on the east side of South Highway 19 adjoining the Fire Station on the south side. He indicated water was on the northwest corner, another 8" water line was along the entire east side, and a sewer line split the property. He noted the property owners were responsible for bringing water and sewer to the property to the city's specifications and for making the taps and purchasing the meter.

15. PUBLIC HEARING AND CONSIDER REQUEST FOR ZONING CHANGE FROM RURAL AGRICULTURAL DISTRICT (RA) TO FIRST MONDAY BUSINESS DISTRICT (FMB-1) ON THAT 6 505-ACRE TRACT OF LAND SITUATED IN THE Q C. NUGENT SURVEY, A-618, LOCATED NORTH OF OLD MILL MARKETPLACE, OWNED BY CORRY DAVIS MARKETING, INC. – Rick Malone indicated the tract was part of Old Mill Marketplace, it contained some electrical and roads, and the owners wanted to expand RV parking for the vendors. He said sewer was available and the owners would make the tap. He added they were requesting a 2" water tap. Mr. Bowden stated it was the staff's recommendation to approve the zoning change

16. PUBLIC HEARING AND CONSIDER REQUEST FRO SPECIFIC USE PERMIT IN GENERAL BUSINESS DISTRICT (B-2) TO ALLOW THE CONSTRUCTION OF A 50' MICROWAVE TOWER TO SERVICE BROADBAND INTERNET CONNECTION AT 305 E. TYLER STREET, CANTON, TEXAS, OWNED BY FIRST NATIONAL BANK OF CANTON – Rick Malone informed the Council the property in question was the old Elliott & Waldron building currently owned by First National Bank. He said they were having problems gathering a broadband signal and were asking to put in a homeowners tower 1'x1'x1', which would be bored into concrete and attached to the building. He said it would be twelve to thirteen feet taller than the existing tower, and that the current height limit without an SUP was thirty-five feet. Councilmember Brockman expressed his opposition to towers downtown and stated he didn't want to see something that couldn't be taken down in five years

## APPOINTMENTS AND REPORTS

17. MAYOR'S REPORT – None during Work Session

18. CITY MANAGER'S REPORT – Cliff Bowden deferred to staff for their reports.

19. STAFF REPORTS – Patrick Terrell reported four major components to the wastewater treatment plant expansion had been completed and a fifth major component, return sludge pumps, was scheduled to be installed that week. He said they had a few cosmetic issues with the building, but the builder planned to return as soon as he could schedule it. He further reported the bid process was started for a new road into the plant. Councilmember Maris asked how far into the future the expansion would keep the city in compliance. Mr. Terrell said Gary Burton Engineering's projected flows were based on numbers during the wet season and he would need to re-evaluate them, but he projected 2008 to 2010. He noted it took three years to get permitted for the current expansion and the next expansion would probably be a sister plant to the existing one which would carry the City for twenty years.

Linda Hatfield reported she had recently represented First Monday in three trade shows in Ft. Worth, Longview, and Oklahoma City, in addition to speaking to two tour buses of tour directors and to a tour director in Plano regarding booking tours to Canton. She further reported the bridge on Row 94 had been repaired and needed support work; the concrete had been poured to start the new bridge; the new restroom was started and they were considering names for the facility; and the First Monday office had been moved to the log cabin. Regarding reservations for the next First Monday, Ms. Hatfield stated the RV Park was full, the Trade Centers were 90% full, the log cabin reserved process was working well, and the revenue figures were on a slight assent

Al Campbell reported they were starting the final stages of the water well project; they were

chlorinating the well, starting the tubing and pump, and the contractor had until April 2 to complete the project, but barring delays they would be complete in two to three weeks. He indicated the two wells could produce 836,000 gallons per day which should carry the city in March and April during the clarifier renovation. He said the bids on modifying and reworking the clarifier should be opened March 7th, hopefully the well would be on-line to give support needed to rehabilitate the clarifier, and water treatment should be back to normal by the first of May. He noted the addition of the well would allow them to conduct more maintenance on the plant. Mr Campbell further reported the water and wastewater committee met the previous week and he was compiling information from which the board could make decisions for the future Mayor Anderson asked about plant capacity Mr Campbell said he was looking closely at what the reservoir would hold, the possibility of a plant expansion, the possibility of another water source or more ground water, and the need to diversity the water source. He said the lake was gradually coming up, probably about 20-21 inches in the last 30 days, and that the lake had a large water shed so a two- to three-inch rain would show a tremendous improvement He added the lake had not gotten low in thirty years, but the City needed to plan ahead in case it happened more often. He said the City first needed to see what the lake would yield which would dictate what was needed. Mayor Anderson asked if well water didn't need as much treatment Mr Campbell confirmed it was correct and noted the City was fortunate to get the amount of water in the new well which was supposed to produce 400 gallons per minute or 436,000 gallons per day

Ross Maris reported on the water and wastewater planning committee's meeting, noting the first action was to inventory the infrastructure, water sources, water and wastewater treatment plants, and water distribution system. He said the committee needed to identify the problems and plan for short-term and long-term needs He said they may look at another well in the near future, or maybe another water tower, and they would look into available grants He said Elaine Seymore was on the committee and would be the liaison with the county, and they needed to participate in the regional water planning board

Tim Gothard reported the Fire Department answered fifty calls that month; the budgeted vehicle for staff had been ordered; the National Incident Management Training classes were underway and all city employees would have to participate; and he was continuing to work with Mr Tanner on the technology grant application agreement

Mike Echols reported the Police Department had taken 508 for service since the last Council meeting, 102 required paper work, 62 required investigation He said they made 18 arrests and filed 14 cases with the District Attorney He further reported burglaries were down over the past year and most were burglaries of cars and storage buildings, indicating businesses had been real safe He also noted major thefts were down and the night crew had a good attitude and took it personal if something was missing on their shift He added complaints were also down and if anyone heard of any, he'd like to know about it Councilmember Maris said someone told him there were too many police officers in Canton, but he thought that was a good thing Mr Echols also reported the department had made a lot of drug arrests, but they were mostly small possessions, indicating people were scared to sell large quantities in the City. Mayor Anderson stated the City needed to look again at protecting the school campuses. Mr. Echols informed him an officer was on campus one to two hours every day.

Jim Stephens reported he had been to Austin for Main Street training and a 25th anniversary celebration of Main Street He presented a poster of the anniversary cake which depicted buildings across the state renovated through the Main Street program, including one of Canton's downtown buildings. He noted what an honor it was to be selected from among 129

Main Street cities He said he would present a signed copy to Rhita Koches who was responsible for the City's application during her tenure as City Secretary Mr. Stephens further reported the ongoing progress of the city hall software conversion and the in-house training received that day Linda Hatfield reported the First Monday conversion was not complete.

Judge Lilia Durham reported a high collection rate on a program with OMNI initiated 1.5 years earlier by which drivers had to pay all existing fines prior to renewal of their licenses. She added the police department was working on the warrant list to bring those numbers down as well

20. ITEMS FOR FUTURE AGENDAS – None discussed

**EXECUTIVE SESSION**

**A closed or executive session will follow 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 Sections 551.071, 551.072 and 551.074.** – No executive session was held during the Work Session.

21 CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551 071)

22. DELIBERATIONS REGARDING POTENTIAL PURCHASE, LEASE OR SALE OF REAL PROPERTY (SECTION 551 072)

23. DELIBERATIONS REGARDING PERSONNEL MATTERS (SECTION 551 074)

**RETURN TO OPEN SESSION**

24. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

25. ADJOURN – There being no further business to discuss, the Mayor adjourned the Work Session at 6:22 p.m.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**CITY COUNCIL REGULAR MEETING**
**6:30 P.M., TUESDAY, FEBRUARY 21, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

**MINUTES**

1 CALL TO ORDER – Mayor Anderson called the meeting to order at 6:32 p.m. with Councilmembers Ross Maris, Robert Brockman and Ron Sanford attending. Councilmembers Raymond Pruitt and Rusty Wilson were absent. Also attending was City Attorney Richard Davis

2. INVOCATION – by Jim Stephens

3. PLEDGE OF ALLEGIANCE – led by Tim Gothard

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None

5. PROCLAMATIONS AND ANNOUNCEMENTS - Jim Stephens presented a poster of the cake celebrating Main Street's 25th anniversary Out of one hundred twenty-six cities, the Van Zandt Abstract Company building renovated though Canton's Main Street program was one of the selected buildings featured on the cake. Mr Stephens thanked the Council for their vision to initiate a Canton Main Street program and the citizens, council and officials for their support

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – Citizens are invited to speak for three (3) minutes on matters relating to City government that are not listed on the regular agenda

Jim Fuller, 3038 State Hwy 64, Wills Point, promoter of the Free State Bluegrass Festival for a number of years, reported Bluegrass promotional materials were in and copies were sent to the participating bands to distribute throughout the United States, to 1500 people on the mailing list, and to Linda Hatfield who would distribute them at the trade shows. He further reported having bands calling to be considered for the 2007 festival; plans to travel to Oklahoma to promote the festival; receiving twelve to fifteen e-mails a day and receiving numerous calls on the 800 phone number; plans for moving the festival inside the civic center; plans to help Grand Saline find good talent for their June 2nd festival which should help promote Canton's festival also; and on the general strength of Canton's festival while a growing number of other festivals were being discontinued

Margaret Weldon, 1819 Mill Creek, Canton, stated she was fully disabled and asked for a freeze on her city property taxes. She said she received a freeze from the Appraisal District in 2004 based on her disability, but was informed her request for a City property tax freeze would have to be addressed to the Council Ms. Weldon's City property taxes were approximately $400 in 2005 and she said she would have to sell her home if they continued to rise Mayor Anderson asked the city manager to look into the matter

**CONSENT AGENDA**

7 CONSIDER APPROVAL OF MINUTES FROM JANUARY 17 AND 24, 2006 CITY COUNCIL MEETINGS

8. CONSIDER APPROVAL OF JANUARY 2006 FINANCIAL STATEMENTS

9. CONSIDER ADOPTION OF ORDINANCE NO. 2006-03 CALLING THE MAY 13, 2006 CITY OF CANTON GENERAL ELECTION TO ELECT THREE COUNCILMEMBERS AND DESIGNATING THE POLLING PLACE AND TIMES FOR EARLY VOTING AND ELECTION DAY

10 CONSIDER ADOPTION OF RESOLUTION 2006–03 DECLARING SUPPORT FOR THE PURSUIT OF STATE, FEDERAL, AND PRIVATE FOUNDATION GRANTS TO FUND THE SMITH COUNTY PUBLIC SAFETY TECHNOLOGY INITIATIVE (SCPSTI)

11. CONSIDER ADOPTION OF RESOLUTION 2006-04 AUTHORIZING CITY MANAGER TO EXECUTE ALL DOCUMENTS PERTAINING TO FIRST MONDAY LEASES, INCLUDING TRANSFERS AND AMENDMENTS

12 CONSIDER ADOPTION OF RESOLUTION 2006-05 AUTHORIZING ASSIGNMENT AND AMENDMENT OF JERRY AKIN'S FIRST MONDAY LEASE TO H W.L TEXAS BEST CONCESSIONS

13. CONSIDER APPOINTMENT OF 2006 PARKS AND RECREATION ADVISORY BOARD

Mayor Anderson reviewed the items on the consent agenda and noted they were discussed in greater detail at the 5:30 p.m Work Session. Julie Seymore noted the requested appointments to the Parks and Recreation Advisory Board included Amy Huddle, Andy Reese, Michelle Mackelfresh, Patti Michels, Renee Riffe, Larry Nelson, Mitch Mitchell, Kevin Bradway, Chris Howard and Tina Ingram. Councilmember Sanford made the motion to adopt the items on the consent agenda Councilmember Maris seconded, and all voted in favor.

**INDIVIDUAL CONSIDERATION**

14. FIRST PUBLIC HEARING ON VOLUNTARY ANNEXATION OF A 28-ACRE TRACT SITUATED IN THE J DOUTHIT SURVEY, A-198, LOCATED ON SH 19 SOUTH, OWNED BY J.W. BURNETT FAMILY TRUST – Mayor Anderson opened the Public Hearing at 6:48 p.m., noting the 2nd Public Hearing would be February 27, at 11:00 a m The Public Hearing was closed at 6:49 p m with no comments made

15. PUBLIC HEARING AND CONSIDER REQUEST FOR ZONING CHANGE FROM RURAL AGRICULTURAL DISTRICT (RA) TO FIRST MONDAY BUSINESS DISTRICT (FMB-1) ON THAT 6.505-ACRE TRACT OF LAND SITUATED IN THE Q C NUGENT SURVEY, A-618, LOCATED NORTH OF OLD MILL MARKETPLACE, OWNED BY CORRY DAVIS MARKETING, INC. – Mayor Anderson opened the Public Hearing at 6:49 p.m. He explained the zoning change request affected a recently-annexed RV Park located on the north side of Old Mill Marketplace. Hearing no comments, the Public Hearing was closed at 6:50 p.m. Councilmember Brockman made the motion to change the zoning from Rural Agricultural (RA) to First Monday Business District (FMB-1) on a 6 505-acre tract owned by Corry Davis Marketing, Inc. Councilmember Maris seconded, and all voted in favor

16. PUBLIC HEARING AND CONSIDER REQUEST FOR SPECIFIC USE PERMIT IN GENERAL BUSINESS DISTRICT (B-2) TO ALLOW THE CONSTRUCTION OF A 50' MICROWAVE TOWER TO SERVICE BROADBAND INTERNET CONNECTION AT 305 E. TYLER STREET, CANTON, TEXAS, OWNED BY FIRST NATIONAL BANK OF CANTON – A Public Hearing was opened at 6:51 p.m Mayor Anderson explained a thirty-eight foot tower currently existed at the location, and they were asking for a Specific Use Permit to extend that to fifty feet and to change the tower to a little more substantial structure. Hearing no comments, the Public Hearing was closed at 6:51 p m. Councilmember Sanford made the motion to grant a Specific Use Permit to allow a fifty-foot tower at 305 East Tyler Street Councilmember Maris seconded The motion passed with Councilmembers Sanford and Maris in favor and

Councilmember Brockman opposed. Councilmember Brockman noted he preferred not to see tall pole structures downtown or anything that would detract from the recent efforts made to improve and beautify downtown. Councilmember Maris agreed but noted the property owners had recently made major improvements to the building and he felt they should be accommodated after going to that much expense. He added he didn't think the triangle tower would be as visible.

## APPOINTMENTS AND REPORTS

17. MAYOR'S REPORT – Mayor Anderson stated he appreciated the city staff and all they did to keep the city running. He said he didn't think citizens realized some of the problems. He noted the City's water plant had been broken since May but it was still able to provide good drinking water through the employees extra efforts. He also noted the large savings on the Wastewater Treatment Plant expansion was due to the efforts of Patrick Terrell who would not realize a bonus or salary benefit for his efforts. He informed the citizens the City was facing major upgrades dictated by the state that would cost millions in just two to four years. Mayor Anderson acknowledged the City staff made it all work and he appreciated everything everyone did from the growing number of calls received by the police department on down through each department. He said the City ran because people did their jobs well.

18. CITY MANAGER'S REPORT – Cliff Bowden advised there was nothing further to add to the reports made in the Work Session.

19. STAFF REPORTS – None.

20. ITEMS FOR FUTURE AGENDAS – None.

## EXECUTIVE SESSION

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 Sections 551.071, 551.072 and 551.074, the Council recessed at 6:46 p.m. and convened in closed session at 7:01 p.m. for consultation with the City attorney regarding pending litigation. There was no discussion regarding real property or personnel matters.

21. CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551.071)

22. DELIBERATIONS REGARDING POTENTIAL PURCHASE, LEASE OR SALE OF REAL PROPERTY (SECTION 551.072)

23. DELIBERATIONS REGARDING PERSONNEL MATTERS (SECTION 551.074)

## RETURN TO OPEN SESSION

24. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – The Council reconvened in open session at 7:24 p.m. with no action taken.

25. ADJOURN - There being no further business to discuss, the meeting adjourned at 7:24 p.m. upon motion by Councilmember Brockman and second by Councilmember Sanford.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**CITY COUNCIL CALLED MEETING**
**11:00 A.M., MONDAY, FEBRUARY 27, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

**MINUTES**

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 11:00 a m with Councilmembers Ross Maris, Robert Brockman, and Ron Sanford attending. Councilmembers Raymond Pruitt and Rusty Wilson were absent Also attending was City Attorney Richard Davis

2 SECOND PUBLIC HEARING ON VOLUNTARY ANNEXATION OF A 28-ACRE TRACT SITUATED IN THE J DOUTHIT SURVEY, A-198, LOCATED ON SH 19 SOUTH, OWNED BY J.W. BURNETT FAMILY TRUST – Mayor Anderson opened the Public Hearing at 11:00 a m. Jim Stephens informed the Council he had encouraged the property owners to annex and he knew of no immediate plans for the property Mayor Anderson asked if there were an existing agricultural exemption for property taxes in the city limits Julie Seymore also noted the Council needed to consider amending the Animal Control Ordinance to allow livestock in agriculturally-zoned properties The Public Hearing was closed at 11:02 a m

3. CONSIDER AWARDING BID FOR CONSTRUCTION OF TRAILS AT CITY PARK ON CHERRY CREEK – The bids were as follows:

| *Contractor* | *Base Bid* | *Alt #1* | *Total* |
|---|---|---|---|
| *CAT Commercial Concrete Wills Point* | *$79,500.00* | *$24,405.00* | *$55,095.00* |
| *Hartbeat Construction Tyler* | *$97,427.00* | *$21,750.00* | *$75,677.00* |
| *Smith Contracting Royce City* | *$74,649 60* | *$24,800 60* | *$49,849.00* |
| *Wall Enterprises Midlothian* | *$88,622 00* | *$25,000 00* | *$63,622.00* |

Rick Malone explained the base bid was turnkey, the alternate was the cost of concrete, and the total bid was the cost of the project less concrete He noted the City might be able to save money by buying concrete directly from TXI and he would have a rate from them by April 1. Councilmember Sanford made the motion to accept the low bid from Smith Contracting. Councilmember Brockman seconded, and all voted in favor

4. CONSIDER ADOPTION OF RESOLUTION APPOINTING DEBRA JOHNSON, VICKIE HALL, AND RITA RAGSDALE DEPUTY CITY SECRETARIES FOR THE 2006 CALENDAR YEAR – Julie Seymore explained the appointment made the regular city employees working the front desk but living outside the city limits eligible to serve as early voting election clerks. She also noted the resolution was amended to include Debra Johnson and Rita Ragsdale only, as Vickie

Hall already resided in the city limits Councilmember Brockman made the motion to adopt Resolution No 2006-06 appointing Debra Johnson and Rita Ragsdale as Deputy City Secretaries. Councilmember Maris seconded and all voted in favor

5 CONSIDER ADOPTION OF RESOLUTION APPOINTING ELECTION JUDGE, ALTERNATE ELECTION JUDGE, AND EARLY VOTING BALLOT BOARD FOR MAY 13, 2006 GENERAL ELECTION – Julie Seymore reported Mary Robertson and Mary Priest had expressed their willingness to serve as Election Judge and Alternate, respectively, and that Christine Callahan was willing to serve as the Early Voting Ballot Board Judge along with clerks Sue Daniel and Diane Bonsal. Councilmember Brockman made the motion to adopt Resolution No. 2006-07 making the above stated appointments. Councilmember Maris seconded, and all voted in favor.

6. ADJOURN – There being no further business to discuss, the meeting adjourned at 11:15 p m. upon motion by Councilmember Brockman and second by Councilmember Maris.

R C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**CITY COUNCIL WORKSHOP MEETING**
**5:30 P.M., TUESDAY, MARCH 21, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

**MINUTES**

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 5:30 p.m with Councilmembers Ross Maris, Robert Brockman, Ron Sanford and Rusty Wilson attending Councilmember Raymond Pruitt arrived at 5:52 p.m. Also attending were Assistant City Manager Lonny Cluck and City Attorney Richard Davis

2. INVOCATION – None

3. PLEDGE OF ALLEGIANCE – None

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None

5 PROCLAMATIONS AND ANNOUNCEMENTS - None

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – Citizens are invited to speak for three (3) minutes on matters relating to City government that are not listed on the regular agenda. - None

**CONSENT AGENDA**

7. CONSIDER APPROVAL OF MINUTES FROM FEBRUARY 21 AND 27, 2006 CITY COUNCIL MEETINGS – No discussion

8. CONSIDER APPROVAL OF FEBRUARY 2006 FINANCIAL STATEMENTS – No discussion.

9 CONSIDER AWARDING BID FOR WATER PLANT CLARIFIER REHABILITATION PROJECT TO LOW BIDDER MCKINNEY & MOORE OF TEXAS, LP FOR $118,000 00 FOR BASE BID PLUS ALTERNATE BID TOTAL – Lonny Cluck reported progress was being made, the bids were properly advertised and opened, and Burton Engineering recommended awarding the project to the low bidder McKinney & Moore for $118,000

10 CONSIDER AWARDING BID FOR CONSTRUCTION OF SEWER PLANT ROAD TO LOW BIDDER DANIEL ASPHALT & PAVING FOR $156,565 38. – Lonny Cluck reported only one bid was received and he recommended the city accept it Richard Davis advised the City could accept a lone bid or it could reject it if it so desired. Lonny Cluck indicated it was a fair price. Rick Malone added the City properly advertised for bids

11 CONSIDER AWARDING BID FOR SEWER JETTER MACHINE AND TRAILER TO LOWEST ACCEPTABLE BIDDER EQUIPMENT SOUTHWEST FOR $38,236 - Lonny Cluck recommended accepting the second lowest bid. The lowest was for a machine which did not meet the bid specifications It had a half inch line and the city needed a minimum of three-fourths inch Councilmember Maris asked if the City still had a jet machine. Mr. Cluck confirmed it did, but it was eleven years old and giving them a lot of trouble.

12 CONSIDER ADOPTION OF ORDINANCE NO 2006 – 04 ON ANNEXATION OF A 28-ACRE TRACT SITUATED IN THE J DOUTHIT SURVEY, A-198, LOCATED ON SH 19 SOUTH, OWNED BY J W BURNETT FAMILY TRUST – No discussion as everyone was familiar with the annexation request, having held two prior public hearings

13 CONSIDER ASSIGNMENT AND ASSUMPTION CONTRACT FOR EAST OUTFALL SEWER LINE PROJECT FROM CANTON ECONOMIC DEVELOPMENT CORPORATION – Mr. Cluck explained when projects were funded by Canton Economic Development Corporation (CEDC), they usually held the contract then assigned the project over to the city upon completion. He noted it did not have to be done that way. He added the City wanted to begin a West Outfall Sewer Line project in the Hilliard Street area, which they wanted to add to the existing contract because the price was favorable To do that, the City had to hold the contract. Richard Davis advised the assignment was recommended and it would be better for all future projects to be contracted by the City instead of CEDC even if funded by CEDC

**INDIVIDUAL CONSIDERATION**

**APPOINTMENTS AND REPORTS**

14 MAYOR'S REPORT – None

15. CITY MANAGER'S REPORT- None

16 STAFF REPORTS – Chaise Holmgren made a presentation for the adoption of a water conservation plan He noted a recent study estimated Canton would double in size which meant water usage would at least double. He added the drought conditions were expected to remain moderate to severe due to weather patterns; therefore the city needed to establish a

water conservation plan and to plan for additional infrastructure. He stated the plan involved making efficient use of available supply; reducing frequency and duration of water use; educating the public through newspapers, website, newsletters, and school programs; and establishing a pricing structure promoting conservation versus consumption. Mr. Holmgren stated the goals were to maintain and manage adequate supplies and resources, and repair the infrastructure which could delay the need for expansion. He said the city could provide benefits to customers using less water, giving others a reason not to waste water. Following a brief council discussion, Mayor Anderson thanked Mr. Holmgren for his presentation.

Sergeant Steve Hall reported the police department had handled a hostage negotiation at the school; calls were up compared to the same time the previous year; the number of cases filed with the District Attorney were down in February since many officers were tied up for testimony in the Robertson trial; the number of major crimes was down from the same period the previous year; and he and the K-9 officer assisted the Department of Public Safety in a search turning up $78,045 in money laundering for drugs. He noted it was the K-9 Rex's second largest find on a traffic stop and the City would receive a percentage.

Patrick Terrell reported the wastewater treatment plant was operating well; the plant encountered inflow problems during the recent eight-inch rain causing the plant to peak at 1,730,000 gallons on Saturday and 1,970,000 gallons on Sunday; he put workers on for 24 hours a day to maintain it during these peak periods; he was working on a training program to get everyone in First Monday and Utilities licensed in distribution and collection; all three wastewater operators would be in school the next week; and he was working with Texas Water Utility Resources to host training sessions in Canton. Mayor Anderson asked about the inflow problems. Mr. Terrell said he was systematically trying to locate where the water was infiltrating the lines and they were conducting dye testing. He noted the lines were laid in the 1950s and when the creeks rose, the sewer system filled up. He added the East Outfall Sewer line would solve a lot of problems and if the West Outfall Line was approved, it would solve more. He stated as the infrastructure was replaced and improved, infiltration would be reduced but never completely eliminated.

Linda Hatfield reported First Monday revenues were up a little the previous month and were gradually increasing; reservations for the next First Monday were up; the Trade Centers were 95% full; she had attended the East Texas Tourism Trade Show in Shreveport; the National Retirees' RV Rally was in full swing with 350 rigs attending of which 40 would be staying for First Monday; she attended the Scott Antiques Market in January; she had sent a letter and free dinner coupon at the civic center café to all interior designers in Texas promoting the civic center as synonymous with antiques; she would be attending the antiques market in Round Top to attract new vendors; and the steel was up on the new bridge at First Monday's antique alley which she hoped would serve as a walk bridge by First Monday. Mayor Anderson asked how many vendors in the civic center sold antiques. Ms. Hatfield replied all were supposed to but some were pushing the restrictions. After questioned, Ms. Hatfield also said she was getting ideas on setup, marketing and advertising from other markets she visited.

Judge Durham reported she held pretrial hearings the previous month, including four deferrals and two dismissals by the city prosecutor; citations were low the previous month since officers were tied up for testimony in the Robertson trial; revenues were up this month due to the night officers working heavily on the warrant list; and pre-warrant letters were mailed notifying defendants that warrants would be issued if they didn't pay their fines, but little response had been received to date. (Councilmember Pruitt joined the meeting at 5:52 p.m.)

Chief Tim Gothard reported two fire trucks were out of service for repairs the previous week; new vehicles arrived and were being equipped for he and the police department's senior operations officer; animal control officer Paul Johnson had tendered his resignation; a week-long fire investigation class was being held at the Canton fire station in March, April and May with a total of sixteen students including two from the Canton Police Department and four Canton Volunteer Firefighters; and the National Incident Command Systems (NIMS) training for all city employees and volunteer firefighters was almost complete

Rick Malone reported the I-beams for the First Monday bridge were in place, Joe Adams had worked hard on welding the reinforcement plates, concrete was expected to be poured at the end of the week so it could be used as a foot-bridge during First Monday, and it would be completed after First Monday He also reported he was working on sewer line inflow problems.

17. ITEMS FOR FUTURE AGENDAS – None discussed

**EXECUTIVE SESSION**

No executive session was held during the Work Session.

18. CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551 071)

19. DELIBERATIONS REGARDING POTENTIAL PURCHASE, LEASE OR SALE OF REAL PROPERTY (SECTION 551 072)

20 DELIBERATIONS REGARDING PERSONNEL MATTERS (SECTION 551 074)

**RETURN TO OPEN SESSION**

21 RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

22. ADJOURN – There being no further business to discuss, the Mayor adjourned the Work Session at 6:03 p.m.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**CITY COUNCIL REGULAR MEETING**
**6:30 P.M., TUESDAY, MARCH 21, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

**MINUTES**

1 CALL TO ORDER – Mayor Anderson called the meeting to order at 6:30 p m. with Councilmembers Ross Maris, Robert Brockman, Ron Sanford Raymond Pruitt and Rusty Wilson attending. Also attending were Assistant City Manager Lonny Cluck and City Attorney Richard Davis.

2. INVOCATION – given by Jim Stephens

3. PLEDGE OF ALLEGIANCE – led by Patrick Terrell

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None

5. PROCLAMATIONS AND ANNOUNCEMENTS - None

**CITIZEN'S FORUM**

6 CITIZEN'S FORUM – Jim Fuller reported everything was going well for the Bluegrass Festival and he was receiving twelve to fifteen e-mails per day and four to six calls every night. He said he was going to Hugo, Oklahoma the next weekend, and then to Fort Smith, Arkansas. He added he passed out new fliers at the local RV Rally

**CONSENT AGENDA**

7 CONSIDER APPROVAL OF MINUTES FROM FEBRUARY 21 AND 27, 2006 CITY COUNCIL MEETINGS – Minutes from the February 21 and 27, 2006 City Council Meetings were unanimously approved upon motion by Councilmember Maris and second by Councilmember Sanford.

8. CONSIDER APPROVAL OF FEBRUARY 2006 FINANCIAL STATEMENTS – The February 2006 Financial Statements were unanimously approved upon motion by Councilmember Pruitt and second by Councilmember Brockman

9 CONSIDER AWARDING BID FOR WATER PLANT CLARIFIER REHABILITATION PROJECT TO LOW BIDDER MCKINNEY & MOORE OF TEXAS, LP FOR $118,000.00 FOR BASE BID PLUS ALTERNATE BID TOTAL - Mayor Anderson explained the City had requested bids for repairs to the water plant clarifier which had broken the previous May or June. He said the best bid received was for $118,000. Mr. Cluck added the $118,000 was strictly for labor, that the total cost of the project would be close to $300,000, and that the estimate had been $320,000. Mayor Anderson noted the machinery was $153,956 and that the entire clarifier was being renovated

10. CONSIDER AWARDING BID FOR CONSTRUCTION OF SEWER PLANT ROAD TO LOW BIDDER DANIEL ASPHALT & PAVING FOR $156,565 38 – Mayor Anderson reported bids were requested for paving the sewer plant road, but only one company returned a bid. He added the staff felt it was a fair price and counsel advised the bid could be accepted.

11 CONSIDER AWARDING BID FOR SEWER JETTER MACHINE AND TRAILER TO LOWEST ACCEPTABLE BIDDER EQUIPMENT SOUTHWEST FOR $38,236 - Mayor Anderson reported the best bid for the sewer jetter machine and trailer was approximately $38,000 which was under the $47,000 budgeted.

12. CONSIDER ADOPTION OF ORDINANCE NO. 2006 - 04 ON ANNEXATION OF A 28-ACRE TRACT SITUATED IN THE J DOUTHIT SURVEY, A-198, LOCATED ON SH 19 SOUTH, OWNED BY J W. BURNETT FAMILY TRUST – Mayor Anderson noted the Council was considering the adoption of Ordinance No. 2006-04 annexing 280 acres on State Highway 19 owned by the J W Burnett Family Trust and that public hearings had been held.

13 CONSIDER ASSIGNMENT AND ASSUMPTION CONTRACT FOR EAST OUTFALL SEWER LINE PROJECT FROM CANTON ECONOMIC DEVELOPMENT CORPORATION – Mayor Anderson explained the Canton Economic Development Corporation (CEDC) was funding a new sewer line which was located along State Highway 243 by Wal-Mart to the creek, then north to the sewer plant He said the construction contract was held by CEDC and they usually turned over the project after it was complete He added this time they were assigning the contract to the City earlier so the City could tack on an additional sewer line project which would save money and time He added it was also cleaning up the way the City did business.

Consent Agenda Items 9-13 were unanimously approved upon motion by Councilmember Brockman and second by Councilmember Sanford

## INDIVIDUAL CONSIDERATION

## APPOINTMENTS AND REPORTS

14. MAYOR'S REPORT – Mayor Anderson reported Chaise Holmgren had promoted water conservation during the work session. He also noted the city lake had filled up after the recent rains and new crosswalk warning signals were being installed on State Highway 19 to increase pedestrian safety.

15. CITY MANAGER'S REPORT- None

16. STAFF REPORTS – Staff reports were given during the Work Session Councilmember Maris reported the water and wastewater planning committee had met to discuss the city's infrastructure needs He said the infrastructure was vital to the community but taken for granted by users since it was underground and out of sight He added state regulations would require major renovations to the water and sewer plants in the not too distant future and upgrades were being made all the time. He said the committee would start by putting together a good physical description of the water and sewer plants, then prepare a short-term (five-year) plan and long-term (50 year) plan to meet the city's future needs. He noted repairs were needed to correct major inflow problems in the sewer collection system. (Councilmember Pruitt left the meeting at 6:42 p.m.) Councilmember Maris noted past means for meeting state requirements was to borrow the money, but that wasn't yet paid back He said the City needed to make serious plans and would have to allocate city funds to do that. He added they also needed to look at road infrastructure before the start of the next year's budget, planning for several years in advance.

17 ITEMS FOR FUTURE AGENDAS – Julie Seymore reported on upcoming appointments to the CEDC Board, Planning & Zoning Commission and Board of Adjustment She also noted the mid-year budget review was scheduled for the next meeting

## EXECUTIVE SESSION

Pursuant to the provisions of the Open Meetings Law, Chapter 551, Govt Code, Vernon's

Texas Codes Annotated, in accordance with the authority contained in Sections 551.071, 551.072 and 551.074, the Council recessed at 6:46 p.m. and convened in closed session at 6:52 p.m. to discuss real property and personnel matters

18. CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551.071)

19. DELIBERATIONS REGARDING POTENTIAL PURCHASE, LEASE OR SALE OF REAL PROPERTY (SECTION 551.072)

20. DELIBERATIONS REGARDING PERSONNEL MATTERS (SECTION 551.074)

**RETURN TO OPEN SESSION**

21. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – The Council reconvened in open session at 7:22 p.m. Councilmember Wilson made the motion to authorize Jim Stephens to negotiate a contract and terms for tearing down the buildings on the recently-acquired Buffalo Street property, contingent upon finding the $12,000 funding. Councilmember Sanford seconded and all voted in favor. A city council meeting was called to discuss personnel matters at 11:00 a.m., on Tuesday, March 28th. Mr. Davis advised he would be unavailable for the meeting.

22. ADJOURN – There being no further business to discuss, the meeting adjourned at 7:24 p.m. upon motion by Councilmember Brockman and second by Councilmember Pruitt.

R C Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**

**MEETING OF THE CANTON CITY COUNCIL**
**11:00 A.M., TUESDAY, MARCH 28, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 11:02 a.m. with Councilmembers Ross Maris, Robert Brockman, Ron Sanford, Raymond Pruitt and Rusty Wilson attending. Attorney Richard Davis was not in attendance.

2. CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS – Postponed to later in the agenda

3. CONSIDER CONTRACT CHANGE ORDER NO. 1 AND ENGINEERING TASK ORDER NO. 2 FOR EAST OUTFALL SANITARY SEWER MAIN – Lonny Cluck explained the Council had earlier approved the assignment of the East Outfall Sewer Line contract from the Canton Economic Development Corporation (CEDC) to the City in order to add the proposed change

order allowing an additional sewer line replacement project under the terms and conditions of the existing contract Cliff Bowden reported it was a $95,950 amendment for a budgeted project Mayor Anderson explained the procedure would save the City time and money by using a contractor that was already here. Mr. Cluck added attorney Richard Davis had advised all contracts for city projects should be held by the City even if funded by CEDC. He said the project under consideration included replacing the bad sewer line at State Highway 198 behind the nursing home, running north of Lazy U and across State Highway 243 to an existing manhole. Earlier smoke tests identified the areas with the major inflow problems, and this was identified as the worst He added the City would start with this project and repair as much as each year's budget would allow for many years to come. Councilmember Maris asked the staff to give the newspaper reporter the details so it could be reported in the paper showing citizens' tax dollars at work. The East Outfall Sewer Line Contract Change Order No. 1 for $95,950 and the Engineering Task Order No 2 for $3,000 were unanimously approved upon motion by Councilmember Wilson and second by Councilmember Maris.

4. CITY REVIEW WITH CITY MANAGER – 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 551 074, the Council convened in closed session at 11:09 a m to review personnel matters with the City Manager. Councilmember Wilson left the meeting at 12:55 p.m

5. DELIBERATIONS REGARDING PERSONNEL MATTERS (SECTION 551 074) –

6. DELIBERATIONS REGARDING POTENTIAL PURCHASE, LEASE OR SALE OF REAL PROEPRTY (SECTION 551 072) – Not discussed.

7. CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551.071) – None.

**RETURN TO OPEN SESSION**

8. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – The Council reconvened in open session at 1:08 p.m. with no action taken

Mayor Anderson asked about the status of the First Monday lease agreements. Mr. Bowden reported Mr. Wilson told him his deal was dead, and Mr. Pruitt had presented a letter with questions for the city attorney He said he received the attorney's response but needed to review it with him when he returned from out of town. Mayor Anderson instructed Mr. Bowden to resolve the issues with Mr. Pruitt's lease and report back to the Council Mayor Anderson added that representatives of the city advised a transfer fee should be paid, and he would rather it be paid then, if needed, it could be refunded by the council

9. CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS – Mayor Anderson tabled the item to the April meeting.

10. ADJOURN – There being no further business to discuss, the meeting adjourned at 1:12 p.m upon motion by Councilmember Brockman and second by Councilmember Pruitt.

R C Anderson

R C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

## MINUTES

**CANTON CITY COUNCIL WORK SESSION**
**5:30 P.M., TUESDAY, APRIL 18, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1 CALL TO ORDER – Mayor Pro Tem Raymond Pruitt called the meeting to order at 5:30 p.m. with Councilmembers Ross Maris, Robert Brockman, and Ron Sanford in attendance. Rusty Wilson joined the meeting at . Mayor R C. Anderson was absent Also attending were City Manager Cliff Bowden, Jr and City Attorney Richard Davis

2 INVOCATION – None

3. PLEDGE OF ALLEGIANCE – None

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST – None

5 PROCLAMATIONS AND ANNOUNCEMENTS – None

### CITIZEN'S FORUM

6 CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA. - None

### CONSENT AGENDA

7. CONSIDER APPROVAL OF MINUTES FROM MARCH 21 AND 28, 2006 CITY COUNCIL MEETINGS – No discussion

8 CONSIDER APPROVAL OF MARCH 2006 FINANCIAL STATEMENTS – No discussion

9. CONSIDER APPROVAL OF CONTRACT WITH ATLAS ENTERPRISES, INC. FOR FIREWORKS DISPLAY – Mayor Pro Tem Raymond Pruitt noted the cost for the fireworks display was the same as the previous year The Council agreed on Labor Day as the rain-out day.

10. CONSIDER APPROVAL OF CONTRACT WITH LAND DESIGN PARTNERS, INC. FOR LANDSCAPE ARCHITECTURE SERVICES ON CANTON RECREATIONAL FACILITY MASTER PLAN REVISIONS AND IMPROVEMENTS – Rick Malone presented the proposed contract with Brent Luck who designed the original Master Parks Plan three years prior. He noted since the addition of a local private water park, some planned features had been dropped such as the water features He said they also wanted to revise the plan to reflect the trails as they were constructed, to address parking, and to utilize the old VFW building Mayor

Pro Tem Pruitt noted the $3,800 fee was available in the Parks Capital Budget.

11. CONSIDER ADOPTION OF RESOLUTION CERTIFYING FUNDING AND SUPPORT FOR TEXAS DEPARTMENT OF TRANSPORTATION ENHANCEMENT GRANT APPLICATION TO BUILD CANTON/FIRST MONDAY TRADE DAYS STREETSCAPE ENHANCEMENT (PHASE II) – Tracy Hicks with Wisenbaker & Fix explained the program was first offered in 1991, then T21 projects were offered in 1998, which was the funding being used for the current $1 million project. He said new money called SafeT was available in an 80/20 grant for projects, and pedestrian access had been historically a big winner for funding. He added the City would be competing with many others for the money, but he was optimistic since they were trying to fund safety projects and the City's project would be to get pedestrians out of the roadways and to a safe place to walk. He said the project they were proposing was $2.399 million with a local match of $479,842. Councilmember Pruitt asked where the City's 20% match would come from. Mr. Stephens said it was a three to four-year program and he was sure CEDC could come up with some of the funds. Mr. Hicks explained the time line—application, nine months to rank the applications, then to the Highway Commission before final approval. He said the City would then be approached and asked if it still wanted the grant, they'll submit the contract, then it would be nearly one year before the City had to commit to the funding. He added the City was more than a couple of years from making a financial commitment, giving time to plan for it. Councilmember Pruitt asked if the water and sewer would be fixed by then. Mr. Cluck said the project would need a water line under it before it was done. Mr. Hicks stated they allowed utility relocation in past projects, but no longer did. Mr. Malone indicated only three fireplugs would need to be relocated, no water or sewer. Councilmember Maris asked if the water lines were big enough for the future. Mr. Malone replied they were six-inch and eight-inch lines now, but the City would be constantly adding to that.

Mr. Hicks described the project as extending a ten-foot wide sidewalk on Highway 19 on the east side from Highway 64 past the last major parking area and on the west side from the end of existing sidewalks to Wynne Road. Then on Highway 64, widening existing sidewalks east of Highway 19 by the convenience store and BBQ place. He said TxDOT was talking about putting in another drainage structure under Highway 64 to allow pedestrian crossing under the highway, so the proposed sidewalk would extend down to the culvert to cross back to the north and not do any further east. On the north side of Highway 64, they would widen the existing sidewalk and go all the way to the entrance to Old Mill Marketplace. It also included the County annex building and three blocks in the downtown area which were cut from the current project.

Councilmember Maris asked if there would be room for parking in front of Rod's BBQ. Mr. Hicks indicated the sidewalk would be at ADA grades and slopes then blend to asphalt, so parking would still be there. Mr. Cluck pointed out there was an existing walkway under Highway 64 but not access to it. Mr. Malone said the goal was also to help connect the Curry grounds and allow flow back and forth to town.

Councilmember Maris asked when work would begin on Phase 1 and where they stood on costs. Mr. Hicks predicted before the end of the year and noted recent activities. He said three blocks were cut from the original application to get back to the money.

Cliff Bowden stated the staff's recommendation was to go forward with the application. He said if the Council so desired to seek the grant, it could plan for the funding or decline it at a later date. Councilmember Brockman suggested putting some money aside each year.

## INDIVIDUAL CONSIDERATION

12. PUBLIC HEARING AND CONSIDER ADOPTION OF AMENDMENT TO 1985 ZONING ORDINANCE ESTABLISHING DEER MEADOW PLANNED DEVELOPMENT DISTRICT – Lonny Cluck explained there were four issues he was concerned about which the developers were supposed to address. He said if they were taken care of, he didn't have a problem with the development. He said he didn't feel the City should be responsible for an easement on the Slaughter property; he was not in favor of a lift station if gravity flow drainage would work and if it didn't the homeowners would need to be responsible for maintaining the lift station; he did not want to maintain a force main; and the developers needed to meet higher road specifications if city engineers determined it necessary after core samples were taken. Rick Malone suggested the City's standards be amended to require core samples and related street specifications on future projects. Councilmember Brockman asked about the cost of the core samples. Mr. Cluck estimated $2,000

Cliff Bowden reported owners of over twenty percent of the property were opposed to the zoning because they were concerned about drainage. He said they were asking for further study or denial. He said they were told it would not change the one hundred year flood plain and there was no more risk today than after the development with the way it was being engineered, but they were still opposed. Councilmember Maris asked where the water went. Mr. Malone explained it split and most water would go behind Lazy U and some would go through Mr. Slaughter's property, draining toward Hilliard Street and back behind Lisa Arms Apartments. The other in front of the crest would go to Highway 243, to Mr. Bobo's tank, and to Avenues A, B and C. He added the City would better maintain Avenue A, B, C drainage. He said there was also a poor design at Hilliard that stopped up easily. Mr. Bowden stated the engineer pointed out the culverts under Avenue A were small, and if adjusted, water would not back up so much on houses along the creek. Mr. Malone noted water did not back up at Avenue A when the City received a recent four-inch rain. He reiterated the engineers said it was okay. Mr. Bowden indicated that was the staff's recommendation as well. Rick Malone added contingent upon the developers putting in a detention pond if they could not reach an agreement for the drainage easement. Mr. Bowden said developers had worked with the staff and satisfied the issues that were brought up. He added they did a flood study and matched it with the FEMA study in 1986, finding the effect on that particular creek was immeasurable. Councilmember Pruitt asked what would happen if Mr. Lewis decided to develop land across the creek. Mr. Malone indicated it would raise it less than one inch. When asked about the culverts, Mr. Malone said the City would clean them out to get maximum drainage. Councilmember Maris asked if they needed to be enlarged. Mr. Cluck explained larger culverts would increase the speed of water to points further down the creek. Mr. Malone stated he had lived on Avenue A since 1974 and there had been no major flooding since the culverts were worked on in 1989.

## REPORTS

13. MAYOR'S REPORT – None

14. CITY MANAGER'S REPORT- Cliff Bowden asked Jim Fuller for a report who indicated everything was on track for the bluegrass festival but he was worried about the impact fuel prices would have on the event. He said they had top talent to overcome that and they needed to concentrate on pulling attendance from the local area and promoting in the metroplex. He said Tyler and East Texas were covered pretty well. He added they would start

putting up posters, flyers had been mailed to their mailing list, promotion in the Van Zandt shopper was being sent to 15,000 addresses, participating band members took flyers wherever they went, and they were attending the Fiddler's Festival in Athens at the end of May He commended the volunteers, especially Betty and Alan Thompson, and asked for help with concessions and preparing the civic center. Mayor Pro Tem Pruitt said they had discussed a Friday discount ticket for anyone inside the city limits Mr Bowden agreed to include a coupon in the next city newsletter going out in June. Jim Stephens was asked to request $2,000 from CEDC to help advertise in the metroplex.

In further reports, Cliff Bowden presented hiring procedures along with a section on hiring policies taken from a new comprehensive General Government Policy & Procedure Manual for the City of Canton he had been working on with some students for a number of months. He noted one of the students was a personnel expert who reviewed policies from eight cities and developed the synthesized version taking into account contemporary management and laws. He said the manual was in draft form and needed further review prior to council consideration He also noted he was working on a Red Book (policies and procedures) for the Fire Department, a Blue Book (policies and procedures) for the Police Department, and a number of different studies with his students

Mr. Bowden reported the Council had asked staff to find $12,000 to remove debris from the city's downtown property, but Mr Gentry was willing to do it at no cost in exchange for salvage rights. Richard Davis said a contract had been drafted which included a ninety day time limit, but it had not yet been executed. The Council had no objection to the agreement Councilmembers Brockman and Maris confirmed Mr. Bowden's assumption the lot was purchased for a new city hall but could be used for parking in the interim. Mr. Stephens was given permission to proceed if the agreement with Mr. Gentry fell through He said he would also contact Jeff Callan whom Mr Pruitt said would clear the lot for approximately $8,900.

In other matters, Mr Bowden informed the Council about having received numerous complaints about the Senior Citizens Building and activities taking place there. He said it appeared to be a personnel issue with the Meals on Wheels program and he had contacted the regional director about the concerns. Mr. Bowden stated the local coordinator created a hostile environment to the point no one was using the facility and some felt forbidden to use it, including AARP which didn't meet there because they didn't feel comfortable Responding to a recent article in the paper, Mr. Bowden stated the City was supportive of Meals on Wheels and current action would not have any negative effects on that. He said it was simply a personnel issue Mr. Powell needed to address He added he had met with Mr Ernie Golson who told him the personnel change was needed and he would have more activities there and more people would be willing to serve on their board. Mr Bowden explained only one to two people were usually eating at the building and most prepared meals were assembled on site then delivered. Councilmember Wilson stated he thought the City received a commitment the last time that the situation would be taken care of. Mr Stephens said he was told it would be handled by the 17th Responding to Councilmember Maris' question, Mr. Bowden indicated Tam Erwin scheduled the use of the building. Councilmember Pruitt instructed the staff to send Mr Powell a letter indicating the problem needed to be handled immediately. Councilmembers Brockman and Maris agreed. Councilmember Wilson suggested going to Mr. Powell's supervisor. Mr. Bowden finished by stating the City was supportive of Meals on Wheels and all Senior Citizens groups, and that he would like to meet with them and see what could be done to help them.

Mr. Bowden then reported the Home Rule Charter Commission had a meeting and the

chairman reported he felt they were making good progress, but not all agreed The chairman reported negative public comments on the population estimate and annexation rules and parameters and passed on a request for the Council to hold a Town Hall meeting. In answer to their request, Mr Bowden said the Mayor was proposing a Town Hall Meeting on June 6th at the Civic Center for the City Council to take input about the Home Rule effort. Mr. Bowden asked the council to communicate their feelings about the meeting to the Mayor.

15. STAFF REPORTS – No further reports

16. ITEMS FOR FUTURE AGENDAS – Not discussed.

17. ADJOURN – There being no further business to discussion, the work session adjourned at 6:32 p.m.

R C Anderson, Mayor

ATTEST:

Julie H Seymore, City Secretary

**MINUTES**

**CANTON CITY COUNCIL REGULAR MEETING**
**6:30 P.M., TUESDAY, APRIL 18, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1. CALL TO ORDER – Mayor Pro Tem Raymond Pruitt called the meeting to order at 6:32 p m with Councilmembers Ross Maris, Robert Brockman, Ron Sanford, and Rusty Wilson in attendance Mayor R C Anderson was absent City Manager Cliff Bowden, Jr and City Attorney Richard Davis were also in attendance

2. INVOCATION – given by Jim Stephens.

3. PLEDGE OF ALLEGIANCE – led by Mayor Pro Tem Pruitt

4 DECLARATIONS REGARDING CONFLICTS OF INTEREST – None

5. PROCLAMATIONS AND ANNOUNCEMENTS – None

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – Jim Fuller reported in Work Session

**CONSENT AGENDA**

7. CONSIDER APPROVAL OF MINUTES FROM MARCH 21 AND 28, 2006 CITY COUNCIL

MEETINGS – The minutes of the March 21 and 28, City Council meetings were unanimously approved upon motion by Councilmember Brockman and second by Councilmember Sanford.

8. CONSIDER APPROVAL OF MARCH 2006 FINANCIAL STATEMENTS – The March 2006 Financial Statements were unanimously approved upon motion by Councilmember Maris and second by Councilmember Brockman.

9. CONSIDER APPROVAL OF CONTRACT WITH ATLAS ENTERPRISES, INC. FOR FIREWORKS DISPLAY –The $12,500 contract for the fireworks display was unanimously approved upon motion by Councilmember Sanford and second by Councilmember Wilson.

10 CONSIDER APPROVAL OF CONTRACT WITH LAND DESIGN PARTNERS, INC. FOR LANDSCAPE ARCHITECTURE SERVICES ON CANTON RECREATIONAL FACILITY MASTER PLAN REVISIONS AND IMPROVEMENTS – Councilmember Maris made the motion to approve the $3,800 contract with Land Design Partners, Inc to revise the Master Parks Plan. Councilmember Brockman seconded and motion passed with all voting in favor.

11 CONSIDER ADOPTION OF RESOLUTION CERTIFYING FUNDING AND SUPPORT FOR TEXAS DEPARTMENT OF TRANSPORTATION ENHANCEMENT GRANT APPLICATION TO BUILD CANTON/FIRST MONDAY TRADE DAYS STREETSCAPE ENHANCEMENT (PHASE II) – Councilmember Maris made the motion to adopt Resolution No. 2006-08 authorizing application for a Phase II Streetscape Enhancement Grant from the Texas Department of Transportation Councilmember Sanford seconded and all voted in favor

**INDIVIDUAL CONSIDERATION**

12 PUBLIC HEARING AND CONSIDER ADOPTION OF AMENDMENT TO 1985 ZONING ORDINANCE ESTABLISHING DEER MEADOW PLANNED DEVELOPMENT DISTRICT- Mayor Pro Tem Pruitt opened the Public Hearing at 6:35 p m Mr William Rumsey, 863 Ave A, objected to the Deer Meadow development due to the probability of increased flooding and erosion. He lives downstream and part of his property is in the one hundred year flood plain. He said his property flooded three times less than six years prior and presented pictures of creek erosion. He reported city engineer Gary Burton told him the peak flow would arrive sooner. He added with peak flow came peak volume and increased erosion. Mr. Rumsey presented his research findings from Bar Engineering, University of Virginia, EPA and FEMA. He said two and ten year return periods were commonly used instead of one hundred years He noted the one hundred year storm phrase implied intense rain unseen for hundred years, but that was incorrect It meant rainfall totals had a one percent probability of occurring at that location that year and it didn't change the chances of receiving the same amount of precipitation the next day He said the twenty-five year storm indicated a four percent chance and the ten year storm indicated a ten percent chance. Mr Rumsey stated a two to ten year study needed to be used which increased his chances from one percent to ten percent, increased velocity to eight feet per second from 1.8 feet per second, and peak discharge rate from .4 cubic feet per second to 4 3 in a two-year study. He said there would be ten times the amount of rain coming off meadow and the runoff volume for a one-inch storm on meadow was 218 cubic feet while it was 3,450 cubic feet on a developed area with impervious material, sixteen times the amount. He said the subdivision would consist of impervious material and be seven times the quoted amounts since the figures above were for one acre and the subdivision covered seven Councilmember Maris asked Mr. Rumsey what his feelings were about the eventual use of that property. Mr Rumsey stated he would always be opposed to putting that many houses (6 houses to one acre on one side and 4 5 houses per acre on the other) on a

small amount of land. He added he would be opposed to using the hundred year flood plain study also and felt a two- to ten-year flood plain study should be used.

Rick Malone explained the bulk of the water would be diverted to the Slaughter property which would go back around to dry creek, and the balance would go to Highway 243 down the ditch approximately 800 feet to a drainage structure and back under the road. Mr. Rumsey said he lived less than 150 feet from Highway 243. He also said Mr. Burton told him the drainage under Avenue A could be causing a problem. He said the city had a 6x6 box, then four 2x2 tenhorns under Avenue A which meant a lot more could go in than could get out. Mr. Malone advised the figures were not relative to the subdivision because the detention time to the highway was not factored in. He said the effect was less drastic than if water was running straight off a 6x6 box. He also noted the engineering was based on the 1986 FEMA study factoring in reversing changes since that time, cubic feet per acre run-off per home, and where the drainage was going. Mr. Rumsey asked if Mr. Malone disagreed there would be thirty percent more runoff.

Engineer Ray Brumley advised the one hundred year storm would put more water on the property giving the maximum amount of water put in the ditch. He said the two and ten-year storms put parameters of the flood area inside of that, so that calculated with the one hundred year storm gave the worst case scenario. Mr. Malone said plans were developed by Benchmark engineers out of Tyler and city engineers concurred. He added the stream in question was a DC3A which had a 100-year discharge rate of 930 cubic yards per second, currently it adds 40 cubic feet per second to that, and under development will discharge 66 cubic feet per second, giving a net increase of 26 cubic feet per second equaling 2.8% based on 100-year. He said one reason he had the engineers do the 100-year study was so there would be no gaps. Mr. Rumsey said all studies done by Barr Engineering indicated there would be over 50% impervious material on 14.25 acres. He said you get 30% more run-off over impervious material. Mr. Malone replied that wasn't the net yield of coverage per land. Councilmember Maris noted in past years subdivisions were built without the benefit of these studies, but now they were required by the city and Mr. Malone had gone beyond that to satisfy the Council it wouldn't be a hazard to Mr. Rumsey. He added the city would do some work on the culverts. Mr. Rumsey stated if the Council passed the zoning, it would make the City and developer liable for a civil lawsuit if flood water got into his house.

Lonny Cluck stated an engineering study was done, the city's engineer reviewed and concurred with the study, and a detention pond was an alternate to the current drainage plans which would decrease the impact to the creek to about zero. Mr. Rumsey stated any development over ten acres was required by TCEQ to have a retention pond, quoting Diana McDonald from the EPA office in Dallas and Mr. Love from TCEQ in Tyler.

Mr. Malone said the quoted percentage of increased water was not relative because the development included a one-acre park area.

Developer Mike Blake, 5434 VZCR 1222, Grand Saline, stated the Council had been given information from the developers' engineers and the City's. He said that was what they relied upon to do a development and the plans had also been filed with TCEQ who was aware of any requirements. He added the retention pond was not a requirement but they were agreeable to voluntarily putting it in if that was what needed to happen. He reported the percent of increase in overall water flow was close to insignificant, 2.8% which was a low amount of increase. He said they had taken all precaution in the design and had been working for months on the project. He said they had a good plan and would construct a good development that would

also benefit the city

Councilmember Maris asked about the location of the retention pond Mr Malone stated it was located in the back 30% of the development Mr. Blake replied it would not affect the water running out to Highway 243 because it was behind the crest Mr Malone presented the plans noting the green belt where the pond would be, the peak separating the water flows, and the lower density area toward Highway 243

Mr. Rumsey again noted peak flow was faster, creating more erosion He said he had a tree about to fall into the creek and once it did the land would start washing

Hearing no further comments, the Public Hearing was closed at 7:00 p.m Mayor Pro Tem Pruitt stated the staff's recommendation was to adopt the ordinance He noted it would take four votes to pass since over twenty percent of the neighboring property owners objected. Councilmember Brockman made the motion to adopt Ordinance No. 2006-05 amending the City of Canton Zoning Ordinance establishing the Deer Meadow Planned Development District contingent upon the following: (1) a drainage easement is pursued by Grace Homes, (2) developers assume full responsibility for running gravity flow sewer unless the cost is substantially higher than running across the Slaughter property, (3) the force main will be owned by the City and the association will pay to maintain it, and (4) if geotechnical tests (at the city's expense) indicate higher road specifications are required, developers will meet those specifications Councilmember Maris seconded and motion passed with all voting in favor. Owners Mike Blake and Garland Willis agreed to the contingencies

## REPORTS

13. MAYOR'S REPORT – None

14. CITY MANAGER'S REPORT – The City Manager's report was given during the Work Session.

15. STAFF REPORTS – Lonny Cluck reported the new First Monday bridge should be ready by First Monday, but they were working with the engineer and general contractor on problems with the new restroom.

Cliff Bowden reported the city had received a request for a water tap from a property owner outside the city limits who had indicated he was not in favor of being annexed. He said he denied the request and informed him of the current policy to reject any requests for service outside the city limits unless the property owner agreed to annexation upon eligibility. The Council confirmed Mr. Bowden's action. Mr. Malone said the applicant, Brian Young, had indicated he was now thinking about having a couple of acres annexed He said Mr. Young felt he should be allowed the tap since a 1000 ft. water line went through his property and another meter had been on the line sixteen to seventeen years

Mr. Bowden announced the election votes would be canvassed on May 16th and the regular meeting would be held on May 23rd All agreed

16. ITEMS FOR FUTURE AGENDAS – Councilmember Pruitt requested the Council consider charging a nominal fee for the distribution of the CANTON GUIDE on the First Monday grounds When asked, he said nominal would be approximately $2,000. Councilmember Brockman asked Richard Davis to check the legality of doing so. He also requested the Council consider designating the TYLER MORNING TELEGRAPH as the City's official

newspaper. Staff was asked to inform Dan Eakin from the CANTON HERALD Mr. Bowden reminded the Council of upcoming appointments to the Canton Economic Development Corporation Board, the Planning & Zoning Commission and the Board of Adjustment.

17 ADJOURN – There being no further business to discuss, the meeting adjourned at 7:10 p.m. upon motion by Councilmember Maris and second by Councilmember Brockman

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**CANTON CITY COUNCIL WORK SESSION**
**TUESDAY, MAY 16, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 5:30 p.m. with Councilmembers Ross Maris, Robert Brockman, Ron Sanford, and Raymond Pruitt attending. Rusty Wilson joined the meeting at 5:37 p.m. City Manager Cliff Bowden, Jr. and City Attorney Richard Davis were also in attendance.

2. INVOCATION – None during Work Session.

3. PLEDGE OF ALLEGIANCE – None during Work Session.

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None

5. PROCLAMATIONS AND ANNOUNCEMENTS – None during Work Session.
   A. PRESENTATION TO OUTGOING COUNCILMEMBERS RECOGNIZING THEIR DEDICATED SERVICE TO THE CITY OF CANTON AND ITS CITIZENS
   B. STATEMENTS BY OUTGOING COUNCILMEMBERS

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA. – None during Work Session

**CONSENT AGENDA**

7. CONSIDER APPROVAL OF MINUTES FROM APRIL 18, 2006 CITY COUNCIL MEETING – No discussion.

8. CONSIDER APPROVAL OF APRIL 2006 FINANCIAL STATEMENTS - No discussion.

9. CONSIDER APPROVAL OF VARIANCE TO FLOOD DAMAGE PREVENTION ORDINANCE TO BUILD FIRST MONDAY RESTROOM IN FLOOD WAY – Rick Malone explained the City's floodway ordinance granted the Council the responsibility of considering the issuance of any flood plain variances when someone wanted to build in the flood zone He said a variance was necessary to build the restroom at the First Monday Park. Mayor Anderson asked if the variance should be granted or the construction should be adjusted Gary Burton stated the variance was necessary to be in compliance with the City's ordinance and the Council had an engineering letter stating it would not raise the one hundred year flood elevation which was part of the requirement for granting a variance. Mayor Anderson asked if construction would be appropriate once the variance was granted Mr. Malone replied the construction complied with the City's ordinance and FEMA. Mr. Burton added it was built within those design standards and the variance was an administrative procedure

10. CONSIDER ADOPTION OF RESOLUTION NO 2006-09 DESIGNATING TYLER MORNING TELEGRAPH AS CITY OF CANTON'S OFFICIAL NEWSPAPER – Cliff Bowden stated the item was brought forward for discussion at the Council's request and he noted a representative from the local paper was in attendance. City officials discussed their problems with Canton Herald representatives Dan Aikin and Susan Harrison. They asked for fair representation in the local paper, the cessation of negatively misleading headlines, for free publication of information critical to the public such as the water rationing notice, and an opportunity to respond to misleading, untrue statements in advertisements. Mr Aikin noted if the City were responding to an advertisement, it would have to respond by paid advertisement unless it could do so without referring to the ad He added the editors wrote the headlines, but he would pass on the request. Susan Harrison suggested the City let the Herald staff know to contact Mr. Aikin for guidance before placing ads or publishing information to determine if it could be covered at no cost. Ms Harrison also noted the paper welcomed press releases. (Councilmember Wilson joined the meeting at 5:37 p m.) Mr Aikin promised to try to do better and noted the paper and the City were both serving the people of Canton and the Canton area

11. CONSIDER INTERLOCAL AGREEMENT WITH CITY OF GARLAND POLICE DEPARTMENT BOMB SQUAD AND CITY OF GARLAND HEALTH DEPARTMENT – Tim Gothard explained the Garland Bomb Squad had received federal grants and had offered their assistance to local jurisdictions, which qualified them for more funding He stated the service was a resource at no cost and no liability to the city.

**INDIVIDUAL CONSIDERATION**

12. OFFICIAL CANVASS MAY 13, 2006 GENERAL ELECTION RETURNS – Cliff Bowden explained there would be a petition for a recount filed the next day and the recount would be scheduled for Thursday He also noted the City was made aware of the possibility that people living outside the city limits voted in the city election. He explained after investigating, there were at least two people who voted under those circumstances, but they were on the city's voter registration list checked by the election judges. He said any error was made at the voter registrar's office, so nothing done in the city election was inappropriate He stated the City was advised by the Secretary of State's office that those votes were to be counted. Mr. Bowden also explained that Monday afternoon the city secretary discovered two mail-in votes that were not counted. He said the election judge received and acknowledged receiving the ballot envelopes, but didn't open or count them in the total He added the City contacted its lawyers and the Secretary of State's office and found the election was final without a petition for a

recount, and the uncounted votes would only be added if a recount were petitioned and conducted He added Mr Deibert picked up a petition for a recount and would submit it so those two overlooked votes could be counted He noted that was the legal procedure to follow. Councilmember Maris asked if the two votes outside the city limits would stand. Mr Bowden answered yes and that the voter registrar's office had been notified there were at least two errors which they will note and correct for the next election Julie Seymore clarified the Voter Registrar would update their list according to a new border map provided by the City. Mr Bowden explained there were errors of some kind in every election throughout the country, noting the errors in the 2000 Presidential election. He said it was not unusual to have errors, but that two were discovered and the City was making it known and taking the proper steps. Mr. Bowden stated he anticipated the date for canvassing the votes would be April 23rd and following the guidelines, the Mayor would be the recount coordinator and appoint a committee.

13. CONSIDER ADOPTION OF RESOLUTION NO. 2006-10 DECLARING RESULTS OF MAY 13, 2006 GENERAL ELECTION – No further discussion

14. PUBLIC HEARING AND CONSIDER ADOPTION OF RESOLUTION NO. 2006-11 AUTHORIZING APPLICATION TO TEXAS DEPARTMENT OF AGRICULTURE FOR A 2006 TEXAS CAPITAL FUND GRANT FOR CONSTRUCTION OF PUBLIC UTILITY IMPROVEMENTS TO THE PROPOSED TRINITY MOTHER FRANCES HEALTH SYSTEMS DEVELOPMENT SITE – Lonny Cluck reported there wasn't adequate water volume at the new Mother Frances Clinic and the most logical way to correct it was to run a loop from Highway 64 under Interstate 20 to the service road looping in the existing line He noted it still wouldn't meet what the fire chief would consider standard codes, but it would bring Mother Frances to the minimum requirements for a fire protection sprinkler system. He noted they had pumps in their building plan. He also noted the City was putting in a water loop on Cherry Creek with pipe already purchased for the project plus an estimated $30,000 in labor, which would help that side of town Mr Cluck stated since the taxes were put in, it opened more grant prospects because a city tax added a large number of points to the application He said the City would apply for a $1 million grant, but may get $750,000 depending on how many people Mother Frances employed. He noted based on engineering, the best way to resolve the issue would be to run the loop and build an elevated water tower Mr. Cluck said the city could apply the grant toward the water tower or the line

Justin Epker with Grant Works, explained the Capital Fund Grant through the Department of Agriculture was an economic development grant which helps provide infrastructure for communities and it was better suited for the loop than the tower because it was difficult to link benefits of a tower directly to one business.

Mayor Anderson asked about the two phases Mr Cluck explained both the loop and the water tower were needed, but his recommendation was to put in the loop first to get Mother Frances the minimum pressure and volume necessary to open. He cautioned there wouldn't be adequate volume for fire fighting Rick Malone stated Mother Frances needed 400 gallons per minute with 20 psi residual to fight a fire for an hour versus the current 62 gpm with 0 residual. He said the loop would increase that to over 500 gallons per minute and 25 psi residual. He stated the loop was needed and was a primary part of the entire system He added it was the cheapest and fastest solution. Mayor Anderson asked if a larger water line was needed. Mr. Malone indicated a larger line was installed. Mayor Anderson asked why no one was talking about the water park in the same area. Mr. Malone explained the water park didn't use much water once it was full because it had its own water processor allowing them to recycle their water. He said they would use one million gallons over a month to fill it up, then it would only

need maintenance, while the clinic would use three to four times that amount He added it wasn't so much water usage as it was fire protection. Mr. Cluck stated the proposal was to run a ten inch line to the existing six inch line at the clinic. He said it would help everything on that side of FM 859 and any growth

In discussing the time frame for the grant, Mr. Epker said the grant application deadline was June 2nd and if the council approved it, they'd prepare it by then He added they should know within a few weeks if it is successful, then they would wait for contracts to become available Construction should start with the grant funds available by November Councilmember Maris noted Edgewood received a grant for a water tower Mr. Epker replied by August 31, the City could apply for a Texas Community Grant benefiting residents to fund the tower. Councilmember Maris asked what the city's prospects would be with a zero property tax Mr. Epker stated the Texas Community Development Grant would be very difficult to get, while the Texas Capital Fund required a tax as a scoring criteria, but not necessarily a property tax. He said most grant programs wanted to see the community investing in themselves before asking for assistance, so that was the reason to have the property tax Mayor Anderson said he would like to pursue water storage grants in August because the City had development and Etheridge Farms had pressure problems Regarding elevated storage, Mr. Cluck said they needed to go north and south of town, and noted they had pressure sources with the existing tower and the water plant

Justin Epker stated for the Capital Fund Program, one needed to consider how the application was scored, that it was mostly driven by how many jobs a business was going to be creating. He added other scoring factors dictated how competitive the City would be and how much it could ask for He noted the application could be pre-scored and they had two scenarios to consider: one asking for more grant funds but having a lower score, and a second allowing a higher score but requesting less funds He said the funds available was not enough to finance the project based on the twenty-five jobs committed to by Mother Frances. He added they tried to include the water park, but seasonal jobs did not count toward the new job creation criteria and all of the full-time, year-round positions would already be filled within the next few weeks He noted only the jobs created after the fund was given and the project done counted. Mr Epker stated as more things developed in that area, the City could continue to apply for more grants (up to four times a year) to assist future business with infrastructure Mr. Epker recommended two scenarios. One would be to request $374,904 with a score of forty-five, which would have been funded in the last eight rounds He said he felt confident of the success of that score He also offered increasing the grant to $500,000 which would give up five points, scoring forty. He added that was enough to be successful 62% of the time in past rounds. He said it depended upon the number of applications and their score He said the Department of Agriculture was expecting more applications than submitted in the first round of 2006, which might mean they were late and would now be submitted increasing the competition Lonny Cluck estimated the cost of looping the line would be approximately $700,000 because it was difficult to predict the cost of easements Plus, if the water tower was estimated to cost $1.3 million, the total project at today's prices would be $2 million Councilmember Brockman asked where the City would get its funds Mr Cluck reported CEDC was trying to allocate some money for the project Councilmember Maris asked if the grant had to be received before construction could begin Mr Epker stated there would be a sizeable investment from the local community and those dollars could be expended after the application deadline on June 2nd He said grant funds would not be available until November. He added they would check to see if there was a way to request permission, based on an urgent need, to complete the project and be reimbursed for the amount of the grant. Mr. Malone noted the clinic was looking to open at the first of the year

15. CONSIDER ADOPTION OF CITIZEN PARTICIPATION PLAN FOR ALL TEXAS COMMUNITY DEVELOPMENT PROGRAM PROJECTS – Justin Epker commented the citizen participation plan was a common requirement for communities participating in any kind of community development block grant program. He said they had to establish criteria by which the City would inform citizens of public hearings. He noted the plan would also apply to the community development program if the City applied.

16. CONSIDER ADOPTION OF ORDINANCE NO. 2006-07 AMENDING FISCAL YEAR 2005-2006 ANNUAL BUDGET – Cliff Bowden presented the amended budget and noted some adjustments had been made, citing examples such as an $180,000 increase in utility costs over what was expected due to the increase in fuel and utility costs all were experiencing. He noted First Monday's utility bill for the previous month was $72,000. He said most adjustments were for increasing costs and the only thing added of any large difference was the fire department's request for an additional full-time firefighter. Tim Gothard stated from 2003 to 2005 the Fire Department's calls had almost doubled. He said they had part-time staff during the daytime for the past 1 5 years which worked well, but due to the call volume and duties they had to perform (for the Texas Commission on Fire Protection, the upkeep on vehicles, equipment testing, etc.) they would like the City to plan for future growth by hiring a full-time firefighter. He added more could be accomplished with grant work and emergency management if someone were there to respond to calls. Councilmember Wilson asked if it couldn't wait until the next year since there were only four months remaining in the current budget. Councilmember Sanford stated it could wait, but the fire season was getting started. Chief Gothard indicated he would like to get the program started. He reported the Fire Department was going to hold a fire academy charging $1000 per student which would wash with the instructor's fees, but the academy didn't materialize. He also noted they budgeted $66,000 for equipment to be paid by a FEMA grant which they learned they didn't receive, but they were reapplying for another FEMA grant. He said he hadn't received a response from the previous year's application for a "SAFER" grant for paid firefighter positions, but in June they were offering another round of the grants. He added he didn't think the grant worked the way it was said it would and that he thought only two departments in Texas received that funding. Councilmember Wilson asked if the full $27,000 annual salary was budgeted. Chief Gothard indicated $16,000 was in the budget based on costs estimated at mid-year. Mayor Anderson noted it did obligate the Council for the next budget cycle. Councilmember Wilson was concerned about the numbers. Mr. Bowden stated the budget could be more specific for four months. Councilmember Wilson and Councilmember Pruitt indicated they were fine if the amount were only $10,000. Mayor Anderson noted the cell phone bills went up a lot. Following a brief discussion, Mayor Anderson instructed the staff to look at the cell phone pool plan and to make sure it was used for city business.

## REPORTS

17. MAYOR'S REPORT – Time constraints precluded inclusion of reports

18. CITY MANAGER'S REPORT

19. STAFF REPORTS

20. ITEMS FOR FUTURE AGENDAS – None discussed.

21. ADJOURN – There being no further business to discuss, the Work Session was adjourned at

6:36 p m

R.C. Anderson, Mayor

ATTEST:

Julie H Seymore, City Secretary

**MINUTES**
**CANTON CITY COUNCIL REGULAR MEETING**
**TUESDAY, MAY 16, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 6:34p m with Councilmembers Ross Maris, Robert Brockman, Ron Sanford, Raymond Pruitt and Rusty Wilson attending City Manager Cliff Bowden, Jr and City Attorney Richard Davis were also in attendance.

2. INVOCATION – given by Jim Stephens

3. PLEDGE OF ALLEGIANCE – led by Judge Durham.

4 DECLARATIONS REGARDING CONFLICTS OF INTEREST - None

5. PROCLAMATIONS AND ANNOUNCEMENTS
PRESENTATION TO OUTGOING COUNCILMEMBERS RECOGNIZING THEIR DEDICATED
A. SERVICE TO THE CITY OF CANTON AND ITS CITIZENS – Mayor Anderson presented Councilmembers Ross Maris, Raymond Pruitt and Rusty Wilson with a recognition award and thanked them for their service to their community Mr. Anderson noted he attended a meeting at which was discussed volunteerism and the decline of citizens' willingness to serve He said it was harder to find people to serve on committees and to run for office. He added many didn't fully appreciate the responsibility all on the Council felt toward the city and their position He said he appreciated the prayer on those serving overseas and noted that people should never take for granted those serving at the local level, i.e school board, church, and city council He stated it had been his honor to serve with all on the council.

B STATEMENTS BY OUTGOING COUNCILMEMBERS – Ross Maris thanked the Mayor for the plaque and said he was proud to have served on the City Council for two years and he was confident the new councilmembers would do a good job and continue their efforts He added he was proud of the City's great staff which was the continuing force while councils come and go He asked the Council to try to support them and set policies to support growth Mr. Maris stated a lot had happened during the last two years, creating some turmoil, but he was proud to have been a member of the Council. He said the Council did some things that needed to be done even though they were criticized, that they were for the betterment of the city which he'd like to see carried on.

Raymond Pruitt thanked the Mayor for the plaque and the city employees for their dedication He said he would miss it. He congratulated Elaine Seymore for showing interest during the campaign and wished good luck to all.

Rusty Wilson stated he grew up in Canton and had a deep love for the community He said he had the utmost respect for the employees and citizens He added it had been a privilege to help serve the community. He also stated he was grateful for the things the city had given him and he was fortunate to have raised his family in Canton. He thanked everyone who supported him in the past and said he knew everyone would support the new Council.

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – Jim Fuller reported things were looking well for the Bluegrass Festival and he was trying to make it the biggest event in this part of the world. He noted other festivals in Glenrose and Nacogdoches and their best turnouts ever even with the high fuel prices, which he considered encouraging for Canton's festival He stated he was receiving three to ten calls per day and people were coming from all over the country. He reported advertising in the local papers and was offering discount prices on tickets bought by June 1. Mr. Fuller thanked Alan and Betty Thompson who had been a tremendous help along with Pat and Jim Stephens. He said posters would go up the following week and he was counting on all councilmembers' help to cook fish for the fish fry

**CONSENT AGENDA**

7. CONSIDER APPROVAL OF MINUTES FROM APRIL 18, 2006 CITY COUNCIL MEETING

8 CONSIDER APPROVAL OF APRIL 2006 FINANCIAL STATEMENTS

9. CONSIDER APPROVAL OF VARIANCE TO FLOOD DAMAGE PREVENTION ORDINANCE TO BUILD FIRST MONDAY RESTROOM IN FLOOD WAY

10 CONSIDER ADOPTION OF RESOLUTION NO 2006-09 DESIGNATING TYLER MORNING TELEGRAPH AS CITY OF CANTON'S OFFICIAL NEWSPAPER

11 CONSIDER INTERLOCAL AGREEMENT WITH CITY OF GARLAND POLICE DEPARTMENT BOMB SQUAD AND CITY OF GARLAND HEALTH DEPARTMENT – Councilmember Brockman requested item number ten be removed from the consent agenda Councilmember Sanford made the motion to approve items 7, 8, 9 and 11 Councilmember Maris seconded, and all voted in favor

**INDIVIDUAL CONSIDERATION**

12. OFFICIAL CANVASS MAY 13, 2006 GENERAL ELECTION RETURNS – Item tabled pending recount as explained in the work session

13. CONSIDER ADOPTION OF RESOLUTION NO 2006-10 DECLARING RESULTS OF MAY 13, 2006 GENERAL ELECTION – Item tabled pending recount

14. PUBLIC HEARING AND CONSIDER ADOPTION OF RESOLUTION NO. 2006-11 AUTHORIZING APPLICATION TO TEXAS DEPARTMENT OF AGRICULTURE FOR A 2006 TEXAS CAPITAL FUND GRANT FOR CONSTRUCTION OF PUBLIC UTILITY IMPROVEMENTS TO THE PROPOSED TRINITY MOTHER FRANCES HEALTH SYSTEMS DEVELOPMENT SITE – Mayor Anderson explained there were two application options with one for $375,000 they felt fairly confident of receiving or one for $500,000 which would be a stretch All agreed the City should apply for the one they felt assured they might receive. They also wanted to apply for another grant for the water tower. Justin Epker clarified construction on the project had to wait until the contract was issued, but they could begin on design, engineering and environmental clearance. This, he said, necessitated modifying Section 1 of the resolution allocating the city's matching portion to the design and engineering costs in order to get the project started He noted it would not cost the city any more money Mr. Burton stated it would optimistically take three months for construction. Rick Malone said the Clinic was hoping to open mid-December, but realistically it would be by the end of the year. Mr Cluck mentioned there were no promises made to the Clinic. Rick Malone discussed the insurance company's requirement and suggested the company might grant the clinic a waiver for a month in order to get the project completed The time line was for application by June 2nd, getting a response on the application by June 16th, then, if granted, approving agreements with Burton Engineering and Grant Works with work to be paid with city funds, and starting construction in September

Mayor Anderson opened the Public Hearing at 6:56 p m. and asked for comments from the public He explained the project being funded was designed to make sure the volume of water available at the medical facility on I-20 was sufficient to meet their fire requirements. Rick Malone noted it would also help the whole north side of Interstate 20. Engineer Gary Burton added it needed to be done even if the Clinic weren't there

Mr. Epker advised the funds were from federal income tax revenue set aside for community development block grants given through the state, and each state had a program of which this was one. He said it was a way to bring dollars that were being paid out of the community back into the community

Mr. Cluck noted the loop and water tower were included in an earlier engineering study for the development of the city's water supply system, and at the time of the study the water tower was proposed to be located in the industrial park on FM 859 Mayor Anderson stated the City was doing something for the infrastructure which would enhance the City's operations for a number of years Citizen Mike McLemore understood what it would do for the future, but asked what it would do for the rest of the city's water pressure Mr Malone said it would not affect the other side of town, but the city was also putting in a loop in the College/Cherry Creek area which would help there Director of Public Safety Tim Gothard cautioned the project would help the clinic, but it would not be adequate for fire fighting capability for any future development in the area Upon questioning, Mr. Burton indicated the ten-inch line would handle 1500 gpm with the tower. The Mayor noted the City was putting in the capacity and the power would come later with the tower. Mr. Gothard noted the better the water system was, the better insurance rating the city would receive which translated into lower insurance rates.

The Public Hearing was closed at 7:03 p.m. Councilmember Brockman made a motion to apply for a $374,900 grant with the change to be made in Section 1 as discussed Councilmember Wilson seconded, and all voted in favor

15. CONSIDER ADOPTION OF CITIZEN PARTICIPATION PLAN FOR ALL TEXAS COMMUNITY

DEVELOPMENT PROGRAM PROJECTS – Mayor Anderson noted the plan was a relatively standard issue. Justin Epker explained the plan was a standard written by the state and was clear on proper notification when dealing with federal and state grant funds. He added the City wanted to make sure the citizens knew the city was applying so they could and can voice an opinion about it if they wished. Councilmember Pruitt made the motion to approve the citizen participation plan as written. Councilmember Sanford seconded, and all voted in favor.

16. CONSIDER ADOPTION OF ORDINANCE NO. 2006-07 AMENDING FISCAL YEAR 2005-2006 ANNUAL BUDGET – Councilmember Pruitt asked if any raises were included in the amendments, to which Mr. Bowden responded there were none. Councilmember Brockman stated he would like the city to look at the cell phone usage. Mayor Anderson pointed out the utilities had increased by $180,000 and that the amendments did not increase the budget. Mr. Bowden confirmed they were just moving money around. Councilmember Brockman made the motion to adopt Ordinance No. 2006-07 amending the 2005-2006 budget. Councilmember Maris seconded and all voted in favor.

## REPORTS

17. MAYOR'S REPORT – Noting that one of the budget amendments was for the newsletter, the Mayor stated he had only heard positive comments about it. The Council agreed and instructed the staff to prepare it on a monthly basis rather than every other month. Mayor Anderson announced the fire season was starting which would challenge the fire department and he asked that an eye be kept on water usage. He also mentioned the water clarifier project and stated he was very pleased with all the city staff and hoped to get positive feedback from the citizens. He added he hoped the Council would work together and make every effort to do what's right for the community. He said he realized there would be times the Council disagreed on what action to take, but that he thought all would agree to work in the best interests of the citizens.

18. CITY MANAGER'S REPORT – Cliff Bowden on behalf of the entire staff, thanked the Mayor for his comments and for recognizing the hard work the staff exhibits. He noted the staff at city hall usually handled problems and complaints and the ladies at the front desk and Lonny Cluck did a remarkable job handling people that came in.

19. STAFF REPORTS – None

20. ITEMS FOR FUTURE AGENDAS – None

21. ADJOURN – There being no further business to discuss, the meeting was adjourned at 7:12 p.m. upon motion by Councilmember Brockman and second by Councilmember Wilson.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**CALLED MEETING OF THE CANTON CITY COUNCIL**
**6:15 P.M., TUESDAY, MAY 23, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 6:15 p.m. with he, Ron Sanford Robert Brockman and Raymond Pruitt attending Councilmembers Ross Maris and Rusty Wilson were absent

2. OFFICIAL CANVASS OF MAY 13, 2006 GENERAL ELECTION RETURNS – Mayor Anderson announced there were 2,454 registered voters in the city, 401 votes were cast, and three places were decided by nine votes. He informed the public at least two people outside the city limits voted illegally and at least four people were on the roster that lived outside the city limits. He said those votes wouldn't matter if more peopled showed up to vote. He then read the returns as follows:

| | | | |
|---|---|---|---|
| Candice "Candi" Benson | 27 Early | 72 Election Day | 99 Total Votes |
| Kevin L. Deibert | 61 Early | 109 Election Day | 170 Total Votes |
| Elaine Stanford Seymore | 77 Early | 108 Election Day | 185 Total Votes |
| William F. Hilliard | 61 Early | 117 Election Day | 178 Total Votes |
| Ross Maris | 63 Early | 45 Election Day | 108 Total Votes |
| Charles "Sonny" Huddle | 54 Early | 115 Election Day | 169 Total Votes |
| Rusty Wilson | 50 Early | 81 Election Day | 131 Total Votes |

3. CONSIDER ADOPTION OF RESOLUTION NO. 2006-10 DECLARING RESULTS OF MAY 13, 2006 GENERAL ELECTION – Resolution No. 2006-10 declaring Elaine Stanford Seymore, William F. Hilliard, and Kevin L. Deibert City Councilmembers as duly elected by the May 13, 2006 General Election was unanimously adopted upon motion by Councilmember Pruitt and second by Councilmember Brockman

4. ADJOURN – There being no further business to discuss, the meeting adjourned at 6:18 p.m. upon motion by Councilmember Brockman and second by Councilmember Pruitt.

R C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**CALLED MEETING OF THE CANTON CITY COUNCIL**
**6:30 P.M., TUESDAY, MAY 23, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 6:30 p.m. with Councilmembers Ron Sanford, Elaine Seymore, Robert Brockman, Kevin Deibert and William Hilliard attending. Also attending were City attorney, Richard Davis, and Assistant City

Manager, Lonny Cluck.

2. ISSUE CERTIFICATES OF ELECTION, ADMINISTER STATEMENTS OF ELECTED OFFICER AND OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS, CONFLICT OF INTEREST DISCLOSURE, TRAINING REQUIREMENTS – Mayor Anderson issued the certificates of election, the candidates filed their Statements of Elected Officer, and Judge Lilia Durham administered the oath of office to Elaine Seymore, Kevin Deibert and William Hilliard. Richard Davis explained the conflict of interest disclosure requirements and Julie Seymore advised the Council of the training requirements Lonny Cluck announced the City Manager was unable to attend the meeting and congratulated all the new councilmembers and expressed the City's appreciation for their service to the community. Mayor Anderson also welcomed the new councilmembers and advised them the Council was going to move forward from this point and improve the credibility of the city government Mayor Anderson stressed the importance of keeping the citizens informed, particularly on the difficult issues facing the City. The City has a considerable amount of debt and it was important to manage that and control the expenses. Mayor Anderson cautioned the councilmembers to know their duties and the boundaries of their responsibilities. The primary duty of the councilmembers as the city's legislators was policy making. The councilmembers were not the managers or supervisors and should not give orders to City staff members directly. The chain of command runs from city workers to division chiefs to the City Manager, who would be held accountable and responsible Mayor Anderson emphasized this was an incredible opportunity for the councilmembers to serve and they should make the right decisions for the right reasons. He said the council needed to stand together and treat each other and the citizens and voters with respect. Mayor Anderson welcomed everyone again and stated this was a time when good people could rise to the occasion and make the tough decisions.

3. ELECT MAYOR PRO TEM – Councilmember Sanford nominated Councilmember Brockman as Mayor Pro Tem Upon second by Councilmember Deibert, all voted in favor except for Councilmember Brockman, who abstained.

4 PRESENTATION OF COMMUNITY GRANT FROM TRINITY MOTHER FRANCES HEALTH SYSTEM - Leslie Bookman, regional developmental representative for Trinity Mother Frances Health System, presented the City of Canton with a $15,000 grant to help defray the expenses in acquiring the water rights from Myrtle Springs Water Supply Corporation and to aid in getting a water line to the new facility at I-20 and FM 859 Ms. Bookman thanked the City for their assistance in bringing water to the property She added Trinity Mother Frances was excited about the project and looked forward to offering expanded services to Van Zandt County.

5 CONSIDER AMENDMENT TO CITY OF CANTON 2004 COMPREHENSIVE PLAN REGARDING FUTURE LAND USE OF SOUTH SIDE OF EUBANK STREET – Discussion under Agenda Item 6. No vote taken.

6 PUBLIC HEARING AND CONSIDER A ZONING CHANGE FROM SINGLE FAMILY DETACHED RESIDENTIAL (R-1) TO RESTRICTED PROFESSIONAL AND OFFICE (RPO) ON THAT LOT LOCATED AT 141 EUBANK STREET, CANTON, TEXAS, CURRENTLY OWNED BY TOMMY AND JOY EUBANK – Mayor Anderson opened the public hearing at 6:45 p.m. Bob Reese, 315 PR 8903, Canton, Texas, explained that he was in favor of the proposed land use change from R-1 to RPO for the south side of Eubank from Buffalo to Hwy. 19. Mr Reese has been attempting to purchase the Eubank home at the corner of Eubank and Hwy. 19 and turn it into an office He pointed out this particular area of town was becoming increasingly heavy retail. If one looked at the entire tract bordered by Eubank, Buffalo, Hwy 19 and Hwy 243, it was easy to see it was more likely to transition further into retail. Having the south side

of Eubank switched to RPO would not have as much impact on the surrounding property owners Mr. Reese presented a proposed monument sign and a tentative parking layout. The majority of the parking would be behind the building with visitor parking at the front and side to retain the residential look of the property. Mr. Reese has leased the property to get possession of the property until the closing, pending the decision of the Council. One potential use of the property was a mortgage broker and real estate company. Councilmember Hilliard warned this was sacred ground that was being considered and that anyone in the building would have to coordinate with reputable people such as the Eubanks, the Hackneys and the Lewises. Mr. Reese explained the property had been vacant one to two years. Rick Malone stated the Planning & Zoning Commission had recommended the change to RPO. Juanita Hackney, 110 Eubank, said Eubank Street had been a significant street of families since 1949. Ms. Hackney said the Planning & Zoning Commission admitted this area had been made retail in the Comprehensive Plan through an oversight on their part. The Planning & Zoning Commission felt they were lessening the blow by changing the Comprehensive Plan from retail to RPO. Ms. Hackney pointed out the problems the neighborhood has already had with Dr. Dailey's clinic not conforming to the rules pertaining to traffic, parking and trash. She emphasized a change on the south side to RPO would not be welcomed. The Hackneys expressed concern that future owners of the property might not adhere to the regulations. Mayor Anderson indicated Cary Hall had sent a statement in opposition of the change to RPO while Mr. Wheeler had indicated he was in favor. The public hearing closed at 7:03 p.m. Rick Malone stated if the error on the Comprehensive Plan had been noticed, the property on Eubank would have remained residential. Julie Seymore explained the difference between the Future Land Use Plan in the Comprehensive Plan and zoning. Councilmember Brockman made a motion to deny the zoning change from Single Family Detached Residential (R-1) to Restricted Professional and Office (RPO) on that lot located at 141 Eubank Street, Canton, Texas, owned by Tommy and Joy Eubank. Councilmember Sanford seconded and all voted in favor of denying the zoning change.

7. ADJOURN – There being no further business to discuss, the meeting adjourned at 7:12 p.m. upon motion by Councilmember Brockman and second by Councilmember Sanford.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**CALLED MEETING OF THE CANTON CITY COUNCIL**
**6:30 P.M., MONDAY, JUNE 19, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 6:30 p.m. with he, Ron Sanford, Elaine Seymore, Robert Brockman, Kevin Deibert and William Hilliard in attendance. Also in attendance were City Manager Cliff Bowden, Jr., City attorney Richard Davis and City auditor Mike Conway.

2. DELIBERATIONS REGARDING PERSONNEL MATTERS (SECTION 551.074) – CITY

REVIEW WITH CITY MANAGER – 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 551 074, the Council convened in closed session at 6:31 p m for the City Manager's personnel review.

3. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – The Council reconvened in open session at 8:02 p.m. with no action taken

4. ADJOURN – There being no further business to discuss, the meeting adjourned at 8:02 p m. upon motion by Councilmember Brockman and second by Councilmember Deibert

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**WORK SESSION OF THE CANTON CITY COUNCIL**
**5:30 P.M., TUESDAY, JUNE 20, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1 CALL TO ORDER – Mayor Anderson called the meeting to order at 5:30 p m with Councilmembers Ron Sanford, Elaine Seymore, Kevin Deibert and William Hilliard attending. Councilmember Robert Brockman was absent Also attending were City Manager, Cliff Bowden, Jr., and City attorney, Richard D. Davis

2. INVOCATION – None during Work Session

3. PLEDGE OF ALLEGIANCE – None during Work Session

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST – None

5. PROCLAMATIONS AND ANNOUNCEMENTS – None during Work Session

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – None during Work Session

**CONSENT AGENDA**

7. CONSIDER APPROVAL OF MINUTES FROM MAY 16 AND 23, 2006 CITY COUNCIL MEETINGS – At Cliff Bowden's suggestion, Agenda items 7 and 8 were tabled.

8 CONSIDER APPROVAL OF MAY 2006 FINANCIAL STATEMENTS

9. CONSIDER ADOPTION OF ORDINANCE NO. 2006-06 MAKING IT UNLAWFUL TO DISCHARGE A WEAPON INSIDE CITY LIMITS – Chief Gothard pointed out there was no existing ordinance regulating the discharge of firearms within the city limits. Because there was no ordinance, the Police Department was unable to issue a citation after the incident in the Lake Meadows area where a house was struck by gunfire during a target practice. Richard Davis advised the proposed fine was not appropriate for the misdemeanor level, that it should be $500 After a general discussion regarding the responsible use of firearms by citizens, Mayor Anderson tabled the matter until the next meeting to allow for further research on the issue

10. CONSIDER ADOPTION OF ORDINANCE 2006-08 ESTABLISHING A NEW CITY OF CANTON FEE SCHEDULE – Rick Malone proposed a new fee schedule for water taps, sewer taps, building codes, hot checks, developmental fees, Planning & Zoning fees. Mr Malone made the correction that the one-inch water tap should be $1100, not $1000. Mr. Malone explained, with the current fees, the City was losing money due to the increased cost of copper and brass. Councilmember Hilliard suggested using another source for the brass and copper

11. CONSIDER ADOPTION OF ORDINANCE NO. 2006-09 DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S STATEMENT OF INTENT TO INCREASE THE GAS UTILITY RATES – Staff recommended this request be denied and passed on to the Railroad Commission as was the typical procedure.

12. CONSIDER ADOPTION OF CITY OF CANTON GENERAL GOVERNMENT POLICY MANUAL – Cliff Bowden presented the updated personnel policy manual. Mr. Bowden advised the police and fire personnel policies were also being reviewed. Mayor Anderson expressed the need for more time to review the policy before voting. Councilmember Sanford requested some city employees should also review the manual and give their comments

13. CONSIDER APPROVAL OF PROFESSIONAL SERVICES AGREEMENT RETAINING BURTON ENGINEERING AS CITY ENGINEER AND AUTHORIZE CITY MANAGER TO EXECUTE ALL RELATED CONTRACTS – Gary Burton proposed a renewal of the City's contract with Burton Engineering Professional Services for a third year Mr. Burton explained the contract obligated Burton Engineering to perform in ten different areas, including but not limited to, attendance at TxDOT meetings, preparation of cost estimates for projects, review of subdivision plats and attendance at council meetings. He presented a report of expenses Burton incurred under this contract which were higher than the $750.00 per month retainer fee, showing the City was getting a good value. He noted they were also doing a number of contracted projects for the City for which they were grateful, and they wanted to continue their relationship with the city Cliff Bowden stated the City had a good working relationship with Mr Burton and the staff recommended the contract be renewed.

14. CONSIDER APPROVAL OF BURTON ENGINEERING PROFESSIONAL SERVICES AGREEMENT FOR FM 859 – WATER MAIN TASK ORDER / PROJECT NO. 014060201 AND AUTHORIZE CITY MANAGER TO EXECUTE ALL RELATED DOCUMENTS – Pursuant to the notice of grant award for the water loop project to I-20 at FM 859, Gary Burton requested his agreement be approved so they could begin work in order to meet the deadline.

15. DECLARATION OF SURPLUS EQUIPMENT – Rick Malone explained the law allowed a city to sell its used equipment through an auction service and generate income from the sale. The equipment must be deemed surplus by the Council before the sale can occur.

Cliff Bowden explained that consent agenda items were usually passed in bulk, but any of the items could be moved for individual consideration. Mr Bowden indicated his notes showed Agenda Items 7, 8, 9 and 12 were all tabled.

**INDIVIDUAL CONSIDERATION**

16 DISCUSS AND CONSIDER POTENTIAL APPLICATION TO TEXAS COMMUNITY DEVELOPMENT GRANT PROGRAM FOR WATER IMPROVEMENT FUNDING – Justin Epker of Grant Works explained his company helped rural communities acquire community development grant programs Grant Works helped Canton acquire an economic development grant for the water line project He noted Canton was eligible to apply for a different grant program (with an August 31 deadline) to address other water and wastewater issues. He added the grant could be applied for every two years. Some of the criteria for the grant were a 20% match, or $50,000 for the maximum of $250,000 allowed in this region, and 61% of the beneficiaries had to be low to moderate income determined by a census or door-to-door survey He stated the present project was the critical water supply and the need in the community for an elevated storage tower on the north side of town He said Grant Works would help prepare the application at no cost; however, their fee would be 10% of any grant funds received Lonny Cluck advised the water tower project would cost around $1 3 million and the elevated storage would be located around the industrial park according to a previous recommendation by Velvin & Weeks. He noted Mr Burton could help determine the best location as well as the other specifications. Mr. Cluck also suggested the money could be used for another leg of the west outfall sewer line. Councilmember Hilliard advised a new line needed to be run to the new city park Mayor Anderson requested Mr. Epker attempt to obtain the $250,000 grant The key in getting the Capital Fund grant for the water tower was to be able to say a majority of it would benefit a single business or enterprise After a general discussion regarding elevated storage tanks, Cliff Bowden suggested the City obtain the engineering information on all the scenarios under consideration and report back to the Council. Mr. Bowden advised the City wanted to be proactive in pursuing any available grants

17. PRESENTATION BY CONWAY COMPANY, CPAS REGARDING 2004-2005 FISCAL YEAR AUDIT – Audit to be presented during Council session at 6:30 p.m.

18. CONSIDER ACCEPTANCE OF 2004-2005 FISCAL YEAR AUDIT – Cliff Bowden said the City staff recommended approval of the audit.

19 CONSIDER ADOPTION OF ORDINANCE NO. 2006-10 PROHIBITING THE DISCHARGE OF FIREWORKS IN THE CITY LIMITS EXCEPT BY AUTHORIZED PUBLIC EXHIBITION AND REPEALING ORDINANCE NO. 95-10 WHICH PROVIDED FOR THE DISCHARGE OF FIREWORKS IN A DESIGNATED AREA ON DESIGNATED DATES – Chief Gothard explained a new ordinance was necessary clearly limiting fireworks to public displays within the city limits. Cliff Bowden pointed out the County had issued a fireworks ban this year.

20 CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT BOARD OF DIRECTORS – Cliff Bowden explained the Council annually appointed new members to the CEDC, Planning & Zoning Commission and Board of Adjustment. He suggested tabling the appointments until the following month to allow others to volunteer for the positions and to determine whether or not term limits existed for the CEDC board. Councilmember Deibert requested an advertisement be placed in the newspaper. Jim Stephens stated an article about committee openings could be placed in the city newsletter. Mr. Bowden asked the

Councilmembers to bring names of potential candidates to him or the Mayor.

21. CONSIDER APPOINTMENTS TO PLANNING & ZONING COMMISSION

22. CONSIDER APPOINTMENTS TO BOARD OF ADJUSTMENT

**REPORTS**

23. MAYOR'S REPORT – None during Work Session

24. CITY MANAGER'S REPORT – None during Work Session

25 STAFF REPORTS – Lonny Cluck reported the water plant was mechanically back in operation after its repair. The contractor was unable to complete the painting due to rain, but will come back later to complete

Rick Malone reported the new First Monday bathroom was going well The electrician and plumber were scheduled to start work soon Mr Malone also reported the animal shelter slab should be set up this week. Mr. Malone carried the plans for the shelter to Dr Rice in Tyler for suggestions to the plan. The biggest obstacle has been obtaining an air conditioning system that can exchange air eight times per hour.

Chief Gothard reported the Police Department had hired a new officer, Heath Burton, out of nine applicants. The search for a new fireman for the Fire Department is still underway. The Fire Department had been busy with code enforcement issues and grass fires.

Jim Stephens reported the new phone system with VoiceMail was installed at City Hall.

Cliff Bowden described the status of the EMS building reconstruction. The bids were posted in the newspaper because the job cost was over $100,000 The insurance adjuster had been notified of the loss. Tim Gothard believed the rental loss wouldalso be recoverable

**EXECUTIVE SESSION**

26. CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551.071) – Not held during Work Session.

**RETURN TO OPEN SESSION**

27. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

28. ITEMS FOR FUTURE AGENDAS

29. ADJOURN – There being no further business to discuss, the meeting was adjourned at 6:31 p.m.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

# MINUTES

## REGULAR MEETING OF THE CANTON CITY COUNCIL
## 6:30 P.M., TUESDAY, JUNE 20, 2006

City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 6:36 p.m. with Councilmembers Ron Sanford, Elaine Seymore, Kevin Deibert and William Hilliard attending. Councilmember Robert Brockman was absent. Also attending were City Manager, Cliff Bowden, Jr , and City attorney, Richard D Davis.

2 INVOCATION – Jim Stephens opened with the invocation

3. PLEDGE OF ALLEGIANCE was led by Tim Gothard

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST – None

5. PROCLAMATIONS AND ANNOUNCEMENTS – Mayor Anderson mentioned he had received a thank you card from the CISD superintendent thanking the City for patching some pavement, which helped them greatly

### CITIZEN'S FORUM

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA

### CONSENT AGENDA

7 CONSIDER APPROVAL OF MINUTES FROM MAY 16 AND 23, 2006 CITY COUNCIL MEETINGS

8. CONSIDER APPROVAL OF MAY 2006 FINANCIAL STATEMENTS

9. CONSIDER ADOPTION OF ORDINANCE NO 2006-06 MAKING IT UNLAWFUL TO DISCHARGE A WEAPON INSIDE CITY LIMITS

10. CONSIDER ADOPTION OF ORDINANCE 2006-08 ESTABLISHING A NEW CITY OF CANTON FEE SCHEDULE

11. CONSIDER ADOPTION OF ORDINANCE NO 2006-09 DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S STATEMENT OF INTENT TO INCREASE THE GAS UTILITY RATES

12 CONSIDER ADOPTION OF CITY OF CANTON GENERAL GOVERNMENT POLICY MANUAL

13 CONSIDER APPROVAL OF PROFESSIONAL SERVICES AGREEMENT RETAINING BURTON ENGINEERING AS CITY ENGINEER AND AUTHORIZE CITY MANAGER TO EXECUTE ALL RELATED CONTRACTS

14. CONSIDER APPROVAL OF BURTON ENGINEERING PROFESSIONAL SERVICES AGREEMENT FOR FM 859 – WATER MAIN TASK ORDER / PROJECT NO 014060201 AND AUTHORIZE CITY MANAGER TO EXECUTE ALL RELATED DOCUMENTS

15. DECLARATION OF SURPLUS EQUIPMENT

The Council tabled Agenda Items 7, 8, 9 and 12 until the next regular Council meeting. Upon motion by Councilmember Sanford and second by Councilmember Seymore, all voted in favor of approving the adoption of Ordinance 2006-08 establishing a new City of Canton fee schedule; approving the adoption of Ordinance 2006-09 denying the rate increase from ATMOS Energy in Agenda Item No 11; approving the annual of the contract retaining Burton Engineering as the City Engineer; granting Burton Engineering the professional service agreement for FM 859—Water Main Task Order, Project No 014060201; and approving Agenda Item 15 declaring the unused equipment listed as surplus allowing the sale of same.

**INDIVIDUAL CONSIDERATION**

16. DISCUSS AND CONSIDER POTENTIAL APPLICATION TO TEXAS COMMUNITY DEVELOPMENT GRANT PROGRAM FOR WATER IMPROVEMENT FUNDING – Justin Epker of GrantWorks reported his company had assisted the City of Canton when it received the $368,000 grant to help improve the water system. Mr Epker explained there was another grant available for up to $250,000, which the City decided to pursue

17. PRESENTATION BY CONWAY COMPANY, CPAS REGARDING 2004-2005 FISCAL YEAR AUDIT – Mike Conway of Conway Company, CPAs, presented a report on the 2004-2005 fiscal year audit. Canton's net assets were $12.8 million this year versus $11 7 the previous year and revenues were $8 1 million compared to last year's $7 7 million Mr Conway pointed out a large transfer of net assets between general government and business activities. The Water and Sewer fund had an operating loss of $241,000, which was a significant improvement over prior years The First Monday fund had profits of $1,049,000 This was consistent with the past several years. Mr Conway stated Canton had always been well funded and financed He commended the finance staff for acquiring outside assistance with the bank reconciliations to insure accurate monthly financial statements He had seen a significant improvement in the financial reporting this year Mr Conway recommended Canton move toward reducing its debt load. He said revenue from property taxes should enable the city to pay down that load Mr. Conway indicated $1,800,000 sales tax had been collected. Councilmember Hilliard suggested the City use the sales tax revenue to operate the City without the taxation of property. Mayor Anderson pointed out one advantage of going to home rule was the annexation of commercial property for sales tax revenue He said even with First Monday and the property tax, Canton needed to get its streets fixed, double the sewer plant in two to three years, and the water plant needed to develop additional water sources He added the City had had to go into debt for these type improvements Mayor Anderson commended Mike Conway for a great job on the audit. Mr. Conway explained there was a positive change this past year There was a significant difference in the water & sewer fund. Excess of revenue over expenses was $1,045,000 vs $732,000, most of which came from improvements of the water and sewer plants. The Administration and police department's expenses were down Mr. Conway said he had always believed the water and sewer departments should be self-supporting because when those services are undercharged, they get overused Water rates and taxes should be looked at as additional revenue rather than incurring additional debt The only other option would be to increase First Monday revenue. There was a discussion regarding First Monday rents. Mayor Anderson explained the survey done at First Monday showed the top priorities should be more

restrooms He noted the city had built one restroom and was in the process of building another. The City had added a road leading straight to the Civic Center. Lonny Cluck commended the First Monday staff for keeping profits at a consistent rate the last few years even though expenses had increased. Mr Cluck cautioned against raising rents to increase revenue and risk losing vendors. Mr. Cluck also pointed out the Civic Center was currently not large enough to handle events such as big RV shows; a City employee had been trying to solicit more shows for the Civic Center; and there were a lot of areas in First Monday that could be improved. Mayor Anderson explained that over the past two years, a restroom was built at the west gate, another restroom was currently being built, and vendors were moved off Trade Centers III and IV to increase traffic flow Jim Stephens mentioned attracting larger events throughout the month would also impact the local stores. Mayor Anderson stressed that First Monday was unique and had to be protected and nurtured Councilmember Hilliard suggested an association of First Monday owners to set some parameters and that the owners needed to cooperate with each other more than competing.

18. CONSIDER ACCEPTANCE OF 2004-2005 FISCAL YEAR AUDIT- Mike Conway explained Asyst was better software than CPS but it would take one to two years before the staff was able to take full advantage of the system's capabilities Councilmember Sanford made a motion to accept the 2004-2005 fiscal year audit. Councilmember Seymore seconded, all voted in favor.

19 CONSIDER ADOPTION OF ORDINANCE NO 2006-10 PROHIBITING THE DISCHARGE OF FIREWORKS IN THE CITY LIMITS EXCEPT BY AUTHORIZED PUBLIC EXHIBITION AND REPEALING ORDINANCE NO 95-10 WHICH PROVIDED FOR THE DISCHARGE OF FIREWORKS IN A DESIGNATED AREA ON DESIGNATED DATES – Mayor Anderson explained the new ordinance would replace two existing ordinances Councilmember Deibert made a motion to adopt Ordinance No 2006-10 prohibiting the discharge of fireworks in the city limits except by authorized public exhibition and repealing Ordinance No. 95-10 which provided for the discharge of fireworks at the new city lake area on designated dates Councilmember Sanford seconded, and all but Councilmember Hilliard voted in favor

20. CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT BOARD OF DIRECTORS – Agenda Items 20, 21 and 22 were tabled until the next regular council meeting Ads were to be placed in the local paper asking for volunteers for the various positions.

21 CONSIDER APPOINTMENTS TO PLANNING & ZONING COMMISSION

22. CONSIDER APPOINTMENTS TO BOARD OF ADJUSTMENT

**REPORTS**

23 MAYOR'S REPORT – Mayor Anderson reported the City's staff was looking into the possibility of freezing the property tax or different exemptions which could be offered and how that would affect the City financially. The staff will report back to the Council with a recommendation

24. CITY MANAGER'S REPORT – Cliff Bowden expressed his appreciation to the citizens of Canton for their cooperation with the water conservation effort June 11-18 while the water plant was under repair. Lonny Cluck added his appreciation and thanks Alton Smith asked if there were any plans in the works for finding more water sources. Mayor Anderson answered that the City was looking into different ways to address the issue Lonny Cluck stated the City was looking into wells for a short-term solution and another lake for a long-term solution.

25. STAFF REPORTS – None

**EXECUTIVE SESSION**

26. CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551.071) – The Council did not convene in closed session and the item was not discussed

**RETURN TO OPEN SESSION**

27. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

28. ITEMS FOR FUTURE AGENDAS – None

29 ADJOURN – There being no further business to come before the Council, the meeting was adjourned at 7:38 p m upon motion by Councilmember Deibert and second by Councilmember Seymore

R C Anderson, Mayor

ATTEST:

Julie H Seymore, City Secretary

**MINUTES**
**CALLED MEETING OF THE CANTON CITY COUNCIL**
**6:30 P.M., MONDAY, JUNE 26, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 6:30 p.m with he, Ron Sanford, Elaine Seymore, Robert Brockman, Kevin Deibert and William Hilliard in attendance. Also in attendance were City Manager Cliff Bowden, Jr and City attorney Richard Davis.

2 REVIEW AND CONSIDER FIRST MONDAY ORGANIZATION – Item not discussed.

3. DELIBERATIONS REGARDING PERSONNEL MATTERS (SECTION 551.074) – CITY REVIEW WITH CITY MANAGER – 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 551 074, the Council convened in closed session at 6:31 p.m for the City Manager's personnel review

4. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – The Council reconvened in open session at 8:20 p.m. with no action taken

5. ADJOURN – There being no further business to discuss, the meeting adjourned at 8:20 p.m. upon motion by Councilmember Brockman and second by Councilmember Seymore.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**CALLED MEETING OF THE CANTON CITY COUNCIL**
**6:00 P.M., THURSDAY, JULY 13, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 6:00 p m with he, Ron Sanford, Elaine Seymore, Robert Brockman, Kevin Deibert and William Hilliard in attendance. Also in attendance were City Manager Cliff Bowden, Jr and City attorney Richard Davis

2. DELIBERATIONS REGARDING PERSONNEL MATTERS (SECTION 551 074) – CITY REVIEW WITH CITY MANAGER – 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 551 074, the Council convened in closed session at 6:01 p m for the City Manager's personnel review

3. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – The Council reconvened in open session at 7:20 p.m. Councilmember Sanford made the motion to dismiss City Manager Cliff Bowden effective immediately. Councilmember Brockman seconded, noting it was nothing personal but time to make a change The motion passed with Councilmembers Sanford, Brockman and Hilliard voting in favor and Councilmembers Seymore and Deibert opposed. Mayor Anderson stated Mr. Bowden made some positive impacts on the City, brought several good ideas to the City, and he appreciated a lot of the things he tried to do Mr. Bowden stated he appreciated his time with the city and respected the wishes of the Council. He added he had no hard feelings and appreciated the opportunity to work with everyone at the City Councilmember Brockman then submitted his verbal resignation from the Council effective immediately stating he was available for consultation but was unable to devote the amount of time the Council position required. Mayor accepted his resignation and thanked him for his service to the community.

4. ADJOURN – There being no further business to discuss, the meeting adjourned at 7:24 p.m upon motion by Councilmember Sanford and second by Councilmember Hilliard.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**WORK SESSION OF THE CANTON CITY COUNCIL**
**5:30 PM, TUESDAY, JULY 18, 2006**

City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

**MINUTES**

1 CALL TO ORDER – Mayor Anderson called the meeting to order at 5:34 p.m. with he and Councilmembers Ron Sanford, Elaine Seymore and Kevin Deibert attending. Councilmember William Hilliard arrived at 5:48 p.m. City Secretary Julie Seymore, Directors Lonny Cluck, Jim Stephens and Tim Gothard, and City Attorney Richard Davis were also in attendance

2 INVOCATION

3. PLEDGE OF ALLEGIANCE

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None

5 PROCLAMATIONS AND ANNOUNCEMENTS - PRESENTATION OF FIRST MONDAY AND RAYFORD HUTCHERSON MEMORIAL SCHOLARSHIPS – Julie Seymore explained scholarships in the amount of $4000 each were awarded to two individuals per year in annual increments of $1000.

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – Citizens are invited to speak for three (3) minutes on matters relating to City government that are not listed on the regular agenda – None during work session.

**CONSENT AGENDA**

7. CONSIDER APPROVAL OF MINUTES FROM MAY 16 AND 23, 2006 AND JUNE 19, 20 AND 26, 2006, CITY COUNCIL MEETINGS – Julie Seymore advised all minutes were prepared and ready for approval

8 CONSIDER APPROVAL OF JUNE 2006 FINANCIAL STATEMENTS – Julie Seymore explained the financial reports did not include the water and sewer fund as conversion to the new software system was not yet fully complete.

9. CONSIDER ADOPTION OF RESOLUTION NO 2006-12 DESIGNATING AUTHORIZED SIGNERS ON ALL CITY ACCOUNTS WITH AMERICAN NATIONAL BANK OF TEXAS - Julie Seymore explained the resolution was necessary to update the signature cards following the discharge of the City Manager.

10. CONSIDER ADOPTION OF RESOLUTION NO. 2006-13 AUTHORIZING ON-LINE CASH MANAGEMENT BANKING SERVICES WITH AMERICAN NATIONAL BANK OF TEXAS – Julie Seymore explained the resolution updated those authorized for the City's cash management banking system She further explained the inherent dual controls of the system and the city's procedural dual controls where they were unavailable in the system

**INDIVIDUAL CONSIDERATION**

11 CONSIDER ADOPTION OF RESOLUTION NO. 2006-14 AUTHORIZING APPLICATION FOR 2007-08 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – Julie Seymore notified the Council the grant deadline had been extended to December 31, 2006. The individuals preparing the grant application decided to present the information at a later date in order to allow for more preparation time. She requested the matter be tabled for a later meeting.

12. CONSIDER ADOPTION OF RESOLUTION NO. 2006-15 AUTHORIZING APPLICATION FOR PARTICIPATION IN THE TEXAS PARKS & WILDLIFE DEPARTMENT'S TEXAS RECREATION & PARKS ACCOUNT OUTDOOR RECREATION GRANT PROGRAM – Amy Huddle explained a $400,000 grant was available for the park on Cherry Creek and the application deadline was July 29, 2006. She said the resolution was required for the grant process and it stated the applicant was eligible to receive a grant, that matching funds were available, and that the site was to be dedicated for park usage. She indicated the City's match would be $40,000 plus the dedication of the property for park use. Ms. Huddle sent a letter to each donor for the playscape project to raise the $40,000 the Parks Board was obligated to raise. Ms. Huddle explained if there were donors contributing outside the governmental agency, the Board would accumulate more points which would, in turn, help them acquire future grants. Ms. Huddle reported the outstanding work records from the trails showed $14,486 worth of community service hours were contributed to the project. The CEDC had awarded $15,000 for the matching portion and most of that would be reimbursed. Rick Malone estimated the major cost for maintaining the park would be the cost of a mower. Amy Huddle believed volunteers would continue to assist with park maintenance. Andy Reese mentioned the grant application contained $90,000 for renovations to the soccer fields, noting it allowed more points to be awarded to the application enabling more money to be granted out of the $400,000. He mentioned Land Design Partners was redoing the Master Plan for the park to be submitted with the grant application. Amy Huddle pointed out the application was currently at 106 points and in the past, grants were awarded with a range of points between100-113. Ms. Huddle said the playscape was complete with the exception of adding handicapped accessible parking to the trail and the trail was complete except for the feeder trails which would feed into the Frisbee golf course. Mayor Anderson clarified the City would be required to declare the property as a park as the City's part of the match for the grant. Andy Reese said they did not want to have the property designated as a park until the grant process was completed. Ms. Seymore pointed out the budget allowed for a small restroom at the park. Rick Malone advised the city was hoping to build a large new soccer field at the new city lake for older players. Mr. Reese said the water park was not going to be included in the master plan, but it would have a splash pad as the water feature.

*[Councilmember Hilliard arrived at 5:48 p.m.]*

Andy Reese said the community center would be included in Phase Three of the Master Plan. Julie Seymore advised designating the property as a park required the entire tract be used for park purposes forever more. She also noted that by designating it as the match for the current grant, it would prevent the city from using it for its match for a future grant to fund the more costly community center. Mayor Anderson suggested taking the appraised value of the property and allocating the amount needed for this match to reserve some of the land for future grants. Amy Huddle pointed out the Frisbee golf course was going all the way around the property and the entire tract would have to be designated at one time. Councilmember Hilliard asked whether or not a swimming pool was in the Master Plan. Amy Huddle indicated a swimming pool could be included with the community center. Mayor Anderson emphasized the importance of supporting this resolution while at the same time keeping the City's options

open for future grants He expressed his appreciation for the CEDC and citizen involvement in putting together community projects such as the park.

13 CONSIDER PROPOSED AGREEMENT FOR PRIVATE OPERATION OF CITY OF CANTON'S SOLID WASTE TRANSFER STATION – Mayor Anderson stated the matter would be tabled until more information could be gathered. Lonny Cluck said the City should decide whether or not it wanted to continue to operate its own transfer station and he asked for direction on whether or not to pursue other options He noted the City's contract with Allied expired in 2009

*[Richard Davis entered at 5:58 p m ]*

Richard Davis wanted to ensure there were no elements of the contract he had not reviewed. He suggested speaking with Allied to determine if the contract with them was enforceable. Councilmember Elaine Seymore inquired about the annual expenditures for the transfer station Julie Seymore said the year-to-date expenditures were $217,342, not including labor, and year-to-date revenue was $113,000. Lonny Cluck introduced Mr Platt who runs the Panola County, Gregg County, Rusk County and Smith County transfer stations and had an interest in taking over Canton's. Mr. Cluck explained Panola County residents were all charged a flat rate. He also reported Canton's current charges were $15 a cubic yard and the charge to haul out the debris was $12 He said to operate the transfer station on its own, the City would have to buy new trucks and containers. He then noted Mr Platt agreed to take care of the First Monday trash in lieu of rent payment Mr. Platt estimated First Monday trash would be 600 yards per calendar quarter, or $7200 a quarter. Councilmember Deibert expressed concern about being locked into a long-term contract and having the rates increase substantially Rick Malone reported 97% of the refuse at the transfer station came from the county. Mayor Anderson said the matter would be analyzed further at the budget meeting.

14 CONSIDER TEMPORARY ALLOCATION OF MANAGEMENT RESPONSIBILITIES AND DUTIES – Mayor Anderson said the City had to operate without a city manager at the present time. He directed Julie Seymore to handle all calls regarding operational matters coming into City Hall He noted Chief Gothard's police and fire departments were in good position, the water plant was operating well, the wastewater plant was operating as best it could at the moment, and Jerry Shamlin had the streets and utilities under control Mayor Anderson indicated Lonny Cluck was to move to the Log Cabin office and handle First Monday as his primary responsibility for the immediate future He said Mr Cluck did not need to oversee the city functions for the time being and should concentrate on getting First Monday back on track. Mayor Anderson directed Jim Stephens to continue handling administration and CEDC and asked everyone to work together as they did the previous summer to make the changes work for the City.

15. CONSIDER APPOINTMENTS TO WATER & WASTEWATER FUTURE PLANNING COMMITTEE – Mayor Anderson explained as councilmember, Elaine Seymore would head the ad hoc committee on water and wastewater future planning and Ross Maris would be a committee member along with Al Campbell and Lonny Cluck

## REPORTS

16. MAYOR'S REPORT – None during work session

17. STAFF REPORTS – None during work session.

18. ITEMS FOR FUTURE AGENDAS – None during work session

19 ADJOURN – There being no further business to discuss, the meeting was adjourned at 5:23 p.m upon motion by Councilmember Sanford and second by Councilmember Deibert

R C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**CANTON CITY COUNCIL REGULAR MEETING**
**6:30 P.M., TUESDAY, JULY 18, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1 CALL TO ORDER – Mayor Anderson called the meeting to order at 6:30 p.m. with he and Councilmembers Ron Sanford, Elaine Seymore, Kevin Deibert and William Hilliard attending. City Secretary Julie Seymore, Directors Lonny Cluck, Jim Stephens and Tim Gothard, and City Attorney Richard Davis were also in attendance.

2. INVOCATION was given by Jim Stephens

3. PLEDGE OF ALLEGIANCE was led by Judge Lilia Durham

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None

5. PROCLAMATIONS AND ANNOUNCEMENTS -

PRESENTATION OF FIRST MONDAY AND RAYFORD HUTCHERSON MEMORIAL SCHOLARSHIPS – Mayor Anderson recognized Callie Roy and Kyle Phillips and presented them with annual scholarship awards.

**CITIZEN'S FORUM**

6 CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – Linda McCollum operates a food concession on the First Monday grounds. She expressed her appreciation for Lonny Cluck's leadership of First Monday and noted the previous grounds supervisor had not represented the city well in his position She stated Lonny Cluck was a great asset to the City. Kim Schumaker, a First Monday vendor indicated Lonny Cluck handled matters in an honest and fair manner and treated the vendors with respect and dignity She expressed her desire to continue to have a working relationship with Mr. Cluck as the leader of First Monday and her appreciation that the previous grounds supervisor was no longer with the city. Mayor Anderson expressed his appreciation for the citizens coming forward to speak.

## CONSENT AGENDA

7. CONSIDER APPROVAL OF MINUTES FROM MAY 16 AND 23, 2006 AND JUNE 19, 20 AND 26, 2006 CITY COUNCIL MEETINGS

8 CONSIDER APPROVAL OF JUNE 2006 FINANCIAL STATEMENTS

9 CONSIDER ADOPTION OF RESOLUTION NO. 2006-12 DESIGNATING AUTHORIZED SIGNERS ON ALL CITY ACCOUNTS WITH AMERICAN NATIONAL BANK OF TEXAS

10. CONSIDER ADOPTION OF RESOLUTION NO 2006-13 AUTHORIZING ON-LINE CASH MANAGEMENT BANKING SERVICES WITH AMERICAN NATIONAL BANK OF TEXAS

The consent agenda items were unanimously approved upon motion by Councilmember Sanford and a second by Councilmember Seymore.

## INDIVIDUAL CONSIDERATION

11. CONSIDER ADOPTION OF RESOLUTION NO. 2006-14 AUTHORIZING APPLICATION FOR 2007-08 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – Due to the extension of the application deadline to December 31, 2006, this matter was tabled for consideration at a later meeting to allow the grant committee to gather additional information

12 CONSIDER ADOPTION OF RESOLUTION NO 2006-15 AUTHORIZING APPLICATION FOR PARTICIPATION IN THE TEXAS PARKS & WILDLIFE DEPARTMENT'S TEXAS RECREATION & PARKS ACCOUNT OUTDOOR RECREATION GRANT PROGRAM – Mayor Anderson explained the City would donate land as its share of the obligation for the matching $400,000 grant for Phase Two of the park build-out Councilmember Deibert made a motion to adopt Resolution No. 2006-15 authorizing the application for participation in the Texas Parks & Wildlife Department's Texas Recreation & Parks Account Outdoor Recreation Grant Program Councilmember Hilliard seconded and all voted in favor

13 CONSIDER PROPOSED AGREEMENT FOR PRIVATE OPERATION OF CITY OF CANTON'S SOLID WASTE TRANSFER STATION – Mayor Anderson tabled this agenda item to allow further analysis of the situation during the budget meetings.

14. CONSIDER TEMPORARY ALLOCATION OF MANAGEMENT RESPONSIBILITIES AND DUTIES – Mayor Anderson announced the City Manager had left the employ of the City and the organizational structure of the City had been realigned in order to allow the City to operate without a City Manager for the foreseeable future.

15. CONSIDER APPOINTMENTS TO WATER & WASTEWATER FUTURE PLANNING COMMITTEE – Mayor Anderson explained Councilmember Seymore was nominated as chairperson of the committee on Water & Wastewater Future Planning, along with additional members Ross Maris, Lonny Cluck and Al Campbell Councilmember Sanford made a motion to approve the appointments to the Water & Wastewater Future Planning Committee. Councilmember Hilliard seconded, and all voted in favor.

## REPORTS

16. MAYOR'S REPORT – Mayor Anderson thanked the citizens for their participation in the community and encouraged everyone to continue their involvement in community activities.

17. STAFF REPORTS –

BLUEGRASS FESTIVAL REPORT BY JIM FULLER – Jim Fuller expressed his thanks and appreciation for the help from the City Council, Chamber of Commerce, Allen and Betty Thompson, Raymond Pruitt, and the many volunteers He reported feeding approximately 710-750 people at the fish fry; the financial report showed the Bluegrass Festival made approximately $11,000; all the bands were already booked for the next year's festival; more emphasis could be placed on the Dallas market to bring more people to the event; over $9900 in receipts were turned in by tourists who spent money at the local stores; and the operation of the concession stand during the festival was a success He formally requested a roundtable discussion with the council to discuss issues which could improve the festival Mayor Anderson reiterated that it was citizen participation that made events like this a success and made Canton a better place in which to live

18. ITEMS FOR FUTURE AGENDAS – Mayor made a request for suggestions for individuals to serve on the CEDC, Board of Adjustment and Planning & Zoning Commission. Julie Seymore reported in response to a citizen's request, consideration of a tax freeze would be on the next regular agenda She also requested dates council members would be available for a budget workshop Mayor Anderson pointed out those meetings were open to the public and encouraged everyone to attend. Mayor Anderson mentioned the requirement for continuing education for councilmembers. He suggested everyone try to attend an upcoming seminar in Dallas on August 25 and 26 Julie Seymore also announced a TML Family Night Business Meeting on August 18 at the Mesquite Rodeo.

19. ADJOURN – There being no further business to discuss, the meeting was adjourned at 7:08 p.m. upon motion by Councilmember Seymore and second by Councilmember Deibert.

R.C. Anderson, Mayor

ATTEST:

Julie H Seymore, City Secretary

**MINUTES**
**WORK SESSION OF THE CANTON CITY COUNCIL**
**5:30 p.m., TUESDAY, AUGUST 15, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

1 CALL TO ORDER - Mayor Anderson called the meeting to order at 5:36 p.m. with he and Councilmembers Ron Sanford, Elaine Seymore, William Hilliard and Kevin Deibert attending City Secretary Julie Seymore, Jim Stephens, Tim Gothard, Lonny Cluck, Rick Malone and City Attorney, Richard Davis, were also in attendance.

2 INVOCATION – None during work session.

3. PLEDGE OF ALLEGIANCE - None during work session.

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None during work session.

5. PROCLAMATIONS AND ANNOUNCEMENTS – None during work session.

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – None during work session.

**CONSENT AGENDA**

7 CONSIDER APPROVAL OF MINUTES FROM JULY 13 AND 18, 2006 CITY COUNCIL MEETINGS

8. CONSIDER APPROVAL OF JULY 2006 FINANCIAL STATEMENTS

9 CONSIDER SIXTY-DAY EXTENSION ON CONTRACT WITH BOBBY LONG REGARDING THE CLEARING OF LOTS IN THE 200 BLOCK OF NORTH BUFFALO OWNED BY CITY OF CANTON – Julie Seymore explained Mr. Long requested a 60-day extension on the work order to complete the project due to the extreme heat Staff recommended the extension be granted.

10 CONSIDER ADOPTION OF ORDINANCE NO 2006-12 PROHIBITING THE PARKING OR STANDING OF VEHICLES ON EAST SIDE OF LIVE OAK BETWEEN CHURCH STREET AND EDOM STREET – Julie Seymore said the City received complaints from property owners about the parking on Live Oak between Church Street and Edom Street. She noted there were "No Parking" signs on the same street further north. Ms Seymore explained the "No Parking" signs could not be enforced without a supporting ordinance. Scott Brooks said the postal service trucks had difficulty delivering to mailboxes when the street was crowded with parked cars.

11. CONSIDER ADOPTION OF ORDINANCE NO. 2006-13 PROVIDING FOR POLICIES AND PROCEDURES REGARDING OPERATION OF FIRST MONDAY TRADE DAYS – Lonny Cluck explained the basic First Monday procedures were the same as last year. He noted the First Monday office had moved to the Log Cabin and credit cards were added as an option for payment as well as information about the Log Cabin Reserved lots

12. CONSIDER ACCEPTANCE OF PETITION FOR ANNEXATION OF AN 8.779-ACRE TRACT SITUATED IN THE JAMES DOUTHIT SURVEY, A-198, LOCATED ON STATE HIGHWAY 243 EAST – Julie Seymore reported the City received a petition for annexation for the property where the Bridwell Sale Barn used to be and the Council was being asked to accept or deny the petition. The staff recommendation was that the petition be accepted. She noted the public hearings were scheduled for September 12 and 19, 2006

13. CONSIDER FUNDING COMMITMENT FOR TEXAS DEPARTMENT OF AGRICULTURE'S TEXAS CAPITAL FUND GRANT FOR CONSTRUCTION OF WATER SUPPLY IMPROVEMENTS TO THE PROPOSED TRINITY MOTHER FRANCES HEALTH SYSTEMS DEVELOPMENT SITE – Julie Seymore reported the Texas Capital Fund Grant required the City's commitment to pay the remaining $195,300 toward the matching grant. She added the funds were included in the 2006-2007 proposed budget

## INDIVIDUAL CONSIDERATION

14 PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE 2006-14 AMENDING CITY OF CANTON 2004 COMPREHENSIVE PLAN REGARDING FUTURE LAND USE AT 141 EUBANK STREET, CANTON, TEXAS – Julie Seymore announced a public hearing was necessary to change the future land use in the Comprehensive Plan for 141 Eubank from Retail to Restrict Professional Office She advised the best use of the property needed to be determined prior to consideration of a zoning change

15. PUBLIC HEARING AND CONSIDER ORDINANCE NO. 2006-15 EFFECTING A ZONING CHANGE FROM SINGLE FAMILY DETACHED RESIDENTIAL (R-1) TO RESTRICTED PROFESSIONAL AND OFFICE DISTRICT (RPO) FOR THAT LOT LOCATED AT 141 EUBANK, CANTON, TEXAS, OWNED BY TOMMY AND JOY EUBANK – Julie Seymore reported the adjoining property owners were notified and there were two responses, one in favor and one opposed She noted a public hearing was required before a decision could be made

16 CONSIDER ADOPTION OF ORDINANCE NO. 2006-16 ESTABLISHING AN AD VALOREM FREEZE FOR RESIDENTIAL HOMESTEAD PROPERTY OWNERS WHO ARE DISABLED OR 65 YEARS OF AGE OR OLDER – Julie Seymore reminded the Council that a tax freeze could not be recalled and would remain in effect until the property changed hands She noted other cities in Van Zandt had adopted a tax freeze and, if passed, the tax freeze would be at the amount of the 2006 tax bill.

17. CONSIDER EXEMPTIONS FOR A PORTION OF THE APPRAISED VALUE OF RESIDENTIAL HOMESTEADS FROM AD VALOREM TAXES – Julie Seymore reported Canton had a 20% exemption for homestead in addition to $9000 for owners 65 or older which was more generous than most other cities. She provided data for comparison.

18 CONSIDER SETTING THE 2006 PROPOSED AD VALOREM TAX RATE AT 40¢ PER $100 VALUATION AND ADOPTING THE TAX RATE AT THE SEPTEMBER 19, 2006 CITY COUNCIL MEETING – Julie Seymore reported the City was required by law to vote to place the tax rate on a future agenda and to set times for the public hearings on the tax rate She said staff recommendation for the tax rate was 40¢ per $100 valuation. She noted Van Zandt County cities had an average of 61¢, Kaufman County's average was 49¢, Smith County's was 43¢, and Henderson County's average was 35.6¢ Mayor Anderson explained the debt service for the City's three certificates of obligation could not be met by the amount brought in by the property tax and there was no excess money built up for roads, sewers or paying down debt. Mayor Anderson warned that the City must be prudent in how much debt was accumulated.

19. CONSIDER SETTING SEPTEMBER 7 AND 12, 2006 AS THE PUBLIC HEARING DATES ON THE PROPOSED 2006 TAX RATE – Julie Seymore explained September 7 and 12, 2006, were proposed dates for holding the public hearings on the 2006 tax rate. The meeting on September 7, 2006, would be held at 6:00 p.m. while the September 12, 2006, hearing had to be at 7:00 p.m. after a CEDC meeting scheduled on that date

20. CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT BOARD OF DIRECTORS – Mayor Anderson reported there were four openings on the CEDC Board He noted Ross Maris and Robby Dunn had been recommended by the Executive Director to take two of the seats He asked for names of anyone else who might volunteer for the positions

21. CONSIDER APPOINTMENTS TO PLANNING & ZONING COMMISSION – Mayor Anderson said he would prefer to hold off on any appointments to the Planning and Zoning Commission at the present time

22. CONSIDER APPOINTMENTS TO BOARD OF ADJUSTMENT - When asked, Alton Smith and Bob Moore indicated they would be willing to serve another term on the Board of Adjustment.

## REPORTS

23. MAYOR'S REPORT

24. STAFF REPORTS - Julie Seymore reported the City continued to operate well; she and Jim Stephens had been working together on administrative items; the budget was a top priority at the present time; and obtaining good insurance benefits for employees was also an ongoing project. Tim Gothard reported the Fire Department was running smoothly. They have been color coding fire hydrants based on the number of gallons per minute. Chief Gothard stated they would like to dispose of a ladder truck which did not pass testing. He said ladder trucks were available to be borrowed, if necessary. Jim Stephens mentioned he had been working on insurance and the budget. Rick Malone reported the Animal Shelter was almost dried-in. He said the new facility would not have an incinerator. Instead, animals would be freeze-dried and Olympic would pick them up and take them to the landfill. He reported there had not been any problems at the water or sewer plants. Lonny Cluck mentioned he met with Tim Gothard about setting up the fire lane at the Civic Center, and the new bathroom should be ready to open by Labor Day. He added the new bridge was completed and Antique Alley would be seal-coated again. He indicated First Monday was moving in a positive direction

## EXECUTIVE SESSION

**A closed or executive session will follow 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 Sections 551.071 and 551.072.** – None during work session.

25. CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551.071)

26. DELIBERATIONS REGARDING POTENTIAL PURCHASE OF REAL PROPERTY (SECTION 551.072)

## RETURN TO OPEN SESSION

27. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

28. CONSIDER APPROVAL OF SHARED SETTLEMENT AGREEMENT WITH TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL IN THE CASE OF PERCY LUCAS VS. CITY OF CANTON

29. ITEMS FOR FUTURE AGENDAS

30. ADJOURNED by Mayor Anderson at 6:17 p.m.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MEETING OF THE CANTON CITY COUNCIL**
**6:30 p.m., TUESDAY, AUGUST 15, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103
**MINUTES**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor R C. Anderson, Ron Sanford, William Hilliard, Kevin Deibert and Elaine Seymore City Attorney Richard Davis also attended

Discussion and action were as follows:

1 CALL TO ORDER – Mayor Anderson called the meeting to order at 6:32 p m. and declared a quorum present

2. INVOCATION was given by Jim Stephens.

3 PLEDGE OF ALLEGIANCE was led by Rick Malone.

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST – Julie Seymore received a conflict of interest statement from Councilmember Sanford for Items 14 and 15 regarding the Comprehensive Plan and rezoning at 141 Eubank

5. PROCLAMATIONS AND ANNOUNCEMENTS – None

**CITIZEN'S FORUM**

6 CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – Ms. Margaret Weldon requested information about the freeze on property taxes. Mayor Anderson informed Ms. Weldon the matter was on the agenda.

**CONSENT AGENDA**

7. CONSIDER APPROVAL OF MINUTES FROM JULY 13 AND 18, 2006 CITY COUNCIL MEETINGS

8. CONSIDER APPROVAL OF JULY 2006 FINANCIAL STATEMENTS

9. CONSIDER SIXTY-DAY EXTENSION ON CONTRACT WITH BOBBY LONG REGARDING THE CLEARING OF LOTS IN THE 200 BLOCK OF NORTH BUFFALO OWNED BY CITY OF CANTON

10. CONSIDER ADOPTION OF ORDINANCE NO. 2006-12 PROHIBITING THE PARKING OR STANDING OF VEHICLES ON EAST SIDE OF LIVE OAK BETWEEN CHURCH STREET AND EDOM STREET

11 CONSIDER ADOPTION OF ORDINANCE NO 2006-13 PROVIDING FOR POLICIES AND PROCEDURES REGARDING OPERATION OF FIRST MONDAY TRADE DAYS

12 CONSIDER ACCEPTANCE OF PETITION FOR ANNEXATION OF AN 8.779-ACRE TRACT SITUATED IN THE JAMES DOUTHIT SURVEY, A-198, LOCATED ON STATE HIGHWAY 243 EAST

13. CONSIDER FUNDING COMMITMENT FOR TEXAS DEPARTMENT OF AGRICULTURE'S TEXAS CAPITAL FUND GRANT FOR CONSTRUCTION OF WATER SUPPLY IMPROVEMENTS TO THE PROPOSED TRINITY MOTHER FRANCES HEALTH SYSTEMS DEVELOPMENT SITE

Mayor Anderson removed Item 10 from the Consent Agenda Councilmember Seymore made the motion to pass Items 7-9 and 11-13 Councilmember Deibert seconded, and all voted in favor.

CONSIDER ADOPTION OF ORDINANCE NO 2006-12 PROHIBITING THE PARKING OR STANDING OF VEHICLES ON EAST SIDE OF LIVE OAK BETWEEN CHURCH STREET AND EDOM STREET – Mayor Anderson reported a problem with individuals parking on both sides of Live Oak Street blocking residents from their driveways Following a brief discussion, Councilmember Deibert made a motion to adopt Ordinance No. 2006-12 prohibiting the parking or standing of vehicles on the east side of Live Oak between Church Street and Edom Street. Councilmember Sanford seconded, and all voted in favor.

**INDIVIDUAL CONSIDERATION**

14 PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE 2006-14 AMENDING CITY OF CANTON 2004 COMPREHENSIVE PLAN REGARDING FUTURE LAND USE AT 141 EUBANK STREET, CANTON, TEXAS – A combined public hearing opened at 6:39 p.m. concerning the adoption of Ordinances 2006-14 and 2006-15 Nine property owners were notified, one responded in favor and one against. Mike Hackney, 110 Eubank, stated he and his wife both attended the Planning & Zoning Commission's meeting the night they originally considered the matter. At that meeting, the Planning & Zoning members stated the area south of Eubank should not have been made retail in the future land use plan, but should have remained R-1. Dr Hackney showed pictures of the area and explained they already had an RPO business located across the street from them which had not been favorable for them, and they had had to make many compromises. Dr. Hackney requested the Comprehensive Plan be changed to indicate the south side of Eubank Street as R-1 and that the zoning request be denied. Tommy Eubank, 131 Eubank, stated most of the property adjoining his tract of land was now commercial His desire was for the neighborhood to stay a desirable place to live He said the house at 141 Eubank had been on the market over two years and there had been little interest in it due to the busy Highway 19 and the CVS pharmacy next door Mr. Eubank presented pictures of the view from the south and east of the property. He stated 141 Eubank was 480 feet from the Hackney property and an RPO there should not affect them greatly Mr. Eubank also pointed out the Planning & Zoning Commission had voted twice to approve a change to RPO with the stipulation that a green wall be erected twenty feet from the curb and extend

to twenty feet past the parking area for an extra buffer Mr Eubank pointed out Eubank Drive had been a busy, cut-through street for many years Juanita Hackney, 110 Eubank, stated Mr Eubank had complained in the past about the brightness of the pharmacy lights into his house. She also expressed concern that future owners of the property would make more of an impact on the neighborhood. Richard Davis pointed out the change in the Comprehensive Plan and the zoning change were for 141 Eubank only and not the entire south side of Eubank as before. Hearing no further comments, the public hearing closed at 6:54 p.m. Councilmember Deibert made a motion to adopt Ordinance 2006-14 amending the City of Canton 2004 Comprehensive Plan regarding future land use from Retail to Restricted Professional and Office at 141 Eubank Street, Canton, Texas. Councilmember Seymore seconded The motion passed with Councilmembers Deibert and Seymore in favor and Councilmembers Sanford and Hilliard abstaining

15 PUBLIC HEARING AND CONSIDER ORDINANCE NO 2006-15 EFFECTING A ZONING CHANGE FROM SINGLE FAMILY DETACHED RESIDENTIAL (R-1) TO RESTRICTED PROFESSIONAL AND OFFICE DISTRICT (RPO) FOR THAT LOT LOCATED AT 141 EUBANK, CANTON, TEXAS, OWNED BY TOMMY AND JOY EUBANK – The Public Hearing was combined with the previous issue. Councilmember Seymore made a motion to adopt Ordinance No. 2006-15 effecting a zoning change from Single Family Detached Residential (R-1) to Restricted Professional and Office District (RPO) for that lot located at 141 Eubank, Canton, Texas, owned by Tommy and Joy Eubank. Councilmember Deibert seconded. The motion passed with Councilmembers Deibert and Seymore in favor and Councilmembers Sanford and Hilliard abstaining

16. CONSIDER ADOPTION OF ORDINANCE NO. 2006-16 ESTABLISHING AN AD VALOREM FREEZE FOR RESIDENTIAL HOMESTEAD PROPERTY OWNERS WHO ARE DISABLED OR 65 YEARS OF AGE OR OLDER – Julie Seymore explained the criteria for a disability was defined by the tax code. She further explained a tax freeze meant those with a disability or over 65 would not have a tax increase unless there was an improvement to the home She noted each taxing authority had to adopt its own tax freeze. Ms. Seymore reported all other cities in the area had adopted a tax freeze Councilmember Hilliard made a motion to adopt Ordinance No. 2006-16 to establish an ad valorem tax freeze for residential homestead property owners who are disabled or 65 years of age or older. Councilmember Deibert seconded, and all voted in favor

17. CONSIDER EXEMPTIONS FOR A PORTION OF THE APPRAISED VALUE OF RESIDENTIAL HOMESTEADS FROM AD VALOREM TAXES – Ms Seymore explained Canton had a 20% general homestead exemption as well as an additional $9000 off for those 65 or older Based on research indicating the City's exemptions were much more generous than most other cities, no action was taken

18. CONSIDER SETTING THE 2006 PROPOSED AD VALOREM TAX RATE AT 40¢ PER $100 VALUATION AND ADOPTING THE TAX RATE AT THE SEPTEMBER 19, 2006 CITY COUNCIL MEETING – Councilmember Deibert made a motion to set the 2006 proposed ad valorem tax rate at 40¢ per $100 valuation and to adopt a tax rate at the September 19, 2006 City Council Meeting Councilmember Sanford seconded. Councilmember Hilliard voted nay and all others voted in favor.

19. CONSIDER SETTING SEPTEMBER 7 AND 12, 2006 AS THE PUBLIC HEARING DATES ON THE PROPOSED 2006 TAX RATE – Councilmember Seymore made a motion to set September 7, 2006, at 6:00 p m and September 12 at 7:00 p m as the dates and times for

the public hearings on the proposed 2006 tax rate. Councilmember Deibert seconded, and all voted in favor

20. CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT BOARD OF DIRECTORS – Mayor Anderson tabled this item to a future meeting to allow more volunteers to come forward.

21. CONSIDER APPOINTMENTS TO PLANNING & ZONING COMMISSION - Mayor Anderson tabled this item to a future meeting to allow more volunteers to come forward.

22. CONSIDER APPOINTMENTS TO BOARD OF ADJUSTMENT - Councilmember Hilliard made a motion to appoint Alton Smith and Bob Moore for additional terms on the Board of Adjustment Councilmember Seymore seconded, and all voted in favor.

## REPORTS

23. Mayor's Report – Rick Malone reported the lake was holding its own due to the new well. He added the City was in Stage 1 of the water conservation plan and citizens had been asked to conserve water voluntarily Mr Malone said a short-term solution for City water would be to drill another well to the south or southeast, and the best long-term plan would be to build another lake. Councilmember Seymore announced she was assigned the Chairman's position for the committee on future planning for water and wastewater needs, and she, Gary Burton and Ross Maris were going to Mt. Pleasant to get information to drive some grant writing Mr. Malone added the City's goal was to be an active participant in the North Texas Regional Water Board meetings to express its need for future growth. Mayor Anderson invited everyone to attend the workshops which begin at 5:30 p.m. prior to each regular council meeting.

24 STAFF REPORTS – No further reports.

## EXECUTIVE SESSION

**A closed or executive session will follow 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 Sections 551.071 and 551.072.**

25 CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551 071)

26. DELIBERATIONS REGARDING POTENTIAL PURCHASE OF REAL PROPERTY (SECTION 551 072) - The Council convened in closed session at 7:24 p.m for deliberations regarding real property and pending litigation.

## RETURN TO OPEN SESSION

27. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – The Council reconvened in open session at 8:35 p.m.

28. CONSIDER APPROVAL OF SHARED SETTLEMENT AGREEMENT WITH TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL IN THE CASE OF PERCY

LUCAS VS. CITY OF CANTON – Councilmember Deibert made a motion to approve the shared settlement agreement with the Texas Municipal League Intergovernmental Risk Pool in the case of Percy Lucas vs. City of Canton Councilmember Seymore seconded, and all voted in favor.

29 ITEMS FOR FUTURE AGENDAS – Mayor Anderson requested names for board members. After a brief discussion on term limits, Julie Seymore advised that bylaws or ordinances would need to be amended in order to change the term limits for committee members. Mayor Anderson also expressed the need to change the City Manager Ordinance at a future meeting

30 ADJOURN - There being no further business to come before the Council, the meeting adjourned at 8:39 p.m. upon motion by Councilmember Sanford and second by Councilmember Deibert.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**CALLED MEETING OF THE CANTON CITY COUNCIL**
**8:30 A.M., SATURDAY, AUGUST 19, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor R.C. Anderson and Councilmembers Ron Sanford, Kevin Deibert and Elaine Seymore Councilmember William Hilliard was absent. Julie Seymore, Rick Malone, Linda Hatfield, Jim Stephens and Tim Gothard also attended.

Discussion and action were as follows:

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 8:37 a.m. and declared a quorum present.

2. COUNCIL AND STAFF WORK SESSION FOR FISCAL YEAR 2006-2007 PROPOSED BUDGET – Julie Seymore explained the four funds used by the city in its accounting procedures and the basic procedures used to develop the budget She noted the City used approximately $1 million from its savings the previous year for land purchases, the new well and carry-over capital projects. She advised the budget was based on a 40-cent property tax for each $100 valuation and the Appraisal District had informed the City that 100% of the total amount collected would be applied to debt service Ms. Seymore further explained that, due to the new accounting software, the City moved to a pooled accounting system which eliminated transfers between departments Ms. Seymore said there was $800,000 from old certificates of obligation and savings from the previous budget that was dedicated to a major street project The Council reviewed the administrative budget for an explanation of line item accounts found across departments. In personnel, Ms Seymore noted the accounting for the funding for the position of Director of Public Works had been split between the Streets, Water

Distribution, Wastewater and Parks Departments and a new administrative assistant had been added to be divided between the Public Works Department and Administration. Also, a police officer was added and an administrative person was added to be split between the Municipal Court and the Police Department. Jim Stephens was instructed by Mayor Anderson to take control of the Country Club membership in the absence of a City Manager.

*The meeting was recessed from 10.35 a.m. to 10:51 p.m.*

The Mayor indicated he would like First Monday money to be used in quality-of-life type projects so the citizens could see where the money was being spent. He indicated he would like First Monday to provide the city with $500,00 of revenue or 50% of their net profit, whichever was greater, yet leave them enough to do whatever capital improvements are needed. Julie Seymore advised that the 4% pay raise and payroll adjustments for employees would cost approximately $90,000 in base salaries. Mayor Anderson stated the public hearings on the tax rate would be September 7 and 12, 2006, the public hearing on the on the budget would be September 12, 2006, and both the tax rate and budget would be voted on September 19. Julie Seymore was asked to put together some information regarding a small water rate increase on a tiered system to encourage water conservation. The Council also reviewed the capital improvement projects to be done in the upcoming year.

*The meeting was recessed for lunch at 12:37 p.m. and resumed at 12:51 p.m.*

Rick Malone said the two streets highest on the list for repair were Shady Lane and Etheridge. He said it would take approximately $2 million to do both streets. Julie Seymore advised $80,000 was set aside in the budget each year for minor street projects. Mayor Anderson suggested this amount be increased to $120,000 within the next year or two due to increased material expenses, and if there was any money left over in any other budget items, he wanted to see it added to the $80,000 for street repairs. Ms. Seymore pointed out the largest differences in the budget were that capital projects funded by certificates of obligation were now being run through the budget instead of accounted separately as had been customary, and several large capital improvement projects were made possible through grant funding.

After a review of the proposed budget, the Council requested the following changes be made to the budget in the next draft:

(a) that a $1000 contingency fund be built into each department for computer replacement or other unforeseen expenses

(b) that $7500 be added to allow for payment of overtime to police officers and that the new budgeted officer be used exclusively for the first year to help other officers use accumulated comp time. He instructed the supervisor not to schedule overtime and to monitor it to make sure it did not become excessive.

(c) That the First Monday Department's $300,000 capital improvements budget be amended so that $50,000 was reallocated from the trolley and multi-passenger golf carts to improvements to the blue bathroom, with the improvements to start on the women's side of the restroom.

(d) That $2,000 be added to fund the November election on the Home Rule charter

(e) That two vehicle loans continue rather than being paid off freeing up $20,000

for the additional expenses added into the next draft

3. ADJOURN - There being no further business to come before the Council, the meeting adjourned at 1:20 p m. upon motion by Councilmember Deibert and second by Councilmember Sanford.

R.C Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**CALLED MEETING OF THE CANTON CITY COUNCIL**
**12:00 P.M., MONDAY, AUGUST 28, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor R C. Anderson, Ron Sanford, Kevin Deibert and Elaine Seymore Councilmember William Hilliard and City Attorney Richard Davis were absent.

Discussion and action were as follows:

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 12:02 p.m. and declared a quorum present.

2. CONSIDER ADOPTION OF ORDINANCE NO 2006-17 CALLING THE NOVEMBER 7, 2006, CITY OF CANTON SPECIAL ELECTION FOR THE PURPOSE OF ADOPTING A HOME RULE CITY CHARTER; AUTHORIZING A JOINT ELECTION WITH VAN ZANDT COUNTY; AND DESIGNATING THE POLLING PLACE AND TIMES FOR EARLY VOTING AND ELECTION DAY – Julie Seymore reported Ordinance 2006-17 called for a November 7, 2006, election She noted the Home Rule Charter must be sent to all residents one month in advance, the ballot would read "for" or "against" the adoption of the charter, the polling places had to be the same as those the county used, early voting would be at city hall from October 23 to November 3, both paper and electronic ballots would be used and would be available in both English and Spanish, a date needed to be scheduled between November 15 and 20 to canvass the election, and the public also had to be notified via newspaper publications and public notices. Mayor Anderson selected November 16, 2006, at 12 noon for the canvass. Ms Seymore said the charter was drafted by an attorney and would be submitted to the Department of Justice for review within the next few days Don Hackney explained the numbered places for the council seats was at the attorney's suggestion, with the places being at-large and having nothing to do with geographic areas. Mr. Hackney also said a commission would not have to be established to amend the charter in the future, but public meetings should be held Mayor Anderson pointed out that no changes could be made to the charter, if passed, for two years Don Hackney also said all new councilmembers would be elected in May and everyone currently in office would remain in office until that time. Mayor Anderson commended the commission on a job well done. Councilmember Seymore pointed out what seemed to be a typographical error on

Page 12 and recommended exchanging the word "director" with "member" Mr Hackney clarified that the First Monday Committee was only intended to make recommendations to the Council with the Council having the final decision Mayor Anderson stated the First Monday Committee would serve as an advisory board to help formulate policy Councilmember Deibert made a motion to adopt Ordinance No 2006-17 calling the November 7, 2006, City of Canton Special Election for the purpose of adopting a Home Rule City Charter and designating the polling places and times for early voting and election day Councilmember Sanford seconded, and all voted in favor.

3 ADJOURN - There being no further business to come before the Council, the meeting adjourned at 12:28 p.m. upon motion by Councilmember Sanford and second by Councilmember Deibert.

R.C. Anderson, Mayor

ATTEST:

Julie H Seymore, City Secretary

**MINUTES**
**CALLED MEETING OF THE CANTON CITY COUNCIL**
**THURSDAY, SEPTEMBER 7, 2006, 5:30 P.M.**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor R.C Anderson, Ron Sanford, Kevin Deibert, William Hilliard and Elaine Seymore City Attorney, Richard Davis, was also present

Discussion and action were as follows:

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 5:38 p m. and declared a quorum present.

2 COUNCIL AND STAFF WORK SESSION FOR FISCAL YEAR 2006-2007 PROPOSED BUDGET – Julie Seymore reported that as previously requested by the Council, she had included a small water rate increase in the proposed budget. She noted raising water rates a nickel per usage level would generate $54,000 in revenue, promote conservation and bring the water department into the black. Ms. Seymore mentioned the other requested changes reflected in the new budget were a $2,000 increase for the November election; a $7,500 increase in the Police Department budget to allow for overtime pay for officers; a $20,000 decrease in the police and fire departments made possible by continuing loans on the recently purchased police and fire vehicles; and $1000 added to each department as a contingency fund.

Councilmember Sanford expressed a desire to take a closer look at directors' salaries He suggested freezing Tim Gothard's salary on year and raising the other directors in order to make them more in line with each other Mayor Anderson explained the Council had agreed to try to standardize the salaries Ms Seymore said $48,000 had been proposed for Tim Gothard and $45,000 for the other directors After a general discussion regarding directors' salaries, Mayor Anderson recessed at 6:03 p m in order to conduct the public hearing on the tax rate

The meeting resumed at 7:15 p m Julie Seymore indicated the proposed water rate increase would generate approximately $50,000 in revenue She said the goal should be for the water and wastewater treatment departments to at least cover their own salaries and operating expenses Ms Seymore explained the proposed water rate structure also promoted water conservation Councilmember Sanford indicated his approval of the proposed rates

Mayor Anderson indicated the appraisal district had lowered its budget by $4000 which could be used toward salaries After another discussion regarding the standardization of directors' salaries, Councilmembers Deibert and Sanford said they would agree to $47,000 for each director, and Councilmember Hilliard recommended $45,000 Councilmember Elaine Seymore excused herself from any comments regarding this issue It was decided all directors' salaries would be set at $47,000 for the coming year

Councilmember Deibert suggested the next presentation include a comparison of the current year's budget excluding grants to the previous year's to show how the budget had actually decreased Tim Gothard suggested an emphasis be put on the grants not being guaranteed Councilmember Hilliard suggested spending money on First Monday and hiring an outsider to come in and lay out a new concept He said First Monday should be in a productive stance again Mayor Anderson said a meeting should be scheduled to concentrate on First Monday and ask Mr Cluck to show his numbers for the last few years

3 ADJOURN – There being no further business to come before the Council, the meeting adjourned at 8:04 p m upon motion by Councilmember Sanford and second by Councilmember Deibert

R C Anderson

R C Anderson, Mayor

ATTEST:

Julie H Seymore

Julie H. Seymore, City Secretary

**MINUTES**

**CALLED MEETING OF THE CANTON CITY COUNCIL**

**THURSDAY, SEPTEMBER 7, 2006, 6:00 P.M.**

City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor R.C. Anderson, Ron Sanford, Kevin Deibert, William Hilliard and Elaine Seymore. City Attorney, Richard Davis, was also in attendance.

Discussion and action were as follows:

1. CALL TO ORDER – May or Anderson called the meeting to order at 6:00 p m. and declared a quorum present.

2. PUBLIC HEARING ON PROPOSED TAX RATE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 – Julie Seymore gave a PowerPoint presentation on the proposed budget. She began by listing the major accomplishments for the City during the past year, then explained the City operated with a balanced budget, and set forth the process the staff went through in developing the proposed budget. Ms. Seymore then pointed out the major changes in the budget from the previous year and the grants that were applied for to help with various projects.

   Mayor Anderson opened the public hearing at 6:38 p m. Andy Reese asked why the First Monday revenue was declining. Ms. Seymore explained the difference was the previous year's revenue began with a beginning balance of $230,000 carried over from the prior year for a continuing project, and no beginning balance was planned in the proposed budget. Mr. Reese also asked if the other grants had come through, or if they were still pending. Rick Malone said the FM 859 water line grant had come through. Ms. Seymore explained if a grant did not come through on a particular project the expenses would also go down in the budget. Jim Stephens explained there would probably not be more than $300,000 of the $1 million sidewalk project completed in the budget year, therefore that was all that was budgeted.

   Margaret Weldon mentioned large trucks were coming down Mill Creek and Etheridge damaging the streets. She said she tried to get a weight limit sign installed. Mayor Anderson explained the contractors had to get further along on the development before they could stop the concrete trucks from going in or enforcing weight limits.

   Henry Morrow, 2020 Lisa Circle, said the notice in the paper did not give the time for the hearing. Ms. Seymore responded that City Hall only received one call about the time for the meeting. She also announced another hearing had been scheduled for 7:00 p.m., September 12. Mr. Morrow requested an explanation of why the tax rate went up 9.5%. Ms. Seymore explained the tax rate was reduced from 40 cents to 39 cents, but the appraisal values went up which increased the amount people had to pay. Mr. Morrow said his property value had gone up for the last eleven years and it never seemed to be in small increments. He said the City had an obligation to watch the City's money and not have a 9-1/2% increase. Mr. Morrow said it was taxation without representation because the taxpayers in the city and county had no say in what the budget would be. He suggested the council look at the high drop-out rates and percentage of children going to college. Mr. Morrow said 90% of the street repair was someone shoveling coal mix in a hole and stomping it down. He said Lisa Circle has been there fifteen years and had never been fixed. He wanted to see some return on his taxes. Mayor Anderson

explained the City was affected by increased costs as well, and they had gone thirteen years without a property tax. Mr. Morrow said everyone thought there was enough First Monday revenue so the City did not need a tax. He felt the increase of the city and county taxes would wipe out the reduction in the school tax.

Rick Malone said in his fifteen years with the City he considered this one of the best budgets ever submitted as far as how it was put together He gave credit to Julie Seymore for the presentation He said it was disappointing not more people were there to see it. Jim Stephens said there had been a lot of input from the department heads in putting the budget together and Ms Seymore had done a great job.

Councilmember Hilliard said the Council should look at what the 39-cent tax rate would bring in at the new appraised values. Julie Seymore said in the current year the City collected $845,830 in taxes at the 40-cent level. She estimated the 39-cent tax rate would generate $957,500. Councilmember Hilliard said he shared Mr. Morrow's sentiment that the city was not treating its people right He said if they did not listen to the taxpayers they did not need to be there.

Margaret Weldon asked who made the decision regarding the tax increase. Mayor Anderson said the Council could decide as long as the increase was below a certain amount. Ms. Seymore pointed out there were two opportunities for citizens to come in and speak to the council before a decision was made.

Councilmember Deibert mentioned when there was twelve years without money collected, things got put off and the City was now at the point of having to do the things that did not get done during that time. Mayor Anderson said the TCEQ told the City the Wastewater Treatment Plant would be at capacity in four years and expansion would require some kind of bond issue. He stated at some point, the City had to pay back what it borrowed. Mayor Anderson said the City should not have gone to a zero cent property tax when there were holes in the streets. He added the City was run at a deficit and First Monday was allowed to run down which was why there were flea markets now in McKinney and Tyler Mayor Anderson pointed out a lot of people had attended the meeting last year when the tax was proposed and this year there were very few. He said the City had gone from a $10 million debt to $6 million by the end of the year. He stated the City had a $7 million debt which was 70% of the annual budget and the City could not fix the streets when they owed over $6 million He added the good of the community had to come first

Requesting and hearing no further comments, the public hearing was closed at 7:10 p.m.

Mayor Anderson announced another public hearing was scheduled on September 12, 2006, at 7:00 p.m. Julie Seymore said the vote on the tax rate would be taken at the next regular council meeting, September 19, 2006, at 6:30 p m

3 ADJOURN – Mayor Anderson adjourned the meeting at 7:11 p m

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**CALLED MEETING OF THE CANTON CITY COUNCIL**
**MONDAY, SEPTEMBER 12, 2006, 7:00 P.M.**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor R C. Anderson, Ron Sanford, William Hilliard, Kevin Deibert and Elaine Seymore City Secretary, Julie Seymore, and Directors Rick Malone, Jim Stephens, Tim Gothard, and City Attorney Richard Davis were also in attendance.

Discussion and action were as follows:

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 7:03 p m. and declared a quorum present.

2. CONSIDER AWARDING BID FOR PURCHASE OF DUMP TRUCK – Rick Malone reported the dump truck had been placed in the budget to replace some of the aging fleet. He received two bids, one for an automatic and one for a standard The lowest bid was from Hall GCT for a 2006 GMC C7500 automatic for $51,315 with a two-year truck base warranty with unlimited miles. He noted the cost of the truck would be split among the water, sewer and street departments, and it was approximately $600 more than what was budgeted He added local dealers did not submit a bid, and the invitation to bid was published in the Tyler, Canton and Van Zandt papers Mr Malone initially looked at a buying pool and the cost was between $49,000 to $52,000. He explained they would keep the truck they now had which was more for highway use while the new truck could also be used off-road He added the trucks could both be used when transferring material from one location to another. Councilmember Deibert requested an hour meter be placed on the vehicle or a mileage log be kept Councilmember Seymore made a motion to award the bid for the purchase of a dump truck to Hall GMC for $51,315. Councilmember Sanford seconded, and all voted in favor.

3. FIRST PUBLIC HEARING ON PETITION FOR ANNEXATION OF AN 8.779-ACRE TRACT SITUATED IN THE JAMES DOUTHIT SURVEY, A-198, LOCATED ON STATE HIGHWAY 243 EAST – The public hearing opened at 7:13 p m The Mayor explained the hearing was on the petitioned annexation of the tract of land across from Brookshires and Traders Square. He noted the owner proposed an 85,000 square foot mall with pad sites for Employees' First Credit Union and Starbucks. He added sewer was available on the property and there was plenty of water. He also announced the second public hearing would be held September 19, 2006, at the regular council meeting Rick Malone said they were working on the flood plain issues and building could not begin until that was resolved. He said there had been some dirt removal because the dirt had been built up too high for a flood way. Councilmember Hilliard said it would be a good time for the creek to be made to look nice Mr. Malone said the owner had indicated he would like to clean up the creek. Water can be found in the south side of the creek all the time. There being no further comments, the public hearing was closed at 7:19 p.m

4. PRESENTATION ON PROPOSED BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 – Julie Seymore made a PowerPoint presentation on the proposed budget.

5 PUBLIC HEARING ON PROPOSED BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007 – The public hearing on the proposed budget for fiscal year beginning October 1, 2006 and ending September 30, 2007 was opened at 7:46 Mayor Anderson announced the vote on the budget would be held September 19, 2006. Tim Gothard presented a list of accomplishments of the police and fire departments as well as a list of his certifications He mentioned an error had been made in the amount of salary he made during the last council meeting. Bob Moore complimented the fire department saying he had seen a very professional job from there during the last year and a half. Mayor Anderson recommended the budget be passed with the understanding that directors' salaries would be revisited at a later date. Mayor Anderson requested Julie Seymore do a comparison of the city and county's hourly employees. He said he'd like to have the review done by the end of October so adjustments could be made as needed Mayor Anderson also complimented the personnel from the police and fire departments. Councilmember Hilliard suggested devising a scale of employee salaries. Mayor Anderson said he would like to look at the overall salary structure He reiterated that he would like to go with the salaries presented in the budget and look at the issue again in October. There being no additional comments, the public hearing was closed at 7:55 p m

6. PUBLIC HEARING ON PROPOSED TAX RATE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 – A public hearing was opened on the proposed tax rate at 7:56 p m. Mayor Anderson announced it was the second public hearing on the matter and that a vote on the proposed tax rate would be taken on September 19, 2006. There being no comments, the public hearing closed at 7:59 p.m.

7. ADJOURN - There being no further business to come before the Council, the meeting adjourned at 8:06 p m upon motion by Councilmember Seymore and second by Councilmember Deibert

R C Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**WORK SESSION OF THE CANTON CITY COUNCIL**
**MONDAY, SEPTEMBER 19, 2006, 5:30 P.M.**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor R C. Anderson, Ron Sanford, Kevin Deibert, William Hilliard and Elaine Seymore City Secretary, Julie Seymore, and Directors Jim Stephens, Tim Gothard, Lonny Cluck and Rick Malone were also in attendance City Attorney, Richard Davis, and Gary Burton were present.

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 5:33 p m. and declared a quorum present

2. INVOCATION - None during work session.

3. PLEDGE OF ALLEGIANCE - None during work session.

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None during work session

5. PROCLAMATIONS AND ANNOUNCEMENTS - None during work session

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA - None during work session

**CONSENT AGENDA**

7. CONSIDER APPROVAL OF MINUTES FROM AUGUST 15, 19, AND 28, 2006 CITY COUNCIL MEETINGS

8. CONSIDER APPROVAL OF AUGUST 2006 FINANCIAL STATEMENTS

9. CONSIDER ADOPTION OF RESOLUTION NO 2006–16 AUTHORIZING AND APPROVING RENEWAL OF A $133,000 CONSTRUCTION LOAN FROM AMERICAN NATIONAL BANK

10. CONSIDER ADOPTION OF RESOLUTION NO 2006-17 AUTHORIZING AND APPROVING RENEWAL OF A $528,000 CONSTRUCTION LOAN FROM AMERICAN NATIONAL BANK

11. CONSIDER ADOPTION OF RESOLUTION NO. 2006-18 AUTHORIZING AND APPROVING RENEWAL OF A $30,611 VEHICLE LOAN FROM AMERICAN NATIONAL BANK

12 CONSIDER ADOPTION OF RESOLUTION NO. 2006-19 AUTHORIZING AND APPROVING RENEWAL OF A $20,882 VEHICLE LOAN FROM AMERICAN NATIONAL BANK

13. CONSIDER ADOPTION OF RESOLUTION NO. 2006-20 APPOINTING ELECTION JUDGE, ALTERNATE ELECTION JUDGE, AND EARLY VOTING BALLOT BOARD FOR NOVEMBER 7, 2006 SPECIAL CHARTER ELECTION - Julie Seymore proposed Don Bullard as the judge and Doye Fuller as the alternate judge for the upcoming election on November 7, 2006.

**INDIVIDUAL CONSIDERATION**

14. SECOND PUBLIC HEARING ON PETITION FOR ANNEXATION OF AN 8.779-ACRE TRACT SITUATED IN THE JAMES DOUTHIT SURVEY, A-198, LOCATED ON STATE HIGHWAY 243 EAST – Mayor Anderson reported he received a phone call from Mr

Henson who was upset about the amount of time it was taking to get approval for him to start construction on the Bridwell Shopping Center Mr Burton said he intended to give him some preliminary indication based on the topographical map but the map showed only the contours and did not indicate the location of the buildings Mr. Henson was to get him additional information Rick Malone stated he had previously informed Mr. Henson that he could build the dirt up in the flood plain but not in the floodway, and he might have to remove some dirt if he filled in the wrong area Mr. Malone sent a letter to Mr Henson reminding him that upon completion of the flood study he could start the building process. Mr. Malone explained that FEMA was in charge of removing property from the floodplain and it must be done in line with a registered surveyor certifying the elevation data. Mr. Malone said Mr. Burton was almost finished with that lengthy process. Mr. Burton indicated his firm could make a quick determination in a couple of weeks as to whether or not the property was in the flood plain, but to prepare what FEMA required could take three to four months. Mr Henson was irate today because he had just been informed by his engineer that the process could take that long. Mr Malone said construction could not start at this time because he had not yet received any site plans Mr Burton estimated Mr. Henson's engineer would need at least six weeks to get a grading plan, water and sewer plan, parking lot layout and drainage design prepared Mr Malone said the City required a site plan containing all the civil work and the site work which then had to go to the Planning & Zoning Commission and to the City Council for approval Mr Malone explained there had to be a certain distance for all development around the lake based upon the flood plain ordinance. Mr. Henson indicated he was going to start on the access around the building and Mr. Malone reminded him the fire lane had to be level and could not impede water in the floodway.

15. PUBLIC HEARING AND CONSIDER ORDINANCE NO. 2006–18 GRANTING A SPECIFIC USE PERMIT FOR FIRST MONDAY BUSINESS (FMB) TO ALLOW CONSTRUCTION OF AN OPEN PAVILION IN GENERAL BUSINESS DISTRICT (B-2) AT 1455 TRADE DAYS BLVD., CANTON, TEXAS, OWNED BY STARSHIP LEAGUE CITY LP DBA CANTON MARKETPLACE – Julie Seymore explained there would be a public hearing and consideration of a specific use permit for construction of a pavilion on the Canton Marketplace grounds. She reported the Planning & Zoning Commission recommended the specific use permit with the following stipulations: a) the setback must be greater than or equal to that of Century 21; b) the roof must match the existing building; c) the number of events held at the pavilion were limited to eighteen per year, twelve to be held during First Monday, and the other six to be limited to five days each; and d) there was to be a twenty-foot fire lane on the south side of the building. She added four property owners had been notified and one response received in favor. Ms. Seymore explained the Commission limited the building to six extra events during the year to prevent the area from looking like a constant garage sale. Rick Malone explained the building would run from north to south. He also explained the special events would be sales by old time woodcarvers or other specialty-type items Mr Malone indicated the specific use permit was to protect the integrity of the City's main corridor The Planning & Zoning Commission was adamant about not having used appliances or other garage sale type merchandise. Councilmember Deibert said he did not feel Mr. Logsdon would make the pavilion trashy in any way. Mr Malone said the building would be set on asphalt and the same level as Century 21 There will be a fire lane to the south and a regular drive on the north Mr Malone indicated Mr Logsdon could not put in another entrance on Highway 19 and the visitors would have to come in by Canton Marketplace or in the old Real Deal entrance.

16. PUBLIC HEARING AND CONSIDER ORDINANCE NO. 2006–19 EFFECTING A ZONING

CHANGE FROM SINGLE FAMILY DETACHED RESIDENTIAL (R-1) TO RESTRICTED PROFESSIONAL AND OFFICE DISTRICT (RPO) ON THAT .205-ACRE TRACT OF LAND LOCATED IN J STOCKWELL SURVEY, A-760, PART OF 131 EUBANK BEING REPLATTED AS PART OF 141 EUBANK, CANTON, TEXAS, CURRENTLY OWNED BY ROSE REALTY – Ms. Seymore indicated a public hearing was held by the Planning & Zoning Commission to rezone a portion of the property currently in the tract known as 131 Eubank but being replatted as part of 141 Eubank. She reported ten neighbors were notified and one response received in favor, and the Planning & Zoning Commission recommended the zoning change.

17. CONSIDER ADOPTION OF ORDINANCE NO. 2006–20 APPROVING PROPOSED BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 – Ms. Seymore explained the council would be considering adoption of the proposed budget and tax rate. She indicated that all public hearing requirements had been met. She also noted the proposed budget was based on a 39-cent tax rate, with about 20 cents of that committed to debt service.

18. CONSIDER ADOPTION OF ORDINANCE NO. 2006–21 LEVYING TAX RATE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007

19. CONSIDER ADOPTION OF ORDINANCE NO. 2006–22 AMENDING WATER AND WASTEWATER RATES - Ms. Seymore explained the proposed ordinance would amend the water rates as previously proposed.

20. CONSIDER ADOPTION OF ORDINANCE NO. 2006–23 REGULATING USE OF FIREARMS IN CITY LIMITS – Senior Operations Officer Mike Echols reported two incidents had occurred in the city involving firearms for which they could not file charges because no ordinance was in place prohibiting them. He explained there was a state law which prevented people from firing across property lines. Tim Gothard and Mike Echols removed the language about BB guns and pellet guns because the ordinance did not pass the first time it was presented. The intent of the ordinance was to prevent shooting of firearms in a reckless manner. Councilmember Sanford indicated he was against removing the language about pellet guns. Councilmember Hilliard reminded everyone children learned a lot from learning how to use a weapon. Mayor Anderson stated the Council was charged with public safety, and it might consider adding the word "reckless" in the ordinance. He also suggested wording about bows and arrows could be included. Mike Echols indicated the police would look at the circumstances surrounding each incident in order to determine whether or not to file charges under the ordinance. Councilmember Seymore said there were areas in town where someone could go to shoot firearms or bows and arrows legally. Mike Echols indicated all the weapons listed were defined as firearms in the state law. Councilmember Seymore brought up that the City could be held liable if an ordinance was not in effect that did not include all the weapons per state law. Richard Davis advised firearms was defined in the Texas Penal Code. He indicated he would get with Chief Gothard and the police department to fine-tune the language.

21. CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT BOARD OF DIRECTORS

22. CONSIDER APPOINTMENTS TO PLANNING & ZONING COMMISSION

23. CONSIDER APPOINTMENT TO BOARD OF ADJUSTMENT

Elaine Seymore said she had proposed Karen Hendricks as a board member. Rick Malone pointed out Ms Hendricks worked at the main gate during First Monday. Mayor Anderson recommended committee members be voted on during the October council meeting

## REPORTS

24. MAYOR'S REPORT

25 STAFF REPORTS – Julie Seymore reminded everyone there was an employee appreciation dinner at the Country Club at noon on Friday and encouraged everyone to attend. Lonny Cluck reported the new bathroom might not be ready before First Monday He further reported there were three shows that weekend on the grounds – an RV show, an SCA event and a car show Councilmember Deibert reported to Jim Stephens that a light was off the First Monday sign in Forney and the date was not showing Judge Lilia Durham reported speaking to a second grade class last week. Jim Stephens asked everyone to attend the luncheon on Friday. He said the employees had stepped up to the plate during the last year and should be recognized for that

Rick Malone said all the departments were running well. They were still working on clearing out the southern part of the lake which would result in a supply of sand that could be used over the next one to two years. Mr Malone said the water plant had been dealing with issues about treating water but that was now resolved. He added the lake was almost four feet low and the City was in the second stage of water conservation Mr Malone said the well had not been running every day because of the chemical issues at the plant. Tim Gothard reported the fire department had almost completed painting the fire hydrants. He was scheduling station tours from schools and a presentation at a high school for career day. He further reported ten members of the fire department recently completed forty hours of driver engineer class. Julie Seymore reported the City would be closing the fiscal year at the end of the month and the accounting department had started preliminary work on next year's audit. She added Conway Company had been contracted to do the audit again since they would be dealing with two accounting systems caused by the conversion mid-year Ms Seymore reported the new accounting software worked well Rick Malone said he was not happy with the software from a system management view

## EXECUTIVE SESSION

**A closed or executive session will follow 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 551.071.**

26. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551 071)

## RETURN TO OPEN SESSION

27. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

28. CONSIDER APPROVAL OF SHARED SETTLEMENT AGREEMENT WITH TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL IN THE CASE OF MICHEL

ABIO VS. CITY OF CANTON

29. ITEMS FOR FUTURE AGENDAS

30. ADJOURN – The meeting was adjourned by Mayor Anderson at 5:23 p.m.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**MINUTES**
**MEETING OF THE CANTON CITY COUNCIL**
**TUESDAY, SEPTEMBER 19, 2006, 6:30 P.M.**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor R.C. Anderson, Ron Sanford, Kevin Deibert, William Hilliard and Elaine Seymore. City Secretary, Julie Seymore, and Directors Jim Stephens, Tim Gothard, Lonny Cluck and Rick Malone were also in attendance. City Attorney, Richard Davis, and Gary Burton were present.

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 6:31 p.m. and declared a quorum present.

2. INVOCATION - given by Jim Stephens

3. PLEDGE OF ALLEGIANCE – led by Mike Echols.

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - Julie Seymore received a conflict of interest statement from Councilmember Seymore for Items 9, 10, 11 and 12 regarding loans with her employer, American National Bank.

5. PROCLAMATIONS AND ANNOUNCEMENTS – Mayor Anderson announced he had received a letter from the mayor of Farmers Branch, Texas, asking Canton to join them in passing a resolution regarding illegal aliens.

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – Kristin Woods addressed the Council regarding a recent letter sent to citizens suggesting Lonny Cluck be placed in the City Manager position. She voiced her opinion in strong opposition to Mr. Cluck's appointment as City Manager and noted someone from the outside should be hired.

## CONSENT AGENDA

7. CONSIDER APPROVAL OF MINUTES FROM AUGUST 15, 19, AND 28, 2006 CITY COUNCIL MEETINGS

8. CONSIDER APPROVAL OF AUGUST 2006 FINANCIAL STATEMENTS

9 CONSIDER ADOPTION OF RESOLUTION NO. 2006–16 AUTHORIZING AND APPROVING RENEWAL OF A $133,000 CONSTRUCTION LOAN FROM AMERICAN NATIONAL BANK

10. CONSIDER ADOPTION OF RESOLUTION NO. 2006-17 AUTHORIZING AND APPROVING RENEWAL OF A $528,000 CONSTRUCTION LOAN FROM AMERICAN NATIONAL BANK

11. CONSIDER ADOPTION OF RESOLUTION NO. 2006-18 AUTHORIZING AND APPROVING RENEWAL OF A $30,611 VEHICLE LOAN FROM AMERICAN NATIONAL BANK

12. CONSIDER ADOPTION OF RESOLUTION NO. 2006-19 AUTHORIZING AND APPROVING RENEWAL OF A $20,882 VEHICLE LOAN FROM AMERICAN NATIONAL BANK

13. CONSIDER ADOPTION OF RESOLUTION NO 2006-20 APPOINTING ELECTION JUDGE, ALTERNATE ELECTION JUDGE, AND EARLY VOTING BALLOT BOARD FOR NOVEMBER 7, 2006 SPECIAL CHARTER ELECTION

After a brief discussion, Councilmember Sanford made a motion to approve Items on the Consent Agenda Councilmember Deibert seconded Councilmember Seymore abstained on items 9, 10, 11 and 12, and all others voted in favor

## INDIVIDUAL CONSIDERATION

14. SECOND PUBLIC HEARING ON PETITION FOR ANNEXATION OF AN 8.779-ACRE TRACT SITUATED IN THE JAMES DOUTHIT SURVEY, A-198, LOCATED ON STATE HIGHWAY 243 EAST – The public hearing opened at 6:40 p m Mayor Anderson announced it was the second public hearing on a petition for the annexation of the property which was the old Bridwell sale barn Mayor Anderson said the final vote would be at the October council meeting. There being no other comments, the public hearing closed at 6:41 p m

15. PUBLIC HEARING AND CONSIDER ORDINANCE NO. 2006–18 GRANTING A SPECIFIC USE PERMIT FOR FIRST MONDAY BUSINESS (FMB) TO ALLOW CONSTRUCTION OF AN OPEN PAVILION IN GENERAL BUSINESS DISTRICT (B-2) AT 1455 TRADE DAYS BLVD., CANTON, TEXAS, OWNED BY STARSHIP LEAGUE CITY LP DBA CANTON MARKETPLACE – The public hearing opened at 6:42 p.m. regarding a specific use permit to allow for construction of an open pavilion. Mr. Wayne Paul, a representative for John Logsdon, explained the plan was to hold events during First Monday weekends and six other events during the year such as a junior high band concert or a tractor show. He said they planned to schedule events to benefit the schools and the city, and the pavilion would

be cleaned out by the Wednesday after First Monday. Mr John Logsdon said the roof to the pavilion would match the existing Canton Marketplace building He explained the pavilion would be 180 feet long, divided by columns 25 feet apart, and would accommodate approximately 30 vendors. Julie Seymore explained the City's job in this instance was to allow the citizens to use their property as long as it did not hinder the citizens. She noted there were restrictions placed on the specific use permit by the Planning & Zoning Commission: the setback must be greater than or equal to Century 21, the roof color had to match the existing building, only six events could be held outside of First Monday weekends and they require a permit, and there must be a 20' fire lane on the south side. Mayor Anderson said the City would not be paying for anything regarding the paviljon, the owner would pay all costs. Councilmember Deibert said local businesses would benefit by bringing in junior high bands because the parents would stay at hotels and eat at the restaurants Mayor Anderson reiterated this was a private enterprise and the owner would be required to obtain permits to use the pavilion for non-First Monday events. There being no further comments, the public hearing closed at 6:48 p m Councilmember Seymore made a motion to grant the specific use permit for First Monday Business (FMB) to allow for the construction of an open pavilion in the General Business District (B-2) at 1455 Trade Days Blvd , Canton, Texas, owned by Starship League City LP d/b/a Canton Marketplace with the restrictions as set out previously Councilmember Sanford seconded, and all voted in favor.

16. PUBLIC HEARING AND CONSIDER ORDINANCE NO 2006–19 EFFECTING A ZONING CHANGE FROM SINGLE FAMILY DETACHED RESIDENTIAL (R-1) TO RESTRICTED PROFESSIONAL AND OFFICE DISTRICT (RPO) ON THAT .205-ACRE TRACT OF LAND LOCATED IN J STOCKWELL SURVEY, A-760, PART OF 131 EUBANK BEING REPLATTED AS PART OF 141 EUBANK, CANTON, TEXAS, CURRENTLY OWNED BY ROSE REALTY – A public hearing opened at 6:49 p.m to consider Ordinance 2006-19 effecting a zoning change Rick Malone stated when the original zoning on the property was changed to RPO during a previous meeting, the Planning & Zoning Commission believed there would be no permanent parking in the front of the building. He noted this was not clarified at the last council meeting and the Planning & Zoning Commission was unanimous in their intent for there to be no parking past the edge of the house and the circle drive would be for temporary parking only with a 15-minute maximum. Bob Reese read a letter he addressed to the Council to which he attached a rough drawing showing the parking layout Mr Reese said it was his desire to create a showplace for the community and to be respecting and caring neighbors. He stated the Planning & Zoning Commission's motion did not include the parking spots out front. He added oe of the Planning & Zoning Commission members had visited the site and was fine with the layout he saw He noted the parking had a visible barrier coming from Buffalo, and on Eubank one could not see the last parking spot until he got to the property line. Mr. Reese said they ran the shrub line to 20 feet and the parking lot was at 27 feet. He noted the parking lot would be visible only from directly across the street and some from Highway 19. Mr. Reese said their intent was to go above and beyond the standards. He did not believe the five parking spots up front were a hindrance to the area. He stated a lot of trucks were going in and out and a lot of people visiting during construction Councilmember Deibert confirmed that Chris Howard of the zoning board said what Mr. Reese had done with the parking was okay with him Mr Reese responded that Mr. Malone's position would cause him to lose three parking spots and two majestic trees, and they tried to make the building accessible for people in inclement weather and for seniors. Tommy Eubank, a next-door neighbor to the property, said he felt the changes increased his privacy with all the additional plantings. Scott Brooks, member of the commission, said Mr. Malone was right

and the parking was not put into the original motion but the Planning & Zoning Commission felt it should have been. Mr. Brooks said he had a problem with the back parking going all the way to the property line when the hedge line should have gone twenty feet past the last parking spot. Mayor Anderson said that problem should go back to the Planning & Zoning Commission and the council should address the subject of the public hearing. Mr. Malone confirmed the parking lot was constructed on the back lot prior to the zoning being changed. The public hearing closed at 7:08 p.m. Councilmember Deibert made a motion to adopt Ordinance No. 2006-19 effecting a zoning change from Single Family Residential (R-1) to Restricted Professional and Office District (RPO) on that 205-acre tract of land located in J. Stockwell Survey, A-760, part of 131 Eubank being replatted as part of 141 Eubank, Canton, Texas, currently owned by Rose Realty. Councilmember Seymore seconded. Motion passed with Councilmembers Deibert and Seymore in favor. Councilmembers Sanford and Hilliard abstaining.

17. CONSIDER ADOPTION OF ORDINANCE NO. 2006–20 APPROVING PROPOSED BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 – Mayor Anderson explained there had been two previous public hearings to discuss the budget, as well as a workshop. Julie Seymore presented the PowerPoint presentation on the budget for a third time. After the presentation, Councilmember Deibert made a motion to adopt Ordinance No. 2006-20 approving the proposed budget for fiscal year beginning October 1, 2006, and ending September 30, 2007. Councilmember Seymore seconded. Councilmember Hilliard voted nay due to the property tax, and all others voted in favor.

18. CONSIDER ADOPTION OF ORDINANCE NO. 2006–21 LEVYING TAX RATE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007 – Councilmember Sanford moved that the property tax be increased by the adoption of a tax rate of 39 cents per $100 of property valuation, and to approve Ordinance 2006-21 adopting the 2006-2007 tax rate for the City of Canton. Councilmember Deibert seconded. Councilmember Hilliard voted nay, and all others voted in favor.

19. CONSIDER ADOPTION OF ORDINANCE NO. 2006–22 AMENDING WATER AND WASTEWATER RATES – Councilmember Seymore made a motion to adopt Ordinance No. 2006-22 amending the water rates. Councilmember Sanford seconded, and all voted in favor.

20. CONSIDER ADOPTION OF ORDINANCE NO. 2006–23 REGULATING USE OF FIREARMS IN CITY LIMITS – Councilmember Sanford made a motion to adopt Ordinance No. 2006-23 regulating the use of firearms in the city limits with the amendment to Section 1 under definition to use the State's definition of firearm. Councilmember Seymore seconded. Councilmember Hilliard voted nay, all others voted in favor.

21. CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT BOARD OF DIRECTORS – Mayor Anderson announced the appointments to the Canton Economic Development Board of Directors would be made at the October council meeting.

22. CONSIDER APPOINTMENTS TO PLANNING & ZONING COMMISSION – Mayor Anderson announced the appointments to the Planning & Zoning Commission would be made at the October council meeting.

23. CONSIDER APPOINTMENT TO BOARD OF ADJUSTMENT – Mayor Anderson announced

the appointments to the Board of Adjustment would be made at the October council meeting.

## REPORTS

24. MAYOR'S REPORT – Mayor Anderson asked for volunteers to the various boards He announced a City employee appreciation luncheon was scheduled Friday and employees with 5, 15 and 20 years of service would be awarded pins. Mayor Anderson wanted the citizens to know that the City's greatest asset was its employees.

25. STAFF REPORTS – None

The meeting recessed at 7:45 p.m.

## EXECUTIVE SESSION

26. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551.071) - 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 551.071, the Council convened in closed session at 7:50 p.m for deliberations regarding pending litigation

## RETURN TO OPEN SESSION

27. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION - The Council reconvened in open session at 8:10 p.m.

28. CONSIDER APPROVAL OF SHARED SETTLEMENT AGREEMENT WITH TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL IN THE CASE OF MICHEL ABIO VS CITY OF CANTON – Councilmember Sanford made a motion to approve the shared settlement agreement with Texas Municipal League Intergovernmental Risk Pool in the case of Michel Abio vs City of Canton Councilmember Seymore seconded, and all voted in favor.

29. ITEMS FOR FUTURE AGENDAS – Rick Malone mentioned the City was notified it would have to move its 10" line due to plans the State had for the intersection at Highways 198 and 243 He said the State was widening the intersection and increasing the width of the turning lane He also reported he and Jim Stephens were attempting to obtain a safety grant for sidewalk improvements along Highway 198 He stated Mr. Burton would develop an estimate for the project expected to cost around $100,000. There was a brief discussion regarding the location of the underground fuel tanks and their removal

30. ADJOURN – There being no further business to come before the Council, Councilmember Sanford made a motion to adjourn at 8:10 p.m Councilmember Deibert seconded, and all voted in favor

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

# MINUTES
## CALLED MEETING OF THE CANTON CITY COUNCIL
## THURSDAY, SEPTEMBER 28, 2006, 12:00 P.M.
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor R C. Anderson and Councilmembers Ron Sanford, Elaine Seymore, Robert Brockman, Kevin Deibert and William Hilliard. City Secretary Julie Seymore, and Directors Jim Stephens, Rick Malone and Tim Gothard were also in attendance.

Discussion and action were as follows:

1. CALL TO ORDER – Mayor Anderson called the meeting to order at 12:00 p m. and declared a quorum present. Councilmember Brockman had recently been advised by the City Attorney his resignation from the Council was not official since it had not been submitted in writing. Councilmember Brockman expressed his desire to resume his term having resolved the personal issues which caused him to step down. He said he wanted to fulfill his obligation to the citizens and the voters who elected him. Mayor Anderson and Councilmembers welcomed his return.

2. CONSIDER ADOPTION OF RESOLUTION NO 2006-21 AMENDING APPOINTED ELECTION JUDGES, ALTERNATE ELECTION JUDGES, AND EARLY VOTING BALLOT BOARD FOR NOVEMBER 7, 2006 SPECIAL CHARTER ELECTION – Julie Seymore stated Don Bullard and Doye Fuller had previously been named election judge and alternate. Since that time, Ms. Seymore learned the law required an election judge and alternate at each polling place. She proposed Don Bullard and Foye Fuller be appointed election judges and Bob Moore and Mary Maris be appointed alternate judges. Ms. Seymore said early voting would be held at city hall and she would be the early voting judge. She noted the election judges had to be registered voters in the city. Councilmember Hilliard made a motion to adopt Resolution No. 2006-21 amending appointed election judges, alternate election judges and early voting ballot board for the November 7, 2006 special charter election. Councilmember Seymore seconded, and all voted in favor. Julie Seymore explained the home rule charter would be mailed to all persons on the county clerk's official voter registration list. She noted the county clerk was currently verifying the list to eliminate those who were not residents of the city prior to the election.

3. ADJOURN – There being no further business to come before the Council, the meeting adjourned at 12:08 p m. upon motion by Councilmember Hilliard and second by Councilmember Deibert.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

CITY COUNCIL WORK SESSION
**5:30 P.M., TUESDAY, OCTOBER 17, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

## MINUTES

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor R C. Anderson, Ron Sanford, Robert Brockman, William Hilliard and Elaine Seymore Councilmember Kevin Deibert joined the meeting at 6:03 p.m Directors Julie Seymore, Jim Stephens, Tim Gothard, Lonny Cluck and Rick Malone, along with City Attorney Richard Davis and City Engineer Gary Burton were also in attendance.

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 5:33 p.m. and declared a quorum present.

2. INVOCATION – None during work session

3. PLEDGE OF ALLEGIANCE - None during work session

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None during work session

5. PROCLAMATIONS AND ANNOUNCEMENTS - None during work session

### CITIZEN'S FORUM

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA - None during work session

### CONSENT AGENDA

7. CONSIDER APPROVAL OF MINUTES FROM SEPTEMBER 9, 12, 19, AND 28, 2006 CITY COUNCIL MEETINGS

8. CONSIDER APPROVAL OF SEPTEMBER 2006 FINANCIAL STATEMENTS

9. CONSIDER ADOPTION OF RESOLUTION NO 2006-22 AMENDING AUTHORIZED REPRESENTATIVES FOR CITY ACCOUNTS WITH TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL) – Julie Seymore explained the resolution would amend the authorized representatives for the TexPool Accounts containing funds from the previously-issued certificates of obligation Persons named in the resolution requiring two signatures for bank transactions were Mayor Anderson, Julie Seymore, Jim Stephens, Lonny Cluck, and Debbie Phillips

10 CONSIDER RENEWAL OF CHAMBER OF COMMERCE SERVICE AGREEMENT – Julie Seymore stated the proposed agreement was essentially the same as the previous year, allocating $40,000 of the hotel/motel tax revenue to the Chamber for the promotion of Canton and its convention and hotel industry

**INDIVIDUAL CONSIDERATION**

11. CONSIDER REQUEST FROM "CITIZENS AGAINST HOME RULE" FOR DOOR-TO-DOOR SOLICITOR'S PERMIT – Julie Seymore explained James Foreman requested a door-to-door solicitor's permit to distribute campaign material She noted previous requests for door-to-door high pressure sales had typically been denied, but they had not previously received a request for political purposes She added no fee was involved

12 CONSIDER ADOPTION OF ORDINANCE NO 2006-24 ANNEXING AN 8.779-ACRE TRACT AND ALL CONTIGUOUS ROADWAY SITUATED IN THE JAMES DOUTHIT SURVEY, A-198, LOCATED ON STATE HIGHWAY 243 EAST, OWNED BY BRIDWELL CENTER DEVELOPMENT PARTNERSHIP – Julie Seymore reported the Council previously held two public hearings on the proposed annexation, and water and sewer were available at the property She noted a public hearing on the zoning of the property was also scheduled The property owners were requesting B-2 which was appropriate for that area, matched the comprehensive future land use plan, and was recommended by the Planning & Zoning Commission. Rick Malone stated he recently received a site plan for the shopping center He noted the owners would have to build at least 150 feet from the flood plain Mayor Anderson asked about necessary changes Mr. Malone said the setbacks were in the floodway and they had been informed all the dirt would have to be taken out to get back to the native elevation The Mayor noted this was a risk the property owner was willing to take when he proceeded with dirt work prior to revision of the flood plain maps. Mr. Malone said they could put parking in the floodway, but could not build up so that water could not go over it

Regarding the next step, Rick informed the Council the staff would review the site plan for zoning issues, setbacks, density, building heights, safety and fire lane issues, utilities, etc and City Engineer Gary Burton would look at the drainage calculations Once those issues had been reviewed, the site plan would go to the Planning & Zoning Commission for approval, then to the Council Following that, the property owner would request building permits, but Mr Malone had not yet received any building plans. Mr. Malone said the mixed-use shopping center should be approximately 76,000 square feet under one roof He said the Texas Department of Transportation determined the number of entrances allowed, and the plans included two exits and one entrance into the shopping center. Councilmember Seymore expressed safety concerns about traffic flow in the area with so many entrances onto Hwy 243 Mr. Malone said TxDOT understood the need and would begin work on plans for a street widening and bridge project upon the Mayor's request. Councilmember Hilliard suggested the city widen and shape the creek to make it look nice Mr Malone said the city could encourage and possibly offer incentives for the property owner to work on the creek Councilmember Brockman mentioned there were other areas in town which needed attention before the city used funds to widen the creek Mayor Anderson suggested the staff develop a list of priorities for cleanup projects

13. PUBLIC HEARING AND CONSIDER ORDINANCE NO 2006–25 EFFECTING A ZONING CHANGE FROM RURAL AGRICULTURAL (RA) TO GENERAL BUSINESS

DISTRICT (B-2) ON THAT 8.779-ACRE TRACT OF LAND LOCATED IN JAMES DOUTHIT SURVEY, A-198, LOCATED ON STATE HIGHWAY 243 EAST, OWNED BY BRIDWELL CENTER DEVELOPMENT PARTNERSHIP

14. CONSIDER AUTHORIZATION TO SPEND FUNDS FROM THE CAPITAL STREET PROJECT BUDGET FOR THE RELOCATION OF CITY UTILITIES NECESSITATED BY TXDOT'S WIDENING OF THE INTERSECTION AT HIGHWAYS 198 AND 243 – Rick Malone explained the utility relocation project would have to be sent out for bid Julie Seymore suggested the funds come from the $900,000 capital street project budget and the City could look for additional funds when a street project was selected She indicated the audit would soon be completed and surplus funds from the previous year might be available Rick Malone said the sewer line would have to be moved and an existing six-inch water line no longer needed would also have to be removed There was a general discussion on enlarging the sewer line, but it was determined it would not be beneficial since it was not a trunk line and fed into a 6" line

15 CONSIDER APPROVAL OF TASK ORDER / PROJECT NO 014060401 WITH GARY BURTON ENGINEERING, INC FOR STATE HIGHWAYS 243/198 INTERSECTION UTILITY RELOCATION PROJECT – Julie Seymore explained Burton Engineering proposed handling the surveying, staking, bidding and management of the project for an amount not to exceed $26,000

16. CONSIDER ALL MATTERS PERTAINING TO INDIVIDUAL STRUCTURES ON FIRST MONDAY PARK – Lonny Cluck reported he had several individuals who wanted to erect buildings on the First Monday grounds and he requested a council workshop to discuss the requests He added Richard Davis was currently working on a new lease for vendors Mayor Anderson said he felt the current leases gave away the city's ownership and control He expressed a desire for the council to tour the grounds before making any decisions (Kevin Deibert joined the meeting at 6:03 p m ) It was decided to hold a workshop on First Monday matters at 11:30 a m on October 30, 2006, beginning in Council Chambers and moving to the grounds

17. CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT BOARD OF DIRECTORS

18. CONSIDER APPOINTMENTS TO PLANNING & ZONING COMMISSION

19 CONSIDER APPOINTMENT TO BOARD OF ADJUSTMENT

Julie Seymore announced Ross Maris and Ernie Barbee were new nominees for the CEDC Board, and Joe Groves and Beth Whitaker were both willing to serve additional terms She added Lynn Etheridge and Scott Brooks had expressed interest in being reappointed to the Planning & Zoning Commission, and Josh Smetak's name had been proposed for the open alternate's position on the Board of Adjustment Mayor Anderson suggested term limits be put on the board positions Julie Seymore said she would look into the current policies regarding term limits to determine what would be needed to make that a requirement for each board

## REPORTS

20 MAYOR'S REPORT

21 STAFF REPORTS – Tim Gothard reported the fire department spoke to 900 Canton school kids the previous week during fire prevention week He received word they were awarded a $975 grant for the purchase of a PowerPoint projector, and he was scheduled to attend a meeting in Austin the next week regarding available fire grants He also announced the volunteer fire association paid off loans with proceeds from the parking lot, and it were debt-free and had clear titles to all its vehicles which were presented to the city

Lonny Cluck reported the new bathroom might not be ready for the November First Monday because it had not yet passed final inspection Mayor Anderson directed Mr. Cluck to make sure the contractor finished on time and that the work was done correctly

Jim Stephens reported he had met with Robert Johnson to push for Texas Capital Fund Grant contracts, which he hoped would be executed in the next week so Trinity Mother Frances could start hiring

Julie Seymore reported the accounting department closed out the budget cycle ending September 30, the bank reconciliations were being completed, and preparation for the annual audit had begun She said revenue for the previous year was $10 75 million, or 99 74% of the amount budgeted, and expenses were 91% of the budgeted amount.

Rick Malone reported everything was going well with the animal shelter construction and the City planned to do some of the rebuilding of the EMS building in-house He informed the Council two water sample tests had failed the previous week for the first time in eight to ten years He said six additional tests taken at the address, up the line and down the line within 24 hours came back negative, which was a good result He said he felt there was a problem with handling, and not with the water since additional samples were clear Mr Malone informed the Council the city was required to send out standardized notices to all customers regarding the tests, but no explanation was allowed on the notice Mr. Malone further reported he, Elaine Seymore, and Gary Burton attended a meeting with twenty-nine representatives of surrounding communities and organizations to begin the process of developing a regional water consortium to build a lake. Gary Burton explained they would apply for a grant from the water board who would contribute up to 50% Councilmember Seymore noted there was no cost to anyone up front. Mr. Burton said he would prepare the application and submit it at no cost by the November 30th deadline He added once the survey was complete and approved, the matching cost would be designated out to consortium members

EXECUTIVE SESSION

**A closed or executive session will follow 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 Sections 551.071 and 551.074.** – None during Work Session

22. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551.071)

23. EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS – DIRECTORS ANNUAL REVIEW (SECTION 551.074)

## RETURN TO OPEN SESSION

24 RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

25. ITEMS FOR FUTURE AGENDAS - None during Work Session

26. ADJOURN – The meeting was adjourned at 5:24 p m upon a motion by Councilmember Seymore and a second by Councilmember Deibert

R C Anderson, Mayor

ATTEST:

Julie H Seymore, City Secretary

## REGULAR MEETING OF THE CANTON CITY COUNCIL
**6:30 P.M., TUESDAY, OCTOBER 17, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

## MINUTES

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor R C Anderson, Ron Sanford, Robert Brockman, William Hilliard, Kevin Deibert and Elaine Seymore Directors Julie Seymore, Jim Stephens, Rick Malone, Lonny Cluck and Tim Gothard, along with City Attorney Richard Davis were also in attendance

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 6:31 p m and declared a quorum present

2 INVOCATION was given by Jim Stephens.

3. PLEDGE OF ALLEGIANCE was led by Rick Malone

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST – None

5 PROCLAMATIONS AND ANNOUNCEMENTS – None

## CITIZEN'S FORUM

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – Mr. Ron Perkins, 1489 Forrest Drive, Canton, raised a concern about the voter registration lists he received from the city Julie Seymore explained both lists were from the County Clerk's office on two different dates, with the second list

including updates She noted the city was required by law to send the proposed home rule charter to everyone on the list, even if it was the people on the list were not in the city limits. She added Shannon Myers from the County Clerk's office would provide another up-to-date list on the Friday or Monday before the election. Mr Perkins said he did not understand why there were not more questions asked by the council about the home rule charter He did not understand why the question had been raised about how soon the charter could be amended if the charter was good for the city. Mr Perkins also raised the question of the city's population being over 5000

CISD Superintendent Dr Jerome Stewart and School Board Member David Miller expressed appreciation to the Mayor for attending a monthly meeting with the superintendent to ensure the city and school district were working toward the same goals Dr Stewart explained a grant was available which would enable the city and school district to split the use of a policeman, with seventy-five per cent of the cost borne by the school district. He asked the city to consider joining them in obtaining the grant He said the city only had to provide information and submit the application for a grant which would provide up to $125,000 over a three-year period for a police officer's salary, training and benefits Dr Stewart explained the grant was available only to certified law enforcement agencies, and the police officer would be a city employee working at the school during the school year and for the City during the school break

Jim Fuller reported he had just returned from an IBMA convention in Nashville with some of the largest festival producers in the United States. He said Canton had the finest facility in the United States for an event of this type and requested a round table discussion with the council regarding how to proceed with the Bluegrass festival He noted the next festival was scheduled for June 20-23, 2007 and the talent had already been booked. A meeting was set for Wednesday, October 25, 2006, at 7:00 a m at the Down Home Café

## CONSENT AGENDA

7 CONSIDER APPROVAL OF MINUTES FROM SEPTEMBER 9, 12, 19, AND 28, 2006 CITY COUNCIL MEETINGS

8 CONSIDER APPROVAL OF SEPTEMBER 2006 FINANCIAL STATEMENTS

9 CONSIDER ADOPTION OF RESOLUTION NO 2006-22 AMENDING AUTHORIZED REPRESENTATIVES FOR CITY ACCOUNTS WITH TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL)

10. CONSIDER RENEWAL OF CHAMBER OF COMMERCE SERVICE AGREEMENT

Mayor Anderson requested the Chamber of Commerce resume its reports to the council on a quarterly basis. Councilmember Hilliard made a motion to pass items on the Consent Agenda Councilmember Deibert seconded, and all voted in favor

## INDIVIDUAL CONSIDERATION

11. CONSIDER REQUEST FROM "CITIZENS AGAINST HOME RULE" FOR DOOR-TO-DOOR SOLICITOR'S PERMIT – Ron Perkins requested a permit be granted allowing the "Citizens Against Home Rule" to distribute campaign literature door to door. He said the workers would probably only work from 10:00 a.m to 2:00 p m. Councilmember Brockman made a

motion to grant the request from "Citizens Against Home Rule" for a door-to-door solicitor's permit with the provision they be limited to working from 10:00 a m to 2:00 p m. only. Councilmember Seymore seconded, and all voted in favor

12. CONSIDER ADOPTION OF ORDINANCE NO. 2006-24 ANNEXING AN 8 779-ACRE TRACT AND ALL CONTIGUOUS ROADWAY SITUATED IN THE JAMES DOUTHIT SURVEY, A-198, LOCATED ON STATE HIGHWAY 243 EAST, OWNED BY BRIDWELL CENTER DEVELOPMENT PARTNERSHIP – Councilmember Brockman made a motion to adopt Ordinance No 2006-24 annexing an 8.779-acre tract and all contiguous roadway situated in the James Douthit Survey, A-198, located on State Highway 243 East, owned by Bridwell Center Development Partnership Councilmember Deibert seconded, and all voted in favor.

13. PUBLIC HEARING AND CONSIDER ORDINANCE NO 2006–25 EFFECTING A ZONING CHANGE FROM RURAL AGRICULTURAL (RA) TO GENERAL BUSINESS DISTRICT (B-2) ON THAT 8.779-ACRE TRACT OF LAND LOCATED IN JAMES DOUTHIT SURVEY, A-198, LOCATED ON STATE HIGHWAY 243 EAST, OWNED BY BRIDWELL CENTER DEVELOPMENT PARTNERSHIP – A public hearing was opened at 7:04 p m concerning the adoption of Ordinance No. 2006-25 Julie Seymore pointed out the Planning & Zoning Commission recommended the zoning change, and fifteen notices were sent out to neighboring property owners with two responses returned, both in favor She also noted the zoning change complied with the future land use plan There being no additional comments, the public hearing was closed at 7:06 p m Councilmember Hilliard made a motion to adopt Ordinance No 2006-25 effecting a zoning change from Rural Agricultural (RA) to General Business District (B-2) on that 8 779-acre tract of land located in James Douthit Survey, A-198, located on State Highway 243 East, owned by Bridwell Center Development Partnership Councilmember Seymore seconded, and all voted in favor.

14. CONSIDER AUTHORIZATION TO SPEND FUNDS FROM THE CAPITAL STREET PROJECT BUDGET FOR THE RELOCATION OF CITY UTILITIES NECESSITATED BY TXDOT'S WIDENING OF THE INTERSECTION AT HIGHWAYS 198 AND 243 – Mayor Anderson explained TxDOT wanted to widen the intersection at Highways 198 and 243 He said the cost estimate for the City to relocate its utilities was approximately $220,000 which would be taken out of the capital budget Councilmember Brockman made a motion to authorize the spending of funds from the capital street project budget for the relocation of city utilities necessitated by TxDOT's widening of the intersection at Highways 198 and 243 Councilmember Sanford seconded, and all voted in favor

15. CONSIDER APPROVAL OF TASK ORDER / PROJECT NO 014060401 WITH GARY BURTON ENGINEERING, INC FOR STATE HIGHWAYS 243/198 INTERSECTION UTILITY RELOCATION PROJECT – Mayor Anderson explained a service agreement was being considered with Burton Engineering to oversee the project previously discussed. Julie Seymore pointed out the cost for the contract was not to exceed $26,000. Councilmember Hilliard made a motion to approve Task Order / Project No. 014060401 with Gary Burton Engineering, Inc for State Highways 143/198 Intersection Utility Relocation Project Councilmember Deibert seconded, and all voted in favor.

16. CONSIDER ALL MATTERS PERTAINING TO INDIVIDUAL STRUCTURES ON FIRST MONDAY PARK - Mayor Anderson tabled this item to allow for a tour and work session on October 30, 2006, on the First Monday grounds.

17. CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT BOARD OF

DIRECTORS – Councilmember Brockman made a motion to reappoint Joe Groves and Beth Whitaker to the Canton Economic Development Board and to appoint new members Ross Maris and Ernie Barbee. Councilmember Deibert seconded, and all voted in favor.

18 CONSIDER APPOINTMENTS TO PLANNING & ZONING COMMISSION – Councilmember Ron Sanford made a motion to reappoint Lynn Etheridge and Scott Brooks to the Planning & Zoning Commission Councilmember Deibert seconded, and all voted in favor

19 CONSIDER APPOINTMENT TO BOARD OF ADJUSTMENT – Councilmember Seymore made a motion to appoint Josh Smetak as an alternate to the Board of Adjustment. Councilmember Brockman seconded, and all voted in favor

## REPORTS

20. MAYOR'S REPORT – Upon Mayor Hilliard's request, Jim Stephens reported on the Autumn Stroll He said approximately 200 kids and 125 adults were involved in the run, and about 400 people attended the banquet Saturday night He thanked Lonny Cluck and his employees for the way they handled the setup and take down. Mr Stephens advised the proceeds went to the Main Street Program and some of the projects it funded were the parking lot behind the theater, painting the museum and redoing the marquee, and purchasing lamps for the new sidewalks

21. STAFF REPORTS

## EXECUTIVE SESSION

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 Sections 551 071 and 551 074, the Council convened in closed session at 7:15 p.m for deliberations regarding personnel matters and pending litigation

22. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION (SECTION 551 071)

23 EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS – DIRECTORS ANNUAL REVIEW (SECTION 551 074)

## RETURN TO OPEN SESSION

24. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – The Council reconvened in open session at 7:45 p.m After a general discussion regarding salaries, Mayor Anderson instructed Julie Seymore to add consideration of the organizational chart and pay scales to the November agenda.

25 ITEMS FOR FUTURE AGENDAS

26. ADJOURN - There being no further business to come before the Council, the meeting adjourned at 8:17 p.m upon motion by Councilmember Sanford and second by Councilmember Deibert

R.C Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**CALLED MEETING OF CANTON CITY COUNCIL**
7:00 A M., WEDNESDAY, OCTOBER 25, 2006
CITY HALL, 290 E. TYLER STREET
CANTON, TEXAS

**MINUTES**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor R C. Anderson, Kevin Deibert, Ron Sanford, William Hilliard and Elaine Seymore Councilmember Robert Brockman was absent Also attending were Directors Julie Seymore, Jim Stephens and Lonny Cluck, along with Jim Fuller

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 7:03 a m. and declared a quorum present.

2. WORKSHOP ON ALL MATTERS PERTAINING TO BLUEGRASS FESTIVAL – Jim Fuller discussed his targeted advertising efforts to attract more people to the annual festival Mr Fuller believes booking bigger names in the music industry would bring in an additional audience, thus the need to budget enough money to accomplish that goal. Mr Fuller brought up the possibility of acquiring grant money and corporate sponsors to help fund the festival. There was a general discussion regarding acoustical improvements that could be made to the Civic Center. The council directed Mr Fuller to develop a long-range plan for their consideration

3. ADJOURN - There being no further business to come before the Council, the meeting adjourned at 7:52 a m upon motion by Councilmember Hilliard and second by Councilmember Seymore

R C Anderson, Mayor

ATTEST:

Julie H Seymore, City Secretary

**CALLED MEETING OF CANTON CITY COUNCIL**
11:30 A.M , MONDAY, OCTOBER 30, 2006
CITY HALL, 290 E TYLER STREET
CANTON, TEXAS

# MINUTES

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor R C. Anderson, Robert Brockman, Ron Sanford, William Hilliard and Elaine Seymore. Councilmember Kevin Deibert and Rick Malone joined the meeting at 12:19 p m on the First Monday grounds. Directors Julie Seymore, Rick Malone and Lonny Cluck were also present.

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 11:33 a m and declared a quorum present.

2. CONSIDER APPROVAL OF SITE PLAN FOR THAT TRACT OF LAND SITUATED IN ABST 198, J. DOUTHIT SURVEY, LOCATED ON HIGHWAY 243 EAST, CANTON, TEXAS, OWNED BY BRIDWELL CENTER DEVELOPMENT PARTNERSHIP – Rick Malone presented the site plan for the Bridwell Center. He stated it would be a mixed-use building which made it difficult to determine the number of parking spaces required, but the agreed on a ratio of approximately 3:1. Mr Malone indicated there would be one entrance only into the shopping center with two outgoing lanes and one incoming. He also stated each individual pad site would have its own address with its own water and sewer connection, and fire plugs would be located on both ends of the site with an additional plug in the middle. Mr Malone noted the owners would be paying impact fees. He reported the Planning & Zoning Commission reviewed the site plan and recommended it to the council without any changes. Councilmember Brockman made a motion to approve the site plan for that tract of land situated in Abst 198, J. Douthit Survey, located on Highway 243 East, Canton, Texas, owned by Bridwell Center Development Partnership. Councilmember Sanford seconded, and all voted in favor.

3. WORKSHOP ON ALL MATTERS PERTAINING TO FIRST MONDAY TRADE DAYS AND CONSIDER ANY ACTION PURSUANT THERETO – Lonny Cluck passed out presentations containing the pros and cons of each issue to be discussed. There was a brief recess at 11:57 a m. The Council reconvened at 12:08 p m at the Log Cabin on the First Monday grounds. Lonny Cluck gave a tour of the grounds and indicated the sites on which vendors were asking to build new structures.

   *[Councilmember Deibert and Rick Malone joined the meeting at 12:19 p.m.]*

4. WORKSHOP ON ALL MATTERS PERTAINING TO LEASES AND INDIVIDUAL STRUCTURES AT FIRST MONDAY TRADE DAYS PARK AND CONSIDER ANY ACTION PURSUANT THERETO - There was a general discussion regarding First Monday and its development and the proposed leases. No action was taken.

5. ADJOURN - There being no further business to come before the Council, the meeting adjourned at 1:00 p m upon motion by Councilmember Sanford and second by Councilmember Hilliard.

R C Anderson

R C. Anderson, Mayor

ATTEST:

Julie H Seymore, City Secretary

**CALLED MEETING OF CANTON CITY COUNCIL**
12 NOON, MONDAY, NOVEMBER 2, 2006
CITY HALL, 290 E TYLER STREET, CANTON, TEXAS

**MINUTES**

The meeting scheduled for the above-stated time and place was cancelled prior to meeting time.

1 CALL TO ORDER

2. CONSIDER ORDINANCE 2006-26 AMENDING FISCAL YEAR 2006-2007 BUDGET FOR PURCHASE OF FIRST MONDAY SOFTWARE / HARDWARE SYSTEM AND TWO GARBAGE TRUCKS

3. ADJOURN

R C Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**CALLED MEETING OF THE CANTON CITY COUNCIL**
12 NOON, MONDAY, NOVEMBER 6, 2006
CANTON CITY HALL, 290 E TYLER STREET, CANTON, TEXAS

**MINUTES**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor R.C. Anderson, William Hilliard, Robert Brockman, Ron Sanford and Elaine Seymore Councilmember Kevin Deibert was absent City Secretary, Julie Seymore, and Directors Jim Stephens, Lonny Cluck, Tim Gothard and Rick Malone also attended.

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 12 noon and declared a quorum present

2 CONSIDER ORDINANCE 2006-26 AMENDING FISCAL YEAR 2006-2007 BUDGET FOR PURCHASE OF FIRST MONDAY SOFTWARE/ HARDWARE SYSTEM AND TWO GARBAGE TRUCKS - Lonny Cluck explained the First Monday software system had

developed problems with the motherboard and they were told it was urgent they change to a new system He said Rick Malone had researched other systems and found two possible replacements He also added $90,000 needed for the software system and the garbage trucks could be redistributed from the First Monday building and grounds capital budget without affecting the budget's bottom line

Rick Malone reported he had checked references on the BoothTracker program and had received good feedback This particular package would include three eight-hour days of training and regular updates to the program They would also be able to customize the program to fit First Monday's needs and there would be potential for growth with the BoothTracker program The monthly maintenance contract for the program would cost $615 00 per month On-line support would be available Mr Malone also explained he was obtaining quotes for a new server with three hard drives The first date the system would be available was November 21 or 22

Lonny Cluck explained the recent mechanical problems with the First Monday garbage trucks and the problem getting replacement parts He noted the newest garbage truck used by First Monday was a 1984 model He proposed amending the budget by $50,000 for the purchase of two garbage trucks and reusing the boxes from the existing trucks. Rick Malone reported a new truck could be purchased for approximately $43,000 to $47,000, and a used one could be bought in the $32,500 price range

Councilmember Brockman made a motion to approve Ordinance No 2006-26 amending the fiscal year 2006-2007 First Monday budget by adding $40,000 to the $10,000 office equipment capital budget for the purchase of the First Monday software/hardware system, by adding $50,000 to the motor vehicle capital budget for the replacement of two garbage trucks, and by reducing the building and grounds capital budget by $90,000 Councilmember Seymore seconded, and all voted in favor

3 ADJOURN - There being no further business to come before the Council, the meeting adjourned at 12:35 p m upon motion by Councilmember Brockman and second by Councilmember Seymore

R C Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**CALLED MEETING OF CANTON CITY COUNCIL**
12 NOON, MONDAY, NOVEMBER 16, 2006
CITY HALL, 290 E TYLER STREET, CANTON, TEXAS

**MINUTES**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor R.C Anderson, William Hilliard, Robert Brockman, Ron Sanford, and Kevin Deibert Elaine Seymore was absent

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 12:03 p.m. and declared a quorum present

2. OFFICIAL CANVASS OF NOVEMBER 7, 2006 SPECIAL ELECTION RETURNS -- Mayor Anderson read the following results of the special election held November 7, 2006:

For adoption of Home Rule Charter

| | |
|---|---|
| Early Voting | 95 |
| Votes at Courthouse on Election Day | 109 |
| Votes at Senior Citizens on Election Day | 9 |
| Total | 213 |

Against adoption of Home Rule Charter

| | |
|---|---|
| Early Voting | 223 |
| Votes at Courthouse on Election Day | 280 |
| Votes at Senior Citizens on Election Day | 30 |
| Total | 533 |

There were 5 total provisional ballots with a final tally of 751 total votes Upon a motion by Councilmember Deibert and a second by Councilmember Sanford, Resolution 2006-23 adopting the results of the November 7, 2006, special election returns was passed with all voting in favor

3 ADJOURN - There being no further business to come before the Council, the meeting adjourned at 12:15 p m upon motion by Councilmember Brockman and second by Councilmember Deibert.

R C Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**WORK SESSION OF THE CANTON CITY COUNCIL**
**5:30 P.M., TUESDAY, NOVEMBER 21, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

**MINUTES**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor R C. Anderson, Ron Sanford, Robert Brockman, William Hilliard, Kevin Deibert and Elaine Seymore City Secretary, Julie Seymore, and Directors Jim Stephens, Tim Gothard, Lonny Cluck and Rick Malone were also in attendance. City Attorney, Richard Davis, and City Engineer Gary Burton were present

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 5:33 p m and declared a quorum present

2 INVOCATION – None during work session.

3. PLEDGE OF ALLEGIANCE - None during work session.

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None during work session.

5. PROCLAMATIONS AND ANNOUNCEMENTS - None during work session

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA - None during work session

**CONSENT AGENDA**

7 CONSIDER APPROVAL OF MINUTES FROM OCTOBER 17, 25, AND 30, 2006 CITY COUNCIL MEETINGS

8. CONSIDER APPROVAL OF OCTOBER 2006 FINANCIAL STATEMENTS

9 CONSIDER ADOPTION OF RESOLUTION NO 2006-24 AUTHORIZING DESIGNATED SIGNATORS FOR FISCAL YEAR 2006 TEXAS CAPITAL FUND CONTRACT 726222

10. CONSIDER ADOPTION OF RESOLUTION NO 2006-25 ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRUCTIONS

11. CONSIDER APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH GRANT WORKS FOR ADMINISTRATION OF THE TEXAS CAPITAL FUND GRANT NO 726222 AND AUTHORIZE CITY SECRETARY TO EXECUTE ALL RELATED DOCUMENTS – Julie Seymore explained Agenda Items 9, 10, 11 and 12 involved requirements of the Texas Capital Fund Grant that would fund construction of the water line along FM 859 to Interstate 20 She stated Item No 9 designated those authorized to sign for reimbursement of funds and for purchase orders. Item No 10 was a requirement of the grant to prohibit the use of excessive force by the police during nonviolent civil rights demonstrations Item No 11 was the approval of the professional service agreement with Grantworks for administration of the grant not to exceed $50,000. Justin Epker explained this particular agreement was typical when working with a grant consultant. He added Grantworks typically would help a city apply for a grant at no cost, and if and when the grant was funded, the company would be paid a percentage of the amount for providing administrative services for the grant Ms Seymore explained the water park would not benefit from the grant but the new Trinity Mother Frances clinic would, as well as the entire industrial park and the Wynne Community Rick Malone explained no one else would be tied onto this particular water line with the exception of taps in payment of an easement He said there could be no commercial tie-ons for two years without first

meeting the qualifications for the grant that Mother Frances had to meet He added the water line would be placed on the west side of FM 859

12. CONSIDER APPROVAL OF BURTON ENGINEERING PROFESSIONAL SERVICES AGREEMENT FOR FM 859 – WATER MAIN TASK ORDER / PROJECT NO. 014060201 AND AUTHORIZE CITY SECRETARY TO EXECUTE ALL RELATED DOCUMENTS – Julie Seymore explained the cost of the proposed engineering contract on the FM 859 water line project was not to exceed $72,000.

13. CONSIDER APPROVAL OF BURTON ENGINEERING PROFESSIONAL SERVICES AGREEMENT FOR WASTE WATER TREATMENT PLANT PERMIT RENEWAL TASK ORDER / PROJECT NO 014060101 AND AUTHORIZE CITY SECRETARY TO EXECUTE ALL RELATED DOCUMENTS – Julie Seymore explained the proposed contract with Burton Engineering was for services related to the application for renewal of the Wastewater Treatment Plant permit with the TCEQ The estimated cost would be $3500.00 Gary Burton noted there would be additional costs for testing

**INDIVIDUAL CONSIDERATION**

14 CONSIDER ADOPTION OF RESOLUTION NO 2006-26 AUTHORIZING APPLICATION FOR THE 2007-08 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) – Julie Seymore explained the proposed resolution would authorize the application for a $250,000 Texas Community Development Block Grant to fund a new water line along Wynne Road between FM 859 and Highway 19 She noted the deadline for the application was December 15, the city should know by May 2007 if the grant had been awarded, and the money would be available either in 2007 or 2008. She informed the Council the City was required to commit a $131,700 match out of the next year's budget Justin Epker stated the total amount of the water line was estimated to cost approximately $381,000, including engineering and grant administration, based on current pricing Rick Malone explained the water line would tie in Hwy. 19 to a new ten-inch water line and equalize the pressure

15. CONSIDER APPROVAL OF NEW STANDARDIZED LEASE FOR INDIVIDUAL STRUCTURES AT THE FIRST MONDAY PARK – Richard Davis presented a draft lease proposal He said the primary change in the lease was under Section 12 He also explained Section 30 was proposed by the former city manager and was included for consideration regarding sharing the cost of promotional funds with the vendors. Mr. Davis advised the vendors could not be moved onto a standardized lease unless they voluntarily chose to do so. Otherwise, the City had to wait until the existing leases expired. Mayor Anderson expressed his dislike for the high transfer fees in the building zone. He felt that it fostered subletting. Julie Seymore explained a large number of leases had the lot rent changed to the current rent at the time the lease was renewed Councilmember Deibert expressed a desire to have a lease that benefited both the City and the tenant. He said he felt the City could not afford to fund the construction of buildings on the grounds when the money could be used elsewhere in the City. Councilmember Hilliard requested a theme and/or architectural concept be developed for the grounds to tie the buildings in with each other Mayor Anderson raised the question of eliminating subletting altogether and lowering the transfer fee Councilmember Brockman felt subleasing should be the City's responsibility and not the vendors because the City would lose control with the vendors subleasing Richard Davis advised there was nothing that could be done about the subleasing in the current buildings due to

the existing contracts He said he inserted Item 12 stating the tenant shall not sublet without first obtaining the consent of the City who may deny consent for any or no reason at all Councilmember Hilliard suggested contacting the State Fair of Texas to find out how they handled their vendors Lonny Cluck mentioned problems arose when the policies and procedures changed and the lease requirements remained the same because different vendors were then operating under different rules Mr Cluck said he was not sure whether or not the City could continue designating a building zone and then not allow vendors to build on the property, especially if they were required to pay a building zone transfer fee Gary Burton warned that flood plain issues needed to be considered when discussing building on the First Monday grounds Rick Malone advised FEMA was redoing its flood maps throughout the state and Canton had already requested a re-evaluation due to its population growth Mayor Anderson stated the issue would be postponed to allow for the gathering of more information.

16. CONSIDER PROPOSAL BY SCOTT PERKINS FOR PURCHASE OF OLD BANDSTAND BUILDING AND LEASE OF ADJOINING LOTS FOR AN INDIVIDUAL STRUCTURE AT THE FIRST MONDAY PARK – This matter was postponed until a lease could be finalized

## REPORTS

17. MAYOR'S REPORT

18 STAFF REPORTS – Tim Gothard reported the Fire Department was running smoothly, they were in the process of hiring a replacement for Dustin Davis, and they received a $3950 grant for a pump and some adaptors Jim Stephens said the bids for the sidewalk grant were to open December 10 and work would hopefully begin in January 2007. He also reported Canton had been selected to be a National Main Street out of 52 cities. Rick Malone reported the new First Monday software had been purchased and installed on all of the computers except at the main gate and they were planning for the system to go live on January 2, 2007. Mr Malone said the water plant was finishing the repair work on the clarifier it started last year, the new animal shelter was a couple weeks behind schedule, and the purchase of materials for the EMS building had been scheduled for the next day He also reported construction on the bank at the Bridwell Center had begun and there was now a straight flow from Hwy 243 to Curry on the Cherry Creek Water Line. Tim Gothard mentioned there was a big structure fire on Etheridge Road the previous week and the volunteers and crew had done an outstanding job dealing with the fire

## EXECUTIVE SESSION

**A closed or executive session will follow 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 Sections 551.071 and 551.074.** – None during work session

19. EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS – DETERMINE DIRECTORS' SALARIES FOR FY 2006-2007 (SECTION 551 074)

20. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY (SECTION 551 071)

## RETURN TO OPEN SESSION

21. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

22. ITEMS FOR FUTURE AGENDAS

23. ADJOURN – The meeting was adjourned by the Mayor Anderson at 5:28 p m

R C Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**REGULAR MEETING OF THE CANTON CITY COUNCIL**
**6:30 P.M., TUESDAY, NOVEMBER 21, 2006**
City Hall Council Chambers, 290 East Tyler Street
Canton, Texas 75103

**MINUTES**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor R C Anderson, Ron Sanford, Robert Brockman, William Hilliard, Kevin Deibert and Elaine Seymore City Secretary Julie Seymore, and Directors Jim Stephens, Tim Gothard, Lonny Cluck and Rick Malone were also in attendance. City Attorney Richard Davis and City Engineer Gary Burton were present

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 6:33 p.m and declared a quorum present

2. INVOCATION was given by Jim Stephens

3. PLEDGE OF ALLEGIANCE was led by Tim Gothard

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST – None

5. PROCLAMATIONS AND ANNOUNCEMENTS - None

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – Jim Fuller, 1455 Desert Willow, said he wanted to update the Council on the plans for the next year's Blue Grass Festival. He said they were considering a free concert for the public the day before the actual festival began to draw more local people to the event He said they also wanted to start the promotion in December, and six bands had already been booked for 2008

Rona Water, Canton Chamber of Commerce, requested everyone visit the Festival of Trees from 10 a.m to 8 p m during the next thirty days She presented tickets to the Gala on Friday from 7 – 9 p.m She noted the lighting ceremony for the courthouse was scheduled for 7 p m and the catering was being provided by Brookshires

## CONSENT AGENDA

7. CONSIDER APPROVAL OF MINUTES FROM OCTOBER 17, 25, AND 30, 2006 CITY COUNCIL MEETINGS

8. CONSIDER APPROVAL OF OCTOBER 2006 FINANCIAL STATEMENTS

9. CONSIDER ADOPTION OF RESOLUTION NO 2006-24 AUTHORIZING DESIGNATED SIGNATORS FOR FISCAL YEAR 2006 TEXAS CAPITAL FUND CONTRACT 726222

10. CONSIDER ADOPTION OF RESOLUTION NO 2006-25 ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS

11. CONSIDER APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH GRANT WORKS FOR ADMINISTRATION OF THE TEXAS CAPITAL FUND GRANT NO. 726222 AND AUTHORIZE CITY SECRETARY TO EXECUTE ALL RELATED DOCUMENTS

12. CONSIDER APPROVAL OF BURTON ENGINEERING PROFESSIONAL SERVICES AGREEMENT FOR FM 859 – WATER MAIN TASK ORDER / PROJECT NO. 014060201 AND AUTHORIZE CITY SECRETARY TO EXECUTE ALL RELATED DOCUMENTS

13. CONSIDER APPROVAL OF BURTON ENGINEERING PROFESSIONAL SERVICES AGREEMENT FOR WASTE WATER TREATMENT PLANT PERMIT RENEWAL TASK ORDER / PROJECT NO. 014060101 AND AUTHORIZE CITY SECRETARY TO EXECUTE ALL RELATED DOCUMENTS

Upon motion made by Councilmember Sanford and second by Councilmember Seymore, items on the Consent Agenda were passed with all members voting in favor.

## INDIVIDUAL CONSIDERATION

14. CONSIDER ADOPTION OF RESOLUTION NO. 2006-26 AUTHORIZING APPLICATION FOR THE 2007-08 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) – Mayor Anderson explained the City planned to submit an application for a Texas Community Development Block Grant Program requesting $250,000 to install a new water line along Wynne Road connecting Hwy 19 to FM 859 using Grantworks to administer the grant and Burton Engineering to assist with the construction. Councilmember Brockman made a motion to adopt Resolution No 2006-26 authorizing the application for the 2007-08 Texas Community Development Block Grant Program (TXCDBG) Upon second by Councilmember Seymore, all voted in favor.

15. CONSIDER APPROVAL OF NEW STANDARDIZED LEASE FOR INDIVIDUAL STRUCTURES AT THE FIRST MONDAY PARK – The item was postponed for more discussion during a future workshop

16. CONSIDER PROPOSAL BY SCOTT PERKINS FOR PURCHASE OF OLD BANDSTAND

BUILDING AND LEASE OF ADJOINING LOTS FOR AN INDIVDIUAL STRUCTURE AT THE FIRST MONDAY PARK - The item was postponed for more discussion during a future workshop

## REPORTS

17 MAYOR'S REPORT – Mayor Anderson said there were a number of opinions on what to do with the building leases on the First Monday grounds He noted the City was currently bound by contracts already in effect and needed to consider what to do in the future He said it must be looked at as a whole and the City had to protect as much of the open air area as possible He added the City should keep as much of the old First Monday as possible as well as protect the rights of the private owners Mayor Anderson continued by saying the Civic Center was in need of a world-class PA system and suggested obtaining a sound engineer to determine the needs The Mayor also reported having received a letter complimenting First Monday on its clean restrooms, and he commended the staff on its good work Mayor Anderson said he had also received a letter from a citizen proposing a solution on handling traffic during First Monday In addition, he reported Bob Moore had drafted a proclamation making Canton the WalkingStep Center of Texas Mayor Anderson stated he would like for this proclamation to come from the county and state rather than just the City to ensure the City was not promoting one individual's business venture He then noted the Canton High School band had achieved something no other school had in the history of Texas, and the school and Band Boosters would like to have the band recognized in some manner by the City He noted a sign had been proposed and other ideas on how best to give recognition to the band were welcome

18 STAFF REPORTS

## EXECUTIVE SESSION

**A closed or executive session will follow 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 Sections 551.074 and 551.071.**

19 EXECUTIVE SESSION FOR DELIBERATIONS REGARDING PERSONNEL MATTERS – DETERMINE DIRECTORS' SALARIES FOR FY 2006-2007 (SECTION 551 074)

Before adjourning into executive session, Mayor Anderson stated he had done extensive research on the organizational charts and salary charts for other cities He felt it was important that the City be structured to work within the respective chains of command and to be a fully-functioning city when a new city manager was hired He noted there were four directors in the City – in Administration, Public Works, Public Safety and First Monday. He added the City Secretary and Finance Officer had been the glue that held the headquarters together He presented a spreadsheet that was developed indicating current pay and average salary ranges for each position, noting there was not enough money in the budget to bring everyone up to the mid-range of the amounts indicated in the chart. He stated the Public Works and First Monday directors dealt with major income sources for the city and he felt the budget should not be increased to provide for the pay increases. He added Tim Gothard and Lonny Cluck supervised the most people and the most equipment and the most money, and have been compensated a little more for that Councilmember Sanford mentioned Julie Seymore held two positions and a large workload and her increase should be more than mentioned on the chart Councilmember Brockman made a motion to

approve the organizational chart and salary chart as proposed with the increases being made retroactive to October 1, 2006 Councilmember Deibert seconded, and all voted in favor.

20. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY (SECTION 551.071) - The Council recessed into executive session at 7:11 p.m. for deliberations regarding pending litigation Councilmember Brockman left the meeting at 7:19 p.m.

**RETURN TO OPEN SESSION**

21. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION - The Council reconvened in open session at 7:41 p.m. with no action taken.

22. ITEMS FOR FUTURE AGENDAS – Rick Malone reported he had been dealing with the State Comptroller regarding two pieces of property about whether or not they were inside the city limits and noted there may be an issue of sales tax not being collected on properties not shown correctly as inside the city Tim Gothard requested in writing the Comptroller's rule about being exempt from Federal taxes when using farm diesel or dyed fuel in fire trucks and dump trucks as long as a record was kept

23. ADJOURN – There being no further business to come before the Council, the meeting adjourned at 7:49 p.m. upon motion by Councilmember Hilliard and second by Councilmember Deibert

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**REGULAR WORK SESSION OF THE CANTON CITY COUNCIL**
**5:30 P.M., TUESDAY, DECEMBER 19, 2006**
City Hall Council Chambers
290 East Tyler Street, Canton, Texas 75103

**MINUTES**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers Members present were Mayor R.C. Anderson, Robert Brockman, William Hilliard, Kevin Deibert and Elaine Seymore. Councilmember Ron Sanford was absent City Secretary, Julie Seymore, and Directors Jim Stephens, Lonny Cluck and Rick Malone were also in attendance. City Attorney, Richard Davis, and City Engineer, Gary Burton were present.

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 5:31 p.m. and declared a quorum present

2. INVOCATION – None during work session

3. PLEDGE OF ALLEGIANCE – None during work session

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST – None during work session

5. PROCLAMATIONS AND ANNOUNCEMENTS – None during work session.

## CITIZEN'S FORUM

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – None during work session

## CONSENT AGENDA

7. CONSIDER APPROVAL OF MINUTES FROM NOVEMBER 2, 6, 16 AND 21, 2006 CITY COUNCIL MEETINGS – Councilmember Seymore requested a correction in the attendance record of the November 16, 2006, minutes.

8. CONSIDER APPROVAL OF NOVEMBER 2006 FINANCIAL STATEMENTS AND ADJUSTED SEPTEMBER AND OCTOBER 2006 FINANCIAL STATEMENTS – Julie Seymore reported the bank reconciliations were completed through October 2006. The November 2006 financials were provided in the council packets as well as financial statements for September and October which reflect amendments made during the bank reconciliations.

## INDIVIDUAL CONSIDERATION

9 CONSIDER PROPOSAL FROM THE WATERS CONSULTING GROUP, INC. FOR CITY MANAGER SEARCH – Julie Seymore announced a representative from Waters Consulting Group would make a presentation at the regular session regarding their proposal for professional services Mayor Anderson said he approached Waters Consulting, a TML affiliate, regarding a search for a city manager. He said the proposed contract was for $17,500 plus costs. Mayor Anderson stated this search method was similar to that used by the school board when they last hired a superintendent and they were pleased with their results. Councilmember Brockman said it was imperative the council choose the right person for the job

10. CONSIDER AWARDING BID FOR DOWNTOWN STREETSCAPE IMPROVEMENT PROJECT – Julie Seymore announced sealed bids were opened December 14, 2006, for this project The engineers hired were Wisenbaker and Fix. Mr. Hicks of Wisenbaker and Fix explained there were four responsive bids The lowest bidder was Santa Rosa Construction from Mt. Vernon at $986,388 25. Their references were good and Wisenbaker and Fix recommended the contract be awarded to them He noted some budgetary items had arisen according to Gary Traylor's office Mr Hicks said he needed to consult with TxDot to get a solid handle on the amount of funds available and whether or not TxDOT would release some funds at this time Mr Hicks committed to making contact with TxDot and reporting back about the status of the matter. He added there may be a need to eliminate some park benches from the project or sections of the project that would have to be postponed. Mayor Anderson requested Mr Hicks inform him if some of our state representatives needed to be contacted about the situation

11. DISCUSS AND CONSIDER LEASES FOR INDIVIDUAL STRUCTURES AT THE FIRST MONDAY PARK – The Council discussed the appointment of a First Monday Committee and who should serve. Councilmember Brockman felt Lonny Cluck should be on the committee. Councilmembers Seymore, Brockman and Hilliard all stated they were against subleasing on the First Monday grounds. Councilmembers Deibert and Hilliard offered to serve on the committee. Mayor Anderson encouraged whoever served on the committee to think outside the box and narrow down the issues to be decided. Councilmember Brockman said any staff member who needed to be involved could also contribute to the committee. Councilmember Hilliard suggested an association of owners and said the city had to approach this from a long-term standpoint. Mayor Anderson felt the only way to protect First Monday in the long run was to have it managed separately.

12. CONSIDER PROPOSAL BY SCOTT PERKINS FOR PURCHASE OF OLD BANDSTAND BUILDING AND LEASE OF ADJOINING LOTS FOR AN INDIVIDUAL STRUCTURE AT THE FIRST MONDAY PARK – Mayor Anderson stated this matter could not be reviewed without having the whole picture regarding First Monday and its future.

## REPORTS

13. MAYOR'S REPORT – Mayor Anderson brought up a situation regarding trash at the Dailey Clinic and the interface between businesses and homeowners. He and Rick Malone have been in discussions trying to come up with a solution to the problem. Councilmember Hilliard said any commercial structure built needed to be of solid construction. Mayor Anderson agreed that the structures should be of quality. Rick Malone pointed out most insurance companies gave discounts if 98% steel was used on a structure.

14. STAFF REPORTS – Rick Malone reported that due to floodplain issues, concept entertainment decided to relocate its building, necessitating the sewer line be moved at their expense. He noted Concept Entertainment also wanted Mr. Burton to do the engineering and if the City hired Mr. Burton's firm for the Hwy. 198/Hwy. 243 utility relocation project, there would need to be a three-way contract. Julie Seymore requested the contract reflect the money from Concept Entertainment be put in escrow prior to commencement of the project. The contract should be put on next month's agenda. Jim Stephens reported Kerry Huddle had resigned from the CEDC due to work and family demands. Julie Seymore said she would add that item to next month's agenda. Lonny Cluck reported the new bathroom was basically completed, although the contractor and Mr. Burton still had some issues to resolve. He also reported the new First Monday computer system had been installed and hopefully would be ready for the January First Monday. Julie Seymore reported the request for disannexation from the Easleys required a response within sixty days. Mayor Anderson stated the council needed to start reviewing the current city manager ordinance. Julie Seymore reported the financial department had started preparation for the audit and for year end procedures; the bank reconciliations were current'; and they would soon begin codifying the city ordinances. Rick Malone reported the new roof on the EMS building was 99% dried in and the building should be completed by March 1, 2007.

15. ITEMS FOR FUTURE AGENDAS

16. ADJOURN - Adjourned by Mayor Anderson at 5:29 p.m.

R.C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**REGULAR MEETING OF THE CANTON CITY COUNCIL**
**6:30 P.M., TUESDAY, DECEMBER 19, 2006**
City Hall Council Chambers
290 East Tyler Street, Canton, Texas 75103

**MINUTES**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor R C. Anderson, Robert Brockman, William Hilliard, Kevin Deibert and Elaine Seymore. Councilmember Ron Sanford was absent City Secretary, Julie Seymore, and Directors Jim Stephens, Lonny Cluck and Rick Malone were also in attendance City Attorney, Richard Davis, and City Engineer Gary Burton were present

Discussion and action were as follows:

1 CALL TO ORDER - Mayor Anderson called the meeting to order at 6:35 p.m. and declared a quorum present

2. INVOCATION was given by Jim Stephens

3 PLEDGE OF ALLEGIANCE was led by Rick Malone.

4 DECLARATIONS REGARDING CONFLICTS OF INTEREST – None

5 PROCLAMATIONS AND ANNOUNCEMENTS – None

**CITIZEN'S FORUM**

6. CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – Mayor Anderson expressed his appreciation to the Chamber of Commerce for a job well done on the Festival of Trees Rona Watson mentioned all the trees were purchased for a total of $4,995.00.

**CONSENT AGENDA**

7. CONSIDER APPROVAL OF MINUTES FROM NOVEMBER 2, 6, 16 AND 21, 2006 CITY COUNCIL MEETINGS

8 CONSIDER APPROVAL OF NOVEMBER 2006 FINANCIAL STATEMENTS AND ADJUSTED SEPTEMBER AND OCTOBER 2006 FINANCIAL STATEMENTS - Councilmember Brockman made a motion to approve the items on the consent agenda with the amendments to the November 16, 2006, meeting as previously noted.

Councilmember Seymore seconded, and all voted in favor

## INDIVIDUAL CONSIDERATION

9. CONSIDER PROPOSAL FROM THE WATERS CONSULTING GROUP, INC. FOR CITY MANAGER SEARCH – Chris Hartung, Director of Executive Search Services for Waters Consulting addressed the council and gave a brief background on the company and its executives. Mr. Hartung also explained the process his company used to search for city managers, which was as follows: 1) identify what the city looked for in a city manager; 2) generate a list of possible candidates; 3) utilize a screening process to locate four to six finalists to interview with the council; 4) obtain personal references on each candidate through Pinkerton Investigative Services; 5) prepare a packet on each candidate for review by the council; and 6) assist the city in final negotiations and preparation of an employment agreement. Mr. Hartung explained the typical search took from 90-120 days from the time the client says to proceed until actual interviews are begun. It would typically be from five to seven months before a candidate was hired and actual began work. Councilmember Brockman stated he knew the reputation of Waters Consulting was outstanding and indicated he would like to see a proposed contract from them. Mayor Anderson said he had received a couple references for Waters Consulting and would like to have them mail a proposed contract for review. Julie Seymore was directed to work with Mr. Hartung to have a draft contract prepared for council review.

10. CONSIDER AWARDING BID FOR DOWNTOWN STREETSCAPE IMPROVEMENT PROJECT - Mayor Anderson tabled this matter to allow further research regarding the tabulation of the funds.

11. DISCUSS AND CONSIDER LEASES FOR INDIVIDUAL STRUCTURES AT THE FIRST MONDAY PARK – This item was tabled to allow for a committee to develop a plan for the direction of First Monday. Mayor Anderson appointed Councilmember Deibert as head of a First Monday Committee with Lonny Cluck and Councilmember Hilliard as members. Mayor Anderson directed the committee to report monthly to the council on its progress.

12. CONSIDER PROPOSAL BY SCOTT PERKINS FOR PURCHASE OF OLD BANDSTAND BUILDING AND LEASE OF ADJOINING LOTS FOR AN INDIVIDUAL STRUCTURE AT THE FIRST MONDAY PARK – This item was tabled until the First Monday Committee could make a recommendation to the Council regarding additional subleasing on the grounds.

## REPORTS

13. MAYOR'S REPORT – Mayor Anderson commended Jim Stephens on the signs congratulating the Canton High School Band for winning first in the UIL competition for the third time. Mayor Anderson expressed a need to research ways to improve the sound system at the Civic Center. He also requested Richard Davis investigate the proposal from Bob Moore naming Canton the Walkingstep Center for Texas and noted he did not want city staff and resources committed to organizing the events without more information. Mayor Anderson instructed Rick Malone to obtain estimates on having the water tower painted congratulating the high school band. Councilmember Deibert suggested coordinating with Band Boosters to cover the cost.

14. STAFF REPORTS – None during regular session.

15. ITEMS FOR FUTURE AGENDAS - None

16 ADJOURN - There being no further business to come before the Council, the meeting adjourned at 7:17 p.m. upon motion by Councilmember Brockman and second by Councilmember Seymore.

R C. Anderson, Mayor

ATTEST:

Julie H. Seymore, City Secretary

**WORK SESSION OF THE CANTON CITY COUNCIL**
**5:30 P.M., TUESDAY, JANUARY 16, 2007**
City Hall Council Chambers
290 East Tyler Street, Canton, Texas 75103

**MINUTES**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor R C. Anderson, Robert Brockman, Kevin Deibert, William Hilliard, and Elaine Seymore Councilmember Ron Sanford joined the meeting at 6:20 p.m. City Secretary, Julie Seymore, and Directors Jim Stephens, Lonny Cluck, Tim Gothard and Rick Malone were also in attendance City Attorney, Richard Davis, and Gary Burton were present

Discussion and action were as follows:

1. CALL TO ORDER - Mayor Anderson called the meeting to order at 5:30 p.m. and declared a quorum present

2. INVOCATION – None during work session.

3. PLEDGE OF ALLEGIANCE - None during work session

4. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None during work session.

5. PROCLAMATIONS AND ANNOUNCEMENTS - None during work session

**CITIZEN'S FORUM**

6 CITIZEN'S FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA - None during work session

**CONSENT AGENDA**

7. CONSIDER APPROVAL OF MINUTES FROM DECEMBER 19, 2006 CITY COUNCIL MEETINGS – No changes to the minutes were noted

8. CONSIDER APPROVAL OF DECEMBER 2006 FINANCIAL STATEMENTS – There were