

REGULAR MEETING OF THE CANTON CITY COUNCIL
6:00 P.M., TUESDAY, JUNE 16, 2015
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 Lou Ann Everett and Councilmembers Shawn Stewart, Nathan Moore, Cindy Malouf, Connie Odic and Scott Perkins. Also present were City Manager Lonny Cluck, City Secretary Debra Johnson, Municipal Court Judge Lilia Durham, Police Chief Mike Echols, Captain Brian Horton and CEDC Executive Director Julie Seymore. City Attorney Ron Stutes was also in attendance.

1. CALL TO ORDER - The meeting was called to order and a quorum was declared by Mayor Lou Ann Everett at 6:01 p.m.
2. INVOCATION was led by Pastor Mark Moore of Lakeside Baptist Church.
3. PLEDGE OF ALLEGIANCE was led by Mayor Lou Ann Everett.
4. MAYOR'S WELCOME
5. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None
6. PROCLAMATIONS AND ANNOUNCEMENTS
 - A. PRESENTATION TO RECIPIENTS OF CITY OF CANTON FIRST MONDAY SCHOLARSHIP AND RAYFORD HUTCHERSON MEMORIAL SCHOLARSHIP – Mayor Everett presented the Canton First Monday Scholarship to Madison Fowler and the Rayford Hutcherson Memorial Scholarship to Jake King and congratulated the recipients.
 - B. PRESENTATION TO RECIPIENTS OF ANNUAL SCHOLARSHIPS PROVIDED BY SANITATION SOLUTIONS – Josh Bray of Sanitation Solutions announced the winners of its scholarships, Brianna Rhines and Daulton Fritcher.
 - C. ANNOUNCEMENT RE DISTINGUISHED SERVICE AWARD GIVEN TO VAN ZANDT COUNTY HISTORICAL COMMISSION – Mayor Everett announced a Distinguished Service Award had been bestowed upon the Van Zandt County Historical Commission for the seventh year in a row.

CITIZENS FORUM

7. CITIZENS FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – Bob Moore, 915 W. College, complained about the abandoned nursing home located next door to his property. He urged the City to contact the owner and have something done about the property. Jim Fuller, Desert Willow, thanked the Canton Fire Department for the work they did in assisting on the wreck which occurred on I-20 recently.

CONSENT AGENDA

8. CONSIDER APPROVAL OF MINUTES OF THE MAY 8 AND 19, 2015 CITY COUNCIL MEETINGS
9. CONSIDER APPROVAL OF MAY 2015 FINANCIAL STATEMENTS - Councilmember Stewart made a motion to approve Items 8 and 9 of the Consent Agenda. Councilmember Perkins seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

INDIVIDUAL CONSIDERATION

10. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 2015-07 APPROVING A CHANGE OF ZONING AT 500 W. DALLAS STREET FROM MULTI-FAMILY 1 (MF-1) TO GENERAL BUSINESS DISTRICT (B-2) CURRENTLY OWNED BY LUCIA AND BILLY JACK DEEN – Mayor Everett opened a public hearing at 6:18 p.m. Skyler Longacre asked to comment. Mayor Everett requested she wait until Item 12 when that particular property was discussed. There being no further comments, the public hearing was closed at 6:20 p.m. Councilmember Malouf made a motion to adopt Ordinance No. 2015-07 approving the zoning change at 500 W. Dallas Street from MF-1 to B-2. Councilmember Stewart seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

11. CONSIDER ADOPTION OF ORDINANCE NO. 2015-08 AMENDING THE CITY OF CANTON 2004 COMPREHENSIVE PLAN REGARDING FUTURE LAND USE OF CERTAIN LOTS LOCATED IN BLOCKS 34 AND 35 LOCATED ON THE WEST SIDE OF TRADE DAYS BLVD. BETWEEN COLLEGE AND CHURCH STREETS FROM GATEWAY DISTRICT (GD) TO GENERAL BUSINESS DISTRICT (B-2) CURRENTLY OWNED BY HENRY LEWIS – Councilmember Malouf made a motion to change the Future Land Use plan of the Comprehensive Plan from Gateway District (GD) to General Business District (B-2) on certain lots in Blocks 34 and 35 of the Original Town of Canton, Texas, located on the west side of Trade Days Blvd. between Church Street and College Street. Councilmember Perkins seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

12. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 2015-09 APPROVING A

CHANGE OF ZONING OF CERTAIN LOTS LOCATED IN BLOCKS 34 AND 35 LOCATED ON THE WEST SIDE OF TRADE DAYS BLVD. BETWEEN COLLEGE AND CHURCH STREETS FROM GATEWAY DISTRICT (GD) TO GENERAL BUSINESS DISTRICT (B-2) CURRENTLY OWNED BY HENRY LEWIS - At the suggestion of the city attorney, the public hearing on Item 12 was opened out of order at 6:29 p.m. Skylar Longacre said her mother resided down the street from this property and asked Council to consider the disturbance certain types of businesses allowed under B-2 would have on the surrounding residents. Certain businesses would bring transients into the area and create problems. Lace Melton of Texas Bank & Trust said the bank would be a good neighbor and would install any privacy fencing they needed so neighbors would not be disturbed. David Kuykendall of Texas Bank and Trust said they wished to be a good neighbor. They were concerned they could not build back on their current lot. He said the bank would have a drive through at the new facility. They hoped to have at least one entrance off Hwy. 19. Mr. Kuykendall said they were not as interested in changing the zoning to B-1. He said time was of the essence because they had a short-term lease on the building they were using. Mayor Everett closed the public hearing at 6:41 p.m.

Councilmember Stewart made a motion to change the zoning from Gateway District (GD) to General Business District (B-2) on certain lots in Blocks 34 and 35 of the Original Town of Canton, Texas, located on Trade Days Blvd. between Church Street and College Street. Councilmember Moore seconded. Councilmember Stewart amended his motion to add that Council requested the bank change the zoning back to Gateway District if council amended the zoning ordinance to allow financial institutions in that zoning classification. Mr. King said he had no objection to that. Councilmember Perkins seconded the amendment.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

13. CONSIDER ADOPTION OF RESOLUTION NO. 2015-15 DESIGNATING AUTHORIZED SIGNERS ON ALL CITY OF CANTON ACCOUNTS WITH AMERICAN NATIONAL BANK OF TEXAS – Councilmember Perkins made a motion to adopt Resolution No. 2015-15. Councilmember Odic seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

14. CONSIDER ADOPTION OF RESOLUTION NO. 2015-16 AMENDING AUTHORIZED REPRESENTATIVES ON ALL CITY ACCOUNTS WITH TEXPOOL – Councilmember Malouf made a motion to adopt Resolution No. 2015-16. Councilmember Moore seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve

Councilmember Shawn Stewart: Approve

15. CONSIDER AWARDING CONTRACT FOR CONSTRUCTION OF MILL CREEK PARKS TRAIL – Mr. Cluck asked that this matter be postponed because no bids were received. They would wait thirty days and publicize for bids again at that time.
16. APPOINT MEMBERS TO BOARD OF ADJUSTMENT – Councilmember Stewart made a motion to reappoint Terrica Stowell and Gerald Reed and to appoint Candice Benson, contingent upon her acceptance. Councilmember Perkins seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

17. APPOINT MEMBERS TO PLANNING & ZONING COMMISSION – Councilmember Malouf made a motion to reappoint John Fincher and Betsey McCarty and to appoint Sandra Perry. Councilmember Odic seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

18. CONSIDER REQUEST FROM CANTON FIRE DEPARTMENT FOR SOLICITOR'S PERMITS TO COLLECT DONATIONS AT THE INTERSECTION OF BUFFALO AND DALLAS STREETS SEPTEMBER 4-6, 2015, FOR MDA AND DECEMBER 4-6, 2015 FOR THE CHRISTMAS FOR KIDS PROGRAM – Councilmember Perkins made a motion to approve both requests from the Canton Fire Department for September 4-6, 2015, and for December 4-6, 2015. Councilmember Malouf seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

19. DISCUSS REGULATION OF INVISIBLE FENCING – Mayor Everett expressed concerns about the safety of invisible fencing under our current ordinances. After a brief discussion, Mayor Everett requested staff look more into the matter and bring it back to Council for consideration.
20. DISCUSS AND CONSIDER PROPOSAL FOR SPORTS COMPLEX – Gary Walker, Josh Wilkerson and Kenneth Pruitt gave a presentation about a sports complex they would like the City to build and maintain as a tournament location for travelling youth athletic teams. They gave possible layouts of the complex on the sixty-acre tract owned by CEDC, on the Cherry Creek Park property around the Old City Lake and on the CYRA ball park property. They felt Canton was

ideally located for these kinds of tournaments because it was centrally located between the metroplex, Shreveport and Oklahoma. They felt this was a good fit for Canton to bring in more tourism for weeks other than during First Monday. Rick Lawrence said he had put his support behind this idea when he was mayor and would continue to support the idea. The gentlemen asked the City to approach other cities with similar projects to gather more information. They felt they had gone as far as they could with the project as far as gathering specific information on how to advance from here. Mayor Everett asked Council be kept posted on what transpired from this point.

Mayor Everett called a brief recess at 8:03 p.m. Council reconvened at 8:09 p.m.

21. DISCUSS AND CONSIDER RESTRICTIONS ON PLACEMENT OF ANTENNAS, COMMUNICATION DEVICES, ETC. ON NEW WATER TOWER IN FM 859 INDUSTRIAL PARK – Councilmember Stewart suggested this matter be postponed until there was a better idea of the specifications for the cell tower being constructed and what type of antennas it could hold.

22. DISCUSS AND CONSIDER ADOPTION OF ORDINANCE NO. 2015-10 UPDATING VERSIONS OF BUILDING CODE AND NEC CODE – Councilmember Moore made a motion to adopt Ordinance No. 2015-10. Councilmember Stewart seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

23. DISCUSS AND CONSIDER ADOPTING RESOLUTION NO. 2015-17 IN SUPPORT OF CLAY NICKLAS AS CANDIDATE FOR REGIONAL D WATER PLANNING BOARD – Councilmember Malouf made a motion to adopt Resolution No. 2015-17. Councilmember Perkins seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

24. CONSIDER DESIGN, CONSTRUCTION AND FINANCING OF PROJECTS INCLUDING, BUT NOT LIMITED TO, STREETS AND UTILITIES, IMPROVEMENTS TO FIRST MONDAY GROUNDS, CONSTRUCTION OF NEW CELL TOWER, RELOCATION OF ANTENNAS FROM HISTORIC WATER TOWER, REPAINTING OF HISTORIC WATER TOWER, AND NEW CITY HALL – Mr. Cluck reported they had done a soil test today. They would haul fill back to the site when weather permitted. They were getting ready to advertise for bids on the cell tower.

25. DISCUSS COUNCIL'S GOALS, OBJECTIVES AND SPECIAL PROJECT REQUESTS FOR INCLUSION IN THE FISCAL YEAR 2015-16 PROPOSED BUDGET – Receiving no new comments or suggestions, Ms. Johnson said the goals would be placed in the budget as proposed.

26. CITY MANAGEMENT REPORTS

- A. LOCATION OF CITY HALL MEETINGS – Mr. Cluck announced future council meetings would be held at the municipal courtroom. Board of Adjustment and Planning & Zoning Commission meetings would be held there also. CEDC would meet at the Plaza Museum. It would be at least nine months before the city hall renovation was completed.
- B. FIRST MONDAY – Mr. Cluck presented plans for the Trade Center IV extension. He wanted to add a small office for the coordinator and changed the shower room. There would be restrooms for men and women. The bathroom would be attached on the south end of Trade Center IV. Stage 1 of the project would be construction of the new bathroom. Stage 2 would be to demolish the blue restroom and finish building out Trade Center IV. He hoped to get the drawings finished and go out for bids in a couple weeks. He hoped to get the first section done before the October or November show. Mr. Cluck said he would like to go through one show after Stage 1 was completed before they went to Stage 2.
- C. WATER LINES ON I-20 – Mr. Cluck said EDC had gone out for a bond and borrowed money for the new water tower. There was approximately \$118,000 left from that project. He suggested those funds be used to extend the water line from Juanitas to the VFW on the south service road. That was where they needed to bore under I-20 to the other side of the interstate. The old line could then be killed. The estimate for the whole project was \$146,000, so the City would be responsible for the difference, but money was available from other projects that were under budget.
- D. PROJECT STATUS REPORT – Mr. Cluck said painting the clarifier at the water plant had been completed and the project had come under budget. The 14" water line was 95% completed. That also came in under budget. They had originally gotten an estimate for a 16" line but had built a 14" instead upon the recommendation of the engineers. There was a bad line in a ten-foot alley on Granada Square. It would be hard to work in such a narrow space. The Wynne Road 10" water line had gone over budget by \$3,600. He was going to try to start the 10" water line on I-20 by mid-July. He would bring that back for a vote by Council. The cost for pipe for the East Outfall had dropped considerably. Some of that money could be used to continue the South Outfall back to the fire station and down Hwy 19 to the electrical transfer station. That line had collapsed and only temporary repairs had been done. He also wanted to put in a new UV system at the sewer plant. It would be August before they could start that project. Mr. Cluck said four projects had been included in the \$150,000 budgeted and they had borrowed enough money to do only two. The rest would be taken out of the fund balance. They were going to build a new city hall, a new cell tower, paint the historic water tower and extend Trade Center IV. They had not received any bids on the electrical for the new city hall. It would have to be rebid. Another ongoing project was to rebuild the clarifier when parts were no longer available. No bids had been received for the Mill Creek Park Trail and it would have to be rebid. There was an 80/20 grant on the existing city hall renovation and the building would have to be vacated in the next couple weeks. Bids were scheduled to be opened July 7. Texas Parks & Wildlife notified us we had cleared all agencies and were able to go ahead with the Cherry Creek Park grant project. ETCOG had informed the City they could add more money to the \$102,000 for a PA system for First Monday. They hoped it would be enough to get four sirens instead of just two.
- E. OTHER ITEMS – Mr. Cluck said he would be on vacation through the next week but would be available by phone.

EXECUTIVE SESSION

In accordance with the authority contained in Sections 551.072 and 551.087 of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, Council will convene in closed or executive session to discuss the following matters.

27. EXECUTIVE SESSION FOR DELIBERATIONS WITH CITY ATTORNEY REGARDING POTENTIAL SALE, PURCHASE, LEASE OR VALUE OF REAL PROPERTY (Section 551.072) - Mayor Everett convened Council into Executive Session at 9:06 p.m.
28. EXECUTIVE SESSION FOR DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS (Section 551.087)

RETURN TO OPEN SESSION

29. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – Council reconvened into open session at 9:27 p.m.
30. FIRST READING OF RESOLUTION NO. 2015-12 CONCERNING A PERFORMANCE AGREEMENT BY AND BETWEEN THE CANTON EDC AND C&E GROUP, INC, OR A RELATED ENTITY, FOR FINANCIAL ASSISTANCE IN AN AMOUNT NOT TO EXCEED \$176,000 FOR THE CONSTRUCTION OF A HOTEL/CONFERENCE CENTER FACILITY – Mayor Everett gave the first reading of Resolution No. 2015-12.
31. SECOND READING OF RESOLUTION NO. 2015-12 AND CONSIDER APPROVAL OF PERFORMANCE AGREEMENT BY AND BETWEEN THE CANTON EDC AND C&E GROUP, INC, OR A RELATED ENTITY, FOR FINANCIAL ASSISTANCE IN AN AMOUNT NOT TO EXCEED \$176,000 FOR THE CONSTRUCTION OF A HOTEL/CONFERENCE CENTER FACILITY – Mayor Everett read Resolution No. 2015-12 for a second time. Councilmember Stewart made a motion to approve Resolution No. 2015-12. Councilmember Perkins seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

32. CONSIDER APPROVAL OF AN ECONOMIC DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 380 OF THE LOCAL GOVERNMENT CODE WITH C&E GROUP, INC., OR AN AFFILIATE OF THAT CORPORATION, TO SUPPORT THE CONSTRUCTION OF A HOTEL/CONFERENCE CENTER FACILITY – Councilmember Malouf made a motion to approve the Chapter 380 agreement with C&E Group as presented by Mr. Stutes at the meeting. Councilmember Moore seconded.

Councilmember Cindy Malouf: Approve
Councilmember Nathan Moore: Approve
Councilmember Connie Odic: Approve
Councilmember Scott Perkins: Approve
Councilmember Shawn Stewart: Approve

33. ITEMS FOR FUTURE AGENDAS – Mr. Cluck passed out a chronology of the events regarding the

potential new lake for the City. He said it was not 100% complete and more information might be added in the future.

34. ADJOURN - There being no further business to discuss, the meeting was adjourned at 9:31 p.m.