

**REGULAR MEETING OF THE CANTON CITY COUNCIL
6:00 P.M, AUGUST 18, 2020**

Canton City Hall
201 N. Buffalo, Canton, Texas 75103

MINUTES

The Canton City Council met at the above-named date and time in the Canton City Hall. Members present were Mayor Lou Ann Everett and Councilmembers Cindy Malouf, Randon Sumner, and Nathan Moore. Councilmember Andrew Vaughn and Daniel Deibert were absent.

Also present were City Manager Lonny Cluck, City Secretary Debra Johnson, Finance Director Teri Pruitt, Fire Chief Bud Sanford, CEDC Director Julie Seymore, Judge Lilia Durham and Assistant City Attorney David Ritter.

1. CALL MEETING TO ORDER AND DECLARE A QUORUM PRESENT – Mayor Everett called the meeting to order and declared a quorum present at 6:05 p.m.
2. INVOCATION was led by Mayor Everett.
3. PLEDGE OF ALLEGIANCE was led by Mayor Everett
4. MAYOR'S WELCOME
5. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None
6. PROCLAMATIONS AND ANNOUNCEMENTS
 - A. PRESENTATION OF 2020 CITIZEN OF THE YEAR AWARD – Cindy Malouf was presented the City of Canton's Citizen of the Year award.

CITIZENS FORUM

7. CITIZENS FORUM – CITIZENS ARE INVITED TO SPEAK ON MATTERS RELATING TO CITY GOVERNMENT

David Ritter entered the meeting at 6:13 p.m.

Erin Osborne, 1839 VZCR 2302, Canton, requested Council consider a food truck ordinance for the City.

CONSENT AGENDA

8. CONSIDER APPROVAL OF MINUTES FOR JULY 15 AND JULY 21, 2020 COUNCIL MEETING
9. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT FOR JOINT ELECTION WITH VAN ZANDT COUNTY CLERK FOR NOVEMBER 3, 2020 GENERAL ELECTION

10. CONSIDER APPOINTMENTS OF JACKIE BEARD AND BETSEY MCCARTY TO BOARD OF ADJUSTMENTS TO FILL VACANCIES OF UNEXPIRED TERMS
11. CONSIDER APPOINTMENT OF MAXINE SUMNER TO CANTON MAIN STREET BOARD
12. CONSIDER STREET CLOSURES FOR CANTON MAIN STREET AUTUMN FESTIVAL ON OCTOBER 10, 2020

Councilmember Malouf made a motion to approve Consent Agenda items 8 through 12. Councilmember Sumner seconded.

Council Member - Nathan Moore: Approve
Council Member - Cindy Malouf: Approve
Council Member - Daniel Deibert: Absent
Council Member - Randon Sumner: Approve
Council Member - Andrew Vaughn: Absent

INDIVIDUAL CONSIDERATION

13. CONSIDER ADOPTION OF ORDINANCE 2020-16 ANNEXING APPROXIMATELY 15 ACRES OF LAND IN THE DAVID TOWNS SURVEY, A-845, VAN ZANDT COUNTY, TEXAS, AT 15500 FM 1255, CANTON, TEXAS, CURRENTLY OWNED BY THE STATE OF TEXAS (TEXAS DEPARTMENT OF TRANSPORTATION) – Councilmember Sumner made a motion to adopt Ordinance No. 2020-16. Councilmember Moore seconded.

Council Member - Nathan Moore: Approve
Council Member - Cindy Malouf: Approve
Council Member - Daniel Deibert: Absent
Council Member - Randon Sumner: Approve
Council Member - Andrew Vaughn: Absent

14. CONSIDER ORDINANCE NO. 2020-18 CHANGING FUTURE LAND USE MAP FROM FIRST MONDAY TRADE DAYS (FMB) TO MEDIUM DENSITY RESIDENTIAL ON THAT APPROXIMATELY 2.66-ACRE TRACT OF LAND IN THE J. STOCKWELL SURVEY, A-760, BEING PART OF LL3 (R000000883), ORIGINAL TOWN OF CANTON, LOCATED NEAR THE INTERSECTION OF MULBERRY AND LIVE OAK STREETS CURRENTLY OWNED BY THORNTREE CAPITAL LLC – The application for zoning change was withdrawn, so this item was not considered.

15. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 2020-19 CHANGING ZONING FROM MANUFACTURED HOUSING DISTRICT (MH) TO MULTIPLE FAMILY RESIDENTIAL DISTRICT (MF-2) ON THAT APPROXIMATELY 2.66-ACRE TRACT OF LAND (R000000883) LOCATED IN THE J. STOCKWELL SURVEY, ABST. 760, PART OF LL3, ORIGINAL TOWN OF CANTON, NEAR THE INTERSECTION OF MULBERRY AND LIVE OAK STREETS IN CANTON, TEXAS, AND CURRENTLY OWNED BY THORNTREE CAPITAL LLC – The application for zoning change was withdrawn by the owner so this matter was not discussed or considered.

16. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 2020-10 CHANGING ZONING FROM RURAL AGRICULTURAL (RA) TO GENERAL BUSINESS

DISTRICT (B-2) ON THAT APPROXIMATELY 6.2 ACRE TRACT OF LAND IN THE J. DOUTHIT SURVEY, A-198, (R000003598) LOCATED NEAR THE INTERSECTION OF HIGHWAYS 64 AND 243 ON PROPERTY CURRENTLY OWNED BY RYHN, INC. - Mayor Everett opened a public hearing on the matter at 7:022 p.m. The public hearing was closed at 7:08 p.m.

Councilmember Malouf made a motion to postpone consideration of this matter to the next regular meeting on September 15, 2020. Councilmember Sumner seconded.

Council Member - Nathan Moore: Approve
Council Member - Cindy Malouf: Approve
Council Member - Daniel Deibert: Absent
Council Member - Randon Sumner: Approve
Council Member - Andrew Vaughn: Absent

17. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 2020-17 AMENDING THE APPENDIX IN ORDINANCE NO. 2020-2, CITY OF CANTON ZONING ORDINANCE, REGARDING SILVER SPUR PLANNED DEVELOPMENT - Councilmember Moore made a motion to adopt Ordinance No. 2020-17. Councilmember Malouf seconded.

Council Member - Nathan Moore: Approve
Council Member - Cindy Malouf: Approve
Council Member - Daniel Deibert: Absent
Council Member - Randon Sumner: Approve
Council Member - Andrew Vaughn: Absent

18. CONSIDER APPROVAL OF PRELIMINARY PLAT FOR LEWIS ADDITION CONTAINING APPROXIMATELY 1.00 ACRE LOCATED IN THE JAMES DOUTHIT SURVEY, ABSTRACT NO. 198, ON THE SOUTH SIDE OF HWY 243 (IMMEDIATELY TO THE WEST OF WALMART) IN CANTON, TEXAS, CURRENTLY OWNED BY HENRY LEWIS - Councilmember Malouf made a motion to approve the preliminary plat of the Lewis Addition. Councilmember Sumner seconded.

Council Member - Nathan Moore: Approve
Council Member - Cindy Malouf: Approve
Council Member - Daniel Deibert: Absent
Council Member - Randon Sumner: Approve
Council Member - Andrew Vaughn: Absent

19. CONSIDER APPROVAL OF FINAL PLAT FOR LEWIS ADDITION CONTAINING APPROXIMATELY 1.00 ACRE LOCATED IN THE JAMES DOUTHIT SURVEY, ABSTRACT NO. 198, ON THE SOUTH SIDE OF HWY 243 (IMMEDIATELY TO THE WEST OF WALMART) IN CANTON, TEXAS, CURRENTLY OWNED BY HENRY LEWIS - Councilmember Moore made a motion to approve the final plat of the Lewis Addition as presented. Councilmember Sumner seconded.

Council Member - Nathan Moore: Approve
Council Member - Cindy Malouf: Approve
Council Member - Daniel Deibert: Absent
Council Member - Randon Sumner: Approve

Council Member - Andrew Vaughn: Absent

20. CONSIDER APPROVAL OF LEASE AGREEMENT BETWEEN CITY OF CANTON AND DREAM BIG PRODUCTIONS INC. D/B/A TWIGS HOME AND LIGHTING FOR PROPERTY LOCATED AT ROW 11 AND ROW 25 OF THE FIRST MONDAY GROUNDS (CREEKSIDE SHOPS) - Councilmember Sumner made a motion to approve the lease agreement between the City and Dream Big Productions Inc. d/b/a Twigs Home and Lighting for property on Row 11 and Row 25 at Creekside Shops on the First Monday property. Councilmember Moore seconded.

Nathan Moore: Approve

Council Member - Cindy Malouf: Approve

Council Member - Daniel Deibert: Absent

Council Member - Randon Sumner: Approve

Council Member - Andrew Vaughn: Absent

21. CONSIDER APPROVAL OF LEASE AGREEMENT BETWEEN CITY OF CANTON AND DREAM BIG PRODUCTIONS INC. D/B/A TWIGS HOME AND LIGHTING FOR PROPERTY LOCATED AT ROW 11 OF THE FIRST MONDAY GROUNDS - Councilmember Sumner made a motion to approve the lease Agreement between City and Dream Big Productions Inc. d/b/a Twigs Home and Lighting for property on Row 11 of First Monday grounds (Twigs building). Councilmember Malouf seconded.

Council Member - Nathan Moore: Approve

Council Member - Cindy Malouf: Approve

Council Member - Daniel Deibert: Absent

Council Member - Randon Sumner: Approve

Council Member - Andrew Vaughn: Absent

22. CONSIDER APPROVAL OF CONTRACT FOR ADVERTISING BETWEEN CITY OF CANTON AND AUDIENCE MEDIA GROUP – Councilmember Moore made a motion to approve the contract for advertising between city of Canton and Audience Media Group. Councilmember Malouf seconded.

Council Member - Nathan Moore: Approve

Council Member - Cindy Malouf: Approve

Council Member - Daniel Deibert: Absent

Council Member - Randon Sumner: Approve

Council Member - Andrew Vaughn: Absent

23. DISCUSSION AND CONSIDERATION OF APPROPRIATE ACTION REGARDING THE CITY OF CANTON'S RESPONSE TO THE URGENT PUBLIC NECESSITY CONCERNING COVID-19, INCLUDING BUT NOT LIMITED TO:

- A. SOCIAL DISTANCING AND NECESSARY PRECAUTIONS RELATED THERETO;
- B. POTENTIAL CANCELLATION / RESCHEDULING OF UPCOMING CITY EVENTS;
AND
- C. BUDGET ADJUSTMENTS

Councilmember Moore made a motion to allow the First Monday shows for the rest of the calendar year as well as the activities listed as follows contingent upon any orders from the Governor in the future:

Event	Dates	Location	Organization
Business After Hours	8/20/2020	Buffalo St. Barber Shop	Canton Chamber
SWE Fury	8/22/2020-8/23/2020	Civic Center	Southwest Wrestling Ent.
AM Connection	9/3/2020	CHRISTUS Healthpark	Canton Chamber
Outdoor Movie – Dolittle	9/12/2020	Downtown	Canton Main Street
Business After Hours	9/17/2020	The Picket Fence	Canton Chamber
Lewis Auto Swap Meet	10/8/2020-10/11/2020	Arbors	Lewis First Monday
Autumn Festival	10/10/2020	Downtown	Canton Main Street
Carp Fishing Tournament	10/10/2020	Mill Creek Reservoir	American Carp Society
Business After Hours	10/15/2020	C&T Construction	Canton Chamber
Zombie Fun Run 5K	10/24/2020	Downtown	Canton Main Street/CVB
Fall Festival	10/26/2020	Civic Center	Various Churches
Honky Tonk Music Revival	10/29/2020-10/31/2020	Civic Center	Free State Music Festivals
Outdoor Movie – Maleficent	10/31/2020	Downtown	Canton Main Street
Chamber Quarterly Luncheon	11/3/2020		Canton Chamber
G&S Gun Show	11/14/2020-11/15/2020	Civic Center	
Turkey Trot	11/26/2020	FM Grounds	Mallory's Heart Foundation
AM Connection	12/3/2020		Canton Chamber
Outdoor Movie – National Lampoon	12/8/2020-12/12/2020	Downtown	Canton Main Street
Festival of Trees	12/5/2020	Downtown	Canton Chamber
Christmas Parade	12/12/2020	Downtown	Canton Chamber
Let it Snow Festival	12/12/2020-1/1/2021	Downtown	Canton Main Street
Chamber New Years Eve	12/31/2020	Silver Spur Resort	Canton Chamber
Half Marathon	2/28/2020	FM Grounds	CVB
Blackwell House Open House		Blackwell House	Museum Board

Councilmember Sumner seconded.
 Council Member - Nathan Moore: Approve
 Council Member - Cindy Malouf: Approve
 Council Member - Daniel Deibert: Absent
 Council Member - Randon Sumner: Approve
 Council Member - Andrew Vaughn: Absent

24. CITY MANAGEMENT REPORTS

- A. FIRST MONDAY
- B. MARKETING - Austin Melton reported a younger crowd on the website than before. There was an enormous surge in RV sales right now. People were interested in attending outdoor events.
- C. STATUS OF REUSE PERMIT – Mr. Cluck reported a major amendment had been approved administratively and the permit would hopefully be completed by the end of the year.
- D. OTHER ITEMS – Debra Johnson read a statement sent by Brent Muecke regarding electricity at First Monday.

EXECUTIVE SESSION

In accordance with the authority contained in the Texas Government Code, Chapter 551, including but not limited to, Sections 551.071, 551.072, 551.074 and 551.087. Council will convene in closed or executive session to discuss the following matters.

Council convened into Executive Session at 7:11 p.m.

25. EXECUTIVE SESSION FOR DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE FOLLOWING:

Section 551.087 – to deliberate commercial or financial information the CEDC has received from a business prospect, and to deliberate the offer of a financial or other incentive to business prospects, including but not limited to, a mixed-use development project, a local business retention and expansion project, a local capital investment project, a downtown retail rent subsidy prospect, and recruitment of new commercial, industrial, retail, restaurant, hospitality, and family entertainment prospects

26. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING EXISTING OR POTENTIAL LITIGATION (Section 551.071) REGARDING ONGOING LITIGATION INVOLVING THE REAL PROPERTY LOCATED AT 673 W. COLLEGE (A/K/A 901 OR 707 W. COLLEGE), INCLUDING CAUSE NOS. 6-19-CV-00365-JDK, AND 6:19-CV-00177-JDK, PENDING IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, AND CAUSE NO. 19-00219, PENDING IN THE 294TH DISTRICT COURT OF VAN ZANDT COUNTY (AND RELATED APPELLATE MATTERS IN 12TH COURT OF APPEALS); CITY OF CANTON VS. JERRY L. HARRELL, CAUSE NO. 20-00121, PENDING IN THE 294TH JUDICIAL DISTRICT COURT OF VAN ZANDT COUNTY; AND CAUSE NO. 12-20-00197 PENDING IN THE 12TH COURT OF APPEALS

27. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY (Section 551.071)

28. EXECUTIVE SESSION FOR DELIBERATIONS REGARDING POTENTIAL PURCHASE/SALE OF REAL PROPERTY (Section 551.072)

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 8:12 p.m. with no action taken.

Mr. Ritter left the meeting at 8:12 p.m.

WORK SESSION

30. WORK SESSION ON PROPOSED BUDGET FOR FISCAL YEAR 2020-2021

- A. WATER / WASTEWATER RATES
- B. GARBAGE RATES
- C. FEE SCHEDULE
- D. PAYROLL
- E. TAX RATE
- F. FIRST MONDAY
- G. QUESTIONS / CHANGES
- H. CEDC BUDGET
- I. OTHER

31. ITEMS FOR FUTURE AGENDAS – Ms. Johnson announced the hearing on the budget and tax rate would be held on August 25, 2020, at 6:00 p.m. She said Council would consider adoption of the budget on September 1, 2020, at 6:00 p.m.

Councilmember Malouf said she would like Council to consider some incentives to residential builders.

32. ADJOURN – There being no further business to discuss, the meeting was adjourned at 8:38 p.m.