

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF FEBRUARY, 1986, AT 5:00 P.M.

On the 18th day of February, 1986, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Pitser H. Garrison	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Lynn Malone	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Asst. City Manager
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Nicholas Finan	City Planner
Atha Stokes	City Secretary

being present when the following business was transacted:

1. Meeting was opened with prayer by Rev. Stephen Bancroft, Minister, St. Cyprian's Episcopal Church, Lufkin.
2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of February 4, 1986, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - TAX ABATEMENT/REINVESTMENT ZONE - RONALD J. SCHAEFFER - 201 - 203 EAST FRANK AVENUE

Mayor Garrison stated that the Commission now had for consideration a Public Hearing to consider designation of Reinvestment Zone for Tax Abatement program as requested by Ronald J. Schaeffer covering property located at 201-203 East Frank Avenue.

Mr. Schaeffer stated that his property was located at the corner of Frank and Second and that one half of the 3500 square footage would be used for his own office space and the other half would be available for leasing. Mr. Schaeffer stated that he had purchased the building for \$43,000, and based on an appraisal by Jake Lyons, the current renovations had increased the value of the property to \$90,000. Mr. Schaeffer stated that additional work to be done to the building would increase the value of same by \$27,000 - \$35,000.

Mayor Garrison officially closed Public Hearing due to lack of discussion.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Pat Foley that First Reading of Ordinance for Tax Abatement/Reinvestment Zone be heard at March 4, 1986 meeting of this Commission. A unanimous affirmative vote was recorded.

5. PUBLIC HEARING - TAX ABATEMENT/REINVESTMENT ZONE - CLARENCE CALHOUN, JR. - 1002, 1004 AND 1006 WILSON STREET

Mayor Garrison officially opened Public Hearing to consider designation of Reinvestment Zone for Tax Abatement program as requested by

Clarence Calhoun, Jr. covering property located at 1002, 1004, and 1006 Wilson Street.

Mayor Garrison recognized Attorney John Cely appearing in representation of the request by Mr. Calhoun. Mr. Cely stated that Mr. Calhoun was in the process of rebuilding a private club and restaurant which had been condemned by the City and all the old structures had been removed. Mr. Cely stated that total renovation had been appraised by Arthur Bresie at \$142,000 and \$40,000 of the work had already been done. Mr. Cely stated that a church is located 305 feet from the structure and a consent form had been signed by the pastor of the church.

Mayor Garrison closed Public Hearing due to lack of discussion.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that First Reading of Ordinance for Tax Abatement/Reinvestment Zone be heard at March 4, 1986 meeting of this Commission. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - FIRST READING - ALLEY CLOSING - TOBY AND CHESTNUT, BETWEEN MARGARET AND DOZIER

Mayor Garrison stated that a Public Hearing had been held at last meeting of the Commission for the closing of an alley covering property located between Toby and Chestnut and between Margaret and Dozier Streets. Mayor Garrison stated that there had been no opposition at the last meeting.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that First Reading of Ordinance be approved as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ANNEXATION - PERMANENT ZONING - OLD UNION ROAD - RESIDENTIAL LARGE

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Annexation and Permanent Zoning of area North of Old Union Road and South of Texas Southeastern Railroad Line, West of Largent and East of Hudson City Limits line. Mayor Garrison stated that several people had expressed opposition and there had been some questions about the zoning at the Public Hearing.

Mayor Garrison recognized Ben Newsom who appeared in opposition of the request. Mr. Newsom stated that he will not benefit from the annexation and, therefore, was not in favor of the annexation.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that First Reading of Ordinance for Annexation be approved as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that First Reading of Ordinance zoning property as Residential Large be approved as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - SECOND READING - ANNEXATION - PERMANENT ZONING - LOOP 287 BETWEEN LUFKIN AVENUE AND SHADY PINE - COMMERCIAL

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Annexation and Permanent Zoning requested by R. L. Cunningham, receiver, for parcel of land located 300 feet East of Loop 287 between Lufkin Avenue and Shady Pine, and being a portion of Tract 22 of the G. W. Massengill, Jr. survey.

Mayor Garrison stated that the request which had formerly been represented by R. L. Cunningham, who is now deceased, would be represented by Bill Ricks. Mr. Ricks stated that the court will appoint another receiver.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that Second and Final Reading of Ordinance for Annexation be approved as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Lynn Malone that newly annexed area be zoned Commercial. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - DANIEL J. SMITH - 1514 LOTUS LANE - RESIDENTIAL LARGE TO RESIDENTIAL SMALL

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request by Daniel J. Smith covering property located at 1514 Lotus Lane from Residential Large to Residential Small.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - R. H. DUNCAN - 4110 ELLEN TROUT DRIVE - COMMERCIAL, SPECIAL USE (COUNTY JAIL) TO LIGHT MANUFACTURING

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request for R. H. Duncan covering property at 4110 Ellen Trout Drive from Commercial, Special Use (County Jail) to Light Manufacturing.

Commissioner Pat Foley stated that he would like to abstain from voting since he had an interest in this property.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Ordinance be approved on Second and Final Reading as presented. Motion carried by a vote of 6 to 1.

11. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - RANDY WINSTON - 1130 SOUTH FIRST ST. - RESIDENTIAL LARGE TO LOCAL BUSINESS, SPECIAL USE (OFFICE/APARTMENTS)

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by Randy Winston covering property located at 1130 S. First St. from Residential Large to Local Business, Special Use (Office/Apartments). Mayor Garrison stated that he had noticed in the Planning and Zoning minutes that Mr. Winston had originally asked for a zone change to Local Business. Mayor Garrison stated that there were people appearing in opposition of the request for Local Business, but they would accept the Local Business with a Special Use allowing the building to revert back to its non-conforming apartment status if offices failed.

Motion was made by Commissioner Don Boyd and seconded Commissioner Louis Bronaugh that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. ORDINANCE - DENIED - FIRST READING - ZONE CHANGE REQUEST - S. J. BOLES - 1339 GINN WAY - RESIDENTIAL LARGE TO NEIGHBORHOOD RETAIL, SPECIAL USE (LOG HOME SALES, INSURANCE, BEAUTY SHOP)

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by S. J. Boles covering property located at 1339 Ginn Way from Residential Large to Neighborhood Retail, Special Use (Log Home Sales, Insurance, Beauty Shop).

Mayor Garrison stated that Mr. Boles had presented a letter to the Commission at the beginning of tonight's meeting to enlarge his request. Mr. Boles stated that he was still trying to obtain the original zone change he had requested to be able to sell such items as gifts, handcrafted items, antiques, pictures, etc. for supplemental income in addition to the special use restrictions imposed by the Planning and Zoning Commission. Mr. Boles stated that he would like to take advantage of any legal opportunity to earn a living without having to return to the Planning and Zoning and City Commissions any time a business opportunity arises.

Mayor Garrison stated that he had noticed in the Planning & Zoning Commission Minutes where Mr. Boles had acquiesced on the action of the P & Z and he personally would be reluctant to change the zone change request without Mr. Boles having made that apparent to P & Z.

Mr. Boles stated he had appealed to the Planning & Zoning Commission but to no avail.

Mr. Morrison, appearing in opposition of the request, stated that Ginn Way was a narrow oil top road wide enough for one car and while he did not object to the Log Home Sales and insurance business, he did oppose the beauty shop because of the traffic it would create.

Mr. Boles stated that the road is 3/10 of a mile off of Chestnut and since the property was recently annexed into the city, he would hope the city would do something about improving the road.

In response to question by Mayor Garrison as to how Mr. Boles would go about trying to get additional right-of-way if he thought the street needed to be widened, Mr. Boles stated he'd been living with the narrow road for 30 years and, in his opinion, it was not a problem.

Mayor Garrison stated that there was always a question about whether the city should expend money for rights-of-way when it's for a local use such as this.

Mr. Boles stated that as a prerequisite to selling log homes, he would have to construct a 24' x 20' log building on his property and he would have the directions to the Log Home Sales office printed on the back of his business card.

Commissioner Pat Foley stated that there had been some discussion at the Planning and Zoning meeting about spot zoning.

Mr. Boles stated that Hall's Grocery, which is within 1/2 mile of his property was already established as a business when the annexation took place and will evidently be zoned Neighborhood Retail. Mr. Boles stated that in addition to groceries, the store also sells feed, gasoline, satellite dish, antennas, etc.

In response to question by Commissioner Pat Foley, City Attorney Bob Flournoy stated that in spot zoning the type of business is considered and a special use makes it a little more restrictive, but it will still be a commercial use in the middle of a residential area. City Attorney Flournoy stated that the courts could declare the spot zoning illegal.

Commissioner Foley stated that in view of the opposition from neighbors and the narrow road, he would suggest postponing the request until City Attorney Flournoy could research the spot zoning.

In response to question by Commissioner Lynn Malone, Mr. Boles stated that 15 residents lived on the road and there was a dead end sign posted at Ginn Way and Chestnut.

Commissioner Jack Gorden stated that he has problems with putting a commercial activity into a neighborhood where there is opposition and the Commission is bound to protect the integrity of the neighbors.

One area resident stated that this was not a development with tract homes, but rather a rural neighborhood where there were individual homes, and each home has a good bit of land around it, and a business would not fit into the setting.

In response to that statement, Mr. Boles stated that he has 20 acres to maintain the serenity of the area, and in his opinion no other structure would be closer to nature than a log structure. Mr. Boles stated that the beauty shop would be an additional structure on the property and would be a log structure also.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that in view of opposition and problems that will be encountered, the Zone Change Request be denied. The following vote was recorded: Aye - Commissioners Foley, Gorden, Malone, Bronaugh, Mayor Garrison. Nay - Commissioners Simond, Boyd.

Mayor Garrison declared the motion carried by a vote of 5 to 2.

13. TRAFFIC SIGNALS - APPROVED - FRANK & WEBBER

Mayor Garrison stated that the Commission had had a request from Walter Borgfeld to put on the Agenda the possible erection of a traffic signal at Frank and Webber. Mayor Garrison recognized Don Brister appearing for Mr. Borgfeld who was attending a school board meeting.

Mr. Brister stated that the intersection of Frank and Webber is directly across from Gaslight Plaza and the street that goes into Moore Bros. yard, the Coca Cola Co., East Texas Asphalt, Lufkin Ready Mix and directly across from Pilgrim's Pride Poultry. Mr. Brister stated that the area is growing by leaps and bounds and Gaslight Shopping Center is a heavy traffic center and more so with the addition of Safeway and Beard's. Mr. Brister stated that there are people moving through this intersection at peak times of the day going out Highway 94 to Hudson, Apple Springs and Groveton, and it's extremely difficult for traffic coming out of Webber Street or trying to get into Gaslight Plaza. Mr. Brister stated that those people who worked in that area were concerned regarding the safety factor and that one day there might be an accident by someone turning left off of Webber onto Frank going downtown and with as many large vehicles and 18 wheelers coming into this intersection, there might be a very serious accident. Mr. Brister stated that the Highway Department had done a study of this intersection and had recommended a traffic light for same and he hoped the Commission would consider the situation and grant a light at this intersection.

Mayor Garrison stated that there had been some discussion between Mr. Borgfeld and the City Manager and Mr. Borgfeld had asked if the City could consider the authorization of the light if the cost of the signal was defrayed by the people who were interested.

Mr. Brister stated that the people in that area felt strongly enough about the light that they are willing to defray part or all of the

cost of the signal depending upon what the City Commission would approve.

City Manager Westerholm stated that the Highway Department had recommended an actuated light at this intersection which would stay green unless side traffic caused it to change.

Mr. Brister stated that the light would control the traffic going both ways.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that traffic signal at Frank and Webber be authorized subject to the Commission's approval and that the private sector in that area provide the necessary funds for the installation of the signal as recommended by the Texas Highway Department. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that he was not opposing the light but had reservations about the private companies having to put up the money to put a light in. Commissioner Simond stated that he did not believe that the City should be in the business of having companies put up lights when in his opinion that's the business of the City.

Mayor Garrison stated that putting up lights has to be worked into the budget if, as and when the money is available, and these people want the light now.

Commissioner Simond stated that Coca Cola and Moore Bros. are two of the largest companies in the City, and pay a lot of taxes and in his opinion, they shouldn't have to pay for a street light, and the City shouldn't allow it.

In response to question by Commissioner Lynn Malone as to who will control the light if private citizens pay for same, Mayor Garrison stated that the City will program and control the light.

Commissioner Pat Foley stated that if the funds were available now, he would not object to the City paying for the light, and in fact felt that the City should pay. Commissioner Foley stated that he didn't think that the citizens wanted to wait for a year, or two or three to have the light installed.

Mayor Garrison stated that the budget had a lot of demands at this time and it would be difficult to come up with \$25,000 for the traffic signal at this time.

In response to question by Commissioner Foley as to when the light would be installed if funds by private citizens was provided immediately, City Manager Westerholm stated that it would depend upon the delivery time of the signal, and could be within the next six months.

14. INVOICE - APPROVED - EVERETT GRIFFITH & ASSOCIATES - STEP 3
BID AND CONSTRUCTION - SEWER TREATMENT PLANT

Mayor Garrison stated that the Commission now had for consideration an invoice from Everett Griffith & Associates for Step 3 for the Bid and Construction of the new sewer plant.

City Manager Westerholm stated that the invoice was for work on the two contracts for the interceptor line and the new sewer treatment plant and together they total \$5,706.17.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that invoice be approved as presented. A unanimous affirmative vote was recorded.

15. INVOICE - POSTPONED - FIRST SOUTHWEST - CITY HALL FINANCING

Mayor Garrison stated that the Commission now had for consideration an invoice from the City's financial consultant for the new city hall in the amount of \$23,600.

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that this invoice was the agent's fee for handling the \$4,000,000 Certificate of Obligation funding for the new city hall.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that no agreement had been made with First Southwest for the services, we just authorized them to proceed. City Manager Westerholm stated that he thought that First Southwest had a standard fee depending on the size of the issue and it looked like it was .6 of a percent. City Manager stated that if more clarification is needed, he would get it, and that the C/O's are issued as the work is done, and at the end of the two year period, the C/O's are all gathered up and the City would have the right to a bond sale if the market was more attractive, otherwise the City will go with the contract that was made on the financing. City Manager Westerholm stated that someone will have to organize the sale and it might be the same company and it might not if the City has another fiscal agent at that time.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh to postpone consideration of invoice until further study can be made of the invoice. A unanimous affirmative vote was recorded.

Mayor Garrison stated that he would like to have a statement from First Southwest as to whether this is a one-time charge and what the basis of it is.

16. RESOLUTION - APPROVED - POLICE DEPARTMENT

Mayor Garrison stated that Commissioner Louis Bronaugh had suggested that the City Commission make a resolution commending the staff of the Lufkin Police Department.

Commissioner Louis Bronaugh stated that he liked the idea where on occasions the City has problems, they look at them and work them out, and when someone is doing a good job, we let them know that they are doing a good job. Commissioner Bronaugh stated that in March of 1983, the Arthur Young Company conducted a study of the Police Department and the department, as stated in the resolution, has worked diligently to rectify the problems that the study found. Commissioner Bronaugh stated that he would like to enter the Resolution commending the Police Chief and the Department for the work they have done. Commissioner Bronaugh stated that he would like to bring to the Commission's attention an article in this afternoon's paper where 47 members of the Police Department had finished a 20 hour class of the laws of arrest and seizure. Commissioner Bronaugh stated that recognizing that the Department is still not perfect, they need to know that the Commission is backing them and commending them for their efforts.

Commissioner Boyd stated that he believed in giving credit where credit is due, but there were some questions about the study in the past, and some things were supposed to come out of the study as to whether they were complete or not, and there were some points that needed clarification. Commissioner Boyd stated that he was not saying that the policemen were not doing a good job, but to say that they were diligently working towards completing the recommendations by the Arthur Young Company - he would take exception with the word diligently. Commissioner Boyd stated that there were still some unanswered questions according to the police study and until those

questions were answered he couldn't go along with passing a resolution at this time.

Commissioner Malone stated that in his opinion the department had improved since the study, but not to the extent of the resolution.

Commissioner Simond stated that he had no objections to the resolution and would vote for it, but he would question why now? Commissioner Simond stated if it was because of questions Commissioner Boyd raised at a previous meeting, or if it was because he had said in his announcement to seek re-election, he was not satisfied with the hiring of blacks in the Police Department, then he would submit to the Commission that he is still not satisfied with the police practice of hiring blacks and minorities.

Commissioner Foley stated the Police Department has come a long way in making the improvements the study had recommended, but his preference would have been for everyone working together in the wording of the resolution and if some minor change in the wording needed to be done, he wouldn't have any problem with that if everyone was in agreement about the resolution.

Commissioner Boyd stated that in the discussion at the previous meeting, there were some things the department said they were doing, and some things they said they were going to do, and there was no documentation to prove that these things were being done. Commissioner Boyd stated that in two or three months time, when it was evident that these things were being done, it would have been a better time for a resolution, but in his opinion it is too early to come up with a resolution right now.

Commissioner Simond stated that he had always supported the Police Department and his concern was altogether different than Commissioner Boyd's. Commissioner Simond stated that he was concerned about the hiring practices and policies of the department, and that in his opinion the department was not serious about hiring blacks. Commissioner Simond stated that he had called Chief Latham and told him he had a black young man who would like an interview, who said that he was a private investigator in Houston and his home is in Lufkin. Commissioner Simond stated that the Chief told him he doesn't have anything to do with hiring and he couldn't understand that. Commissioner Simond stated that he called Assistant City Manager Brian Boudreaux, and Mr. Boudreaux told him that he didn't have any method to test the young man and the tests have to be ordered from Austin. Commissioner Simond stated that Mr. Boudreaux stated that he couldn't test just one person and he didn't understand the difference between testing one person and a hundred persons.

Assistant City Manager Boudreaux stated that he had visited with the young man for about two hours. Assistant City Manager Boudreaux stated that state law under 1269M requires competitive testing and there are no individual tests. City Manager Westerholm stated that the citizens of Lufkin voted the system in for the Police Department to come under Civil Service statute and the staff has to follow the law.

Mayor Garrison stated that he would like for the staff to prepare a brief summary of this law and make it available to the members of the Commission.

In response to question by Commissioner Simond, Assistant City Manager Brian Boudreaux stated that the reason for testing more than one applicant at a time is because you need a range of high and low scores - the high scores are the preferable applicants, the low scores are the applicants you don't want, and competitive means that they compete against each other.

City Attorney Bob Flourney stated that the score of those applicants who have taken the test and passed a previous examination has to be compared with current test scores. For instance, if you had someone who had a higher score on a previous exam who was still eligible, you would have to consider them over someone who made a lower score on a subsequent test.

Assistant City Manager Brian Boudreaux stated that high scores get first choice, all things being equal. Assistant City Manager Boudreaux stated that even and above the pass/fail score, there's a competitive score.

In response to question by Commissioner Simond, Assistant City Manager Boudreaux stated that there are no Mexican-Americans in the Police Department and the department has been relying on the people from Angelina College and the bailiff at District Court for interpretations.

Commissioner Bronaugh stated that he would be willing to change the word diligent on the Resolution to read 90% more diligent if that would make it more acceptable to the Commissioners.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that Resolution be passed as presented. The following vote was recorded: Aye - Commissioners Foley, Gorden, Simond, Bronaugh, Mayor Garrison. Nay - Commissioners Boyd, Malone.

Mayor Garrison declared motion carried by a vote of 5 to 2.

17. AGREEMENT - APPROVED - TEXAS HIGHWAY DEPARTMENT - PAUL AVENUE

Mayor Garrison stated that the Commission now had for consideration approval of proposed agreement with Texas Department of Highways and Public Transportation for construction of curb, gutter, sidewalks, storm sewers and incidental items within the city limits from U. S. Highway 59 to Lubbock Street on Paul Avenue.

City Manager Westerholm stated that \$200,000 for this project had been budgeted in the Revenue Sharing Funds in the 1984-85 fiscal year. City Manager Westerholm stated that an additional \$55,940 will be needed and the staff was recommending that the ambulances in the amount of \$71,000 and the roll-off frame, to be used in the garbage department, in the amount of \$17,000 be eliminated from the 1985-86 Revenue Sharing Budget in order that the additional funds can be made available. City Manager Westerholm stated that these items were chosen to be eliminated because the staff felt like they could do without them.

Mayor Garrison stated that he and City Manager Westerholm had discussed these items at the time the budget was set and he was told that the City could not do without these items and now they were being cut, and he did not understand.

City Manager Westerholm stated that the staff was also working on some recommendations on the Fire Department Management Study and ambulances that will impact this decision.

Mayor Garrison stated that the Paul Avenue project was important and he was in favor of going forward with it.

In response to question by Mayor Garrison as to whether the roll-off frame could be left in the budget, City Manager Westerholm stated that some other expenses had been incurred in acquiring the right-of-way and relocating the fence on Paul Avenue.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that he had hired Johnny Frank Medford at \$15 per hour to secure the additional right-of-way and it had been done administratively.

Public Works Director Ron Wesch stated that \$2,400 had been spent so far and that Mr. Medford is almost through with the survey right-of-way acquisition.

In response to question by Commissioner Foley, City Manager Westerholm stated that the City has not bought any right-of-way in a long time except for the purchase of right-of-way for the new City Hall and the staff had taken care of that.

City Manager Westerholm stated that there were 52 tracts involved in the Paul Avenue project and 52 families to be contacted.

Commissioner Foley stated that in his opinion this was just another one of those items that the City Manager was not authorized to spend and this project could have been let out for bids.

In response to question by Commissioner Simond, City Manager Westerholm stated that the City is exchanging right-of-way for curb and gutter. City Manager Westerholm stated that the families are donating the land for the curb and gutter and it was necessary for someone who was familiar with the law and federal procedures to visit with each family and that's why he had hired Mr. Medford. City Manager Westerholm stated that it has taken 2 - 3 months to contact and visit with the families and a staff member would not have been able to spend that much time away from his regular job.

Commissioner Jack Gorden stated that if it was going to take \$255,940 for the project and \$200,000 had been set aside he would like to know why the budget cuts totalled \$88,000. City Manager Westerholm stated that three (3) items had been removed from the budget and they just happened to total \$88,000, and the difference would stay unencumbered in the Revenue Sharing Funds unless the Commission deemed otherwise. City Manager Westerholm stated that a separate budget is kept on Revenue Sharing Funds according to the law and that budget is audited separately from the General Funds. City Manager Westerholm stated that Revenue Sharing Funds are set up for specific projects and if there are some savings in those projects and funds are left over then the Commission decides how they are to be budgeted.

Mayor Garrison stated that \$55,000 additional funds were needed for the project. City Manager Westerholm stated that the fencing would cost a little over \$3,000 and close to \$3,000 would be needed to pay for the acquisition of the right-of-way. Mayor Garrison stated that the figures added together was not above the \$71,000 that was being put back in the budget and in his opinion there was no need to use the \$17,000 originally budgeted for the roll-off frame and that item could be left intact.

City Manager Westerholm stated that the City might get a portion of the \$255,950 back or might even have to pay more because when the Highway Department goes out for bids, whatever the bids are, the City has to pay 20% of the bid.

Mayor Garrison stated that he was in favor of keeping the \$17,000 intact and moving it only if it becomes necessary.

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that the \$200,000 was left over from last year's budget.

Motion was made by Commission Pat Foley and seconded by Commissioner Louis Bronaugh to amend the budget by allocating the \$71,000 Revenue Sharing Funds heretofore set apart for ambulances to the Paul Street project and such funds as are not expended and presently obligated to be held as uncommitted funds. A unanimous affirmative vote was recorded and the budget accordingly amended.

18a. BID - APPROVED - FENCING ON PAUL AVENUE - LONE STAR FENCE CO.

Mayor Garrison stated that the Commission now had for consideration the purchase of materials to relocate various types of fencing for the Paul Avenue widening project.

City Manager Westerholm stated that three (3) bids had been received and the low bid was from Lone Star Fence Co. in the amount of \$3,115.25.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that bid from Lone Star Fence Co. in the amount of \$3,115.25 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

18b. BID - APPROVED - CONSTRUCTION - WATER PLANT IMPROVEMENTS - CRAWFORD CONSTRUCTION - PUMPS - SMITH PUMP COMPANY

Mayor Garrison stated that the Commission now had for consideration bids for the purchase of modifications and improvements to the water plant and a separate bid for two pumps and two motors.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that bid of \$64,610 from Crawford Construction Co. be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that in his opinion the reason only one bid was received is because of the 60 day delivery requirement.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that bid from Smith Pump Company in the amount of \$35,308 be accepted as presented. A unanimous affirmative vote was recorded.

19. ORDINANCE - APPROVED - FIRST READING - BAT ERADICATION

Mayor Garrison stated that the Commission now had for consideration an Ordinance written by City Attorney Bob Flournoy and presented to the Commission by Main Street Director Carol Moore.

In response to question by Commissioner Lynn Malone, City Manager Westerholm stated that should an individual come in contact with a bat they should call the Animal Control Department.

City Attorney Bob Flournoy stated that an individual has some responsibility under the Ordinance to fix their buildings where bats cannot get in and to help eradicate the bats and notify the Health Department when a bat is found.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

20. AWARD TO COMMISSIONER BOYD - CITATIONS - CONDEMNED HOUSES - ABANDONED VEHICLES - SEWER TREATMENT PLANT AWARD - RAMADA INN

Mayor Garrison stated that he would like the privilege of presenting a Resolution to Commissioner Don Boyd in honor of being presented with a Silver Beaver Award. Mayor Garrison stated that in Commissioner's Boyd's absence at last meeting Commissioner Bronaugh had brought to the attention of the Commission that Commissioner Boyd had received the Silver Beaver Award from the Boy Scouts of Amercia.

Commissioner Pat Foley stated that he would like to have the number of citations for dumping garbage on City streets made a part of the regular monthly Police report beginning the end of this month.

Commissioner Foley stated that he had noticed that the Legislature had increased municipal fines up to \$3,000 and he would like for City Attorney Bob Flournoy to look into this.

In response to question by Commissioner Don Boyd as to what was being done about dilapidated houses in the area, City Planner Nick Finan stated that he and City Building Official Jack Bresie, Fire Marshal Roy Carrell, City Manager Westerholm, and City Attorney Flournoy had met to outline what the City would need to do for condemnation procedures. City Planner Finan stated that it will take quite a while to complete the program, however, condemnation has been started on two houses in the City.

Commissioner Percy Simond stated that in the past he had received calls from people saying that he had turned in their cars as abandoned vehicles and he would like to have City Planner Finan inform people when they called that it is the City Ordinance that prohibits abandoned vehicles in the City and not Commissioner Simond.

City Manager Westerholm stated that he would like to announce that the City has been approved on the Sewer Treatment Plant Contract award and he had told the contractor to get his signed contract in so that he can get started. City Manager Westerholm stated that the City had received the additional \$99,000 from the EPA and everything is a "go" now.

City Attorney Flournoy stated that the Ramada Inn, before it went bankrupt, owed the City approximately \$40,000 primarily in their hotel/motel use taxes. City Attorney Flournoy stated that after going through bankruptcy courts, the City through a priority claim position, had recovered \$20,000.

21. There being no further business for consideration, meeting adjourned at 7:12 P.M.



ATTEST:

Atha Stokes

Atha Stokes - City Secretary

Pitser H. Garrison
Pitser H. Garrison - Mayor