

**City Council Meeting  
Minutes  
Regular Session  
October 13, 2011 - 7:00 p.m.**

Rhome City Hall  
105 W. First Street  
Rhome, TX

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**Council Present: Mayor Pro Tem Gerry McBride; Council Members: Chris Moore, Jo Ann Wilson, Chris Graves, and Cole L. Blanche.**

**Staff Present: Walt Leonard, City Attorney; Ramah Burns, City Secretary; Preston Gilliam, Public Works Director; Robert Pratt, Fire Chief, James Rose, Police Chief.**

**Absent: Mayor Mark Lorance**

**Mayor Pro Tem McBride led the assembly in the Pledge of Allegiance.**

**Citizen Presentations and Public Input for Future Agenda Items:**

**None**

**Announcement from Mayor and Council Members**

**Jo Ann Wilson said that "SKYPE" is available at the library. She said Louis Godfrey installed it and if anybody has a need to communicate with anyone it's there and available.**

- 1. Consent Agenda: The items will be enacted with one motion. Any Council Member may remove any item from the Consent Agenda.**

**Gerry McBride asked to remove Water Sewer. Chris Graves asked to remove Parks & Recreation.**

**A. Approval of Minutes:**

- 1. September 8, 2011 – Regular Session**

**B. Acceptance of Report**

**1. Police Department:**

**2. Fire Department**

**3. Public Works – New Plant is running good, ammonia issues have seemed to diminish since we locked off the RV dump at Love's Travel Stops.**

They are still waiting on the electrical engineer to get specs back to KHA before we can go out to bid. Hopefully within 2 weeks. They discussed building a 30 x 30 building at the new plant. Preston is getting bids. Preston is getting bids on painting the witches hat elevated behind city hall to demolish it. He thinks they need a meeting with TCEQ. He got a bid to tear down the Old Mill and Morris Street. He said he is looking for someone to transport and belt press from Houston to Rhome.

**4. Administration**

- 5. Parks and Recreation - Chris Graves would like a bid on paving the Alley at the Family Park.**

**C. Approval of Check Registers**

**1. September 6, 2011 through October 10, 2011**

Motion was made by Chris Moore and seconded by Chris Graves to approve the consent agenda.

Motion carried unanimously

Discussion and necessary action concerning the following agenda items:

**2. Old Business**

**A. Pioneer Days Report**

Mayor Pro Tem McBride asked for comments.

Cole Blanche asked if we knew how much money was raised and when the city will be getting the funds.

Jo Ann Wilson said there are no funds to be coming to the city. All of the funds go to the seniors.

Cole Blanche said when they discussed Pioneer Days they were going to have all the funds come to the city for future Pioneer Days.

Jo Ann Wilson said they never finalized that she didn't believe.

Gerry McBride said they need to go back and look at the minutes. He said he agrees with Cole that it's his recollection – to make sure go back and see what we have on our records.

Chris Graves said all it says about funds is they raised funds to support the senior citizens.

**Chris Graves said he thought they were going to cover their costs and turn over any profit to cover – since we allowed streets, police and everything else that was going to go into the budget to cover Pioneer Days next year.**

**Mayor Pro Tem McBride said he received few calls that cars were parked on private property. He said we can have a review of the minutes and report back on that for the next meeting. And get the a person from the senior's - maybe the accountant could come to the next meeting.**

- B. Bids on structure at 339 No. Main, Old Mill and Morris and behind cabinet shop on Old Mill.**

**Police Chief James Rose said they are issuing letters on these structures. He gave them ten (10) days to respond.**

**Chris Graves said after ten (10) then citations need to be issued. He said they don't have to wait until the next meeting to come back to keep going on.**

**Mayor Pro Tem McBride said lets get two (2) more bids on removing the concrete wall on Morris and Old Mill by the next meeting.**

**Chris Moore lets call Mark Hahn. He gave us a good bid before.**

**3. New Business**

- A. Interlocal Agreement between the City of Rhome and Wise County, TX for Fire Protection and First Responder Services.**

**Motion was made by Gerry McBride and seconded by Jo Ann Wilson to approve the Interlocal Agreement between the City of Rhome and Wise County, TX for Fire Protection and First Responder Services.**

**Motion carried unanimously.**

- B. Agreement between the Rhome VFD and Wise County, TX on Supply Surplus or Salvage Property.**

**Motion was made by Gerry McBride and seconded by Jo Ann Wilson to approve the Agreement between the Rhome VFD and Wise County, TX on Supply Surplus or Salvage Property with clarification that the agreement is between the City of Rhome and Wise County.**

**Motion carried unanimously.**

**C. Proposed Ordinance 2011-14, Flood Damage Prevention.**

**Motion was made by Chris Graves and seconded by Cole Blanche to approve Ordinance 2011-14, Flood Damage Prevention.**

**Motion carried unanimously.**

**D. Proposal Resolution 2011-05R, Floodplain.**

**Motion was made by Jo Ann Wilson and seconded by Gerry McBride to approve Resolution 2011-05R, Floodplain.**

**Motion carried unanimously.**

**E. Proposal amending Ordinance 99-20, Chapter 70 – Traffic Regulations – Parking in Residential and Non-Residential Districts from the Planning and Zoning Commission.**

- 1. Zack Hunter, 417 Stirling Lane spoke. He said he has been told that someone doesn't like his truck and trailer. It doesn't look good. He said he moved here and bought a house. His house is his home now and he has never had a problem with it. He said it slows people down. He said he has heard you can't see the kids.**

**Jimmy Johnson, 700 Stirling Lane spoke. He said he is on the Planning and Zoning Commission. He said he voted for this but he fought them on it. He said he is against it. He said he feels like most of this is being presented from people in other neighborhoods. He said he feels like they are being gunned against because they have the two (2) parks. He said he has a boat and it's parked on concrete. He said he can't put it anywhere else. He said if you want to do this here you need to give and take on other items. He said Zack makes a living with his truck and trailer. So to tell him he has to park it someone else – are you all going to be responsible for stuff that gets stolen off it? He said this is crazy. Like he said he is on the P & Z and he has always played devils advocate. He said he would fight them on things he is against and he is against this all the way.**

Jo Ann Wilson asked if Jimmy Johnson was speaking on all three (3) items.

Jimmy Johnson said yes. He said Zach said it slows the traffic down when kids are playing. He's right – on St. James there's a guy that has been reported to the police. The police say they can't do anything about it unless they see him. He said people are tired of him speeding up and down the road and he does it on wet weather to taunt you and he spins the tires.

Brad Benson, 520 Stirling spoke. He said he has a boat that he keeps in his driveway. He said he doesn't have any other place to put it. He doesn't see what the problem is with it being in the driveway. He said they moved out here about 5 ½ years ago and one of the attractions was there was no HOA. He said this feels like its fall in that group. He said if he wanted to live in a HOA he would have moved 4 miles down the road in a Fox & Jacobs home. He said he agrees with Zach. Are they going to be responsible if someone steals his things or if he moves his boat and someone steals the motor?

David Ables, 141 Kingsway spoke. He said he has a travel trailer that's over the sidewalk. He said nobody uses the sidewalk in their neighborhood anyway. He said it wasn't a big deal. He said if you say you can't park your travel trailer's here and you have to go pay someone a \$100 a month is ridiculous. It's not bothering anybody. He didn't want a HOA and his deed is non-restrictive. He said he went to Guardian Title to and checked it out and it says no restrictions. Putting restrictions on him when he didn't want them in the first place he doesn't agree with. Part of the reasons they moved out here because they didn't want a HOA and one of the things he's noticed is the ordinances they are pattering them off of is from larger cities. He didn't notice any that has come out of Wise County. He said if they wanted to move into any of these other counties. That's all he has to say about that. He said Decatur doesn't seem to have a problem with people parking a trailer and he works out of this truck and trailer.

Jimmy Johnson said just for the record there a lot of people who weren't able to make it. They feel the same way we do. Some are still at work.

Steve Cole the Chairman of the Planning & Zoning Commission. He said these ordinances have been in the works before he was appointed. He said he doesn't disagree with them. He said he was here for some clarification.

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He said a trailer or a boat parked on a drive way is not against this ordinance. He said on the roadway the truck and trailer parked on a roadway – if you're using it for daily use for work there is nothing wrong with that. It states it can't exceed 96 hours. If you are moving back and forth and going to work it doesn't interfere with that.

In the ordinance it does state that – regarding commercial vehicles boats, trailers, recreational vehicles, travel trailers, campers, motor homes – they can't be parked in the front yard or side yard of a home or with any utilities easement it has to be on a all weather surface. So if you are on your drive way any right-of-way adjacent to residential property. If you are parking on the side of your drive way in the grass that's just saying you need a all weather surface. You would have to have gravel, asphalt, pave stone rather than just dirt.

Jimmy Johnson said in response to Steve Cole what he said they purposed is what they are looking at the Council can change, add or subtract from the proposal. That's why they are here. He said this they could live with but they start change the 96 hours and put 24 hours these two (2) people are going to be hurt.

Mayor Pro Tem McBride said Planning & Zoning gave this for the Council to look at then they take action.

Motion was made by Gerry McBride to Table this until November 10, 2011 or have a joint meeting with the Planning & Zoning Commission.

He said every citizen here in this town has a right to come to City Hall and swear out a complaint against anybody that's speeding or other wise. If someone is tearing through your neighborhood and causing problems.

Walt Leonard said they are the one that sees someone speeding and you tell the police then you are the one that will have to come in and testify in Municipal Court if the police issues them a citation. Because the officer didn't see it. Whoever knows what happened will have to come in say they saw whatever happened. A Municipal Court citation can be issued from a citizens complaint.

Chris Moore said he read them all and we have been going through them for quite while. He doesn't know what they would talk about in a Workshop.

Jo Ann Wilson said she had a few general comments. It states that this article shall be administered city council or designee. She thinks it should state Police Chief or his designee not the city council.

Mayor Pro Tem McBride said they have other things they have received complaints like people parking in front yards.

Jo Ann Wilson she thought they were working on that one. She said also the one that states something that is stored or parked in a lawful manner on private property in connection with a business - she thinks this needs to be expanded to say automobile or collision shop.

Walt Leonard said on the junk vehicles that's State Statue.

Motion has already been made by Gerry McBride to Table E. F. & G. this until November 10, 2011. Jo Ann Wilson seconded the motion.

Motion carried unanimously.

- F. Proposal amending Ordinance 99-20, Chapter 71 on Commercial Vehicle-Boat, Trailer & RV Parking from the Planning & Zoning Commission.

Motion was made by Gerry McBride and seconded by Jo Ann Wilson to Table this until November 10, 2011.

Motion carried unanimously.

- G. Proposal amending Ordinance 99-20, Chapter 95.10 on Junk Vehicles or Parts from the Planning & Zoning Commission.

Motion was made by Gerry McBride and seconded by Jo Ann Wilson to Table this until November 10, 2011.

Motion carried unanimously.

- H. Appoint Engineering Firm for Master Plan.

Mayor Pro Tem McBride said two (2) Engineering Firms, Dannenbaum Engineering and Belcheff Engineering and submitted RFQ's for the purpose of preparing a Master Plan. He said legally he thinks we are alright and he has faith that Counselor is correct. He said there are many times in their neighborhoods that things to them personally don't pass the smell test. He said people would get the wrong idea if Mark was Mayor and his engineering firm was chosen.

Chris Moore said he didn't know if Chris Graves and Cole Blanche were at the meeting when they had to two (2) representatives at the meeting.

**Jo Ann Wilson said we did have a contact with Dannenbaum.**

**Mayor Pro Tem McBride said at the budget workshop if was their intention to put money back for a Master Plan and Impact Fees.**

**Chris Graves said he wondered why they did all that work and they don't have money for a Master Plan what is the point of doing it to start with. He said he has problems with people benefiting from their city. But Mayor Lorange has turned in a conflict of interest form which State requires. He said if they get a new contact person with Dannenbaum someone that we deal with and Mark can stay out of it that way he is in no conflict.**

**Motion was made by Chris Graves to move forward with Dannenbaum Engineering firm for our Master Plan and future growth projects.**

**Cole Blanche said for clarification by appointing Dannenbaum for the Engineer Firm for the Master Plan can we go ahead and make them the Engineer Firm for the city.**

**Walt Leonard they most certainly can but not on this agenda.**

**The motion was seconded by Cole Blanche to appoint Dannenbaum Engineering for the Master Plan.**

**Chris Moore said he agreed with Gerry McBride that people will raise a stink. He said nothing against Mark but he didn't know if Dannenbaum would be the one that he would pick. Nothing against Mark or his company and he did sign the waiver.**

**Jo Ann Wilson asked how they got the two (2) proposals. Did we go out and request proposals. She asked if they have to do anything right now.**

**Mayor Pro Tem McBride was yes they did. These two (2) are the only ones that were submitted.**

**Chris Graves asked if the only concern they have with Dannenbaum. They said yes. He said in seven (7) months when he is no longer Mayor there won't be any conflict.**

**Chris Moore said we can sit on these for the seven (7) months. He said Dannenbaum maybe the better place.**



If they choose the other one and Mark is not Mayor in May and they would have preferred to have Mark's company he works for. Dannenbaum resume is very impressive.

Cole Blanche said he knows you have to look at conflicts of interest but you have to look at the resumes and he wants to move forward. His vote is going to be for the biggest resume.

Chris Graves made a motion to accept Dannenbaum Engineering and go forward with this project. Cole Blanche seconded the motion.

Mayor Pro Tem McBride said they have a motion for Dannenbaum Engineering to be appointed as the Engineering firm for the Master Plan without monetary support at this time.

Motion was denied 2-3. Jo Ann Wilson, Chris Moore and Gerry McBride opposed.

Motion was made by Jo Ann Wilson and seconded by Chris Moore to Table appointing an Engineering firm for the Master Plan until such a time arises so they can have a meeting.

Motion carried 3-2. Chris Graves and Cole Blanche opposed.

Walt Leonard said the way that would work is if any council member felt they was a need they could put it back on the agenda.

- I. Accept Rebecca William's resignation from Parks & Recreation Board.

Motion was made by Jo Ann Wilson and seconded by Chris Moore to accept Rebecca Williams' resignation from Parks & Recreation Board.

Motion carried unanimously.

- J. Move voting back to Rhome.

Jo Ann Wilson said the precincts in Wise County have changed. Rhome is now in the same prescient as Newark and Boyd. We are no longer in the same precinct as New Fairview. We have worked hard to get voting back in Rhome. We do have Early Voting here 8 to 5. On Election Day if you voted in New Fairview you will have to go to Decatur City Hall.

If you voted in Newark Fire Department you will have to go to the Boyd Community Center. She said she would suggest that everyone call the Commissioner and Judge McElhaney and tell them we want our residents to vote in the City of Rhome. We have the facilities, parking and expertise. Our precinct will be 3.

**K. Drainage issues.**

Shannon Jones spoke and brought pictures of the drainage problems. The water is running down Morris Street and running across Lee Waldrops lots. It is flooding the building on Old Mill. The property that Robert Miles owns. Some of it can be fixed by digging out the bar ditch. While you are looking at the streets you might take a look at Old Mill.

Jo Ann Wilson said the way to fix that one would be to put a drainage can under the street.

Preston Gilliam said that's what it will take. He said if we get the ditch cleaned out that should take care of the problem.

Mayor Pro Tem McBride said why the streets are being repaired we could work on that area also. He said he was meeting with the Engineer, Mark and Preston and he would go over and take a look at it to see what he is talking about.

**L. Date for Fall Clean-up.**

November 5<sup>th</sup> and 12<sup>th</sup> was set for Fall Clean-up from 8 am to 12 pm.

**M. Animal Control Contract**

Suzanne Cole spoke. She read the following:

1. Kerry provides service **24 HOUR SERVICE 7 DAYS A WEEK**. Wise County Animal Control is closed Mondays and does not respond to anything other than emergency calls on weekends, after hours and holidays.
2. Kerry provides the City of Rhome with additional benefits that Wise County may not be offering, including:
  - ✓ Generation of Revenue by writing citation (he does not overlook violations)

- ✓ Pet Registration (voluntary)
  - ✓ **RETURN OF PETS EVENINGS, WEEKENDS and HOLIDAYS** (also adopts pets anytime)
  - ✓ Wise County **does not offer** services such as deceased pet removal, nuisance wildlife services, lost pet recovery service. Kerry removes deceased animal removal from roadways.
3. Saving money is great but at what cost to our quality of service. Rhome currently provides excellent services fire department, police department, animal control, etc. We pay city taxes to have better services than those that live in the county. Therefore, I feel that **residents should not be provided with county services.**
4. Kerry and his company have assisted many Rhome residents and some of you on this council. He is reliable, he is ethical, and he is humane. Many Cities' have chosen to go with NTACA over their County for **good reason**. I suggest you make this decision carefully and consult with the City of Rhome staff.
5. Is Wise County offering Rhome patrolling? Patrolling is an important part of enforcement. It sets a presence and lets people know that they will have help when needed. Kerry patrols 2 hr week (still not enough to me).

It is important to have a person doing this job that know residents by name, knows where animals live and knows the repeat offenders.

6. **DON'T FORGET THE PAST.**

- ✓ The feral cat overpopulation at Grandy's/gas station was a disgusting embarrassment to the City of Rhome. Kerry cleaned it up, Wise County would not have.
- ✓ I hear from many residents that before Kerry there was a **"SERIOUS ANIMAL CONTROL PROBLEM"**.

7. Concerns? I have heard a concern from a council member that the NTACA facility is not a Rabies Quarantine Facility. Let me point out a few laws and procedures that will help clarify your true need for this:

(TX Administrative Code, Title 25, Part 1, Chapter 169, Subchapter A, Rule 169.27)

- ✓ Adult animals are now being given 3 year rabies vaccines. **IF A BITE OCCURS AND AN ANIMAL HAS A CURRENT VACCINE THEY CAN BE KEPT AT THEIR HOME FOR A 10 DAY OBERVATION PERIOD. NO QUARANTINE FACILITY NEEDED. IN 3-4 YEARS KERRY HAS NEVER HAD A NEED FOR A QUARANTINE FACILITY; ALL WERE AT HOME QUARANTINE ELIGIBLE.**
- ✓ Most shelters and vets are not Rabies Quarantine Facilities, when City's need this service they usually contract with a close veterinary clinic or another animal care facility (does not need to currently be a quarantine facility). This can easily be done for those rare occasions when you need it. (This can be handled through the Zoonosis Dept Texas Health Services TX, I can help)
- ✓ Kerry is Rhome's appointed Local Rabies Control Authority and he has strong knowledge of Rabies related laws.

**I believe that switching to Wise County for Animal Control would be a serious blow to the enforcement of animal related ordinances, the safety of residents and the cleanliness of Rhome. – Suzanne Cole (214) 317-2864.**

**Chief James Rose spoke. He said he spoke to the Chief of Police in Boyd they use Wise County Animal Control and they are not happy with them at all. He said every time they come out they are told they don't do this or certain things. He said he has been here when Kerry's come out and handled nuisance calls. Wise County pretty much only handles dogs and cats. He said the other night after the council meeting a little dog came up and he got him in his car. He said he called Kerry that night and told him. Kerry said he was on his way home from getting food for his family. He said let me drop that off and I'll come out to Rhome.**

Chief Rose said he would meet him at his shelter. He met Kerry – Kerry found the owner and returned the dog back home. He said he thought Wise County would be good because of the money savings but the type of service Kerry gives us we would be better off staying with him.

Mayor Pro Tem McBride moved Animal Control until after the Executive Session.

4. Recess to Executive Session at 8:55 p.m.: The Rhome City Council will Convene Into Executive Session In Compliance With Chapter 551 Of The Texas Government Code (Open Meeting Act) Vernon's Texas Code Annotated, As Follows:
  - a. Section 551.074 – Potential and threatened litigation on Animal Control Contract.
  - b. Section 551.071 – Potential and threatened litigation annexation process.

4. Motion was made by Chris Graves that they push this discussion back until November with the Mayor and staff negotiating with Kerry on adjustments to the current contract that we are under now off of last years rates and they will in turn look at ordinances requiring registration. They will follow up in November and decide one way or the other at that time. Motion was seconded by Chris Moore.

Mayor Pro Tem McBride said he can't approve of it because of his feeling that it cost too much money.

Motion carried 4-1. Gerry McBride voted against.

No action was taken at 10:15 p.m. on Item 4.a. & b.

6. Future agenda items:
  - Drying Beds
  - W/S Building 30 x 30
  - Witches Hat water tower
  - Bid on asphalt
  - Pioneer Days
  - Property at 339 Main Street, Old Mill and Morris, building behind cabinet shop.

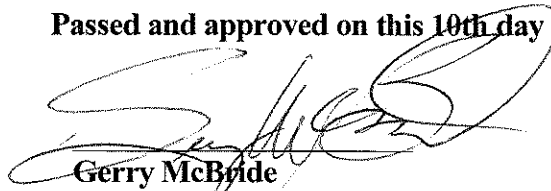
7. Motion was made by Gerry McBride and seconded by Chris Moore to adjourn at 9:05 p.m.

Motion carried unanimously.

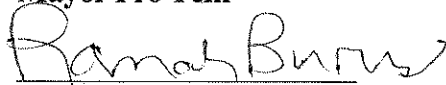
There being no further business the meeting adjourned at 9:05p.m.

**CERTIFICATION:**

Passed and approved on this 10th day of November, 2011



Gerry McBride  
Mayor Pro Tem



Ramah Burns  
City Secretary