



**City Council Minutes
Regular Session
September 12, 2013 – 7:00 p.m.**

Rhome City Hall
105 First Street
Rhome, TX 76078

Council Present: Mayor Chris Moore; Mayor Pro Tem Jo Ann Wilson; **Council Members:** Michelle Pittman, Louis Godfrey, Charles Pennington and Ronnie Moore.

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

Mayor Moore called the meeting to order and announce a quorum was present:

Mayor Moore led the assembly in the Pledge of Allegiance.

Citizen Presentation and Public Input:

Roy Seltzer – 685 Hickory Street spoke. She said 2 ½ years ago raw sewage backed up and she called a plumber. The bill was \$650 and it was not her problem. On March 18th the renter said sewage was backing up in the house. The city paid for a hotel, food and gas for the renter during the cleanup. Ms. Seltzer said the renter didn't pay \$1,000 for rent that month and she wanted the city to pay for it.

Walt Leonard, City Attorney said State Law says the Mayor and Council cannot respond.

Announcements from Mayor and Council Members

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

A. Approval of Minutes:

1. August 8, 2013 - Regular Session

- B. 2. **Approval of Check Registers:**
August 6, 2013 through September 9 2013

Motion was made by Jo Ann Wilson, seconded by Michelle Pittman to approve the consent agenda.

Motion carried unanimously.

1. A. **Department Reports:** Staff Reports (No action needed.)

Discussion and necessary action concerning the following agenda items:

2. New Business

- A. Proposed Ordinance 2013-06 approving and adopting a budget for fiscal year October 1, 2013 through September 30, 2014.**

Jo Ann Wilson asked that they have discussion before they vote on the budget.

Motion was made by Louis Godfrey to approve the budget for 2013 – 2014, seconded by Michelle Pittman.

Jo Ann Wilson said she cannot in good faith vote for the proposed budget. On September 1st the General Fund balance was \$57,000. She said sales tax came in yesterday in the amount of \$32,932. This will increase the operating money to \$90,000. She said Michelle Pittman ran some figures previously – and it takes approximately \$140,000 per month to run the city. She said this means we are going to have to borrow from our reserves. She said it is going to be a close call to have money at the end of December 2013. She said what is concerning her more for 2014 is the budget is approximately \$90,000 less than 2013 because mineral rights have gone down. She said we should have four (4) months in reserves. That would be around \$560,000. She said we need to start building our reserves. She said she recommends that the EMS position be eliminated strictly because we can't afford it not the fact that Robert Pratt isn't doing a good job. She said that would give us \$35,000 salary, \$1,000 uniforms, and \$10,000 in benefits to go into reserves. It may also be necessary to adjust the Incentive Program for the Fire Department in the future. She said we have a lot of things the city needs money for – street repairs and maintenance. She said we have a lot of things that going to bite them. She said she is requesting the proposed budget be adjusted according before a vote is taken.

Louis Godfrey said the sales tax was estimated at \$400,000. He said we should be able to raise it to \$425,000. He said he talked with Preston Gilliam and they can move \$10,000 from wages to contract labor.

Michelle Pittman said if they back out Water Sewer the operating expenses would be \$120,000 on an average.

Louis Godfrey said if she is willing to get rid of this position for EMS because we can't afford it – then they need to give back the Fire Department the \$18,000 they fronted to help fund that position. If they don't give that back to them then we are shorting this 40%.

Jo Ann Wilson said for this month they had three (3) in the city limits. For the previous month they had six (6) calls. She said she was speaking strictly off medical.

Louis Godfrey said for the money they have put into this and putting the position into place. They gave \$18,000 to help fund it.

Jo Ann Wilson asked where they got the money to start with.

Louis Godfrey said that came out of their budget from a city owned Fire Department. He said they are taking \$18,000 from them and giving them a hike.

Jo Ann Wilson said they are the ones that turned the budget in.

Louis Godfrey said we had \$25,000 in the Parks account that they could have moved over. He said they could have used that. He asked where that money was.

Jo Ann Wilson said she didn't know. She said she was looking at that.

Louis Godfrey said he was looking at all of it. He said they are trying to save money here so let's look at all of it. He said where is the \$25,000?

Jo Ann Wilson said he will have to talk with somebody besides her. She said the tax payers paid for two (2) people the previous month and one (1) walk in. That's pretty expensive.

Michelle Pittman said she thinks they had more calls than that. She gets the calls at work. She said one week they had four (4) or five (5). She said Love's have had several calls.

Chris Moore said there have been major accidents and those are not classified as medical.

Jo Ann Wilson said that was her recommendation that they eliminate that position.

Charles Pennington said he agrees with Louis Godfrey they need to look at everything. We are running a tight budget as everybody well knows. He said the Parks didn't get anything this year. He said the Fire Department is a city department. He didn't know if any money should go back to them.

Mayor Moore said they put this in place and put a lot of work into it. He said it needs to stay for a year then if they need to make a change they can. He said it's in place and it's working.

Charles Pennington said he didn't think the money is there. He said no body has proven to him yet. If you run the numbers it's not there. He said this leaves not putting anything back into savings.

Mayor Moore said tax money is up from what they budgeted from. He said we haven't taken anything out of savings. He said a month ago we were going to be broke in two (2) weeks.

Louis Godfrey said last year we had less money in savings than now. We have over \$100,000 more than last year.

Michelle Pittman said this is a pattern.

Jo Ann Wilson said her recommendation is they do away with the EMT position and at some point when we can afford it we need 24/7 paramedic not EMT.

Mayor Moore said it's going to be a long way down the road and cost a lot more money.

Jo Ann Wilson said right now you have to plan your illnesses – Monday through Friday from 8 to 5.

Mayor Moore said it's not just about illnesses. It's just that somebody is here to respond. It was approved for everything – medical, revenue rescue that's generating revenue, maintenance on trucks, etc.

Jo Ann Wilson said she knew that and she has made her recommendation. She said she can't in good faith vote for it as written.

Motion by Louis Godfrey to approve the 2013 – 2014 budgets as written.

Motion died for lack of second.

Michelle Pittman asked if they would need to make another motion for the amendments.

Motion was made by Jo Ann Wilson, seconded by Charles Pennington to amend the budget as written to remove the EMS position, uniforms and benefits, add additional sales tax of \$25,000 and move \$10,000 in W/S wages to contract labor.

Motion carried 3-2. Louis Godfrey and Michelle Pittman voted against.

- B. Proposed Ordinance 2013-07 fixing and levying municipal taxes .5366 - .1864 M& O and .3969 - I & S for fiscal year October 1, 2013 through September 30, 2014.**

Motion was made by Louis Godfrey, seconded by Jo Ann Wilson to adopt Ordinance 2013-07 fixing and levying municipal taxes .5366 - .1864 M& O and .3969 - I & S f for fiscal year October 1, 2013 through September 30, 2014.

Motion carried unanimously.

- C. Accept the resignation from Deborah BeCraft from the Parks and Recreation Board.**
- D. Application from Dawn Vestal for the Parks and Recreation Board.**

Motion was made by Jo Ann Wilson, seconded by Charles Pennington to move Items C. and D. to Item 3 – Staff Reports.

Motion carried unanimously.

E. Bank account for Hotel/Motel Tax.

Motion was made by Jo Ann Wilson, seconded by Charles Pennington to set up a Hotel/Motel tax bank account.

Motion carried unanimously.

F. Code of Ordinances 2013-03, Article 8.04 Noise: Excessive and specific noises prohibited.

James Rose, Police Chief talked with personnel at Heil Trailers International about the loud noise and speaker. They were given a warning ticket and will be issued a citation if the speaker is turned up. Eighty (80) will be the acceptable decibel level.

G. Proposed renewal Interlocal Agreement between Wise County, Texas and the City of Rhome for Fire Protection and First Responder Services.

Motion was made by Louis Godfrey, seconded by Ronnie Moore to approve renewing the Interlocal Agreement between Wise County, Texas and the City of Rhome for Fire Protection and First Responder Services.

Motion carried unanimously.

H. Proposed renewal Interlocal Agreement between the City of Rhome and Wise County, Texas on behalf of its Sheriff's Department for animal control.

Motion was made by Jo Ann Wilson, seconded by Charles Pennington to approve renewing the Interlocal Agreement between the City of Rhome and Wise County, Texas on behalf of its Sheriff's Department for animal control.

Motion carried unanimously.

I. Pioneer Days – Park Board Chairman Terri Troxell said they are going to meet on Sunday at 2 pm to line out where the vendors are going.

J. Pavilion

Louis Godfrey said concerning the pavilion he has a lot of questions. In fact he has 15 questions. He would like the answers from whoever was involved with it. He asked why we didn't have a set of professional plans done for the council, P & Z, Building Inspector and Engineer to look at.

Ronnie Moore said they had plans. He said they accepted it.

Louis Godfrey said professional plans not something draw up by hand. He said the last time he heard it was going to cost between \$14,000 and \$17,000. They are already at \$18,000 and there is stuff that still needs to be done. He said they have no review by Engineer and P & Z – why do we have all of this if we aren't using them.

Ronnie Moore said he doesn't know what he is saying.

Louis Godfrey said proper plans haven't been done.

Ronnie Moore said the building coming has been designed by an engineer. The only thing they had to do the concrete to match the engineering of the building. He said Louis Godfrey was one of the big dogs. He asked Louis why didn't he do it. He said he was one person. He said he didn't see anyone else down there the one time the concrete was being poured – except me. He said Chris Moore came by a couple of times but he didn't see anybody else down there. He said to Louis Godfrey, "so if you're so smart and know so much why didn't you show up" – like he did. He said he is helping his city do something.

Louis Godfrey said what he is doing is – He has concrete over there that failed because proper inspections. They failed. He said that Ronnie Moore told people they didn't need inspections and the plans were in your head.

Ronnie Moore said let me tell you something. Oh, God you know what Louis why don't you come and help sometime then you can start talking.

Charles Pennington asked if the concrete failed.

Ronnie Moore said it did not.

Louis Godfrey said the concrete failed inspection. Yes he did.

Ronnie Moore said the building official told Ty Kennedy to write a deal, he was there and saw part of the street that was in there. He said he wants to tell him something else too. The building official knew the concrete was being poured Friday morning at 6:30 a.m. and he is not his secretary. He said he was hauling dirt all day. He said that inspector knew when the concrete was being poured Friday morning. He said it wasn't his job to call the man.

Louis Godfrey said he asked you when you were going to pour.

Ronnie Moore asked why he wasn't down there to help.

Louis Godfrey said that's not his job.

Ronnie Moore said then shut up about it.

Louis Godfrey said he wasn't going to shut up about it. He said he has a right to know. He asked why there was a stage – why do we need a stage. He said we have one (1) musical event a year. Why do we need a stage? How come we don't have tables and chairs for people. He asked if he even thought about State and Federal laws. Who decided where the bathrooms were going to go? They never discussed that.

Ronnie Moore said he didn't want to talk about this anymore.

Ronnie Moore said he didn't want to talk about this anymore.

Louis Godfrey asked why we turned down free concrete.

Ronnie Moore said they didn't turn down free concrete.

Terri Troxell said her father offered to cut the price in half.

Ronnie Moore said it was also either the building or the concrete.

Terri Troxell said no he was going to pay for the building and cut the concrete in half. She said someone was afraid there was too much ash in her father's concrete. She said it could have been done cheaper.

Ronnie Moore asked Terri Troxell if she was serious. Your dad Robert Troxell was going to pay for the concrete, too. He said when the man called from Cox's Concrete the bid was \$5,000 over the other bid and he said he didn't want to do it at all. He said if we could have got free concrete he would have said to bring it on. He said he didn't know anything about the ash story. He said something was mentioned about ash.

Charles Pennington said he went down and talked with Robert Troxell and he understood either the building or the concrete.

Louis Godfrey said as far as he understood we turned down free concrete and it cost the Parks \$8,100.

Ronnie Moore said if he has a problem with it come down and help. He said quit running over and talking this stuff with him.

Louis Godfrey said he is asking simple questions. Why didn't we follow our ordinances and violated all kinds of construction codes.

Ronnie Moore said no we didn't buddy.

Louis Godfrey said sure you did. None of them were followed.

Ronnie Moore said the building official told Ty Kennedy to write down what is in it – I see what you've done here and it looks good. Ronnie said Ty Kennedy said I will write it down and get it to you. He said the building official said he would pass it then. He said he knew why Louis was doing this and it wasn't because of the Park.

Louis Godfrey said he has had these questions all week.

Ronnie Moore said if he had questions he should have showed up to help him. He said he doesn't work for him. He said he volunteers his time.

Louis Godfrey said he said he is asking why we have council members that aren't following the rules of the city. They didn't follow plats, plans

Ronnie Moore said when the building goes up he expects Louis to be there. He needs to be there every day.

Louis Godfrey said Ronnie Moore is the one that took over. He asked who put him in charge.

Ronnie Moore said no body. He said somebody had to be down there when they started.

Louis Godfrey said he wants to know why we didn't follow all of the rules.

Jo Ann Wilson said why don't' they move forward. The cement is done and the building is coming in October 13th. She said she thought someone was going to help Robert Troxell raise the building. She said they need to go ahead and address the other things left to do.

Ronnie Moore said they didn't build this in a garage. Robert Troxell had this thing designed. It is a major building. He thanked the man that did this for us because we could not have had it. He said he isn't out to hurt anything and he sure not out to do something illegal – doing something for the city. To be accused of it he doesn't think is right.

Louis Godfrey said no one is accusing Ronnie Moore of anything. He said when you have contractor's asking you for plans and you say you don't have any.

Ronnie Moore said this was not benefiting him it is benefiting the city.

Mayor Moore asked Ronnie Moore if Ty Kennedy did that report.

Ronnie Moore said the building inspector said everything looked good. He said the building inspector said he didn't get to see this part of it – he said I see this because it wasn't completed when he finally got there – the building official told Ty Kennedy how to do it - just write a report and it will be passed. That's what the man sat there and said. He said as far as he was concerned – he said he just really needs to hush – he will get with Ty Kennedy and make sure he gets the report to the building official so he can go ahead and sign off on it.

Charles Pennington said he thinks all of the ADA passed inspections – everything.

Jo Ann Wilson asked about the bathrooms – have they looked at it for ADA.

Ronnie Moore said it is designed for ADA. He said everything down there is designed for ADA – plumbing. There is no electricity in that park. There is a little bit of conduit in the concrete which had to be stuck down in there before? they did anything as for as electrical.

Jo Ann Wilson said she was wondering about ADA – she said long range plans was to run a side walk from the existing side walk. If they are going to put the rest rooms over there for the park she thinks they are going to have to comply with ADA and run that other sidewalk. She said if someone is in the Family Park and needs a rest room they can't get there. She asked was that 30 foot – 20 foot. She thinks we better look at that.

Ronnie Moore said he thinks she is right. He said everybody needs to go down there and look at it – instead of talking about it.

Jo Ann Wilson asked Ronnie Moore if he has had time to do a work sheet on how much more it's going to take to finish.

Ronnie Moore said he has put everything on hold because the city is so broke we can't pay attention. When they give him the go ahead and get everybody down there to give him a hand then we will go ahead. He said until he sees two (2) or three (3) city council people down there when they start erecting that building he is not going to be down there. He said he wasn't going to go through with this again.

Jo Ann Wilson said what she is really asking is if we buy the stainless steel fixtures for the bathrooms and they finish the electric for the pavilion – are we more or less through?

Ronnie Moore said the only thing they lack down there right now is – the building is paid for and it's coming – it's going to be put up at no charge to the city. The only thing we have got to do is electric. He said they don't have to do that right now – that's not necessary

Jo Ann Wilson said if they finish the rest rooms – when they do that they are going to have to – Kevin Howard is going to drop by a list of some suggestions of cost for stainless steel. She said she doesn't have a clue what a stainless steel lavatory cost.

Mayor Moore said he is sure they are not cheap.

Jo Ann Wilson asked if we had enough blocks and if Preston Gilliam's group was going to put the top on the bathrooms.

Preston Gilliam said they would.

K. Resolution to allow council updates and communication.

Charles Pennington said we have trouble getting – on the last incident we had in the city – all of the council wasn't notified. What is would like to see a Resolution allowing the Mayor to ask the Department Heads – if something goes on in their department to email the council.

Mayor Moore asked what he meant by something. How big of an incident is he talking?

Charles Pennington said to use your own judgment - a police officer shooting a tire out on a car – the council should know about that. He said he found out about it by reading it in the paper.

Mayor Moore said he tried to tell him on the phone and he hung up. He said he was trying to get more information before he let everybody know. He said he let Jo Ann Wilson know then it was in the paper. He said he was trying to tell him he was going to wait until he got all of the details.

Charles Pennington said he didn't hang up. He told Mayor Moore that he could notify the council.

Walt Leonard, City Attorney said this has potential to be dangerous. You have to be careful. He said they could set up a newsletter about the day from Ramah Burns. He said the Mayor could direct Ramah whatever needs to be put out. It would be better if came from staff. He said remember you have to be very careful. The rules are very tight.

Charles Pennington said maybe Mayor Moore could instruct Ramah Burns to notify the council – and make sure it's just information - you're not asking questions. He said they have to be notified about it before it hits the paper.

3. Staff Reports (No action needed-items can be pulled off for discussion if necessary.)

A. Department Reports:

1. Police Department – Jo Ann Wilson asked where are we on doing warrants.

Chief Rose said he is checking with the City Marshal in Westlake on what paper work you need to line up.

Walt Leonard said he would put Chief Rose in touch with someone that used to be the Dallas City Marshall and in charge of their warrant program. He has a wealth of information, ideas and materials he could use. He said he has spoken with the Judge and ready to do whatever he can do to make this work. A warrant system will bring in revenue in the next 60 days.

Jo Ann Wilson asked about the old tires at Grandy's that you were going to try and get moved.

Chief Rose said he is working on it.

2. Fire Department
3. Public Works
4. Administration
5. Parks and Recreation – Jo Ann Wilson said things are moving along really well. She thanked Deborah BeCraft and Karen Sherwin for time on the parks. They have submitted their resignations.

Motion was made by Jo Ann Wilson, seconded by Ronnie Moore to accept the resignation of Deborah BeCraft and Karen Sherwin.

Motion carried unanimously.

Motion was made by Jo Ann Wilson, seconded by Louis Godfrey to put Dawn Vestal and Debbie Stewart on the Parks and Recreation Board.

Motion carried unanimously.

6. First Responder

4. Old Business

A. Personnel Manual

Motion made by Ronnie Moore, seconded by Ronnie Moore to approve the revised Personnel Manual.

Motion carried unanimously.

B. Chappell Supply of Texas – spraying the Family Park.

Charles Pennington will coordinate with Trent Tabor/Owner/General Manager.

5. Future agenda items:

1. Speed limits on US 81/287 East Frontage Road from 40 mph to 40 mph and West Frontage Road from 40 mph to 55 mph.

6. Motion was made by Charles Pennington and seconded by Jo Ann Wilson to adjourn at 8:10 p.m.

Motion carried unanimously.


There being no further business the meeting adjourned at 8:10 p.m.

CERTIFICATION:

Passed and approved on this the 14th of November, 2013.



Chris Moore
Mayor



Ramah Burns
City Secretary