

**City of Newark
City Council Minutes
February 20, 2014**

I. Call to Order

Mayor Gary Van Wagner called the meeting to order at 7:00 p.m. on Thursday, February 20, 2014 in the Newark Community Center located at 209 Hudson Street, Newark, Texas. Those present were: Mayor Gary Van Wagner, Mayor Pro Tem Bob Wells, Councilmember Linda Anderson, Councilmember Taylor Burton, Councilmember Dan Sessler, Councilmember Doug Anderson, and City Administrator Diane Rasor.

II. Invocation – Councilmember Doug Anderson delivered the invocation.

III. Citizens' Comments: Mr. Eric Marney is here on behalf of his brother-in-law, Keith McComis, requesting people vote for him for County Judge. Ms. Darla Bethany requested the speed limit on Hudson Street be enforced, possibly by adding speed bumps.

IV. Public Hearing – Issuing an Order to Remove the Building at 111 Deborah. - A public hearing has been called by the City Council to hear evidence presented by any interested parties to determine whether or not the building located at 111 Deborah Drive is in violation of standards set out in the Newark Code of Ordinances, Section 3.04.004, "Conditions Constituting Substandard Building".

Mayor Van Wagner opened the public hearing at 7:09 p.m. Ms. Nancy Crow, owner of the property (land) where the building is located stated that she does not own the building. She also noted that the wrong inspection report was sent with the letter. The building was mostly removed; however the metal foundation frame is still standing. Mayor Van Wagner recommended allowing forty-five (45) days from today to have the trailer removed. Mayor Van Wagner closed the public hearing at 7:20 p.m.

V. Consent Agenda – A. Approval of the January 16, 2014 Minutes, B. Approval of the Accounts Payable, C. Approval of Budget and Financials, D. Approval of Staff Reports

Mayor Pro Tem Bob Wells, referring to the City Administrator's Staff Report request the issue with Mr. Robert Ferron at 602 Roger's Road be scheduled for the next agenda. Councilmember Linda Anderson approved Items A, B, C, and D; Mayor Pro Tem Wells seconded the motion. All approved. Motion passed.

Regular Meeting

1. Consider and act on sponsoring the Newark Annual Easter Egg Hunt.

Ms. Mary Ann Wells requested that the City sponsor Annual Newark Easter Egg Hunt as they have done in the past few years. The hunt will be on Saturday, April 12th from 10:00 a.m. to 12:00 noon. Councilmember Doug Anderson moved for the City to sponsor the 4th Annual Easter Egg Hunt on April 12, 2014; Councilmember Linda Anderson seconded the motion. All approved. Motion passed.

2. Discussion and possible action on an annual agreement with the Newark Volunteer Fire Department.

Fire Chief James Edgemon addressed the City Council requesting before next October a group is formed to generate an agreement that will be beneficial to the City as well as to the Newark Volunteer Fire Department. Mayor Van Wagner stated that when budget workshops begin this summer, Chief Edgemon would be contacted to participate. No action at this time.

3. Consider and act on issuing an Order for the building located at 111 Deborah Drive, Newark, Texas, be repaired, vacated, removed, demolished, or secured, by the owner, mortgagee or lien holder.

No official action, Ms. Crow was given notice that the frame of the building needed to be removed within forty-five (45) days from this date.

Executive Session – Possible litigation between the City of Newark and LaDonna Aubrey concerning 820 McCanne Street. The City Council entered into executive session at 7:35 p.m. and returned to open session at 8:15 p.m.

Over the past several weeks, it has come to the City's attention that a number of properties inside the City limit non-conforming uses on those properties. The City Council has devised an action plan where the City is going to address each property individually. The owners will be notified, then invited to submit an application for a Specific Use Permit, The City will waive the fees, and that will include LaDonna Aubrey at 820 McCanne, then schedule public hearings with the surrounding property owners so that if approved the properties may become legal non-conforming uses.

Councilmember Doug Anderson moved to approve the City Council's action plan laid out above by Mayor Pro Tem Wells; Councilmember Sessler seconded the motion. All approved. Motion passed.

4. Consider and act on 442 Sandy Bass Lane. - The tenant was not present so this item was postponed until the next meeting.

5. Consider and act on the water charges at 610 Rogers Road.

Mr. Roger Cairns stated that he received a water bill showing a usage of approximately 120,000 gallons of water in the last two months and believes that he could not have used this amount of

water. He stated that the other four (4) houses on his property were not receiving water through his water line and that the well on the property was also not receiving water through the water line. He requested that both meters (one installed in January 2014 and one installed in February 2014 be tested for accuracy). He requested his water be turned back on until the test results and stated if the meters are reading correctly he would pay for the water used.

Mayor Van Wagner recommended having all three meters (one from December that had been reading 0 usage for twelve (12) years) tested with the caveat that readings would be taken daily on the fourth (4th) meter and two other meters on the property would be taken out completely. No action on this item.

6. Consider and act on appointments to a committee to review and make recommendations concerning regulating and permitting rental properties in the City of Newark.

Councilmember Linda Anderson moved to appoint herself, Mayor Pro Tem Wells, Monique Murray, and Ken Hatmaker to the committee; Councilmember Doug Anderson seconded the motion. All approved.

7. Consider and act on Ordinance No. A-410, eliminating any easement access necessary to the transfer pumps located at 310 FM 718 and waiving the fee if necessary. - This item is postponed to a future meeting until all the requirements for abandoning an easement have been met.

8. Consider and act on awarding to Schultz and Sons the Small Purchase Contract for replacement of the clarifier trough and supports in the amount of \$26,160.

Mayor Pro Tem Wells moved to approve Schultz and Sons for the Contract for replacement of clarifier parts in the amount of \$26,160; Councilmember Sessler seconded the motion. All approved. Motion passed.

9. Consider and act on awarding the bid for the Wastewater Treatment Plant Effluent Station.

Mayor Pro Tem Wels moved to award Fryer Construction Company the bid for the Wastewater Treatment Plant Effluent Station for \$110,800; Councilmember Linda Anderson seconded the motion. All approved.

10. Consider and act on the Agreement between the City of Newark and the *Wise County Elections' Office for Election Services for an Election to be held on May 10, 2014.*

Councilmember Doug Anderson moved to enter into the Agreement with Wise County Elections for election services for and election to be held on May 10, 2014; Councilmember Burton seconded the motion. All approved. Motion passed.

- 11. Consider and act on the *Joint Election Agreement and Contract for Election Services with the Northwest Independent School District.***

Councilmember Doug Anderson moved to enter into a Joint Election Agreement with Northwest Independent School District; Councilmember Linda Anderson seconded the motion. All approved. Motion passed.

- 12. Consider and act on Ordinance No A-406 calling for a General and Special Election to be held on May 10, 2014 and authorizing the Mayor to execute an agreement for a Joint Election with the Northwest Independent School District.**

Councilmember Doug Anderson moved to approve Ordinance No. A-406 calling for a General and Special Election on May 10, 2014 and authorizing Mayor Van Wagner to execute an agreement with the Northwest Independent School District; Councilmember Burton seconded the motion. All approved. Motion passed.

- 13. Consider and act on which option to choose in regards to repaying the Texas Comptroller of Public Accounts for an overpayment of \$2,424.36 in local sales and use taxes.**

Mayor Pro Tem Wells moved to choose the option allowing the entire amount to be paid with the 10% discount; Councilmember Linda Anderson seconded the motion. All approved. Motion passed.

- 14. Consider and act on Ordinance No A-407 providing for participation in the Texas Municipal Retirement System and Supplemental Death Benefits Fund by the City of Newark.**

Mayor Pro Tem Wells moved to approve Ordinance No. A-407; Councilmember Doug Anderson seconded the motion. All approved. Motion passed.

- 15. Consider and act on approving April 5, 2014 as Annual Newark Clean Up Day in conjunction with Northwest Independent School District's Big Event Day.**

Councilmember Linda Anderson moved to approve April 5, 2014 as the Annual Newark Clean-Up Day in conjunction with Northwest Independent School District's Big Event Day; Councilmember Burton seconded the motion. All approved. Motion passed.

- 16. Consider and act on Ordinance No. A-408 amending the Newark Code Ordinances, Appendix A, Fee Schedule, Article A3.000, Building Related Fees.**

Councilmember Doug Anderson moved to decrease the building permit fees for valuations between \$1.00 and \$2,500 to \$80.00, leave the fee at \$153.84 for valuations between \$2,500 and \$10,000 and only charge Bureau Veritas's fees for the remaining permits, advertising on

the water bills that the discounted fees will only be in effect until January 15, 2015; Councilmember Burton seconded the motion. All approved. Motion passed.

17. Consider and act on Ordinance No. A-409 amending the Newark Code of Ordinances, Article A7.000, Utility Fees, Residential, by increasing the water deposit on a .75 meter from \$100.00 to \$200.00 dollars.

Mayor Pro Tem Wells moved to approve Ordinance No. A-409 increasing the residential water meter deposit from \$100.00 to \$200.00; Councilmember Linda Anderson seconded the motion. All approved. Motion passed.

18. Consider and act on recommended reallocation of funds in the 2013-2014 Budget. - This item is postponed until the next meeting.

19. Discussion and possible action on the Newark Public Library Bylaws.

Mayor Pro Tem Wells stated the original bylaws called for five (5) Board Members and each Board Member was required to work in the Library four (4) hours per month. The Library Board is considering adding a sixth member and according to the bylaws any changes will need City Council Approval.

20. Discussion and possible action on issues with commercial businesses operating in residential zoning districts including but not limited to: 311 Hudson, 803 Main Street, 820 McCanne, and 822 McCanne, and a commercially zoned property being used as a residence at 402 Hovey. A "Plan of Action" was approved for this item under executive session items (#22)

21. Executive Session – Moved to beginning of agenda.

22. Consider and act on executive session item(s). Moved to beginning of agenda.

23. Adjourn - The meeting adjourned at 9:46 p.m.

APPROVED:

Gary Van Wagner, Mayor

Date

ATTEST:

Diane Rasor, City Administrator