MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, DECEMBER 13, 2012
6:30PM

Chairman Smith called the Regular meeting to order in the Commission Chambers, City Hall at 6:30pm.

PRESENT:

CHAIRMAN: Ed Smith, District 7

COMMISSIONERS:

Gloria Moon, District 1
John Flowers, District 3
Bill Marshall, District 4
Charlie Oliver, District 5
Garrett Boersma, District 6

ABSENT: Commissioner Zephaniah Timmins, District 2

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager
Todd Fitts, City Attorney
Kenneth J. Snyder, Fire Chief
Leland Benoit, Asst. Police Chief
Ardis Wright, Assistant City Manager
Lisa Agnor, City Secretary/Finance Director
J. C. Hughes, Public Works Director
Jack Redmon, Parks Director
Anna Lane, Library Director

INVOCATION & PLEDGE: Commissioner Oliver

425. PRESENTATIONS FROM THE PUBLIC

Susan Spears, 1551 Dorough Rd, Director of Michelson Museum of Art, Karnack, gave a brief summary of the museum's role in contribution to tourism in Marshall.

Ed Michel, CVB Executive Director, gave a Wonderland of Lights update.

426. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

H. Consider approval of an agreement with Charlie Oliver for tax abatement for property at 304 Nolan Street.

I. Consider approval of an agreement with Charlie Oliver for tax abatement for property at 703 Youngsdale Circle.

J. Consider approval to award a bid to provide Water System Supplies as required by the City of Marshall.

Commissioner Marshall moved to withdraw items 4H, 4I, and 4J from the Consent Agenda. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

427. CONSENT AGENDA

Commissioner Marshall moved to approve the following under Consent Agenda. Commissioner Flowers seconded the motion, which passed by a 6:0 vote.

A. Consider approval of the minutes from the November 8, 2012 Regular Meeting.

B. Consider approval of the quarterly investment report for the quarter ending September 30, 2012.

C. Consider approval of an agreement with Minglewood Properties, LLC for tax abatement for property at 100 West Grand Avenue.

D. Consider approval of an agreement with Whit Edwards for tax abatement for property at 900 East Fannin Street.

E. Consider approval of an agreement with Wiley College for tax abatement for property at 711 Wiley Avenue.

F. Consider approval of an agreement with Peoples Funeral Home for tax abatement for property at 500 Park School Street.

G. Consider approval of an agreement with W.F. Palmer for tax abatement for property at 401 East Grand Avenue.

K. Consider approval to award a bid to provide Fluorsilicic Acid as required by the City of Marshall.

Commissioner Oliver moved to take the Code Enforcement Report out of order. Commissioner Flowers seconded the motion, which passed by a 6:0 vote.

428. CODE ENFORCEMENT REPORT

Bo Ellis, Main Street Manager, presented the Code Enforcement Report and answered questions from the Commission.

429. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

4H. Consider approval of an agreement with Charlie Oliver for tax abatement for property at 304 Nolan Street.

Commissioner Marshall moved to approve an agreement with Charlie Oliver for tax abatement for property at 304 Nolan Street. Commissioner Flowers seconded the motion and Commissioner Oliver abstained from the vote, which passed by a 5:0:1 vote.

4I. Consider approval of an agreement with Charlie Oliver for tax abatement for property at 703 Youngsdale Circle.

Commissioner Marshall moved to approve an agreement with Charlie Oliver for tax abatement for property at 703 Youngsdale Circle. Commissioner Flowers seconded the motion and Commissioner Oliver abstained from the vote, which passed by a 5:0:1 vote.

4J. Consider approval to award a bid to provide Water System Supplies as required by the City of Marshall.

Commissioner Timmins joined the meeting at this point.

Commissioner Oliver moved to award a bid to provide Water System Supplies as recommended by the City Staff. Commissioner Moon seconded the motion. The vote failed for the lack of majority by a vote of 3:1:2 with Commissioner Marshall opposing the motion, and Commissioner Flowers and Chairman Smith abstaining from the vote.

Chairman Smith moved to reconsider a motion to award a bid to provide Water System Supplies as required by the City of Marshall. Commissioner Marshall seconded the motion, which passed by a 7:0 vote.

Commissioner Oliver moved to award a bid to provide Water System Supplies as recommended by the City Staff. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.

430. PRESENTATION OF THE 2013 ANNUAL BUDGET FOR THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION

This item was withdrawn.

PUBLIC HEARINGS

431. ORDINANCE O-12-17: REZONE 0.642 ACRES OF LAND IN THE PETER WHETSTONE SURVEY, A-756, FROM O-OFFICE TO PD-PLANNED DEVELOPMENT (2800 SOUTHWEST RD, THE CARL YOUNG AND W. RUTH YOUNG REVOCABLE LIVING TRUST)

Frank Johnson stated that the Planning and Zoning Commission voted 5:0:1 in favor of the rezoning and asked for approval of this Ordinance.

Chairman Smith opened the Public Hearing and asked anyone wishing to speak in favor of this item to come forward.

No one spoke in favor of this item.

Chairman Smith asked anyone wishing to speak in opposition of this item to come forward.

No one spoke in opposition of this item.

Chairman Smith closed the Public Hearing.

Commission Boersma moved to approve an Ordinance to rezone 0.642 acres of land in the Peter Whetstone Survey, A-756, from O-Office to PD-Planned Development. Commissioner Moon seconded the motion, which passed by a 7:0 vote. (Second reading required.)

432. A REQUEST TO REZONE LOTS 1-8 OF BLOCK 2, AND LOTS 1-8 OF BLOCK 4 OF THE JOHNSON ADDITION FROM PD-PLANNED DEVELOPMENT TO MF-MULTI FAMILY (2000 BLOCK OF PEMBERTON STREET, BILLIE A. BURNETT)

This item was withdrawn.

433. CONSIDER APPROVAL OF AN AGREEMENT WITH THE MARSHALL REGIONAL ARTS COUNCIL FOR USE OF 2013 HOTEL OCCUPANCY TAX FUNDS

Inez Lancaster, 200 Whaley, gave a brief summary of Hotel Occupancy Tax Fund expenditures by Marshall Regional Arts Council.

The Commission engaged in discussion regarding the allocation of Hotel Occupancy Tax Funds.

Commissioner Flowers moved to approve the agreement for six months, and then withdrew his motion.

Commissioner Boersma moved to approve an agreement with the Marshall Regional Arts Council for use of 2013 Hotel Occupancy Tax funds. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.

434. CONSIDER APPROVAL OF AN AGREEMENT WITH THE MICHELSON MUSEUM OF ART FOR USE OF 2013 HOTEL OCCUPANCY TAX FUNDS

Commissioner Boersma moved to approve an agreement with the Michelson Museum of Art for use of 2013 Hotel Occupancy Tax funds. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.

435. CONSIDER APPROVAL OF AN AGREEMENT WITH THE HARRISON COUNTY HISTORICAL MUSEUM FOR USE OF 2013 HOTEL OCCUPANCY TAX FUNDS

Commissioner Timmins moved to approve an agreement with the Harrison County Historical Museum for use of 2013 Hotel Occupancy Tax funds. Commissioner Moon seconded the motion, which passed by a 7:0 vote.

436. CONSIDER APPROVAL OF AN AGREEMENT WITH THE EAST TEXAS COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR USE OF 2013 GENERAL FUNDS

Frank Johnson reviewed services provided by the East Texas Council on Alcoholism and Drug Abuse

Commissioner Timmins moved to approve an agreement with the East Texas Council on Alcoholism and Drug Abuse for use of 2013 General Funds. Commissioner Moon seconded the motion, which passed by a 7:0 vote.

437. CONSIDER APPROVAL OF AN AGREEMENT WITH THE WOMEN'S CENTER OF EAST TEXAS FOR USE OF 2013 GENERAL FUNDS

Commissioner Timmins moved to approve an agreement with the Women's Center of East Texas for use of 2013 General funds. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

438. CONSIDER APPOINTMENTS AND/OR REAPPOINTMENTS TO THE FOLLOWING BOARDS AND COMMITTEES: 1) COMMUN ITY DEVELOPMENT ADVISORY COMMITTEE, 2) ZONING BOARD OF ADJUSTMENT, 3) HISTORIC LANDMARK PRESERVATION BOARD, 4) MARSHALL IMAGE ADVISORY BOARD, 5) CONSTRUCTION BOARD OF APPEALS, 6) PARKS ADVISORY BOARD, 7) MARSHALL PUBLIC LIBRARY BOARD OF TRUSTEES, 8) CONVENTION CENTER ADVISORY BOARD, 9) MARSHALL DOWNTOWN DEVELOPMENT CORPORATION, 10) MARSHALL ECONOMIC DEVELOPMENT CORPORATION, 11) MARSHALL CONVENTION AND VISITOR BUREAU

Frank Johnson presented the Commission with recommendations for appointments to various City Boards and Commissions and stated that Commissioner Flowers asked to withdraw appointments to the MEDCO Board until a future meeting.

Commissioner Timmins moved to approve all nominees for appointments and reappointment to various City Boards and Commissions as presented by the City Manager, with the exception of the appointments to the MEDCO Board. Commissioner Oliver seconded the motion, which passed by 7:0 vote.

439. MONTHLY FINANCIAL REPORT

Finance Director Lisa Agnor answered questions from the Commission regarding the Monthly Financial Report.

440. REQUESTS FROM COMMISSIONERS FOR ITEMS TO BE PLACED ON FUTURE AGENDAS

A. Report on status of implementation of employee evaluations.

B. Discussion of travel budget for City Commissioners for the 2013 fiscal year.

C. Discussion of how various violations are handled by the Code Enforcement office.

441. ADJOURNMENT

Commissioner Marshall moved for adjournment. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.

APPROVED:

Chairman of the City Commission
of the City of Marshall, Texas

ATTEST:

City Secretary

Ordinance: O-12-17