

CITY OF TEMPLE MINUTES

DECEMBER 3, 2007

Regular Council Meeting

Temple City Hall

INVOCATION

Temple Cub Scouts Pack 92 led the Pledge of Allegiance to the American Flag and also gave the invocation.

Mayor Ford called the regular meeting of the Temple City Council to order at 6:40 pm with the following Council Members present: Councilman Larry Estvanko, Councilman Larry Mann, Councilman Jerry Robinson, Councilman William Simmons and Councilman/Mayor Pro tem Gene Yearty.

CONSENT AGENDA

Mr. Mann made a motion to approve the consent agenda second by Mr. Robinson unanimous by Council.

APPROVAL OF MINUTES

The Minutes from the November 5, 2007 were read and a motion to approve the minutes was made by Mr. Mann with clarification added that Mr. Bracknell was working the election polls for the county and not the city elections second by Mr. Yearty. The motion passed 4-1 with Mr. Estvanko voting against.

SPECIAL RECOGNITION

Mayor Ford presented Mr. Robinson with a plaque in recognition of his 4 years of service as a council member with the City of Temple. He also presented Mr. Yearty with a plaque in recognition of his 38 years of service as a council member with the City of Temple.

PLANNING AND ZONING

After the reading of the planning commission minutes; Jerry Wood with Wood Co. Investment explained to the Mayor and Council he was there requesting lot size variances on two different lots for the purpose of a hotel.

The first variance request was for .94 acres more or less located near Waffle House to reduce the lot size requirement from 2 acres to 1.06 acres. After discussion; the request was denied due to a lack of a motion.

The second variance request was for .60 acres located near Hardees and Waffle House to reduce the lot size requirement from 2 acres to 1.40 acres. After discussion; Mr. Simmons made a motion to approve the recommendation of the planning commission second by Mr. Mann unanimous by Council.

Next, David Harrison with Progressive Enterprise explained to the Mayor and Council why he was requesting the following variances:

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|----|-----------------|---------|---|
| a. | 328 Daffodil Dr | Lot 12 | Reduce Front Setback from 20' BL to 15' BL and
Reduce Impervious Setback from 75' to 25' |
| b. | 449 Clematis Ct | Lot 64 | Reduce Front Setback from 20' BL to 10' BL |
| c. | 445 Clematis Ct | Lot 65 | Reduce Front Setback from 20' BL to 10' BL |
| d. | 341 Daffodil Dr | Lot 74 | Reduce Front Setback from 20' BL to 10' BL and
Reduce Impervious Setback from 75' to 25' |
| e. | 237 Lily LN | Lot 81 | Reduce Front Setback from 20' BL to 10' BL and
Reduce Impervious Setback from 75' to 25' |
| f. | 233 Lily LN | Lot 82 | Reduce Front Setback from 20' BL to 10' BL and
Reduce Impervious Setback from 75' to 25' |
| g. | 225 Lily LN | Lot 82A | Reduce Impervious Setback from 75' to 25' |

Mr. Yearty made a motion to approve the recommendation of the planning commission for all variances requested above seconded by Mr. Simmons. The motion passed with 4 in favor and Mr. Mann abstaining.

OLD BUSINESS

Amy Vollrath with Westside Towing requested to be added to the wrecker rotation list for the City of Temple. She showed the Mayor and Council copies of their business license and various documents showing their credentials. Mr. Yearty made a motion to add Westside Towing to the rotation list for the City of Temple second by Mr. Estvanko unanimous by Council.

NEW BUSINESS

Mayor Ford explained Ms. Bearden had asked to be moved to first on the agenda due to a previous engagement she needed to get to.

Ms. Bearden explained to the Mayor and Council that she has issues with how public comment is handled at the meetings. She explained two meetings ago she had requested to be put on the agenda and was told she could not be put on the agenda but had to speak under public comment; but at the very next meeting another person asked to be put on the agenda and was allowed to be put on the agenda under the advise of the city attorney. She said she has a problem with them being able to pick and choose who can and can not be put on the agenda. She asked for clarification on what is considered to be public comment, what is considered to be an agenda item, and what qualifies you to be put under public comment or on the agenda. Mayor Ford explained to Ms. Bearden that after reviewing the current Rules of Decorum it does say that no citizen is allowed on the agenda section and the action of allowing citizens on there was probably done in error. He also told Ms. Bearden that the Rules of Decorum should have been clarified that night and if she was offended; he wanted to apologize.

Shan Gastineau was next on the agenda to explained about a DDA Grant that is available to help with a project he has had planned for sometime now. This grant is to help with the renovation of old buildings. He introduced Allen Dickerson with DCA (Department of Community Affairs) to explain in detail about

the program. He said the program is called a Downtown Development Revolving Loan Program created by the General Assembly to provide low interest financing to help fund quality downtown development projects. He said funds can be provide directly to cities, DDA(Downtown Development Authority) or working through the city they can provide funds to a private individual or developer. He explained the city has to be the applicant and they have to sign an intergovernmental agreement with DCA and DDA in order to serve as a conduit of the funds. Mayor Ford asked about the liability to the city and was told there would be no recourse to the city or the DDA and the city would not be responsible. Mr. Mann and Mr. Yearty said they think the city should go forward with this program.

The Rules of Decorum was next under new business. After discussion on the current Rules of Decorum and a new proposed Rules of Decorum; Mr. Estvanko made a motion to revisit this item at the next work session second by Mr. Robinson unanimous by Council.

Mr. Mann made a motion to adopt the current Record Retention Schedule second by Mr. Robinson unanimous by Council.

Mayor Ford advised the council that due to Mr. Bracknell taking office in January 2008 the council would need to appoint someone else to the ethics committee. He asked them to be thinking about this and it would be revisited in January 2008.

The current vacation policy was next being discussed. Mayor Ford explained under the current policy vacation time has to be taken by the end of the year or the employee loses the time. He said some employees have not been able to take all of their vacation due to different circumstances and they would like to either roll over the remaining time or either be able to get paid for it. After much discussion on this item; Mr. Mann made a motion to extend the time to take the 2007 annual leave until April 2008 for this year only second by Mr. Yearty. The motion passed 4-1 with Mr. Robinson voting against.

The first reading of the Water Ordinance by Mr. Thomas was next on the agenda with the second reading to take place January 7, 2008.

Mr. Russell presented to the Mayor and Council a proposed contract between the city and Mortenson Ventures waiving the cities liability from the master meter we installed on. The city installed a 2" master meter at the side street of the Villa Rosa Shopping Center and Mr. Mortenson has since installed individual meters per unit so he can start breaking down the water bills per unit and requiring each one to put up their own deposit. He would like for the city to start reading the meters each month. Mr. Yearty asked for this item to be postponed in order to research whether or not the tap fees were paid.

Next Mr. Russell gave an update to the council on the water conservation mandated by E.P.D.

Ms. Walden spoke about the changing of the Rules of Decorum from month to month. She said she was upset because she has requested several times to be put on the agenda and she was denied and others were allowed to be put on the agenda by just asking. She wanted to know why the Rules of Decorum was changed last month. Mayor Ford explained that the city has a city attorney that advises them and when he asked if the citizen could be placed on the agenda he went with the advice of the city attorney. Next Ms. Walden had questions about the funds the laptops for the police department was purchased from and also she said she had heard the police were getting rid of the blackberries and getting new

phones. Mayor Ford said Chief Repetto would be the one to answer her questions and he was not there tonight.

Ms. Walden also had questions about how much time an individual, developer, or builder have to complete a project approved by the Planning Commission and Mayor and Council and also if there are penalties if the project is not done. She said she has property that backs up to Twin Ridge Subdivision and they are thinking about building a gravel drive that comes out into the subdivision and wants to know if this will be alright.

Mr. Estvanko made a motion to let the band for the Sr. Citizen's Dances keep the \$4.00 instead of giving \$1.00 back to the city second by Mr. Yearty unanimous by Council.

Mr. Mann made a motion to adjourn in order to go into executive session at 8:50 pm second by Mr. Simmons unanimous by Council.

Mr. Robinson made a motion to return to regular session at 9:05 pm second by Mr. Estvanko unanimous by Council.

A motion for adjournment was made by Mr. Mann second by Mr. Simmons unanimous by Council.

Rick Ford, Mayor

Kim Pope, City Clerk