

MINUTES OF THE CROCKETT CITY COUNCIL MEETING HELD ON THE 18th DAY OF AUGUST 2003 IN THE CITY HALL COUNCIL CHAMBERS, LOCATED AT 200 NORTH FIFTH IN THE CITY OF CROCKETT, HOUSTON COUNTY TEXAS AT 6:00 P.M.

THE COUNCIL MET IN REGULAR SESSION WITH THE FOLLOWING MEMBERS PRESENT: WAYNE MASK, JACK SHIVELEY, DARRELL JONES, NATHAN GARDNER, MARGARET BURNETT & CHUCK CUNNINGHAM. CITY OFFICIALS PRESENT: CITY ADMINISTRATOR RONALD DUNCAN, CITY SECRETARY MITZI THOMPSON, FIRE CHIEF DARRELL DECKARD & POLICE CHIEF JIMMY FISHER.

1. OPEN MEETING WITH INVOCATION AND PLEDGE

Mayor Mask called the formal session open. Mayor Mask gave the invocation and all joined in the pledge.

2. RECOGNITION OF VISITORS

Mayor Mask recognized all visitors present.

3. APPROVAL OF MINUTES: JULY 21, 2003 - REGULAR MEETING

Motion was made by Council member Cunningham to approve the minutes of the July 21, 2003 Regular Meeting as written. Motion seconded by Mayor Pro Tem Shiveley. Motion passes 5-0.

4. REPORTS: MAYOR – Recognition shown in the Houston Chronicle article on Crockett's Recycling Center; also another lawsuit was served on the City and employees by Council member Gardner

CITY ADMINISTRATOR – Work on Rose Street and Lovers Lane is going well and according to schedule; bids on the City's depository were opened and no bids were received – we have advertised again and will open on the 29th of August. Home Program update and Cole Creek Apartments did receive tax credits and will be building in the near future.

5. POLICE DEPARTMENT REPORT

Police Chief Fisher reported for the time period of July 28 – August 17, 2003 the following: 14 total manpower, 2 reserve manpower, 1,240 total manpower hours, 30 total reserve manpower hours, 264 total calls, and 14 total accidents. A breakdown of the criminal reports is included in the packets.

A) NOMINATION/ELECTION OF NEW POLICE OFFICER

Motion was made by Mayor Pro Tem Shiveley to approve Lonnie Lum as a new full time police officer. Motion seconded by Council member Gardner. Motion passes 5-0.

6. FIRE DEPARTMENT REPORT

Fire Chief Deckard reported for the month of July the following: 21 total calls. A breakdown of included in the packets.

7. PRESENTATION BY MR. JOE GARMS TO FAMILIARIZE CITY COUNCIL ON LOCAL HABITAT FOR HUMANITY PROJECTS AND PLANS

Mr. Joe Garms presented to council information on the purpose and goals of Habitat for Humanity and explained in detail future plans in Crockett.

8. PRESENTATION BY MR. TIMOTHY SALLEY TO CONSIDER WHETHER COUNCIL ERRED IN APPLYING THE 20% RULE TO DAVID MCKENDREE'S SPECIFIC USE PERMIT REQUEST DURING THE JULY 7, 2003 CITY COUNCIL MEETING

Mr. Salley, representing David McKendree, addressed council regarding the Specific Use Permit denied him on July 17, 2003. Mr. Salley went on to say that he felt the city used different criteria in approving the specific use permit for Calvary Baptist Church than for the request of El Charro Restaurant and that the 20 percent rule did not apply to Mr. McKendree's request. City Attorney Bill Pemberton responded by saying that the city's construction is right and should not be changed just because El Charro thinks they have been treated unjustly. Council member Jones asked John Erickson if the Charter was being violated and if the rules were the same, Mr. Erickson responded that the rules were the same.

9. CONSIDER AND APPROVE AN ORDINANCE OF THE CITY OF CROCKETT, TEXAS, AMENDING CHAPTER 15, OFFENSES AND MISCELLANEOUS PROVISIONS. ARTICLE IV. ALCOHOL AND ALCOHOLIC BEVERAGES. BY ADDING SEC. 15-24A; PROVIDING THAT THE HOLDER OF A MIXED BEVERAGE LATE HOURS PERMIT MAY SELL AND OFFER FOR SALE MIXED BEVERAGES BETWEEN MIDNIGHT AND 2:00 A.M. ON ANY DAY; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

City Administrator Duncan explained that for any establishment to serve late hours they must have a permit from Texas Alcohol Beverage Commission and then an ordinance must be in place. Mr. Stanley, Fowler's Restaurant, told council that the additional two hours will help his business economically. Chief Fisher told council that he saw no compelling evidence to deny this request. Motion was made by Mayor Pro Tem Shiveley to approve the Ordinance Amending Chapter 15, Offenses and Miscellaneous Provisions, by adding Sec. 15-24A; the holder of a mixed beverage late hours permit may sell and offer for sale mixed beverages

between midnight and 2:00 a.m. on any day. Motion seconded by Council member Burnett. Motion passes 5-0.

10. PUBLIC HEARING ON PROPOSED BUDGET OF THE CITY OF CROCKETT FOR THE 2003-2004 FISCAL YEAR

Mayor Mask opened the Public Hearing. No comments. Close Public Hearing.

11. CONSIDER AND APPROVE ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF CROCKETT FOR THE 2003-2004 FISCAL YEAR

AN ORDINANCE MAKING APPROPRIATION FOR THE SUPPORT OF THE CITY OF CROCKETT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004; APPROPRIATING MONEY TO SINKING FUND TO PAY INTEREST AND PRINCIPAL DUE ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF CROCKETT FOR FISCAL YEAR 2004

Motion was made by Council member Cunningham to approve the annual budget of the City of Crockett for 2003-2004 Fiscal Year. Motion seconded by Mayor Pro Tem Shiveley. Council members Jones, Gardner and Burnett voted against the motion. Motion fails 2-3.

12. CONSIDER AND APPROVE ORDINANCE LEVYING AD VALOREM TAXES FOR THE 2003-2004 FISCAL YEAR

City Administrator Duncan explained that the tax rate would be .48745, which is about a cent and a half increase. Motion was made by Mayor Pro Tem Shiveley to approve the ordinance levying ad valorem taxes for the 2003-2004 fiscal year. Motion seconded by Council member Cunningham. Motion passes 3-2. Council members Jones and Burnett voted against the motion.

AN ORDINANCE LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF CROCKETT FOR FISCAL YEAR 2004; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME BECOME DELINQUENT IF NOT PAID

13. CONSIDER AND APPROVE 2003 TAX ROLL

Mayor Mask explained that the Houston County Appraisal District did not have the tax roll ready, it should be ready by the first meeting in September. No action at this time.

14. CONSIDER AND APPROVE 2003-2004 FISCAL YEAR BUDGET FOR THE CROCKETT ECONOMIC & INDUSTRIAL DEVELOPMENT CORPORATION

Mr. James Gentry, Vice President of the CEIDC, presented the 2003-2004 fiscal year budget for \$2.875 million. Motion was made by Mayor Pro Tem Shively to approve the 2003-2004 budget for the Crockett Economic & Industrial

Development Corporation. Motion seconded by Council member Burnett. Motion passes 5-0.

15. CONSIDER AND APPROVE AN ORDINANCE OF THE CITY OF CROCKETT, TEXAS, ESTABLISHING A MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING FOR THE ASSESSMENT OF A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION DATE

City Administrator Duncan explained that these two ordinances would add a total of \$7.00 to any ticket or fine for municipal court. The fees were enacted by the state legislature a couple of years ago to allow cities to recoup costs of technology and security for municipal courts. Motion was made by Council member Cunningham to approve the ordinance establishing a Municipal Court Technology Fund. Motion seconded by Mayor Pro Tem Shiveley. Council members Jones, Gardner and Burnett voted against the motion. Motion fails 2-3.

16. CONSIDER AND APPROVE AN ORDINANCE OF THE CITY OF CROCKETT, TEXAS PROVIDING FOR A “MUNICIPAL COURT BUILDING SECURITY FUND” PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF

Motion was made by Mayor Pro Tem Shiveley to approve the ordinance establishing a Municipal Court Building Security Fund. Motion seconded by Council member Cunningham. Council members Jones, Gardner and Burnett voted against the motion. Motion fails 2-3. Mayor Mask asked Council member Jones why he voted against these two ordinances. Council member Jones responded that there is more to it than what is here and it is not in the package. Mayor Mask asked Council member Jones to bring the information to council.

17. CONSIDER AND APPROVE RESOLUTION OF THE CITY OF CROCKETT DELEGATING MAYOR WAYNE MASK, CITY ADMINISTRATOR RONALD DUNCAN AND CITY SECRETARY MITZI THOMPSON AS AUTHORIZED SIGNATORS FOR THE STATE OF TEXAS PURCHASE VOUCHER AND REQUEST FOR PAYMENT FORMS IN ORDER TO DRAW FUNDS FOR THE TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 723189

Motion was made by Mayor Pro Tem Shiveley to approve the authorized signators for the request for payment vouchers in Program #723189 (South waste water treatment plant project). Motion seconded by Council member Cunningham. Motion passes 4-1. Council member Burnett voted against the motion. Council member Burnett then stated that she demanded to be put on the

signature card. Mayor Mask stated that the motion had been made and passed and that could not be a demand as it was not part of the agenda item.

18. CONSIDER AND APPROVE PAYMENT OF BILLS

Motion was made by Mayor Pro Tem Shiveley to approve the payment of bills in the amount of \$261,211.79. Motion seconded by Council member Jones. Motion passes 5-0.

19. COMMENTS FROM AUDIENCE OR COUNCIL

Mayor Mask stated that according to the Charter 6.13, the budget shall be finally adopted by the favorable votes of at least a majority of all members of the council on or before September 1 prior to the end of the fiscal year. Should the city council take no action on that date, the budget submitted by the city administrator shall be deemed to have been finally adopted by the council. So the city does have a budget.

Mr. Larry McBroom asked why three members were against the budget. He then asked Council member Gardner if he would resign his position due to his legal situation. (Council member Burnett left the council chamber at this time)

Mr. Mutt Knox then addressed council (Council member Gardner left the council chambers at this time) about his feelings on what is happening in Crockett and stated that some people might not like what he has to say. I have a family that will stay in Crockett and this is his town and does not appreciate all the publicity that we have received lately. People ask what in the world is the matter with your town? I have been in business a long time; I have been on the school board for eight years and know what these gentlemen go through, president of the Lions Club for two years. I have been very unhappy; people tell me that the city is in a mess, it is not judging from everybody just the publicity we receive. Hollywood Henderson lives here, Mr. Groves corrected him on his name, I read his articles but some people don't read them because they are afraid he has a little bit of race involved. There is just too much race involved in your articles, the last few sentences of your article, you interviewed somebody from out of town and quoted them as saying that they loved Crockett and have tried to help the school system, the churches and tried to lead my family where they would be happy to live in Crockett. I read your article just about every time, you don't say a whole lot except about people you know, so there is nothing wrong with that. You are in a position to help our town a whole lot with your articles and get the town interest. Sounds like to me there is a few people trying to run the town, they are trying to tell who to run on city council and so forth. We've got lots of good – I'm gonna' call them colored people – am I supposed to say colored or black people, which one should I say? Mr. Groves responded African-American people. I am going to say black that is what I know; Mr. Groves said that was cool. We have plenty of good black people that could be sitting up there with the city council, I'm not saying anything about these up here. But after the things that have happened I can't say a whole lot. Seems like somebody is trying to run the city and they elected who they wanted and it just hasn't worked out. Harry Fred I don't think you would do that would you, Mr. Scott responded that if he wanted to talk he would talk. I have no idea who does that but I have plenty of colored friends and my grandson just got married here a couple of weeks ago and he had lots of his colored friends there. I do business with them and I am 83 years old and can say what I want to; I have never said a word at city council, never opened my mouth but it's been a little too much here lately. I jotted these few words down here, I'm

mostly, I see Ms. Burnett is gone, her husband worked for me for awhile, he was a good employee, I thought lots of him, he was doing good and I looked out the back one day he had a VCR in his hand and was heading for his pickup. Went right straight to that pickup and put that VCR right in the backend of that pickup. I went out there picked it up and haven't seen the man since, first time I've seen his wife, I don't know if his around or not, that was three or four years ago. Mr. Jones came into town and bought some carpet from my grandson; he owes a little over two-thousand dollars and has made no attempt to pay for it. Walking around the city people have told me that Mr. Jones was the city judge for awhile, and they said he misplaced some funds one time; why hasn't he been tried for that? The city council knew it; he had funds and didn't turn them in; if you do something wrong you are supposed to be punished for it. Mr. Gardner, I don't know Mr. Gardner, I knew his daddy and thought a whole lot of his daddy. I wouldn't have said a word about him (John Jenkins interrupts and tells the Mayor that when he speaks he is limited to what he says and that we have a kangaroo court here and leaves the chambers). Mr. Knox says that we have some people here that don't deserve to be on city council.

Mr. John Simpson addressed council by stating that he thinks it is shameful that two elected officials left a public meeting and refused to hear the voice of people their representing. The two ordinances that failed were simply to add seven dollars to every citation issued, to benefit the city. Would like to readdress the issue at a future meeting, give council time to think about it. The State is trying to help the city and I will keep bringing it before you because it does not make any sense not to do it. Council member Jones stated that he is very familiar with it; and will bring the documents he has to a future meeting because he does not like to see people misled.

Mr. Roosevelt Carter spoke to council about a problem he has with Refuse Control Officer Richard Tedford and the fact that Mr. Tedford hauled several vehicles off of his property on Commerce Street. Mr. Carter presented copies of documents and pictures to council and asked that the city investigate the situation. Mayor Mask said he would certainly check into the situation.

Mr. Billy Groves spoke to council and stated that he comes to speak on behalf of Council members Burnett, Gardner and Jones who have been under constant attack from people who are not even from this community; people who came in here imposters doing every thing at night pretending to be Christian but we know what they are doing here at night in these dark alleys. My main point I want to say is: we got a racial problem here that is not started by black people; we are victims - just like this man Mr. Knox said - this man stole something from him - are you forgetting that black people made you rich if you are rich they made you wealthy. Most of your customers over the years have been black people who you swindled. What I am basically trying to say is we got a lot of people who got old hatred in them, this is a new day, and this is America. America is under attack by the world and we got to come together for the ultimate survival of America and it's not going to take prejudice people who are attacking people of long dead debts that you swindled eighty times that amount. What we are talking about is unity and the real Americans are fighters and they are together.

Mr. Ricky Minton first handed documents to council and then said that Council member Jones deserved recognition for staying through out the meeting and hearing what citizens had to say. I come before you to say that I am extremely distressed over the potential ramification of events of the last several days. Is it common practice for members of this council to call ones employer in an effort to

have them terminated? I was appalled to learn that someone from the phone number listed to Council member Jones called my employer Saturday to complain about activities I conducted on my personal time. You each have a copy of the caller id record of the call to my employer from Mr. Jones. Shortly after the call was made I was able to get Mr. Jones on the phone and of course he denied making the call. Does this mean that Mr. Jones is a liar or is someone using the phone at his home that he is unaware of? If he has unidentified intruders at his home perhaps he should call the Crockett Police Department, if not surely he would have the courage to identify himself in his call to my employer. And for the record, Mr. Jones, I will not be fired anytime soon, so your efforts in that regard are useless. What do you have to say, Mr. Jones, about the charges levied against you by an employee of your former employer, the Crockett State School? Were you fired for sexual harassment and if not when did you leave and under what circumstance? As an elected official and public figure you should be forth coming about this information. My next question concerns the tax rate paid by citizens, for those that do pay taxes - Mr. Gardner and Mr. Jones do not pay taxes or are behind. What action will be taken against Council member Gardner for the accusation that he intended to sell liquor in a dry county without a license? He was arrested Saturday based on an investigation by the TABC which charges Gardner with a Class B Misdemeanor of his intent to sell alcohol. I would also like to know why Mr. Gardner's vehicle was at the home of the good Reverend Harry Fred Scott. (Mr. Scott then stood up and told Mr. Minton that he would be sued, Mayor Mask then asked Mr. Scott to have a seat or be escorted out, Mr. Scott then told him he would not have to be escorted out, Mayor Mask asked Corporal Harrell to escort Mr. Scott out. Corporal Harrell then escorted Mr. Scott out of the council chambers) Mr. Minton continued that he would like to know why Council member Burnett came and went from Mr. Scott's residence shortly before they arrived to arrest Mr. Gardner. My next question would have been to Ms. Burnett - I was going to ask her about her \$44.95 water bill and request that she pay that with her \$50.00 check she receives each month. Mr. Minton thanked council for their time.

20. ADJOURNMENT

With no more business to consider, meeting was adjourned at 7:15 P.M.

Wayne Mask, Mayor

ATTEST:

Mitzi Thompson, City Secretary