

THE STATE OF TEXAS
CITY OF NOLANVILLE

MINUTES FOR THURSDAY, SEPTEMBER 6, 2012

To consider and to act on the following Agenda:

Call to Order and Announce a Quorum is Present. **Mayor Pro-Tem Brenda Huckaba called the meeting to order at 7:00 p.m. and announced that a quorum was present. Donald Matthews, Sherri Morales, Duane Hampton were present; Lacie Hicks and Mayor Charlie Stewart was absent.**

1. **INVOCATION: Given by Councilmember Duane Hampton**
2. **PLEDGE TO THE FLAGS: Lead by Mayor Pro-Tem Huckaba**
3. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

This is an opportunity for members of the public to suggest the addition of topics for the discussion or to address topics of interest, with presentation limited to three (3) minutes. All speakers will conduct themselves in an orderly and lawful manner. No profane or threatening language will be tolerated. All speakers will be recognized prior to speaking and will announce their name and address for the minute purpose.

There were none to speak

4. **REPORTS:**

- **Public Works, Animal Control, Code Enforcement –Monthly Status Report (Building Permits, Inspections, Ordinance Violations and Animal Control) (Bob Pena)**
Bob gave the monthly status report, fuel rates are somewhat higher than normal due to prices going up, stating that permits were down, there were more citizen violations with more door hangers put out this month, gave update on the animals and that the work at City Hall had been completed.
- **Police Department –Monthly Reports, (Chief Kent)**
Chief Kent gave his case breakdowns for the month of August. He told the council that the school year had gotten underway and that the kids were very excited. Chief Kent stated that the officers had been giving warnings for any speed and cell phone use during the first week until the citizens became aware of the speed zones and the no cell phone use again.
- **Fire Department – Financial Report, Monthly Status Report (Battalion Chief Worsdale)**
Captain Wright gave the monthly status report for the month of August from Central Bell County Fire and Rescue. There were no financials given.

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5. ANNOUNCEMENTS :

- A. **Mayor Pro-Tem Huckaba** – Presentation of Certificate of Appreciation
Plant Care – Ella Marie and Lawrence Joseph Reis
Mayor Pro-Tem Huckaba presented a Certificate of Appreciation to Mr. and Mrs. Lawrence Reis for the plants and the plant care that they are taking care of around the Nolanville Marquee.
- B. **Bob Pena** – Presentation of Certificate of Appreciation
Rescue Help – Tracie Kitchens and Susanne McKenzie
Bob presented Certificates of Appreciation to Tracie Kitchens and Susanne McKenzie for all the help and contributions they gave for the Animal Rescue that was held on August 17, 2012.
- C. **Chief Kent** – Presentation of Certificates of Appreciation –
Nacrisha Crouse – Dollar General
Antonio Liendo – Police Officer
Chief Kent presented a Certificate of Appreciation to Nacrisha Crouse for the help and support of the school supplies for the children and also supplies for the teachers that was received from the help of Dollar General. Then, Chief Kent along with Officer Schott presented a Certificate of Appreciation to Officer Antonio Liendo for the time that he has given to the Police Department for the work he has done on the Nolanville Police Vehicles outside the line of duty and on his own time.
- D. **Officer Schott** – Update on National Night Out for October and
Nolanville Trainwhistle Jamboree – October 6, 2012
Officer Schott approached the council with an update on the National Night Out Event stating that this was the first year that Nolanville has participated in this community event, and that National Night Out was going to team up with the Nolanville Trainwhistle Jamboree this year. She also thanked Chief Kent for his guidance on helping her to get this event started. City Manager spoke on the Nolanville Trainwhistle Jamboree giving some detail to some of the events that will be taking place and the bands that are to perform and letting the citizens know that, weather permitting there was to be a fireworks show to close the event that night. He asked that if anyone was interested in more information to give their email address to him or check the website for the meeting dates and times. Mayor Pro-Tem Huckaba wanted the citizens to know there was no funding coming from the city budget to put on this event. It is done strictly through fund raisers and sponsorship, and that it is still made free for the public to attend.

6. PUBLIC HEARING:

- A. Conduct Second Public Hearing to receive comments from any taxpayer from the city on the Proposed Tax Increase for FY 2012-2013.
Mayor Pro-Tem Huckaba opened the Public Hearing at 7:30 and stated that each speaker would have 3 minutes to make their comment.

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There were several citizens with comments on the Proposed Tax Increase, most questioning the increase but none against. There were several good questions that each had and very positive comments that were given. Those in attendance that spoke at the Public Hearing on the Proposed Tax Increase are as follows:

Jason Blair, 101 Sweet Gum Ct., - Mr. Blair's question was why are the taxes increasing when there has been an increase in population. It was explained to him that it was an 11% increase with the taxes right now at .46. The city will only be going up .05 with this increase .03 of this is going towards Ave. H improvements, which will help cover the cost of the bonds which is just over \$1,000,000,000.00 and then .02 will go toward the other streets in the city that are in need of repair. He stated that he understood that the .05 increase was to cover the bond certificate and the road repairs.

Colleen Smith, 304 Oak Ridge Dr., - Ms. Smith stated that she had downloaded the 2012 Truth in Taxation and it was very helpful in explaining the taxes and seeing that the city is only proposing a rate .51 which is a nickel increase per \$100.00. Her only concern was the reasoning behind the increase stating that the road repairs that were done before on Ave H seemed to be a failure, but she said that she goes to the park on a regular basis and is all for the park improvements. Ms. Smith also stated that she understood the 11.69% is not an increase to the citizens but an increase in the revenue to the city for the improvements for what needs to be improved and repaired.

Arthur Simmons, 103 Dober Street, - Mr. Simmons said that he understood the increase of the taxes and why this needs to be done. He said that he has seen several changes in the city over the past 15 years for the better and worst of the city. He says that the citizens need to get further educated on the city needs and that there needs to be more involvement in the meetings that take place. He said he was very thankful for the City Website that has been created and for Ms. Smith for doing her homework on the purpose of the tax increase and bringing it before the citizens. He states that the citizens need to attend the Planning and Zoning Commission Meetings as well as the City Council Meetings to see what is going on in the city, what the improvements are that will be done, and what the tax increase is going to solve.

Patricia Gonzales, 403 N. Main St., - Ms. Gonzales says that she doesn't mind the taxes increasing in the city to benefit the improvements of the city, because she is a property owner and a tax payer in the city. Her main concern is the elderly that might be on a fixed income and not be able to afford the increase. She was asking that the increase be done in moderation and not such a big increase at one time and consider the low income citizens of the city. She states that she is very proud of the Police Dept and Fire Dept and appreciates what they do for the city.

Edward Gregor, 123 Pointer, - Mr. Gregor states that he has only lived here for a short time and was concerned with the tax increase. He thanked Ms. Smith for explaining to the citizens what she studied and that he understands the need of the increase.

Sylvia Peterson, 1113 Red Leaf Dr., - Ms. Peterson stated that she agreed with Ms. Gonzales and said that she is in favor of the increase but that maybe the council should just consider the low income and the elderly before making such a sizeable increase decision.

Paul & Linda Habhab, 7009 Stonecrest Dr., - Mr. Habhab states that he has been to a couple of meetings and questioned the tax increase being at .05 increase per \$100.00 per resident. He was concerned on the Tumble Weed Estate area questioning that if they have Nolanville addresses, do they pay Nolanville taxes and receive the benefits of the city such as street maintenance and police patrol. He was told that they do not pay taxes and do not receive the benefits of the city. They are only in the Nolanville ETJ. He stated that maybe the city trash service could be looked into to see if there can be an increase from them for the maintenance on the streets.

Christopher Balint, 103 Boxer St., - Mr. Balint stated to the Council that he has lived here for about 5 years and says that his main concern with the tax increase is that he feels he will have paid for the park and Ave H improvements twice. He feels that the funds were not handled correctly and he doesn't think that he should pay for this all again. He states that if the taxes are going up to do the improvements then do the work right the first time and not have to re-do the projects and make the citizens pay for it. He says he understands that taxes have to go up to keep things going, but if repairs are to be done and the citizen's money is going to be spent it needs to be spent correctly the first time not the second time around.

Toni Scharff, 7005 Stonecrest Dr., - Ms. Scharff stated that she didn't have much to say since most questions have been brought forth, but let the council know that they were on a fixed income and would appreciate the council considering those that are on the fixed incomes.

Domingo Rios, 25 E Birch, - Mr. Rios stated to the council that most of his questions were answered through the others citizen's comments.

Aaron Pryor, 215 Oak Ridge Dr., - Mr. Pryor says that he agreed with what Mr. Balint had already stated that if the money is going to be spent for the improvements then make sure they are done right this time with the planning and spending so it won't have to be done again in another 5 years.

Brad Harvey, 104 Boxer St., - Mr. Harvey says that he does agree with a lot of the comments that have been made but wants to add that the Council

should look at maybe spreading out the increase and not making the increase all at once.

Emma McCullough – Ms. McCullough stated that she understands everyone’s concerns about the tax increase for the elderly but would like to state that once a citizen reaches retirement age of 65 years then the taxes are frozen not only for the county but for those in the City of Nolanville as well.

Dorothy Harvey, 104 Boxer St., - Ms. Harvey was concerned as well about the elderly and their taxes but stated that Ms. McCullough answered her question on that particular situation. She also wanted to address the note that had been thrown in the yards of the citizens stating that was why most were at the meeting and that she was not appreciative of the way that was done due to the fact that quite a bit of information had been left out along with the name of the person that was delivering the letter. She thanked the Council for taking the time to answer the questions.

David and Nada Brackmann, 8008 Ridgeway Ct., - Mr. Brackmann wanted to thank the Council and the citizens for the recommendations that have been given at the meeting and that their only concern was again for the elderly and asked that the council consider making the increases in smaller portions because of the elderly. Mrs. Brackmann asked if there was a particular amount that was being looked at for the improvements. The City Manager stated that the .03 increase was to go toward the improvements for Ave H which was the \$1,000,000,000.00 bond for the sidewalks, drainage and other street improvements and that the amount that was budgeted to use toward the park improvements was \$41,000.00. He stated that to get the park where it needs to be is going to be a very expensive project. He did let the citizens know that there would be public hearings on the park, so the public could come before the council and give their input on what they would to see in the park. Mrs. Brackmann made the statement that maybe there could be fund raisers held by the citizens to help raise money to put towards the park funds, so the taxes wouldn’t have to be raised.

Veronica Phillips, 1001 Parkridge Dr., - Ms. Phillips told the council that she had been living here since 2006 and states that she does her research when any type of road work is being done. She agrees that she has already paid for the road repairs and park improvements once, and if they are going to be done again then make sure that the planning and the funds are done appropriately and as scheduled. The City Manager let the citizens know that the road work that was done before did not cost \$1,000,000,000.00 and that it was patched and repaired to the best that it could be, but with the Certificates of Obligations the work would be able to be done and then taxes wouldn’t have to be raised for this project.

Sherese Karlsson, 314 Sims Ridge Dr., - Ms. Karlsson announced to the council that she would like to see more sidewalks for the ease of the power chairs and the children that are walking along the side of the street. She

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knows there is a need for the street improvements but would like to see the focus on the sidewalks.

Al Erdman, 1030 Bald Eagle, - Mr. Erdman told the council that he has lived in the Nolanville area since November 2011. He stated that he was shocked when he saw the percentage of the tax increase. He had several questions on the tax increase and with the city budget. He mentioned that it was a bargain for him to live in Nolanville compared to Harker Heights or Killeen with their tax rates. He mentioned that he sees numerous improvements that need to be done around the city, but not wanting to be critical, he just can't tell where the needs are going to be addressed by looking at the city budget. If the city is going to increase taxes he would like it to be explained to what he is getting with this increase. He just thinks that there could be a better job explaining of the reason for the increase.

Mike Ferrell, - Mr. Ferrell mentioned to the council that the taxes needed to be increased gradually not all at once and that it seemed that there had been funds set aside in the past for several improvements that was going to be done and they never were accomplished. He is concerned that the taxes will go up and the projected improvements will never get done.

Robert Meeks, 307 Nolan Ridge – Mr. Meeks has lived in Nolanville since 2005. Mr. Meeks questioned about the interest rate on the bond wondering if it could have waited until after the elections to see if interest rates would have been lower. He mentioned to the council again about grants that he felt could be applied for to help with improvements without raising the taxes. He feels that more information could be listed on the budget so the citizens would know where the money is actually being spent.

Dennis Biggs, 405 E Ave H, - Mr. Biggs came before the council to let them know that he lives on Ave H and is in favor of the improvements for Ave H. He mentioned that he doesn't like having to pay higher taxes but it sometimes has to be done for improvements and repairs.

Richard Washington, - Mr. Washington came before the council stating that he had been hearing all the numbers being pushed around and wanted to know just what the taxes were that were being considered. It was told to him that it was being increased to .05 per \$100.00.

There were no more comments to be made. Mayor Pro-Tem Huckaba closed the Public Hearing at 8:38 p.m.

- B. Conduct Public Hearing on changes made to the Proposed City Budget for FY 2012-2013.

Mayor Pro-Tem Huckaba opened the Public Hearing for the Proposed City Budget at 8:39 p.m.

There were no comments made on the changes to the Proposed City Budget. Mayor Pro-Tem Huckaba closed the Public Hearing at 8:40 p.m.

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7. **ITEMS TO BE REMOVED FROM THE CONSENT AGENDA:**

If discussion is desired by the council, any item may be removed from the consent agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

There were no items to be removed from the consent agenda

8. **CONSENT AGENDA:**

- A. Consider approval of minutes for Workshop held on August 16, 2012.
(City Secretary)
- B. Consider approval of minutes for regular council meeting on August 16, 2012.
(City Secretary)
- C. Consider approval of minutes for Special Called Meeting held on August 23, 2012. (City Secretary)
- D. Consider approval of minutes for Workshop held on August 28, 2012.
(City Secretary)
- E. Consider approval of City of Nolanville Policy and Procedures for Businesses/Agencies/Companies/Corporations to Post Special Events on the City Marquee
- F. Consider approval of City of Nolanville Pay Scale
- G. Consider to accept City Attorney's Engagement Letter for Legal Services.
Motion was made by Councilmember Hampton to approve the Consent Agenda.
Motion was seconded by Councilmember Morales. Motion carried 4-0.

9. **NEW BUSINESS AND ACTION ITEMS:**

- A. Discussion and possible action for Donald Allman, CPA to do City Audit for FY 2012-2013.
Motion was made by Councilmember Hampton to approve Donald Allman, CPA to do the City Audit for FY 2012-2013.
Motion was seconded by Councilmember Matthews. Motion carried 4-0.
- B. Discussion and possible action to accept Contract with Bell County Elections Division for the Elections to be held November 6, 2012 and to name City Secretary as Point of Contact for Elections.
Motion was made by Councilmember Morales to accept the Contract with Bell County Elections Division for the Elections to be held November 6, 2012 and to name the City Secretary as Point of Contact for the Elections.
Motion was seconded by Councilmember Matthews. Motion carried 4-0.

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- C. Discussion and possible action to accept Resolution for the Texas Community Development Block Grant Program

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND; AND AUTHORIZING THE MAYOR OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Steve Kerbow representative for Kerbow and Associates came before the council stating that Kerbow and Associates had come before the Council several months back asking for the council's authorization for the application process of the 2013-2014 Texas Community Development Block Grant Program. This application was for the Phase III Wastewater Collection Improvements in the Plaza area. During the time of this application process, Phase II was still pending approval; in the meantime, Phase II has been approved for the second grant. This grant has been proposed to the Texas Department of Agriculture for \$275,000.00, with WCID #3 providing all the matching funds of \$41,250.00. Mr. Kerbow stated that the first 3 streets in the Plaza have been replaced and that the next application at the time was for the northern 5 streets. He commented that there was a gap that needs to be filled in the application process and that this request has been submitted to the Texas Department of Agriculture. This would allow the changes on the approved 2012 grant to do the next section to the North where Phase I would have stopped. The changes have not been approved as of this time. There is still discussion on how this situation will be handled but primarily it will still be for the Plaza when the approval is made whether it is for the gap that is to be filled in or the northern lateral lines that have been submitted.

Several questions were asked to Mr. Kerbow that once the sewer line is put in, where it becomes the citizen's property.

If the line becomes broken under the road from the customer's house to the main line, is it the customer's or the water dept's responsibility to fix the line? Who owns the line? Mr. Kerbow stated that anything on private property is the homeowners' responsibility. From that point out is WCID #3. Mr. Kerbow, told the council that he could not comment on the district's policies and procedures just what he has understood that from the property line is where the changes take place.

Mr. Kerbow did state that there is a due date of October 26, 2012 for the Grant Application.

Councilmember Hampton stated that he would like for WCID #3 to come to the next council meeting and explain to the council their procedures for this

situation of where the line becomes the customer's and the water dept.'s responsibility for repairs.

Motion was made by Councilmember Hampton to table the Resolution for the Texas Community Development Block Grant Program:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND; AND AUTHORIZING THE MAYOR OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Motion was seconded by Councilmember Matthews. Motion carried 4-0.

- D. Discussion and possible action to accept the Complaint Procedures regarding the Texas Community Development Block Grant Program

THE CITY OF NOLANVILLE AGREES TO IMPLEMENT THE FOLLOWING PROCDURAL REQUIREMENTS FOR RESPONDING TO LOCAL COMPLAINTS REGARDING ITS TEXAS COMMUNITY DEVELOPMENT GRANT PROGRAMS.

Mr. Kerbow made recommendation to the council to table this item as well since it is part of the Grant Application.

Motion was made by Councilmember Hampton to table the Complaint Procedures regarding the Texas Community Development Block Grant Program:

THE CITY OF NOLANVILLE AGREES TO IMPLEMENT THE FOLLOWING PROCDURAL REQUIREMENTS FOR RESPONDING TO LOCAL COMPLAINTS REGARDING ITS TEXAS COMMUNITY DEVELOPMENT GRANT PROGRAMS.

Motion was seconded by Councilmember Matthews. Motion carried 4-0.

- E. Discussion and possible action to accept Resolution No. 09-06-2012 Mayor Charlie L. Stewart, Sr. Forfeiture of Office

A RESOLUTION OF THE CITY OF NOLANVILLE, TEXAS ("CITY"), RECOGNIZING MAYOR CHARLIE L. STEWART, SR.'S FORFEITURE OF OFFICE DUE TO THREE CONSECUTIVE UNEXCUSED REGULAR COUNCIL MEETING ABSENSES; PROVIDING FOR: FINDINGS OF FACT; EFFECTIVE DATE; PROVISIONS; SEVERABILITY; FILING; AND PROPER NOTICE & MEETING REQUIREMENTS.

Mayor Pro-Tem called for Council to go into Executive Session at 8:55 p.m. as authorized by the Texas Government Code Section 551.074, Personnel Matters.

Council reconvened from Executive Session at 9:07 p.m. Mayor Pro-Tem Huckaba stated that no decisions were made in executive session.

Motion was made by Councilmember Morales to accept Resolution No. 09-06-2012 Mayor Charlie L. Stewart, Sr. Forfeiture of Office:

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**A RESOLUTION OF THE CITY OF NOLANVILLE, TEXAS (“CITY”),
RECOGNIZING MAYOR CHARLIE L. STEWART, SR.’S FORFEITURE
OF OFFICE DUE TO THREE CONSECUTIVE UNEXCUSED REGULAR
COUNCIL MEETING ABSENCES; PROVIDING FOR: FINDINGS OF
FACT; EFFECTIVE DATE; PROVISIONS; SEVERABILITY; FILING;
AND PROPER NOTICE & MEETING REQUIREMENTS.
Motion was seconded by Councilmember Matthews. Motion carried 4-0.**

10. ADJOURNMENT

**Motion made by Councilmember Matthews to adjourn the meeting at 9:12
p.m.
Motion was seconded by Councilmember Hampton. Motion passed 4-0.**

Date Minutes Approved by Council: September 20, 2012

Brenda K. Huckaba
Brenda Huckaba, Mayor Pro-Tem

Ginger Metcalf
Ginger Metcalf, City Secretary

