

CITY OF IVANHOE
REGULAR MONTHLY MEETING MINUTES
MAY 20, 2021
6:00 PM

Meeting was called to order by Mayor Bennett at 6:00 pm. Quorum was established with all Council members present, except Councilman John Craven. Chuck Vonderlin provided the invocation and Mayor Bennett led the Pledge of Allegiance. Council meetings are lived streamed on YouTube and Facebook. In person audience attendance: 15 people.

Communication from the Audience – Agenda Items

No communication from the public had been submitted at start of meeting. Any comments or questions may be submitted via email to the City prior to any public meeting or posted on Facebook livestream during the meeting and they will be addressed at the end. City WILL NOT respond to complaints, comments or questions on Facebook outside of the livestreamed meeting.

Consent Agenda Items

Mayor Bennett asked if there were any items on the consent agenda that needed to be removed. Hearing none, Mayor Bennett then asked if there were any objections to approval of the Consent Agenda and there being no objection, Mayor Bennett declared the Consent Agenda Items approved including the Minutes of Tax Workshop of September 29, 2020, Minutes of Regular Meeting of April 15, 2021, Minutes of TX CDBG Public Hearing of January 26, 2021, Minutes of Special Meeting of May 6, 2021, and Dam Inspection Reports for April 2021.

Agenda Item #1 – TX CLASS Presentation

Mayor Bennett introduced Tony Secaly representing TX CLASS the financial depository for most of the City's funds. Mr. Secaly thanked Council for utilizing the services of TX CLASS which provides higher returns on deposits than most banks and still keeps the funds available as needed. That said, he informed Council the Money Market short term rate is currently 0.81% as compared to the previous high of 2 ½% the city was getting before the pandemic. He noted that financial experts do not expect interest rates to rise again until 2023 as the Fed is not expected to adjust borrowing rates in 2022. As inflation continues, interest rates on loans will continue to rise. He concluded by informing Council the Public Funds Investment Act requires City Investment Officer training every two years and both Councilmember Morris and City Treasurer C.D. Woodrome have current training. The presentation was information only, no action was taken by Council.

Agenda Item #2 – Andrew Business Solutions Presentation

The representative for the accounting service was unable attend due to weather and the agenda item was postponed.

Agenda Item #3 – Mayor's Report

- The washout on Ivanhoe Drive at the culvert below Ivanhoe Dam as a result of the heavy rain overnight was temporarily repaired by the Public Works Department by 1:30 pm today. The culvert will be replaced in the next few months using funds provided by TX Water Development Board (TWDB) in the form of a forgivable loan.
- Preconstruction meeting on TWBD project is Friday, May 21, 2021 at 10:00 am. Bids are due by Friday, May 28, 2021. \$100,000 had been allotted for Public Works Department from bond construction funds to prepare Ivanhoe Drive East, Ivanhoe Drive West and Mill Creek Road as a detour route while Ivanhoe Dr. is closed for construction. The City's traffic counter indicated over 3,500 vehicles in one day using Ivanhoe Drive. Tolar Road had been considered as a possible detour, but with a one lane bridge, and the dangerous intersection on Hwy. 69 it is not a viable option. David Marshall then provided an update on the status of the TWBD detour; Ivanhoe Drives East and West and a portion of Mill Creek Road will be 16' wide with a 3" base. Work will be completed by the end of June, weather permitting.
- City met with LJA Engineering to survey the streets that will be rehabilitated this summer utilizing bond construction funds.
- No word has been received regarding the Hazard Mitigation Grants from the TX General Land Office, but City has a good chance of receiving \$11.4 million grant for dam rehabilitation and \$8 million for street drainage is good possibility. 5/21/21 UPDATE: (Press Release) Texas Land Commissioner, George P. Bush, Texas Senator Robert Nichols and Mayor Cathy Bennett announced the Texas General Land Office (GLO) approved more than \$11.4 million in flood mitigation projects to improve drainage infrastructure in Tyler

County's City of Ivanhoe. These infrastructure projects will directly benefit residents in a majority of low-to-moderate income (LMI) areas that faced repetitive storm damage in 2015, 2017, and in 2017-Hurricane Harvey.

- The \$35,000 Comprehensive Planning Grant from TX Dept. of Agriculture Community Development program has been awarded to the city. Grant Works is the grant writer/admin. and documentation has begun.
- DETCOG is receiving \$69 million for mitigation projects, with approximately \$11 million coming to Tyler County within zip code 75979. The Method of Distribution (MOD) is being currently decided as to how money will be distributed throughout Tyler County. Although nothing is official, demographics is being considered. Councilman Herrington asked what guidelines will be used to distribute and to which project. Mayor Bennett said it is hoped that the MOD will be finalized with the GLO by mid-June, that Tyler County Judge Blanchette and Commissioners Court will decide how the grant funds will be allocated.
- Tyler County Chief Appraiser Mr. David Luther has submitted the Estimated Appraised Value for properties in the city. The total for 2021 is \$83,884,275 as compared to \$72,993,999 for 2020. The main increase is in land values. As property values rise tax rates decrease for generating the same tax revenue.
- City is working with members of the Boykin Family on land acquisition of several lots near the Comm. Cntr.
- Calvary Baptist Church will resume renting the Community Center for Sunday afternoon services beginning July 4th.
- Mayor Bennett and Rep. James White recently testified in support of the Alabama Coushatta tribe in the law suit brought by the State to close the Naskila gaming operation.
- Bingo will resume on the 1st and 3rd Fridays of each month at 6:30 pm at the Community Center beginning May 23rd.
- May 29, 2021 – IVFD will have its Memorial Day Fish Fry and the Ladies Civic Club will have its Bake Sale.
- No communications will be addressed via social media except as noted during livestreamed meetings.

Agenda Item #4 – Update on Bond Construction projects

Mayor Bennett reported the engineer is now working on the design and other information that will be needed to put the project out for construction bids.

Agenda Item #5 – Discuss/Action Supervisor of Dam Report

- Mr. Rusty Harrison exclaimed It's raining! (again). Mayor Bennett informed Council that Rusty was out at 2:00 am to open the valve at Tristan Dam when this latest rain event started.
- Left hand guardrail on Lake Galahad Dam is broken and needs repair. Valve opened.
- Lake Camelot Dam has leakage either through the valve or around the concrete surrounding the valve structure.
- Repeat performance of opening valves on Tristan Dam. Emergency spillway is usually the first to flood across Lakewood.
- Lake Camelot water overflowed on Lakewood Drive at the spillway during the heavy rain on Monday.
- Four of eight fish grates have been removed on Lake Charmaine Dam. Valve opened. No communication from Chance Construction regarding drill holes to evaluate voids.
- All valves will be closed as weather permits, and fish grates replaced.
- Mayor Bennett thanked Councilman Warren for his assistance with opening valves. Also special thanks to City Marshall Terry Riley and Deputy Marshals Mike King and Jim Zachary for traffic control at Ivanhoe Dr. while emergency repairs were underway by the Public Works Dept.

Agenda Item #6 – Discuss/Action Public Works Report

Mr. David Marshall referred to the Mayor's comments regarding street work. He explained the Public Works Dept is aware of road damage due to rains and those issues will be addressed. For now the primary work being done by the Public Works Dept. will for the detour route on Ivanhoe Dr. East and Ivanhoe Dr. West so the culvert on Ivanhoe Drive can be replaced.

Agenda Item #7 – Municipal Court Activity Report

No report available for April 2021.

Agenda Item #8 – City Marshal Activity Report

- Total Calls/Activity Reports with CopSync received by City Marshall Office: 188. Total Calls Received from Sheriff's Office: 27. Total Citations/Violations Written: 9. Total Warnings: 6. These call/activity reports by the

City Marshal Office include security checks, traffic stops, calls for service, license and registration search, suspicious persons and miscellaneous activities.

- Marshal Riley with K9 Officer YaYa and Deputy Marshal King with K9 Officer Baby were featured in the Tyler County Booster for their part in a felony drug arrest.
- Marshal Riley reiterated the City Marshal Office DOES NOT respond to complaints, comments or questions on Facebook. Call the City Marshal office.

Agenda Item #9 – Code Enforcement Activity Report

- Ms. Malissie Taylor summarized the monthly Code Enforcement activities: Total Number of 2020 Open Cases: 112. Total Number of 2020 Closed Cases: 88. Citation for 2020 Open Cases: 5. Two of these cases are currently in warrant status and the individuals need to communicate immediately with the Municipal Court.
- Total Number of 2021 Open Cases: 11. Total Number of 2021 Closed Cases: 6. Citations for 2021: 0. Current Stop Work Orders on Property: 5. Abandoned Structures Declared Nuisances (in process): 1. Non-Conforming Properties with Signs: 7. OSSF DR Septic Letters of Compliance Sent: 0. OSSF DR Septic Investigations Pending: 9. Junk Vehicle Cases: 85. Removal of Junk Vehicle by Court Order/Ordinance (completed): 1. The Code Enforcement Dept. has restarted filings on Junk Vehicles now that the State has resumed vehicle registrations.
- City will continue to focus on older code violations first before actively issuing new violations.

Agenda Item #10 – Discuss/Action for Appointment of Volunteer Community Service Coordinator:

- Deputy Marshal Mike King presented a plan for a Volunteer Community Service Coordinator who will oversee the planning, scheduling and monitoring of community service workers who are eligible and have agreed to work community service hours in lieu of paying fines established by the Municipal Court.
- Mayor Bennett reported that Judge Rader made the recommendation that Mary Jo Durham become the Volunteer Community Service Coordinator as she is very active in supplying the needs to Ivanhoe's residents in time of hardship. Ms. Durham has agreed to assume this position for no salary.
- Motion by Councilman Herrington to appoint Ms. Durham as Volunteer Community Service Coordinator. Seconded: Councilman Blackstone. The motion passed unanimously. Councilman Morris questioned who will develop the program, Deputy Marshal King responded that he and Judge Rader would work with Ms. Durham.

Agenda Item #11 – Designating Junk items

Councilmember Blackstone made the motion to designate some unusable chairs as junk so they can be discarded. Councilmember Herrington submitted the second and the motion passed unanimously.

Agenda Item #12 – Mandated Cybersecurity Training

The State requires all City employees, elected officials and others who have access to City owned computers, to complete a video cybersecurity training. Deadline is June 15, 2021. The City can be penalized for noncompliance by the state withholding grant funding from state agencies.

Agenda Item #13 – Planning & Zoning Committee Recommendations

a) Ordinance #2021-7: Animal Noise to be added to Codified Ordinances

P & Z Secretary Ms. Valerie Weber requested in January 2021 that the ordinance include putting the burden of proof on the complainant. The stringent requirement is intended to keep complaints to a minimum. Councilmember Blackstone asked if this ordinance is necessary and if other ordinance(s) cover animal noise. Councilmember Herrington asked if this ordinance is not in place, do the Marshals have the authority to address the issue. Marshal Riley stated no, this ordinance needs to be in place so the Marshals can enforce if there is a continuing complaint. Councilmember Herrington then made the motion to adopt Ordinance #2021-7 with the second presented by Councilmember Morris. On the vote, Councilmembers Herrington and Morris voted to adopt Ordinance #2021-7 to be added to the codified Ordinance. Councilmembers Blackstone and Warren voted against. Mayor Bennett cast the deciding vote for adopting the Ordinance and it passed with three for, two opposed.

b) Ordinance #2021-8: Addition to Chapter 151.06 Clarifying Exceptions to the Sign Ordinance

Mayor Bennett stated that this issue started when a homebased business owner inquired about putting a business sign in the yard for location purposes. She said a Conditional Use Permit (CUP) application must be submitted by the prospective business owner to operate in a residential zoned District. Surrounding residents should have an input if there is any possibly impact to traffic flow. The CUP must be approved by City Council following a public hearing. Attorney Elrod stated that the current ordinance allows for no larger than

6-foot square sign. Councilmember Herrington made the motion to adopt clarifications to Chapter 151.06. Councilmember Morris made the second and the motion passed unanimously.

Agenda Item #14 – Establishing Permit Fee for Signs (Ordinance 151.03)

City Secretary Woodrome stated that this issue has been ongoing since December 2020; the codified sign ordinance specifies that a permit fee for a sign is to be established by Council. Councilmember Herrington made the motion to adopt a one-time permit fee of \$25 followed by a second from Councilmember Morris and the motion passed unanimously.

Agenda Item #15 – Establishing Fee for Enclosing Open Carport to Garage

Malissie Taylor stated that as of July 31, 2020, construction additions have been required, but the fee schedule does not include closing in a carport or open garage. Construction permits fees range from \$275 to \$525 and are determined by our building inspector, Mr. Troy Priddy, based on the number of inspections required to meet code until completion. Plans must be furnished, along with the construction application. Councilmember Herrington suggested speaking with Mr. Priddy to clarify construction requirements for modification or conversion instead of addition, and establish an appropriate fee for his inspection services. Mayor Bennett will appoint a committee that includes Mr. Priddy.

Agenda Item #16 – Documents (Resolution, Ordinance, etc.) be Sent to Council 96 Hours in Advance for Review

Councilmember Warren stated that he wants City Council to have at least 96 hours prior to any meeting to review supporting documentation. City Secretary C.D. Woodrome commented that State guidelines require an agenda to be posted at least 72 hours in advance of a meeting but some reports are sometimes submitted the day of the meeting and all meeting documentation is submitted for council review as soon as possible. However, delays do occur. Councilmember Morris stated that any item can be postponed if additional time is needed. No action was taken on the agenda item.

Agenda Item #17 – City Committees & Personal Needs to be Approved by City Council

Councilmember Warren expressed dissatisfaction with the proceedings to approve LJA Engineering at the previous Council meeting and commented that all of the City Council should have input before awarding contracts. Councilmember Herrington suggested reviewing process of committee recommendation guidelines. Mayor Bennett stated that most grant requirements are stipulated by the funding agency. No action was taken on the agenda item.

Agenda Item #18 – Over 65 Ad-valorem tax Exemption

Councilmember Herrington had met with Tyler County Chief Appraiser Mr. David Luther, regarding the ad-valorem tax exemption. Only 220 properties of the taxable properties in the city would qualify for the Over 65 exemption, if approved, and result in approximately \$17,250 revenue loss for the City based on the minimum exemption allowed. The item was information only, no action was taken.

Agenda Item #19 – Consider/Discuss Setting Marshals Dept. Hour for Remainder of FY-2021

Mayor Bennett stated the Agenda item would be discussed along with Agenda item #21 in Executive session.

- Recessed to Executive Session at 8:18 pm.
- Returned from Executive Session at 8:49 pm. No action taken.

Agenda Item #20 – Financial Report-April 2021

City Treasurer C. D. Woodrome reported:

- The April 2021 Financial Summary Report from the accountant had been submitted to Council for review prior to the meeting. All accounts at Citizen's State Bank and at TX CLASS have been reconciled for April 2021.
- Sales tax exceeded the \$7,000 mark for the first time in March. Total year to date sales tax collected is \$53,416.
- Ad Valorem Collection Rate: 84.7%. Ivanhoe North (2010) Ad Valorem Collection Rate: 3.74%. Total delinquent Ad Valorem due to City is \$101,432.16 (from 2010 to present).

Other items the city treasurer reviewed for the monthly report were:

- Budget vs Actual income and expense for April 2021
- Fund Account Activity in the Citizens State Bank accounts: (CDBG Durwood Project, Harvey Recovery account, Cares Act Funding, Disaster Recovery 2015 FEMA Distribution)

- The TX CLASS accounts: Reserve \$108,960, Bond Street Construction Fund: Mayor Bennett transferred \$25,000 into the fund to cover engineering costs.
- Sinking Fund: Payment made in March 2021. Second payment to be made in September 2021.
- TX CLASS 2010 Bond

Mr. Woodrome concluded his report noting that Scenic Texas has initiated a program to plant 1 million trees in Texas this year at no cost. Several deciduous species will be available in late fall providing savings to the City.

Agenda Item #21 – Discuss/Action Purchase or Lease of IPOIA Property

Mayor Bennett stated the Agenda item would be discussed along with Agenda item #19 in Executive session.

- Recessed to Executive Session at 8:18 pm.
- Returned from Executive Session at 8:49 pm. Councilmember Herrington made motion to move forward with signing the lease agreement. Seconded by Councilmember Morris and the motion passed unanimously.

Agenda Item #22 – Executive Session

Recess to Executive Session at 8:18 pm. Returned from Recess at 8:49 pm.

Agenda Item #23 – Communications from Audience

- Ivanhoe Property Owners Association President Ms. Marion Blackstone reminded those present that a Memorial program and renaming of Charmaine South Park to Chuck Marshall Park is planned for June 9, 2021 at 6:00 pm. All are invited to attend and the family will be present.
- Karl Muench suggested the lifetime fee for businesses operating in residential areas should be reviewed, consideration should be given to the number of employees and the amount of traffic by customers going to the property as well as available parking.

Agenda Item #24 – Council Comments

None.

Agenda Item #25 – Adjourn Meeting

Councilman Herrington made the motion to adjourn the meeting and was seconded by Councilman Morris. Passed unanimously. Meeting adjourned at 8:53 pm.

Respectfully submitted,

C. D. Woodrome, City Secretary

Approved by Council June 17, 2021

Cathy Bennett, Mayor