

City of Eden  
Regular Session

The city council of the City of Eden met in regular session on Tuesday, December 13, 2011 in the council chambers of City Hall.

**Mayor & City Council Members**

Mayor Eugene Spann  
Councilmember Eddy Markham  
Councilmember Butch Williams  
Councilmember Jenifer Gierisch  
Councilmember Shelley Hyles - **Absent**  
Councilmember Russell Roberts

**City Staff/Appointed Officials**

City Administrator Celina Hemmeter  
Code Enforcement Ricky Thomas  
Parks & Recreation Manager Mike Turner  
Public Works Supervisor Rodney Castleberry  
Economic Development Coordinator Kathy Keane- **Absent**  
Sewer Plant - Tommy Wright **Absent**  
Court Clerk Lisa Evans- **Absent**  
Utilities Clerk Esther Gryniewicz

**WORKSHOP**

Public Works Supervisor Rodney Castleberry reported that the water leaks have slowed down and they have begun working on some of the caliche roads.

Parks and Recreation Manager Mike Turner provided Council with a written report. The recent rain has been good for the course.

Economic Development Coordinator Kathy Keane provided Council with a written report.

Code Enforcement, Ricky Thomas provided council with a written report. Ricky updated Council on one of the animal control cases in which the defendant has requested a jury trial.

Mayor Spann said he received some information from USDA regarding the emergency siren and that it could be updated to be activated remotely for around \$800. There may be grant monies available to get it done.

Mayor Spann called the Council Meeting to order, Eddy Markham gave the Invocation.

**CITIZENS PARTICIPATION**

No citizens participation

**REPORTS OF AGENCIES, COMMISSIONS & STAFF**

Josh Berryhill with EHT provided council with a written report. Mr. Berryhill updated Council on the replacement of the pump and motor at well no. 1 and said that the installer, Abel Well Service has not proven the new pump to be able to produce the same flow of water as the pump that was pulled. The City is expecting the pump and motor to be able to pump 250 gal/min.

Sheriff Doane-**Absent**

Fire Chief Jason Medders- The fire department received \$1,000 from AEP as a donation. The Fire Department has been spending the donations to purchase new equipment.

### **Public Hearing**

#### **Dangerous Building or Structure Ordinance “DBSO” Case No. 2011-1 “Dwain Grider & Stanley Howard, 502 Barnett, Eden, TX, Block 15 Barnett Addn.”**

a. Testimony of Public (Building) Inspector:

Ricky presented the case to Council. It was noted that the current owner purchased the lot/house from the appraisal district in 2007 and no work had been done to date to bring the house into compliance. The house is missing the roof, wiring, sheetrock, and is not livable. It is the Building Inspector’s opinion that the house is beyond repair and needs to be demolished within 30 days. Ricky also stated that the City had offered several times to demolish the house free of charge rather than go through the ordinance proceedings.

b. Testimony of any Interested Party:

Stanley Howard and Kathy Douglass presented their case to Council regarding the dilapidated house. They informed Council that they had planned to make the house livable and that they have had several personal issues that have kept them from working on it. Mrs. Douglass stated that the house has good bones and that they are going to use recycled materials to keep renovation costs down. They both agreed that a thirty day time period would not be enough time to complete renovations.

### **CONSENT ITEMS**

Councilperson Williams made a motion to approve consent items A thru C seconded by Councilperson Markham, motion carried.

- A. Approval of November 2011 Regular Meeting Minutes.
- B. Approval of Financial Statement Month Ending November 2011.
- C. Approval of City of Eden Investment Report Month Ending November 2011

### **BUSINESS**

Councilperson Markham made a motion that the structure(s) in DBSO Case 2011-01 is in violation of the DBSO, seconded by Councilperson Williams, motion carried.

- A. Determining what work/corrective action (“Curative Work/Corrective Action”), e.g., repair, removal, demolition, of the building or structure and/or removal of occupants, should be performed to bring the Reported Building or Structure in DBSO Case 2011-01 into compliance with this Ordinance

Councilperson Roberts made a motion that the Determined Owner in DBSO Case 2011-01 has established the Curative Work/Corrective Action cannot reasonably be performed within thirty (30) days of the conclusion of the Public Hearing, seconded by Councilperson Gierisch, motion carried.

Councilperson Markham made a motion that the storm cellar in DBSO Case 2011-01 shall be secured from unauthorized entry by some type of lock and the "Curative Time Schedules" should be as follows: Work shall commence by Monday December 19, 2011 and within 30 days (by the January Council meeting) a complete roof shall be built and the exterior wood painted, the entire structure should be complete and livable within 6 months, seconded by Councilperson Williams, motion carried.

Councilperson Roberts made the motion that the opinion expressed in the Building Inspector Statement in DBSO Case 2011-01, demolition of the structure, is not in force at this time due to the testimony of the Determined Owner pending the 30 day period for repairs, seconded by Councilperson Gierisch, motion carried.

Councilperson Williams made a motion directing the Building Inspector to memorialize in writing the determination and orders which shall be collectively referred to as "Presiding Authority Orders" for DBSO Case 2011-01 as described in section VII (F) (5) (d) of the DBSO seconded by Councilperson Markham, motion carried.

Councilperson Markham made a motion directing Building Inspector to continue DBSO Case 2011-01 by sending the Notice of Presiding Authority Order as described in section VII (F) (6) or (7) of the DBSO seconded by Councilperson Gierisch, motion carried.

Councilperson Williams made a motion to approve the November 2011 bills seconded by Councilperson Gierisch, motion carried.

Councilperson Gierisch made a motion authorizing dispersal of one time merit increases based on annual reviews for all full time employees at the determination of the Department Heads within the budgeted amount of \$500/employee seconded by Councilperson Williams, motion carried.

Councilperson Markham made a motion authorizing the research be done for the replacement of pump/motor for Well #2 to ensure timely replacement when the current pump/motor fail seconded by Councilperson Williams, motion carried.

Councilperson Markham made a motion to contact Nurse Ellis or Nurse Mullins and if agreed, one would hereby be appointed City Health Inspector as Doctor Castro doesn't have the time, seconded by Councilperson Roberts, motion carried.

Councilperson Roberts made a motion to defer action until the next Council meeting for the Scheduling procedures and fees for utilizing amenities at Lee Pfluger Park seconded by Councilperson Markham, motion carried.

Councilperson Markham made a motion to defer action until the next Council meeting on Adopting a comprehensive park Ordinance seconded by Councilperson Roberts, motion carried.

Councilperson Markham made a motion Approving submittal of 2012 Governor's Community Achievement Awards application for a landscape award from Keep Texas Beautiful/TxDOT seconded by Councilperson Williams, motion carried.

Councilperson Roberts made a motion Approving Spirit of Eden Fund Applications  
a. Golf Course - Mower/Cart

b. Beautification- Final Rock Entrance Sign on Hwy 83 South  
Seconded by Councilperson Markham, motion carried.

With no further business, the meeting was adjourned.

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Mayor Eugene Spann

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Celina Hemmeter, City Administrator