

**REGULAR SESSION  
GILMER CITY COUNCIL  
TUESDAY, FEBRUARY 27, 2018, 5:15 P.M.  
COUNCIL CHAMBERS, CITY HALL  
110 BUFFALO, GILMER, TEXAS**

**COUNCIL PRESENT:**

**MAYOR TIM MARSHALL  
MAYOR PRO-TEM WILLIAM HORNSBY, DISTRICT 1  
COUNCILMEMBER BRENDA JEFFERY, DISTRICT 4  
COUNCILMAN MICHAEL CHEVALIER, AT-LARGE  
COUNCILMAN JAROM TEFTELLER, AT-LARGE**

**COUNCIL ABSENT:**

**COUNCILMAN MARTY JORDAN, DISTRICT 2  
COUNCILMAN BRIAN WILLIAMS, DISTRICT 3**

**STAFF PRESENT:**

**GREG HUTSON, CITY MANAGER  
MIKE MARTIN, CITY ATTORNEY  
KATHY D. HOOVER, CITY SECRETARY  
JERRY TAYLOR, FIRE CHIEF  
MONTY MONTGOMERY, GILMER POLICE DEPT.**

**OTHERS PRESENT:**

**PHILLIP WILLIAMS, THE GILMER MIRROR  
EDDIE TURNER  
W.T. TURNER  
JAMES STILL  
HUEY MITCHELL  
DAN MILES, JR.  
ANDY GIBSON, UPSHUR COUNTY SENIOR CITIZENS  
SHARON GIBSON, UPSHUR COUNTY SENIOR CITIZENS  
TOM MOREY, UPSHUR COUNTY SENIOR CITIZENS**

**1. CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

Mayor Marshall opened the meeting at 5:15 p.m. Following a moment of silence, Councilmember Brenda Jeffery led the Pledge of Allegiance.

**2. CITIZEN COMMENTS**

Dan Miles, Jr. addressed Council expressing his concern over there being no parking near the south entrance to the Courthouse for the elderly & disabled attempting to vote in the primary election. Mr. Miles stated numerous parking spaces were being used by trucks/trailers with political signs in/on them. He feels this is a disservice to the elderly in our community. Since this item was not on the agenda, the Council could take no action; however, Mayor Tim Marshall, City Manager Greg Hutson and City Attorney Mike Martin assured Mr. Miles that the City is sympathetic to the parking situation and will attempt to remedy the parking situation before the general election in November.

**3. CONSENT AGENDA**

**a. Consider approval of City Council minutes from February 13, 2018**

**b. Consider approval of financials**

**c. Consider approval of Expense report**

Councilman William Hornsby made a motion to approve all the consent agenda items with a second by Councilmember Brenda Jeffery and a vote of 5/0 for approval.

**4. CONSIDER DISCUSSION AND POSSIBLE ACTION REGARDING GENERAL WARRANTY DEED FROM THE CITY OF GILMER TO THE UPSHUR COUNTY SENIOR CITIZENS ORGANIZATION AND MATTERS RELATED THERETO**

The Senior Citizens Center is the former City Hall/Fire Department which was given to the Senior Citizens by a General Warranty Deed dated September 26<sup>th</sup>, 1995. There is a section in the Warranty Deed that states: If Grantee sells or transfers the property to a third party prior to ten (10) years from the effective date of this agreement, Grantee will pay to the City of Gilmer in the following schedule: After two (2) years or less, 100% of selling price; after two (2) years but not more than four (4) years, 80% of selling price; after four (4) years but not more than six (6) years, 60% of selling price; after six (6) years but not more than eight (8) years, 40% of selling price; and after more than ten (10) years, 20% of selling price. Andy Gibson, Upshur County Senior Citizens Organization, addressed Council stating the organization is trying to get a loan from

a local bank (Gilmer National Bank) to remodel the senior citizens center and the bank noted (and was concerned) with the payment schedule listed in the deed which is now 22+ years old; stating it would make the loan process easier if the deed requirement to the City was released. Mr. Gibson also asked if the City would be willing to "chip in" on the cost of repairs to the building. Following a lengthy discussion, this item was passed on to allow the City Manager and City Attorney time to speak with bank officers about the situation.

**5. CONSIDER AND ACT ON APPROVAL OF ORDINANCE NO. 18-005 TO BUDGET FUNDS FOR DICKSON CEMETERY HISTORICAL MARKER**

This Ordinance approves payment of \$1,100.00 to the Upshur County Historical Commission for a 18x28 historical marker to be placed at the Dickson Colored Orphanage Cemetery. The funds will be paid from the Dedicated Cemetery Fund. Mayor Tim Marshall made a motion to approve Ordinance No. 18-005 with a second by Councilman William Hornsby and a vote of 5/0 for approval.

*\*See Budget Amendment #*

\*Eddie Turner addressed Council thanking them for approving the funds for the historical marker and for everything they have done to assist the Upshur County Historical Commission in their efforts.

**6. CONSIDER AND ACT ON APPROVAL OF ORDINANCE NO. 18-006 TO RECORD INSURANCE PROCEEDS FOR DAMAGE TO AERATOR AT WASTEWATER TREATMENT PLANT AND RECORD COST TO REPLACE SAID AERATOR**

Councilman William Hornsby made a motion to approve Ordinance 18-006 with a second by Councilmember Brenda Jeffery and a vote of 5/0 for approval.

*\*See Budget Amendment #*

**7. CONSIDER ACCEPTANCE OF CERTIFICATION OF UNOPPOSED CANDIDATES FOR THE GENERAL ELECTION SCHEDULED TO BE HELD MAY 5, 2018**

Candidate William Hornsby for Councilmember District One, two-year term; Candidate Teathel Hollis for Councilmember District Four, two-year term and Candidate Michael Chevalier for Councilmember At-Large, two-year term have no opposition in their respective races; this certification verifies that to Council. Councilman Jarom Tefeller made a motion to approve the certification of unopposed candidates for the General Election with a second by Mayor Tim Marshall and a vote of 5/0 for approval.

**8. CONSIDER AND ACT ON APPROVAL OF ORDINANCE NO. 18-007 DECLARING UNOPPOSED CANDIDATES IN THE MAY 5, 2018 GENERAL ELECTION; CANCELLING SAID ELECTION; PROVIDING ISSUANCE OF A CERTIFICATE OF ELECTION TO EACH CANDIDATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

There are no contested races in the General Election; therefore, this election will be cancelled and candidates will be declared "elected to office". The Oath of Office and Certificates of Election will be presented at the May 8, 2018 Council meeting. Councilman William Hornsby made a motion to approve Ordinance No. 18-006 with a second by Councilman Michael Chevalier and a vote of 5/0 for approval.

**9. CONSIDER AND ACT ON REQUEST TO CLOSE TITUS FROM THE SQUARE TO TAYLOR STREET FOR A CAR AND TRACTOR SHOW TO BE HELD DURING THE CHEROKEE ROSE FESTIVAL MAY 12<sup>TH</sup>, 2018**

Councilman Michael Chevalier made a motion to approve the street closure with a second by Councilman William Hornsby and a vote of 5/0 for approval.

**10. CONSIDER AND ACT ON APPROVAL OF GILMER VOLUNTEER FIRE DEPARTMENT'S ACCEPTANCE OF TEXAS A&M FOREST SERVICE GRANT TO PURCHASE FIRE/RESCUE EQUIPMENT AND MATTERS RELATED THERETO**

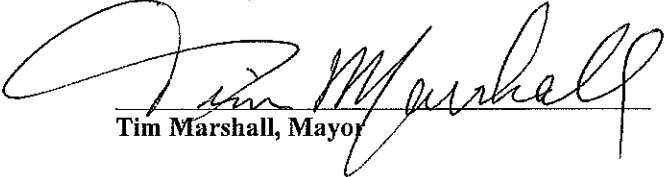
This is a grant from the Texas A&M Forest Service for fire equipment. The grant amount is 75% of the actual cost of equipment, not to exceed \$20,000.00, with a 25% match to be paid by the Gilmer Volunteer Fire Department and reimbursed by the City. Fire Chief Jerry Taylor plans to upgrade the Jaws of Life and purchase a thermal imaging camera with the grant funds. Councilman Jarom Tefeller made a motion to approve acceptance of the grant and approval of the grant match with a second by Councilmember Brenda Jeffery and a vote of 5/0 for approval.

**11. CONSIDER DISCUSSION AND POSSIBLE ACTION TO APPROVE OPENING A DEDICATED LOGIC ACCOUNT FOR PARK DEVELOPMENT/MAINTENANCE AND MATTERS RELATED THERETO**

City Manager Greg Hutson requested authorization to open a Local Government Investment Cooperative (LOGIC) account for dedicated "park funds". LOGIC is paying 1.6% at this time. All dedicated funds, donations, etc. relating to the Park Fund will be placed in this account. Following a discussion, Councilman Jarom Tefeller made a motion to approve opening the account with a second by Mayor Tim Marshall and a vote of 5/0 for approval.

12. **CONSIDER AND ACT ON APPROVAL OF RESOLUTION NO. 18-003 APPROVING THE INVESTMENT POLICY OF THE CITY IN CONFORMANCE WITH THE PUBLIC FUNDS INVESTMENT ACT OF THE STATE OF TEXAS TO BE EFFECTIVE FEBRUARY 27<sup>TH</sup>, 2018**  
Under the Public Funds Investment Act, the City is required to have a written investment policy which is approved annually by Council. Resolution No. 18-003 is that policy. Councilman Jarom Tefteller made a motion to approve Resolution No. 18-003 with a second by Councilman William Hornsby and a vote of 5/0 for approval.
13. **CONSIDER DISCUSSION AND POSSIBLE ACTION REGARDING CITY OF GILMER POLICE DEPARTMENT ENTERING INTO AN AGREEMENT WITH LAW (LET'S ALL WORK) PUBLICATIONS TO ALLOW SOLICITATION OF DONATIONS FROM LOCAL BUSINESSES FOR PUBLICATIONS THE POLICE DEPARTMENT CAN DISTRIBUTE TO SCHOOLS, CHURCHES, ETC.**  
This item was passed on and will be placed on a future agenda.
14. **ADJOURN**  
Councilman William Hornsby made a motion to adjourn with a second by Councilman Michael Chevalier and a vote of 5/0 for approval.

Meeting adjourned 6:05 p.m.

  
Tim Marshall, Mayor

ATTEST:

  
Kathy D. Hoover, City Secretary

