

Regular Meeting Minutes
September 15, 2022
7:00 p.m.

1. Call to order and announce quorum is present.

Mayor Cardwell called the meeting to order at 7:00 pm, and announced a quorum was present. Those in attendance were: Mayor Crystal Cardwell, Mayor Pro Tem Christopher Raines, Councilmember Jennifer Hill, Councilmember Richard Sidebottom, Councilmember Melanie Payne, City Admin Staff Brittany Mayhue, City Secretary Jenni Moore, and City Attorney Charles Anderson.

2. Pledge of allegiance and invocation.

Mayor Cardwell led the pledge and Councilmember Hill led the invocation.

3. Mayor Update.

Mayor Cardwell shared she was invited to represent Newark in a Wine Stomp competition between all of the mayors in district 12. This competition will take place Saturday at 11:00 AM in Grapevine.

4. Public Comments.

Corie Ann Gregory, 404 FM 718 Newark. Mrs. Gregory stated she and her husband own the Newark Wash & Dry. The topic discussed is the water rates and charges. Mrs. Gregory asked that the council review and reconsider the commercial water and sewer rates stating that they are paying 70% more than competitors in local towns for water. Mrs. Gregory is asking that commercial water and sewer rates be changes to match residential rates. If this solution is not possible, Mrs. Gregory requested a reprieve for an additional \$12,000 in repairs their business was required to make due to the city's water and sewage infostructure.

5. Consider and act on the following items:

- A. Council Meeting Minutes for August 18, 2022 and August 23, 2022.**
- B. Accounts Payables for August 2022.**
- C. Financial Statements for August 2022.**
- D. Staff Reports- Municipal Court, Building Permits, Code Enforcement and Public Works for August 2022.**

Councilmember Hill made a motion to approve agenda item 5 as a whole. Mayor Pro Tem Raines second the motion. All approved. The motion passed.

6. Resolution authorizing Newark Higher Education Finance Corporation Education Revenue Bonds (The Hughen Center, Inc.) series 2022a and Newark Higher Education Finance Corporation Education Revenue Bonds (The Hughen Center, Inc.) taxable series 2022b; loan agreement; trust indenture; a public hearing; and other matters in connection therewith.

City Secretary Moore explained this Resolution is for the same loans that were approved at the last meeting, however there was a change in the loan amount and needed approval

from the City. Councilmember Sidebottom made a motion to approve the Resolution authorizing Newark Higher Education Finance Corporation Education Revenue Bonds (The Hughen Center, Inc.) series 2022a and Newark Higher Education Finance Corporation Education Revenue Bonds (The Hughen Center, Inc.) taxable series 2022b; loan agreement; trust indenture; a public hearing; and other matters in connection therewith. Councilmember Hill second the motion. All approved. The motion passed.

7. **Discuss, consider, and act on Segura Encarnation request for assistance for her August 2022 City of Newark utility bill at 516 Pettit Dr.**

Segura Encarnation was not present, this agenda item was not discussed.

8. **Discussion, consideration and action on Resolution No. 360, a resolution approving the negotiated settlement between the Atmos Steering Committee and Atmos Energy.**

Darwin Winfield was in attendance on the behalf of Atmos Energy. Mr. Winfield explained that rate increase for the average resident in Newark will be \$4.60, and average commercial increase will be \$14.34 per month. Councilmember Hill made a motion to approve Resolution No. 360, a resolution approving the negotiated settlement between the Atmos Steering Committee and Atmos Energy. Mayor Pro Tem Raines second the motion. All approved with the exception of Councilmember Payne, she obtained from voting on this agenda item.

9. **Presentation from Amy Pegues regarding the Meals on Wheels program.**

Amy Pegues was in attendance on behalf of the Meals on Wheels program of Wise County. Pegues provided information on the history, services provided, resources and costs of the Meals on Wheels program. Pegues stated she is seeking support for the program as well as volunteers to donate their time. Pegues asked for the City of Newark to provide \$10,000 annually to the Meals on Wheels program. Councilmember Hill told Pegues that the city has already completed the budget for the year. Mayor Cardwell offered other options to help and stated this could be a discussion for next year's budget. Councilmember Payne recommended pursuing the possibility of adding a donation link on the city's website to allow people to make a donation to the Meals on Wheels program. This idea was tabled until further information could be gathered.

10. **Discuss, consider and act on a request from the Newark Volunteer Fire Department Ladies Auxiliary to close certain streets for Cruisin' Days.**

Kathy Darter of the Ladies Auxiliary shared the dates of the Cruisin' Days this year are; Friday October 7th and Saturday October 8th. The request is to close down the roads beginning 5:00 PM Friday evening until the cornhole tournament is over and then close again Saturday morning at 8:00 AM and reopen between 10:00 PM and 11:00 PM Saturday evening. The roads requested to be closed are Mc Canne St. to Hudson St., Hudson St. to Main St. and possibly closing the curved part of Main Street. Mayor Pro Tem Raines made a motion to shut down the necessary streets for the Cruisin' Days. Councilmember Hill second the motion. All approved. The motion passed.

11. **Discuss, consider and act Interlocal Agreement No. 3036 between Wise County and the City of Newark for street repairs.**

The City Secretary explained the agreement, stating it is similar to the previously approved agreements with the County for street repairs. The city will cover the cost of materials and the County will provide labor. The streets that are covered in this agreement are: Berke St., Wise St., Pettit Dr., Main St. Mc Canne St., Rogers Rd., Crow Dr., Angela Ave., and Killough St., Mellown St. and Ramhorn Hill Road. Mayor Pro Tem Raines made a motion to approve Interlocal Agreement No. 3036 between Wise County and the City of Newark for street repairs. Councilmember Sidebottom second the motion. All approved. The motion passed.

12. **Consider and act on Ordinance A-537, an ordinance amending the Newark Code of Ordinances, Appendix A-Fee Schedule, article A 7.004 Utility Fees, by providing for the rate increase in the water and sewer base rates for residential customers.**

The City Secretary explained the new rates to the Council. The rate increase will only affect residential water by changing the base rate from \$35.00 per month the \$40.00 per month, and the sewer rate will change from \$25.00 per month base rate to \$30.00 per month. Councilmember Hill made a motion to approve Ordinance No. A-537, an ordinance amending the Newark Code of Ordinances, Appendix A-Fee Schedule, article A 7.004 Utility Fees, by providing for the rate increase in the water and sewer base rates for residential customers. Mayor Pro Tem Raines second the motion. All approved. The motion passed.

13. **EXECUTIVE SESSION – In accordance with the Texas Government Code, Section 551.001, et.seq., the City Council will recess into Executive Session (closed meeting) pursuant to the following sections:**

- a. **551.074 (Personnel): Deliberation regarding the appointment of a public officer, re:**
 - i. **Vacant City Council Seat 2**
- b. **551.071 (Attorney Consult): Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re:**
 - i. **Ordinance No. A-533 creating a Parks and Recreation Committee for the City of Newark and adopting Committee Bylaws.**

Mayor Cardwell closed into Executive Session at 7:57 pm.

14. **RECONVENE INTO OPEN SESSION – In accordance with the Texas Government Code Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.**

Mayor Cardwell reconvened into Open Session at 9:13 pm. Action was taken on the following items:

- a. **551.074 (Personnel): Deliberation regarding the appointment of a public officer, re:**
 - i. **Vacant City Council Seat 2**

Mayor Pro Tem Raines made a motion to appoint Steven Barber to vacant City Council Place 2. Councilmember Hill second the motion. Councilmember Payne and Councilmember Sidebottom

opposed the motion. Mayor Cardwell stated the motion failed due to lack of votes, and asked for another motion. Councilmember Sidebottom made a motion to appoint Nathaniel Butler to vacant City Council Place 2. Councilmember Payne second the motion. Councilmember Hill and Mayor Pro Tem Raines opposed the motion. Mayor Cardwell then placed her vote for Nathaniel Butler for City Council Place 2. The result was 3 to 2 in favor of Nathaniel Butler for City Council Place 2.

- b. **551.071 (Attorney Consult): Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re:**
 - i. **Ordinance No. A-533 creating a Parks and Recreation Committee for the City of Newark and adopting Committee Bylaws.**

No action was taken.

15. Meeting Adjourn.

Mayor Cardwell adjourned the meeting at 9:16 pm.

APPROVED:



Crystal Cardwell, Mayor



Date



Jenni Moore, City Secretary