

CITY OF BLUE RIDGE
CITY COUNCIL MINUTES
November 7, 2017

THE BLUE RIDGE CITY COUNCIL MET IN REGULAR SESSION AT 7:00 P.M. ON TUESDAY, NOVEMBER 7, 2017 AT THE BLUE RIDGE COMMUNITY CENTER, LOCATED AT 200 W. TILTON, BLUE RIDGE, TEXAS 75424 AT 7:00 P.M. WITH THE FOLLOWING ITEMS ON THE AGENDA FOR CONSIDERATION AND/OR ACTION.

1. Mayor Williams called the meeting to order at 7:00 p.m.
2. Roll was called with the following members present, Mayor Rhonda Williams, Christina Porath, Amber Wood, Gerald Young, Allen Cunyngnam and Kevin Bell.
3. Consent Agenda: a) Discuss, approve or disapprove the minutes from Regular Session held on October 3, 2017; b) Public Works Update; c) City Financial Report; d) Fire Department Report; and e) Collin County Calls for Service

Christina Porath motioned to approve the Consent Agenda with Amber Wood seconding the motion. Motion carried unanimously.

4. Public Hearing to consider, discuss and act upon a Preliminary Plat for property located within the City of Blue Ridge's Extra Territorial Jurisdiction off FM 1562 approximately 3/4 of a mile from FM 981. A portion of this property will be located in Hunt County

Mayor Williams opened the Public Hearing at 7:02pm and asked those FOR the Preliminary Plat to come forward. Christopher D'Addario, developer of the property, stated he will provide answers to questions and is for the approval of the Plat. Questions from the audience arose including Jolee Powell regarding restrictions. Mr. D'Addario replied he wants to have a nice development; however he is placing normal restrictions such as no junked vehicles. The homes will be moved in and remodeled on the property. The home cost will be ranging from \$220-270,000 for a home on 10 acres. James Windom asked the square footage, which was given no less than 1,200 square feet. Steven Moore expressed concerns of drainage and if the road bed would be made higher as the area is in the flood plain. Mr. D'Addario stated the area developed is not in the flood plain and the drainage will be engineered to flow to the expanding creek-bed.

Mayor Williams asked for those OPPOSING to come forward. With no one coming forward, Mayor Williams closed the Public Hearing at 7:07pm. Christina Porath motioned to approve the plat as presented with Amber Wood seconding the motion. Motion carried unanimously.

5. Public Hearing to consider, discuss and act upon replatting a property located at 19500 FM 981, Leonard, Texas, which is located within the City of Blue Ridge's Extra Territorial Jurisdiction, also known as WC Lee Survey, A-1095, containing 2.00 acres

Mayor Williams opened the Public Hearing at 7:09pm and asked those FOR the plat to come forward. Owner Ruth Brugman expressed she is for the approval of the plat. With no one else coming forward, Mayor Williams asked those OPPOSIN the plat to come forward. With no one coming forward, the Public Hearing was closed at 7:10pm.

Christina Porath motioned to approve the plat as presented with Kevin Bell seconding the motion. Motion carried unanimously.

6. Public Hearing to consider, discuss and act upon a Preliminary Plat for property located within the City of Blue Ridge's Extra Territorial Jurisdiction off CR 632 approximately .25 miles north on CR 632 from FM 981, also known as Abstract A761 James Rutherford Survey, Tract 51, containing 8.653 acres

Mayor Williams opened the Public Hearing at 7:11pm and asked those FOR the plat to come forward. Michael Adlof, residing at 10684 CR 632 spoke up stating he OPPOSES the development. Mr. Adlof expressed concern of people selling their land which allows development, the area will become another Frisco and Prosper. Restrictions were placed on the other plots of land sold, however this particular piece does not have the same restrictions.

Cheryl Wood stated she was the landholder and had a contract to sell the land to Mr. Adlof; however he backed out of the contract. Ms. Wood stated she is not opposing the plat as the homes proposed will be \$300-400,000 homes. Ms. Wood stated due to her husband's health, the land was sold and Mr. Adlof had the same opportunity to purchase the land.

Pete Espinosa stated he moved from Rowlett. His understanding was the land sold by the Wood's would be restricted to 10 acre plots so that neighbors were not on top of each other and the 10 acre tracts could not be divided. Mr. Espinosa stated there are 7 other land owners who moved into the area concerned of the subdividing of this particular tract of land since their land was restricted for subdividing.

With no one else speaking, Mayor Williams closed the Public Hearing at 7:20pm. No action was taken by the Council at this time.

7. Consider, discuss and act upon Ordinance #2017-1107-001 adopting the International Property Maintenance Code, 2015 Edition

The Ordinance presented will allow the Municipal Court to prosecute tickets issued by the Code Enforcement Officer. This Ordinance will also allow the Code Enforcement Officer the ability to issue tickets for condemnation and move forward to clean up the town. Christina Porath motioned to approve with Amber Wood seconding the motion. Motion carried 4 to 1 with Allen Cunnyngnam opposing.

8. Consider, discuss and act upon voting for the Board of Directors of the Collin Central Appraisal District two year term by Resolution

Council reviewed the nominees and discussed Wayne Mayo as having the most experience. Amber Wood motioned to cast the vote by Resolution for Wayne Mayo with Gerald Young seconding the motion. Motion carried unanimously.

9. Consider, discuss and act upon a Mutual Boundary Agreement between the City of Blue Ridge and the City of Farmersville

City Attorney Andy Messer addressed the Council regarding the Mutual Boundary Agreement and informing the boundaries set are permanent. Mr. Messer represents other municipalities who are in the process of boundary agreement negotiations. The agreement presented from Farmersville has Blue Ridge giving land without giving land in return and should be unilaterally transferred. This is a significant decision which is a permanent decision. To date, the other cities involved in negotiations are not committing to Farmersville's recommendation. Mr. Messer strongly recommends no action by the Council and see how other cities play out with the boundary agreements. Any decision at this point would be premature and possibly detrimental. Christina Porath motioned to take no action with Kevin Bell seconding the motion. Motion carried unanimously.

10. Consider, discuss and act upon issues with North Texas Animal Control Authority and animal control matters

Mayor Williams noted several citizens requesting to speak regarding the Animal Control Officer. Jessica Otte, residing at 206 E Heap, questioned why animal registration fees were paid to North Texas Animal Control Authority instead of the City. Questions were also raised regarding the privacy of information given on the animal registration form. Ms. Otte also stated the registration fees are not in correspondence with State codes. North Texas Animal Control Authority (NTACA) owner/operator Charles "Kerry" Payne responded stating the City passed an ordinance which has stricter compliancy which does not interfere with State laws. Ms. Otte continued asking why NTACA was chosen since he charges more than the County. Another issue raised included NTACA's facility being 1-1/2 hours away. Having the facility at such a distance, how would owners know when their animals had been taken into custody. Also questioned was the time animals are held in the truck while being transported to the animal shelter.

Kevin Foster, residing at 211 Ridgetop Court, questioned how registrations were handled for pets that were tagged or microchipped. Mr. Payne replied stating every effort would be made to return those particular animals to their owners prior to taking to his facility.

Judith Homer, residing at 10281 CR 470, asked if records are safely kept at NTACA's facility. Mr. Payne replied since he is a private contractor, the records are not public but are kept at his facility. Ms. Homer also asked if a veterinarian is on-site with Mr. Payne stating a veterinarian is not at his facility. According to Ms. Homer, a veterinarian must be employed at the facility; however Mr. Payne stated most shelters do not require an employed veterinarian but he does have a veterinarian to inspect his facility.

Ms. Otte also questioned how personal and financial information would be guarded and protected. Mr. Payne replied an appointment would be necessary to enter his facility and records are kept under lock and key. Again Mr. Payne stated he is a private contractor. Ms. Otte also stated according to State code, 100 taxpayers signing a petition can have an election. In reply, the petition must have actual signatures by confirmed registered voters within the City of Blue Ridge. The contract does not constitute an election as it is a contractual issue and not electing officers.

Korbie Leweling, residing at 204 N Church, expressed her concerns of the safety of the neighborhood and pets. Due to Ms. Norton's cat dying during the last time NTACA worked in the City, she expressed concern the City doing business with someone having a history of animal neglect. Ms. Leweling requested Council to terminate the contract with NTACA. Ms. Leweling questioned why NTACA was the only contract and other businesses weren't asked.

Mayor Williams stated everyone's concerns are being heard and it was unfortunate about the cat that passed away. However, an error was made and Mr. Payne deserves a second chance to rectify and improve his methods so no other animals meet the same fate. The City does have an issue with stray dogs. Collin County had been called numerous times regarding one particular dog which has yet to have any response.

Ms. Homer spoke up stating NTACA sells cats for research and the shelter is horrible with no heating, cooling and fleas are a huge problem. This information comes from

someone who use to work at this office. Animals are like family members and deserve better treatment.

Kevin Foster questioned why Collin County only charges \$1 yet the NTACA is charging \$10 but the City does not receive these funds. Mr. Foster stated he didn't have a problem paying the \$10 to the City, but not to NTACA. Mr. Payne stated the registration fees help offset fuel costs and other operational fees. Mr. Foster spoke of his dog who is afraid of thunderstorms and will get out to hide from the storms. By doing so, he is concerned if his dog gets picked up how this situation would be handled. These are the types of situations that cannot be controlled. Mr. Foster stated the Council should have consideration for the citizens and not the contractor. Mr. Foster asked the amount being paid to NTACA with Council replying \$11,000 per year which is the same as Collin County.

Nancy Ferrell, residing at 406 N Business Hwy 78, stated she has rescued 2 pets from people like Kerry Payne. Ms. Ferrell asked why someone like Mr. Payne would take our family pets 1-1/2 hours away without a contract. Ms. Ferrell also stated she would gladly pay the registration fees to the City but not to NTACA. Another unnamed individual asked why a shelter was not limited to 2-3 square miles.

Mr. Payne, owner/operator of NTACA, was asked to respond to the issues presented. Mr. Payne has a parent company named Texas Animal Control Solutions. It is true the facility is located in Roanoke, Texas which is 1-1/2 hours away. The facility is a closed facility as he is a one-man show with no other employees working at the facility. Mr. Payne continued stating he has an employee who is in training to attain her certification.

Judith Homer stated Mr. Payne is outside his contract as any employee requires certification. She also asked if anyone on the Council had physically seen NTACA's facility.

Mr. Payne stated he is not on Facebook or other social media for posting animals available for adoption. However, he is working to improve information on his website of animals that are up for adoption. He continued that he had an issue with tick infestation at the facility and did not want to adopt out animals until the infestation was under control. In regard to picking up animals, if owners would be responsible and have their pets tagged or micro-chipped, the need to take the animals to his facility would be lessened. Mr. Payne stated he has a hard time taking an animal back to a fenced area that is in need of repair to have the animal get right back out. Owners must do their part caring for their animals. Questions, per the Facebook petition, questioned the high cost of boarding with Ms. Homer stating Dawn Rice had paid \$280 to get her dog out of boarding during his other stint with the City. Fees are \$50 for impounding with \$10 per day boarding. Ms. Homer also expressed concern cash was the only method of payment allowed during this particular incident with Ms. Rice.

Mr. Payne again stated micro-chipping or tagging the animals will negate having animals taken to his facility. Animals are held for 3 days, as is stated in the contract with the City, but animals can and have been held longer. The Facebook petition mentioned not having pets pictures placed on Facebook. Mr. Payne stated if your animal(s) are missing, the best from his perspective is to call and find out if they have been picked up. Another complaint was calls have gone unanswered. Mr. Payne stated he answers every call, although it may not be a quick turnaround.

Another concern was not having animals ready for adoption. Mr. Payne stated he will do a better job advising of animals ready for adoption. Mr. Payne spoke of the tick problem but stated just because the animals are not posted does not mean there are not animals available for adoption. Phone calls are a great way for communication. Other allegations stated there are numerous atrocious conditions and circumstances regarding animals. These allegations are unfounded and not even responsive to this discussion.

Questions regarding cat traps being set and not checked is what caused the demise of one cat several years ago. Stray cats were a problem at the time. The person requesting the trap was held responsible to ensure the animals were fed, watered and kept in temperature correct conditions (such as shade during the summer time) and checked daily. If an animal is trapped, the person requesting the trap should inform the City/contractor to have the animal picked up. A statement was made that many cats suffered and died. This is untrue as one cat perished due to heat and trap was unattended. Another statement made regarding NTACA having an obsession capturing and drugging dogs. This is an out and out lie. Someone also stated NTACA demanded a dog from the owner which is also a lie. Another hearsay regarded a dog being out of his fence in his front yard and being confiscated. Another comment made regarded a conviction on Mr. Payne's record. It is true there is a Class B Misdemeanor Assault on his record which involved a situation with an inebriated uncle which was resolved.

Mr. Payne continued answering the Facebook comments regarding a previous employee (Nancy Holman) stating the NTACA's facility has no running water, no temperature controls, no chip scanner and once an animal is detained over 24hours the animal is euthanized. All these allegations are not true. The facility has been inspected and met all the State's requirements which included temperature, water facilities and other conditions for animals. Mr. Payne presented to Council the most recent facility inspection which passed, a new inspection is due and is being scheduled with a veterinarian. Nancy Holman worked for him 8-9 years ago, so her statements are outdated. During that time, the company did not own a micro-scanner, but that has since changed. Most Animal Control Officers have a micro-scanner.

Mr. Payne addressed cadavers. Pet cadavers are sold for research and this is true throughout the industry. Typically each cadaver sells for \$3 but the specimens have certain requirements for research. Vet techs and future veterinarians must have cadavers for training. Mr. Payne stated he signed up with a research group but has not provided any cadavers since signing up. Most of the researchers are only interested in cats for medical training.

Mr. Payne stated no one has come or requested to come to his facility to confirm the allegations made. In response to not responding to calls, Mr. Payne asked those with this complaint to provide the date and time they called so he could check his phone records to ensure he does follow through. As far as the payment amount, Mr. Payne stated this job is his only source of income to provide for his family and household, which is no different than anyone else.

Mr. Payne stated the accusations are just that - accusations. For those not present who made comments on Facebook, he would like to have those issues brought to him to be addressed.

City Attorney confirmed the statement regarding the petition as a petition would only be valid under Texas Government Code if the petition presented written signatures, confirmed registered voters with their addresses reflecting they live within the incorporated limits of the City.

Mr. Payne stated only one issue occurred with one cat in the past which should not hold a bearing on his current contract with the City. The issues at that time have resolved and efforts are ongoing for the improvement of his job.

Mr. Payne reiterated if owners would be responsible pet owners, there would be no reason for him to have this job. Animal Control is not the best job within cities.

The registration fees, placed in the contract, is a set amount to offset not just fuel but operating costs which allows the company to operate. If the registration fees are removed, the cost of services would be increased.

Carrie Taylor, stating she lives outside the City Limits, would like to see the Council receive more information and background on NTACA. Ms. Taylor urged the Council to listen to all the citizens inside and outside the City Limits.

Kevin Foster asked what legal authority was given to NTACA to collect the registration fees and what were the repercussions if fees were not paid. Mr. Foster stated it would be advantageous for the Animal Control Officer to take as many dogs to the shelter and collect boarding fees. The City is not saving any money as Collin County Animal Control and NTACA were charging the same amount, \$11,000 annually. However, Mr. Foster felt the citizens are paying more with boarding and registration fees.

A comment was made stating the Assistant City Secretary had an issue with Collin County Animal Control and that's why the contract was changed. Assistant City Secretary Tonya Harrison stated she made calls for residents who contacted City Hall regarding an animal at large that was penning people in small areas and making an attack motion. Collin County was called numerous times and when they arrived, drove once through the town, didn't find the dog and left. This same dog issue was repetitive with no response from Collin County.

Citizens asked if any animals had been picked up since the contract started again with Mr. Payne responding no. Also, Mr. Payne stated it is the Council's responsibility to enforce all the laws and ordinances. Previous Councils and the County did not enforce registration requirements; however fees had been collected in years past. If citizens fail to register their animals, this violates the City's ordinance which constitutes a citation. Further discussion was held regarding the registration of chickens and other farm animals.

Mr. Payne pointed out 63 tickets had been issued previously but the Council refused the Court to process and prosecute.

Mayor Williams stated a potential solution, hearing the main issue being the shelter used by NTACA was 1-1/2 hours away, was to utilize a local boarder. The audience offered Country Dogs and the City of Leonard as possible options.

Judith Homer asked if he is a one man show, how can Mr. Payne be in other places and look after the facility. Mr. Payne should consider hiring part time employees to help look after animals at the facility and keep the facility available to the public. Ms. Homer stated Mr. Payne refused her calls on a particular day (date not stated) and had the locks changed on his facility. On this same date (again date not stated), dogs were sold for cash.

Mr. Payne replied the locks are the same and not changed, dogs were adopted by Susan Brown and if there are questions of the facility, please provide the issues.

Jessica Otte questioned the tick issue which would expose our animals. Mr. Payne stated this is a viable concern and does happen at other shelters. However, again, if the animals are micro-chipped or tagged, the animals will not go to his shelter. He is making all efforts to remove the tick problem.

Mayor Williams concluded the open floor discussion by summarizing the issues: number of days animals are being held, registration fees, hiring additional personnel and having a veterinarian on staff.

Gerald Young motioned to table this item to address the issues at a later meeting with Christina Porath seconding the motion. Motion carried unanimously.

11. EXECUTIVE SESSION - In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following: a) §551.071(2): 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 chapter 551 re: Trails of Blue Ridge; and, b) §551.087: To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay or expand in or near the territory of the City of Blue Ridge and with which the City is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect

Council went into Executive Session at 9:04pm.

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

Council reconvened into Open Session at 9:27pm with no action taken.

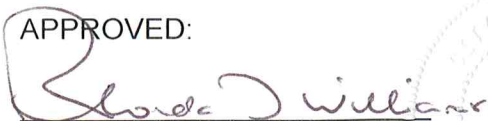
13. Consider, discuss and act upon Resolution requiring the City to administer subdivision and engineering review in accordance with the Subdivision Regulations of the City of Blue Ridge

Christina Porath motioned to approve the Resolution as presented with Amber Wood seconding the motion. Motion carried unanimously.

14. Citizen Participation. No one spoke during Citizen Participation.

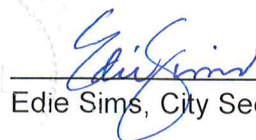
15. Adjournment. Christina Porath motioned to adjourn with Amber Wood seconding the motion. Council adjourned at 9:28pm.

APPROVED:



Rhonda Williams, Mayor

ATTEST:



Edie Sims, City Secretary