

**REGULAR MEETING OF CITY COUNCIL
DECEMBER 6, 2011 – 1:30 P.M.**

PRESENT: Jeff Brain Mayor
Leon DeWeese Council Member
Robert Vinyard Council Member
Charles Gillingham Council Member

ABSENT: Marvin Dickson Council Member

STAFF: Eddie Edwards City Manager
Danny Richards E.O.C. Director
Stella E. Sauls City Secretary
Bruce Roberts Captain, Police Department
Kenneth Petr Director, Planning and Zoning
Scott Radach Finance Director
Ted B. Dodd Director, Public Works
Ralph Earles Assistant Director, Public Works

VISITORS: Ted Wilson Pastor, St. Andrews Methodist Church
Judy Mihm
Meryl Barnett
Janet Fleming
Jesse Shuffield
Bill Carder
Shawn Dunigan
Bill Sizemore
Garry Hannon

NEWS MEDIA: Michelle Berry

QUESTIONS AND COMMENTS FROM CITIZENS: Citizens who have indicated their desire to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter is on the agenda, City Council members are prevented from acting on the subject and may respond only with statements of factual information or existing city policy; however, City Council members may request city staff to place the subject matter on a future agenda. Citizens are limited to three (3) minutes for their presentation to the City Council.

No comments heard.

MINUTES APPROVED: Following review of the minutes of the regular meeting of November 15, 2011, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve the minutes as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

PAYMENT OF EXPENDITURES APPROVED: The expenditures for the last half of November were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Members Vinyard and Gillingham, to approve payment of the expenditures for the last half of November as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

REMOVAL OF ORDINANCE O-004-11 FROM TABLE: Mayor Brain asked that Ordinance O-004-11, providing for the continued taxation of “Goods-in-Transit, be removed from the table. Motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to remove Ordinance O-004-11 from the table. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

ORDINANCE O-004-11 – NO ACTION TAKEN: City Manager Eddie Edwards explained how the City of Borger has handled the “Goods-in-Transit” Ordinance in the past. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to take no action on Ordinance O-004-11. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

ORDINANCE O-005-11 INTRODUCED: City Manager Eddie Edwards explained to the Council that this amendment to our Ordinance is designed to bring our Code within the letter of the law as far as alcoholic beverages. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to introduce on first reading Ordinance O-005-11 amending the City of Borger Code of Ordinances, Article 4.02, Alcoholic Beverages. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

The caption of Ordinance O-005-11 reads as follows:

ORDINANCE O-005-11

AN ORDINANCE AMENDING THE CITY OF BORGER CODE OF ORDINANCES, ARTICLE 4.02, ALCOHOLIC BEVERAGES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

PUBLIC HEARING CONDUCTED – RE-PLAT APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that P & B Senior Living Group, LLC request a re-plat for Blocks 2 & 3 North Park Addition for the purpose of building a Nursing Home in this location. Mayor Brain opened the public hearing on the re-plat of Blocks 2 & 3 North Park Addition. No comments were heard; therefore, Mayor Brain closed the public hearing. Motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve the re-plat of Blocks 2 & 3, North Park Addition, containing 10.76 acres, to be known as Borger Nursing Facility Subdivision, 900 College Avenue. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

PUBLIC HEARING CONDUCTED – PRELIMINARY AND FINAL PLAT APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that a request from Mr. Steve Williams for a preliminary and final plat of 4.165 acres of land located in the SE/4 of Section 34, Block “Y”, A & B Survey. Mayor Brain opened the public hearing. No comments were heard; therefore, Mayor Brain closed the public hearing. Motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve the preliminary and final plat of a 4.165 acre tract of land out of the original 19.38 acre tract, located in the SE/4 of Section 34, Block “Y”, A & B Survey, to be known as Bunavista Forest. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

SPECIFIC USE PERMIT APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that Fellowship Baptist Church requested a Specific Use Permit for a recovery center to be located at 920 S. Main Street. Mayor Brain opened the public hearing and asked for a representative from Fellowship Baptist Church to address the Council and let the public know a little more about the facility. Additional comments were heard from Mr. Ted Wilson and Mayor Brain. There being no further comments, Mayor Brain closed the public hearing. Motion was made by Council Member DeWeese, seconded by Council Member Vinyard, to approve the Specific Use request for a recovery center to be located at 920 S. Main. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

OPERATION FACELIFT APPROVED: Director of Planning and Zoning Kenneth Petr submitted an Operation Facelift Contract for the demolition of property located at 110 West Grand Street (Lots 42 -42, Block 12, Isom Additon). Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve the Operation Facelift between Mr. James Taylor and the City of Borger for the removal of structures at 110 West Grand Street. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

MEETING ADJOURNED: There being no further business, motion was made by Council Member Gillingham, seconded by Council Members Vinyard and DeWeese, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

Mayor

ATTEST:

City Secretary