

MINUTES
CITY OF TEAGUE
BOARD OF ALDERMEN
SPECIAL CALLED MEETING
OCTOBER 19, 2018 1:00 P.M.

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT:** *The meeting was called to order at 1:00 P.M. by Mayor James Monks and Quorum was announced with all present Aldermen seated at their respective places.*
2. **INVOCATION:** *Alderman Rasbeary*
3. **PLEDGE TO THE FLAG:** *Alderman Hertenberger*
4. **ROLL CALL:** *Present: Jerry Ballew, Alderman Place 1, Ron Rasbeary, Alderman Place 2, Marie Hertenberger, Alderman Place 3, Marilyn Michaud, Alderman Place 5 and James Monks, Mayor Absent: Chris Nickleberry, Alderman Place 4*
5. **VISITORS/CITIZENS COMMENTS:** *At this time, any person with business before the Council not scheduled on the Agenda may speak to the Council for a maximum of three (3) minutes. No formal action can be taken on these items at this meeting.*
Brenda Ballew, resident, distributed a photo and read aloud the following statement she prepared and gave a copy to City Administrator Prasil.
"The copies of photos I have handed you are of my grandparents and my grandmother with her sister. They were taken about 1925 at the fountain on the Eighth Avenue side of the park, with the pavilion, then about 19 years old, in the background. The pictures put into better perspective how long this pavilion has been a part of our town's history. If you will look closely, the word Chatauqua is printed across the end of the pavilion. The park was created from acres set aside for it as Teague was being planned, and it was originally named Chatauqua.
Chatauqua was an adult education movement in the United States, highly popular in the late 19th and early 20th centuries. People making up the Chatauqua assemblies across rural America brought entertainment and culture for the whole community, with speakers, teachers, musicians, entertainers, preachers, and specialists of the day. According to the Freestone County History Book, well-known politician William Jennings Bryan and noted poet Edgar A. Guest both performed in our park under our pavilion.
We have lost the impressive entrance to the park at Cypress St. and Tenth Avenue, with its overhead saying "CHATAUQUA"; we have lost the fountain you see in the photos; and we have even lost the semi-historic 1950's swimming pool. There is nothing in the park now to remind us of its history except our pavilion. I think it's ironic that the THS Homecoming parade theme this year is "Landmarks", since it's the year that you as aldermen are considering tearing down one of the few this town has left.
I would like to point out that the Teague Hotel stood derelict and in a dangerous condition for years before interested citizens took it upon themselves to save it. Work continues toward completion of the upper story, but it is already a facility that is being used regularly to serve this community and is once more a beautiful addition to our town. The restoration is being done entirely by volunteers at no cost to the city.
In earliest photos of Teague's Main Street, you can see a brick wall featuring vintage advertisements. At one time that wall was deemed dangerous after the adjacent building was torn down, leaving it unsupported. Instead of accepting that it should be knocked down, interested citizens stepped up. Through donations of labor, materials, and money, they were able to put up steel supports and save that wall, through no cost to the city. It's still standing after about twenty years, bordering the small Lyda Lynn Aycock Crews Park.

If the termites that damaged the pavilion are gone now, they may well have been gone for 50 years. That pavilion has withstood lots of strong winds and rough weather in the past 111 years. Today you can't buy lumber that compares to what they used in 1906. Probably many of the old homes in Teague have past termite damage and warped beams, but they are still strong, still standing, still being lived in and loved. Even though you care about Teague, there is not one of you aldermen serving on this council who grew up here. Please respect the feelings of the citizens who not only were born and reared here, but whose families have been here for generations. The few historic buildings remaining are important to us. Consider holding off on a decision about what to do with the pavilion so that interested parties can have a chance to offer assistance.

Mrs. Ballew's three-minute allotted time to speak expired prior to reading the final portion of her prepared statement.

6. NEW BUSINESS:

- a. Discussion, clarification and possible action on Alderman Rasbeary's motion at the October 15, 2018 Regular Called Meeting of the Board of Aldermen Agenda Item 8d "Discussion and possible action on the 8th Avenue City Park repairs and improvements." to form a committee to study the cost to redo that and to go ahead and fence it off.

City Administrator explained that Agenda Item 6 a is to clarify the motion, that belongs to the Board of Aldermen. She also explained, only those who voted in favor of this motion are able to participate and vote on the item today. She stated, this item is to clarify with specifics the motion made by Alderman Rasbeary that stated, to form a committee to study the cost to redo that and to go ahead and fence it off. She explained, each Alderman was provided a copy of the DRAFT Minutes from the October 15, 2018 meeting which includes the discussion and motion for this item. She made note that she bolded Alderman Rasbeary's motion and comments which included the following statements:

Page 3 "Motion to form a committee and to look and see how we can demolish and what it is going to cost and go ahead and set the fences up to keep people from getting into the structure was made by Alderman Rasbeary."

Page 4 "Alderman Rasbeary amended his motion to state "motion to form a committee to study the cost to redo that and to go ahead and fence it off."

Page 4 "Alderman Rasbeary replied, ok then 2 Councilmen, the City Administrator and Mayor. City Administrator Prasil asked, would you like any members of the community on the committee? Alderman Rasbeary stated, then I will just leave it up to the City Administrator and Mayor to setup the committee, how's that.

Page 4 Alderman Rasbeary stated he would like to see 2 Councilmen on the committee.

City Administrator Prasil informed the Board the area was fenced off the day before with the new fencing and that due to the 20' fall trajectory the road behind the Pavilion is also closed.

Alderman Rasbeary asked, is there anyway to put another road behind there in the grass area towards the woods area?

City Administrator Prasil stated due to the fence being in the established roadway the fencing impedes with traffic and is considered a hazard. She explained the only other option would be to make a detour which would require the creation of a new roadway. She asked Chief Philpott for his input regarding this idea.

Chief Philpott stated he agreed with City Administrator Prasil and that a new roadway would have to be established and a detour route established with proper signage displayed.

Alderman Rasbeary stated, that's what I am talking about, putting gravel down for an extended road.

Chief Philpott replied, I don't think gravel alone would work in that area.

Alderman Hertenberger asked, so you cannot rent out the spaces down there?

City Administrator Prasil replied, the RV Park is not affected by this, you can get to the RV Park and baseball fields.

At 1:12 P.M. Mayor Monks announced that the Board of Aldermen would be convening into Executive Session as authorized by Texas Government Code Section 551.072 Deliberation and Real Property for Agenda Item 6 a.

7. **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. § 551.072 Deliberation Regarding Real Property: Deliberation regarding the 8th Avenue Park Large Pavilion.

At 1:50 P.M. Executive Session convened into Open Session

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

Alderman Ballew read aloud the following prepared statements.

“As I recall, at our meeting on Monday Theresa reported that we received an email from TRC engineers stating the 8th Avenue Park Pavilion had some termite damage and warped beams. They recommended the structure be demolished because repairs were "too risky". Although they recommended the structure be secured and not used, there was no mention that the structure was in imminent danger of collapse. I have not seen the email. However, if the phrase "too risky" is actually in the email, then I take exception to this comment.

"Too risky" is a subjective term. For example, if I were asked to clean the windows on a 50-story office building, I would say it is too risky. If I were asked to replace the red aviation hazard light on an antenna tower sitting atop the Empire State Building, I would say it is too risky. However, we know that both these tasks are done regularly. Therefore, I submit the phrase "too risky" is, again, a subjective opinion.

I have been a licensed professional engineer over 40 years and have dealt with many engineers and contractors during my career. In general, the duty of an engineer is to take a concept and develop a scope of work for it. The duty of a contractor is to review a scope of work and determine if they desire to bid on the work. There is no doubt in my mind that TRC engineers can develop a scope of work to remediate our park pavilion and bring it to modern standards. There is also no doubt in my mind that, given time and money, a contractor can be found with the expertise and resources to mitigate any risks involved and complete the work.

Therefore, I believe there is no reason renovating the pavilion should be considered impossible although it might be unreasonably expensive. The motion we are discussing has two parts: securing the area of the pavilion and appointing a committee. The pavilion area has been secured. Our Public Works Department erected a substantial fence around the perimeter of the pavilion. This fence is the same type and quality used at virtually all construction sites to keep the public safe. By securing the area of the pavilion and beginning deliberations to resolve the issue as we have done, I believe we satisfy the requirements of Chapter 3 of the Code of Ordinances — particularly Section 3.605 (2). As a result, we are not in crisis mode and time is not of the essence.

It was my understanding when I voted for the motion in question that we were voting to secure the area of the structure and appoint a committee to review the situation and recommend to the Council direction for proceeding. It was also my understanding that this committee was free to examine any and all measures for resolving the pavilion situation. With this in mind, for example, if the committee developed a plan to make restoring the pavilion a community project with funding available through donations at no cost to the City, then such a scenario should be on the table.

During our previous discussion, I agreed with Alderman Michaud in suggesting that we include input from Teague citizens in making our decisions. After all, this pavilion is a well-known historical feature that actually witnessed the birth of our city.

Creating a committee must be done in an orderly fashion. For it to be effective, I believe a committee must have at least (1) structure, i.e., a certain number of members with a designated chair; (2) a mission, a specific goal or conclusion to reach; (3) guidelines, i.e., authority or limitations thereof, and (4) milestones, i.e., dates for reporting and concluding activities. The motion we are considering failed to establish these basic parameters.

In conclusion, if we do not give this issue our most sincere and thoughtful consideration through due diligence, then I believe we will be doing a disservice to our citizens and the historical value of our city.” Alderman Michaud stated, as a retired insurance agent with a background of 60 years in liability insurance she looks at items from a different angle than the others. She explained that she does not want to see the City be responsible for when an event such as a birthday party or a reunion is happening underneath the pavilion as it is, and something happen. She stated that if something were to happen and the pavilion come down on someone then they would own the City and it would no longer be Teague. She explained that she is not a native, but she does not want to see it come down any more than the rest of you. She continued by stating that she has lived here since 1968 and considers herself an established citizen and she hates seeing things torn down and not replaced or taken care of. She said but it is the only thing that they can do to protect the citizens and the City.

Alderman Rasbeary stated he made the motion and it was under two reasons, the engineers’ recommendation of tearing it down because of the safety. He also stated that he would not take the risk as far as the City goes to have someone get hurt even though we have it fenced off. He also explained just because it is fenced off, it does not mean someone won’t climb the fence and go over it and go in the pavilion. He also explained that if we go ahead and demolish it soon we still have time to have Christmas in the Park, but if we wait with it the way it is now we will have to cancel Christmas in the Park. He also stated that he feels that even if we have a committee to evaluate how much or what it would take to save the pavilion it would be too expensive, and it would not be worth the expense the City would have in it. He stated he has been here for 30 years and he understands it is a historical part of the town, but he is looking at it from the City and what it would cost to repair it and he feels the only way is to demolish it and move forward with a new building.

Alderman Hertenberger stated, I am on this Council because she cares about the City, the pavilion and preserving historical sites. She also stated she was surprised when she moved to town that there had not been very many preserved. She stated she based her vote on what Theresa (City Administrator Prasil) and the Mayor had given them. She stated that some of you may not have been at the meeting and know the basis for our vote. She explained that Theresa talked to 3 Civil Engineers onsite who took the information and photographs back to their structural engineers who evaluated the information and that Mayor Monks stated he talked to 5 Structural Engineers while in Fort Worth and they agreed with the information City Administrator Prasil presented. She continued to read the following from the DRAFT Meeting Minutes: “City Administrator Prasil stated, we stressed to the engineers how important the pavilion was to the City and the community and this is why several engineers reviewed and evaluated the pavilion before making their recommendation.” Alderman Hertenberger stated, I am not an engineer and don’t know a lot about it, so I am going to have to go with what is presented to me and listen to Alderman Michaud about the liability. She continued by stating she cares about the City and things have changed since 1906 and we have to change with it, which makes things cost more. She ended by stating she hopes to get this matter resolved to the very best way we can and that she hopes that Christmas in the Park can continue on, but when dealing with contractors this may take a while.

Motion to hire a company to install a fence, which has already been done, around the pavilion to protect and keep the citizens out, and allow the City Administrator to go out for bids to demolish the pavilion in 30 days, and to form a committee of 2 Council Members, City Administrator, Mayor, Public Works Director and 4 citizens to decide to rebuild or what to rebuild in the pavilions place was made by Alderman Rasbeary, seconded by Alderman Hertenberger.

Alderman Ballew stated that if we are going to have a committee he recommends that we make it more formal with time lines, assignments and things like that, so they know what they are supposed to be doing.

Alderman Michaud agreed with Alderman Ballew regarding the committee being formed formally so that it works to the benefit of the citizens and the City. She also stated she does not like to see things destroyed but feels that we have to go along with Ron's motion and go ahead and have it taken down as soon as possible to prevent any further damage to the City and any other person. She stated children have already been caught climbing the fence and you could build a fence to the sky and they will continue to try to climb it and get into the pavilion.

Mayor Monks asked Alderman Rasbeary to repeat his motion.

Alderman Rasbeary repeated his motion.

Mayor Monks asked Alderman Rasbeary to repeat his motion second time.

Alderman Rasbeary repeated his motion again.

Motion carried 3-1 (Alderman Ballew voting no)

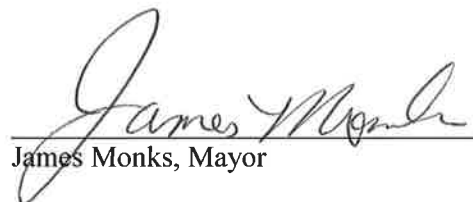
9. **ADJOURNMENT:** *At 2:05 P.M. motion to adjourn was made by Alderman Rasbeary, seconded by Alderman Hertenberger. Motion Carried 4-0.*

The meeting adjourned.

The City of Teague,


Theresa Prasil, City Secretary / Adm




James Monks, Mayor