



**City of Whitewright
City Council
Regular Meeting**
Whitewright Visitor Center
111 W. Grand
February 5, 2019, 6:30 p.m.

MINUTES

The City Council of Whitewright met for a Regular Council Meeting on Tuesday, February 5, 2019 at 6:30 P.M. in the Whitewright Visitors Center, the same being open to the public with the following members present:

Mayor	Jamie Lawrence
Councilmember	Sarah Beth Owen
Councilmember	Bart Bodine
Councilmember	Rick Magers
Councilmember	Randy Glover (Video Conference)
Councilmember	George Fenner

Others in attendance: City Secretary Tona Shplet, Gwyn Jordan, Sally O'Brien, Ally Duncan and fiancé, Chris and Pam Siebenhausen, James Tidwell, Dan Whitmore, Sheri Kent, Sherry and Larry Howard, Kenneth Franklin, Laura and Lance Freer, Lynn Williams, Annette Snider, J.J. Lyday, Rafael Maldonado Debbie Baecht, Evan Huff, Rajeev Kulam and friend, Barbara Hughes, June Gail Purdom, Traci Barr, Suzy Sauls, Christina Hufstetler, David Fleming, Chris Ely, Brandon Latimer, Michael Green, Traci Barr and daughter.

1. CALL TO ORDER – Call to order by the Mayor.
Mayor Lawrence called the meeting to order at 6:32 PM.

2. INVOCATION –
Kenneth Franklin led the invocation.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Jamie Lawrence – Mayor	Sarah Beth Owen	Bart Bodine
Rick Magers	Randy Glover – Mayor Pro-Tem	George Fenner

A quorum was established with all members present.

5. OPEN PUBLIC HEARING
Mayor Lawrence opened the Public Hearing at 6:39 PM.
Public Hearing

- (1) For the purpose of a Zoning change from Commercial 1 (C-1) to Commercial 2 (C-2) at 228 W. Grand, also known as Property ID 171088, OTP WHITEWRIGHT, BLOCK 26, Lot 9 thru 13, Geographic ID X003 4505179 as shown by the Grayson County Appraisal District of Grayson County, Texas, to the City of Whitewright, Grayson County, Texas, presently classified as Commercial 1 (C-1). The applicant requests a zoning change from Commercial 1 (C-1) to Commercial 2 (C-2).
 - a. Citizens Comments
No one addressed the Council or audience regarding the re-zoning. Mr. Kulam and his associate were in attendance. A question of what is the difference between C1 and C2 was answered by City Secretary Tona Shplet.
 - b. Commissioners Comments
Planning and Zoning board member Lance Freer affirmed that the P&Z board had voted to recommend the zoning change from C1 to C2 to the City Council.
 - c. Close Public Hearing

- (2) For the purpose of a re-Plat at 416 Cedar in the City of Whitewright, Grayson County, Texas, from one (1) lot to be split into two (2) lots. Property ID 170728 OTP WHITEWRIGHT, BLOCK 45, 150x113, ACRES .3891, Geographic ID X001 450532601 of the Grayson County Appraisal District of Grayson County, Texas presently classified as Single Family Two (SF-2) in the City of Whitewright.

- a. Citizens Comments
No one addressed the Council or audience regarding the re-plat. Mr. Maldonado and his associate were in attendance. A question was asked and answered that a house would be built on the second lot
- b. Commissioners Comments
Planning and Zoning board member Lance Freer affirmed that the P&Z board had voted to recommend approval of the re-plat to the City Council.
- c. Close Public Hearing

Mayor Lawrence closed the Public Hearing at 6:43 PM.

6. OPEN PUBLIC HEARING

Mayor Lawrence opened the Public Hearing at 6:43 PM

Public Hearing

- (1) For the purpose to obtain a Specific Use Permit to allow for inside storage spaces at 228 W. Grand, also known as Property ID 171088, OTP WHITEWRIGHT, BLOCK 26, Lot 9 thru 13, Geographic ID X003 4505179 as shown by the Grayson County Appraisal District of Grayson County, Texas, to the City of Whitewright, Grayson County, Texas, presently classified as Commercial 1 (C-1). Planning and Zoning met 1-10-19 and is presently recommending change to Commercial 2 (C-2). The applicant requests a Specific Use Permit to allow for inside storage spaces.

- a. Citizens Comments
Mr. Kulam addressed the Council and audience with his plans to renovate the old Pettits' building into four separate areas; Inside Storage Units, Laundry Mat, Individual Office and a Multi-Use area with shared open ceiling for offices and shops with partial walls. Mr. Kulam answered a question regarding lease requirements such as using the space as a habitation would be prohibited and no flammable materials would be allowed to be stored.
- b. Commissioners Comments
Board of Adjustment Chairman, Lance Freer, affirmed that the BOA had voted to recommend the Specific Use Permit for Inside Storage to the City Council.
- c. Close Public Hearing

Mayor Lawrence closed the Public Hearing at 6:47 PM.

7. CITIZEN FORUM – *(State law prohibits the City Council from considering or deliberating on any item not listed on the posted City Council agenda. A person may address the Council on items not on the printed agenda. Comments are limited to three (3) minutes. The Council may not comment or deliberate regarding such statements or comments during this period. Any discussion of the subjects must be limited to a proposal to place the subject on the agenda for a future meeting. Sec. 551.042 of Open Meeting Act)*

Sheri Kent addressed the council and referenced a packet of photos that she had copied and passed out to the audience and council regarding a travel trailer that is parked on City Right of Way and is being lived in illegally. She inquired as to why the matter had not been addressed and stated that it negatively affected the neighborhood. She owns a house in close proximity and several neighbors had reported theft of water, peeping toms, and theft from vehicles. Ms. Kent spotted a dog that had been reported missing at the site that she returned to the owner. The occupants are transients. She requested the item be placed on a future agenda. Sally O'Brien inquired what the next step is after being fined. Lance Freer addressed the council and stated his concerns regarding the trailer and the traffic in and out at all hours of the day. Christina Hufstetler addressed the council and stated that her daughter caught the occupant of the trailer peeping in their windows and they had found their vehicles ransacked. She questioned the status of the old nursing home and the plan to abate abandoned houses that are falling down. Ally Duncan addressed the council and stated that there was not a trailer when she purchased her home and how disappointed she was when she returned to town to establish utilities to find the trailer parked on her property line. The continuous foot and automobile traffic keep her from sleeping at night and she is scared to stay alone. She stated that trash is continuously found on her property. She asked how many police officers were employed by the city and is there a Crime Watch Neighborhood program. Dan Whitmore addressed the council and asked to know why his wife, Sheri Kent's, request to be on the agenda was not on the agenda but instead had to be presented in Citizen Forum. The Mayor invited Mr. Whitmore to visit with him at City Hall.

Councilmember Owen questioned why her requests to place items on the agenda were repeatedly denied. Councilmember Magers requested the floor and attempted to propose to put this matter on a future agenda. Councilmember Owen stated there was no avenue for a councilmember to speak during the meeting. Mayor Lawrence gavelled the meeting to order. Councilmember Owen attempted to speak during Citizen's Forum and was denied. Councilmember Magers departed the meeting. Councilmember Owen stated her intent to leave, but stayed.

8. CONSENT AGENDA (All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)

- 8.1 *To approve bills paid in January, 2019
- 8.2 *To review Ad Valorem taxes received for the month of December, 2018
- 8.3 ***Report from Fire Department – Chief Dwayne Henderson**
Incident County, Incident Type, Statistics, Responding Personnel, Grants, and equipment maintenance.
Councilmember Fenner inquired as to the radio purchase, grant status, and is it coming out of the current budget, will it require a budget amendment. Fenner moved to approve the report. Councilmember Owen seconded the motion. Motion carried 4-0.
- 8.4 ***Report from Library Director – Chris Ely**
Library statistics
- 8.5 ***Report from Public Works Director – Brandon Latimer**
Leaks, New Well Construction, Wastewater Plant, Wells, Towers, Meters
- 8.6 ***Report from Water Utility Clerk – Brandi Robinson**
Number of customers, delinquencies, number of new customers
- 8.7 ***Report from Police Department – Chief Rick Webber**
Fuel Consumption, citations issued
- 8.8 ***Report from Court Clerk – Rhonda Hicks**
Activity report
- 8.9 ***Report from EMS Department – Chris Douglas**
Number of runs, fuel consumption, repairs to ambulance
Councilmember Fenner stated concerns regarding unauthorized access of the Police/Fire/EMS department from the Library. Librarian Chris Ely stated that locks had been installed earlier in the day. Fenner inquired as to the status of moving EMS out of City Hall. Fenner moved to approve the report Councilmember Owen seconded the motion. Motion carried 4-0.
- 8.10 ***Financial Reports – Tona Shiplet**
Current financial reports.
Councilmember Owen questioned City Secretary Tona Shiplet regarding attorney fees, transaction # 12887 (there are professional fees budgeted in the Police budget for their attorney fees), transaction # 12873 and 12982 for purchase of Compliance Posters (Originally 5 sets were purchased for individual offices but amended to 1 set with unlimited updates for 1 year) and transaction #12860 for transmission work on Med 10, did we pay property and workman's comp twice (it is split between accounting codes, what is a William King Cole training., 12950 Brandon Shelby (3 entries, one should be voided, the other two cover January and February, was the battery purchased for the Explorer under warranty? Councilmember Fenner questioned the workman's comp split. Owen requested that City Hall pay attention to GL codes. Fenner asked about the Police Charger GL line. Councilmember Glover reiterated the importance of getting the Statement of Earnings and Revenue. Owen moved to approve the report. Councilmember Fenner seconded the motion. Motion carried 4-0.
- 8.11 *4A current financial reports. Current Bills/Statement of Revenue and Expenditures
- 8.12 *4B current financial reports. Current Bills/Statement of Revenue and Expenditures
Councilmember Fenner requested to remove items 8.3 and 8.9 from the consent agenda. Councilmember Owen requested to remove item 8.10. Councilmember Glover moved to approve the Consent agenda with items 8.3, 8.9 and 8.10 removed. Councilmember Fenner seconded the motion. Motion carried 4-0.

9. Report from Mayor – Jamie Lawrence

Dates of upcoming events:

- February 11 – 4B
- February 11 – Chamber of Commerce Valentine Hunt Event
- February 12 – Chamber of Commerce
- February 14 – Valentine's Day
- February 15 – Election Packet deadline to turn in
- February 18 – 4A
- February 18 – Presidents Day
- February 20 - Court

10. ACTION ITEMS

- 10.1 Consider and act on decision regarding telephone system for the city.
Councilmember Fenner moved to discuss. Councilmember Glover seconded the motion. Discussion ensued and to update the Avaya system is \$5,079.73 that includes an annual \$750.00 maintenance fee and separate phone bill for each line and internet as it is VOIP. Vested Networks is a flat rate, monthly per phone. (includes device, maintenance, phone line and service. It is cloud based and the most recent telephone technology. Councilmember Owen move to approve Vested Networks for 12 units at \$23.00 per unit per month. Fenner seconded the motion. Motion carried 4-0.

10.2 Consider and act on the Sewer Plant repairs.

Public Works Director Brandon Latimer explained the issue and the preferred repair of machined parts in the amount of \$28,443.00 and warranted parts. TML has issued a check for \$13,971.50 and will consider additional reimbursement with proof of repair. Councilmember Fenner moved to approve the repair as stated. Councilmember Owen seconded the motion. Motion carried 4-0.

10.3 Consider and approve Resolution 534 [457] Ordering Election on May 4, 2019.

Councilmember Owen moved to approve Resolution 457 [error on agenda for number only]. Councilmember Fenner seconded the motion. Motion carried 4-0

10.4 Consider and approve Notice of General Election May 4, 2019.

Councilmember Fenner moved to approve the Notice. Councilmember Owen seconded the motion. Motion carried 4-0.

10.5 Consider and approve overtime for City Hall employees during early voting

Councilmember Owen moved to discuss. Councilmember Fenner seconded. Owen inquired as to where the overtime is budgeted. Owen moved to approve the overtime. Councilmember Glover seconded the motion. Motion carried 3-0. Councilmember Fenner abstained as the City Secretary is his mother in law.

10.6 Consider and Approve Planning and Zoning recommendation for rezoning from C1 to C2 at 228 W. Grand also known as Grayson County Appraisal District Property ID 171088.

Councilmember Glover moved to take items 10.6, 10.7 and 10.8 out of order and to consider 10.6 and 10.8 consecutively. Councilmember Owen seconded the motion. Motion carried 4-0. Councilmember Bodine moved to approve the rezone to C-2. Councilmember Fenner seconded the motion. Motion carried 4-0

10.7 Consider and Approve Planning and Zoning recommendation for replat at 416 Cedar also known as Grayson County Appraisal District Property ID 170728. Replat to be renamed Maldonado Addition.

Councilmember Fenner moved to approve the replat as presented. Councilmember Owen seconded the motion. Motion carried 4-0.

10.8 Consider and Approve Board of Adjustment recommendation for Specific Use Permit for inside storage at 228 W. Grand also known as Grayson County Appraisal District Property ID 171088.

Councilmember Bodine made the motion to approve the Specific Use Permit for Inside storage units. Councilmember Fenner seconded. Councilmember Glover moved to discuss. Glover questioned the number of inside storage units and wanted to state the number of storage units or square footage of the property used for inside storage units on the Specific Use Permit. The motion was restated with no change and carried 4-0.

11. EXECUTIVE SESSION

The City Council will convene in closed session pursuant to the provisions of the Open Meeting Law, Chapter 551, Government Code.

Mayor Lawrence started to read the Council into Executive Session at 8:07 PM, but Councilmember Owen stated that per Local Government Code 551.127(e), a physical quorum must be present and Councilmember Fenner cannot participate, leaving only two members physically present. Mayor Lawrence and Councilman Glover both stated that Glover could appear via video-conference. Owen stated she would not participate in an illegal meeting. City Attorney James Tidwell stated that without Ms. Owen an Executive Session could not be held. Glover suggested a five-minute break to contact Councilmember Magers to see if he would return for executive session. The meeting was recessed at 8:10 PM. The City Secretary reached Councilmember Magers via text and requested his return. He declined. Mayor Lawrence called the meeting back into session at 8:18 PM. The Executive Session was canceled.

Executive Session as authorized by Texas Government Code 551.074, Personnel Matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

City Secretary

END EXECUTIVE SESSION

12. RECONVENE

Reconvene into regular session and consider action, if any, on items discussed in Executive Session.

13. ADJOURN

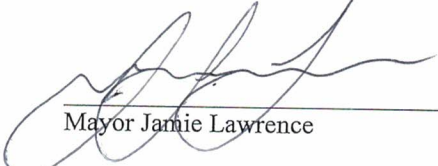
Councilmember Owen moved to adjourn. Councilmember Fenner seconded the motion. Motion carried 4-0. Meeting adjourned at 8:19 PM.

ATTEST:



Tona Shipler - City Secretary

Gwyn Jordan - Interim City Secretary



Mayor Jamie Lawrence