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## **MINUTES OF PUBLIC MEETING OF THE RHOME CITY COUNCIL**

Meeting Date: Thursday, March 8, 2018

Location: Rhome Community Center, 261 North School Road

Meeting Start Time: 7:00 pm

### **Call to Order and Establish a Quorum**

Mayor Pittman Di Credico called the meeting to order at 7:00 pm., announced a quorum present.

#### **Council Members Present:**

Mayor Michelle Pittman Di Credico

Mayor Pro Tem Sam Eason

Council Member Charles Pennington

Council Member Kenny Crenshaw

Council Member Elaine Priest

Council Member LEEANNE MACKOWSKI

#### **City Staff Present:**

City Attorney Carvan Adkins

Fire Chief Fitch

Police Chief Sam Love

Public Works Director Lance Petty

City Secretary Shannon Montgomery

### **Invocation and Pledge of Allegiance to the American Flag**

Council Member Crenshaw gave the invocation and led the Pledge of Allegiance to the American Flag.

Mayor Pittman Di Credico moved the following item forward:

#### **Announcements from Mayor and Council Members**

Police Chief Love introduced the newest Police Officer, Aaron Soultair to the Council and shared that Officer Soultair began on March 1 and has six years of experience.

### **Citizen Presentations and Public Input for Future Agenda Items.**

Josh McCabe, 425 Stirling Road, Rhome, Texas spoke the Council in regards to proper Flag Code Etiquette and requested Council to follow the Flag Code at the new City Hall.

David Gilbert, 430 Old Mill Road South, Rhome, Texas urged Council not to approve the rezoning request of the front entrance of By Well Estates, approve the requested street variance for By Well Estates, and to reconsider the proposed carnival for a different location.

Rusty McCabe, 1229 Alliance Boulevard, Rhome, Texas addressed the noise from the concrete plat to the west of By Well Estates.

### **Public Hearings**

- A. City Council to conduct a public hearing to consider a request for a change in zoning for a portion of land in By Well Estates from Residential to Retail, legal property description being Lot: 1R, Block: A, Subdivision: BY WELL ESTATES PH2, Abstract: A-743 SMITH CSL, Acres: 7.229; Property Address being 6145 E HWY 114, Rhome, Texas**

Mayor Pittman Di Credico opened the Public Hearing at 7:11 p.m.

Council heard from several residents in opposition of the request for zoning change, including the following:

David Gilbert  
Deborah BeCraft  
Rusty McCabe  
Chip Kowalski  
Tommie Eason

Council heard from David Clarborn, representative of property owner, Midlothian Timber Oaks, in regards to the change to the tax base if the property stays residential.

Mayor Pittman Di Credico closed the Public Hearing at 7:24 p.m.

***B. City Council to conduct a public hearing to consider a request for a Replat to combine four lots into one, legal property being 210 South Old Mill Road, Rhome, Texas and being Lots 1 through 4, Block 8 of the Original Town of Rhome, Wise County, Texas, according to the plat thereof recorded in Volume 5, Page 640, Deed Records, Wise County, Texas.***

Mayor Pittman Di Credico opened the Public Hearing at 7:24 p.m.

Rhome resident Patty Mitchell asked who had requested the replat and why. Property owner Odell Magee stated that he is requesting to combine the four lots into one to construct a residential home on the property.

Mayor Pittman Di Credico closed the Public Hearing at 7:27 p.m.

### **Consent Agenda**

***C. Minutes of February 8, 2018***

***D. Department Reports: Police, Fire, Public Works, Municipal Court, and Administration***

***E. Board Minutes: Parks & Recreation and Planning & Zoning Commission***

Motion made by Council Member Mackowski, seconded by Council Member Crenshaw to accept the Consent Agenda as amended. Motion carried unanimously.

### **Executive Session**

***F. Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551 (Texas Open Meetings Act), the Council will convene into executive session to discuss the following:***

***A) Section 551.071 Consultation with Attorney under Subsection (2) to consult with the City Attorney on matters 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 the Texas Open Meetings Act:***

- 1. Eastside Wastewater Treatment Plant Expansion project***
- 2. Variance Request for streets in ByWell Estates Phase 2***

***B) Section 551.072 Deliberation regarding Real Property to discuss or deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person:***

- 1. Legal: Acres: 0.076, Lot: 10, Block: 9, Subdivision: ORIGINAL TOWN RHOME***

**2. Legal: Acres: 0.161, Lot: 11 & 12, Block: 9, Subdivision: ORIGINAL TOWN RHOME**

**3. Gas well lease on real property in Quail Meadows**

**C) Section 551.074 Deliberation regarding Personnel to discuss or deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, or hear a complaint or charge against an officer or employee in executive session unless the officer or employee requests a public hearing:**

**1. City Engineer**

Mayor Pittman Di Credico reconvened into Regular Session at 8:27 p.m.

### **Reconvene into Regular Agenda**

#### ***Any necessary action as a result of Executive Session***

Motion made by Mayor Pro Tem Eason, seconded by Council Member Mackowski, to authorize the Mayor to move forward with Design Phase contract for the Eastside Wastewater Treatment Plant Expansion project. Motion carried unanimously.

Motion made by Mayor Pro Tem Eason, seconded by Council Member Mackowski, to approve the road variance exactly as written and no moving permits will be issued until the roads are inspected by the City Engineer and they conform to the requirements of the variance. Motion carried unanimously.

Motion made by Mayor Pro Tem Eason, seconded by Council Member Mackowski, to authorize the Mayor to negotiate on a gas lease on Quail Ridge. Motion carried unanimously.

Motion made by Mayor Pro Tem Eason, seconded by Council Member Crenshaw, to authorize the Mayor to spend the necessary funds for the appraisals of city property. Motion carried unanimously.

### **Regular Agenda – Old Business**

**G. Discussion and any necessary action regarding Request for Proposals for Outdoor Warning Sirens and authorizing the Mayor to expend funds for the project**

Motion made by Council Member Priest, seconded by Council Member Crenshaw, to accept the bid of SafetyCom, Inc. minus the encoder or ask SafetyCom, Inc. to meet the \$50,000 max budget. Motion carried unanimously.

**H. Discussion and any necessary action regarding the permitting and design phase of the Eastside Wastewater Treatment Plant Expansion project**

Action taken immediately reconvening from Executive Session.

**I. Discussion and any necessary action regarding quotes asbestos removal and demo/renovation of Old School building located at 261 N. School Road including plans for municipal complex at same location**

Mayor Pittman Di Credico recapped the list of bidders:

- Intercon Environmental, Inc. - \$51,642.00
- HP EnviroVision – (1) \$33,690.00 and (2) \$37,690.00
- E-Logic, Inc. - \$31,200.00
- AMX Environmental - \$28,675.00

Mayor Pittman stated that the City has worked with HP EnviroVision in the past; she was not recommending them, she just wanted to stated that the City has worked with them prior. All companies, except for AMX Environmental had toured the Old School Building.

Motion made by Council Member Mackowski to accept the bid for HP EnviroVision; motion died for lack of a second.

Mayor Pittman Di Credico thought it would be a good idea to get the City Engineer and an architect to see if it would be feasible to renovated the building instead of demolishing it.

Motion made by Council Member Crenshaw to authorize the Mayor to expend funds to see estimates to renovate the Old School building instead of demolishing; motion died for lack of a second.

Motion made by Mayor Pro Tem Eason, seconded by Council Member Priest, to authorize the Mayor to expend up to \$10,000 to seek estimates regarding both demolition and renovating the Old School Building. Motion carried 4-1-0 with Mayor Pro Tem Eason, Council Member Pennington, Council Member Crenshaw and Council Member Priest voting for and Council Member Mackowski voting against.

Motion made by Mayor Pro Tem Eason, seconded by Council Member Crenshaw to authorize the Mayor to engage into contract negotiations with E-Logic, Inc. Motion carried unanimously.

***J. Discussion and any necessary action regarding the building renovation/relocation of the municipal court room/council chambers including authorizing the mayor to expend funds for project***

Motion made by Mayor Pro Tem Eason, seconded by Council Member Mackowski, to approve renovations of the municipal court room/council chambers and authorize the Mayor to expend funds for the project. Motion carried unanimously.

***K. Discussion and any necessary action regarding an Ordinance defining the powers of the mayor***

Motion made by Council Member Mackowski, seconded by Council Member Crenshaw to approve an Ordinance defining the powers of the Mayor. Motion carried unanimously.

***L. Discussion and any necessary action regarding creating part-time position for recreation center***

Tommie Eason updated the Council that the Decatur Bank will be donating \$200 a month to the Seniors, the Seniors are paying Marie, and that the Seniors are running low on funds. The Seniors will try to obtain 5013c status and ask Rhome Businesses to sponsor Marie.

No action taken; discussion only.

***M. Discussion and any necessary action regarding adopting 2018 proposed revisions to the City of Rhome Personnel Manual and Employee Handbook adopted July 11, 2013 revised September 12, 2013***

Motion made by Mayor Pro Tem Eason, seconded by Council Member Mackowski to postpone this agenda item to the April Council Meeting. Motion carried unanimously.



### **Regular Agenda – New Business**

***N. Discussion and any necessary action regarding a request for a change in zoning for a portion of land in By Well Estates from Residential to Retail, legal property description being Lot: 1R, Block: A, Subdivision: BY WELL ESTATES PH2, Abstract: A-743 SMITH CSL, Acres: 7.229; Property Address being 6145 E HWY 114, Rhome, Texas***

Motion made by Council Member Crenshaw, seconded by Mayor Pro Tem Eason to approve the road variance request. Motion carried 4-0-1 with Mayor Pro Tem Eason, Council Member Pennington, Council Member Crenshaw, and Council Member Mackowski voting for and Council Member Priest abstaining.

***O. Discussion and any necessary action regarding a request for a Replat to combine four lots into one, legal property being 210 South Old Mill Road, Rhome, Texas and being Lots 1 through 4, Block 8 of the Original Town of Rhome, Wise County, Texas, according to the plat thereof recorded in Volume 5, Page 640, Deed Records, Wise County, Texas***

Motion made by Council Member Mackowski, seconded by Mayor Pro Tem Eason, to approve the Replat request combining four lots into one. Motion carried unanimously.

***P. Discussion and any necessary action regarding Variance Request for streets in ByWell Estates Phase 2***

Action taken immediately reconvening from Executive Session.

***Q. Discussion and any necessary action regarding sale or lease of city real property***

Action taken immediately reconvening from Executive Session.

***R. Discussion and any necessary action regarding utilizing auction service for police department***

Motion made by Council Member Mackowski, seconded by Council Member Crenshaw, authorizing Police Chief Love to choose an auctioneering service and proceed with an auction. Motion carried unanimously.

***S. Discussion and any necessary action regarding creating position for Public Works Administrative Assistant***

Mayor Pittman Di Credico stated that Public Works Director Petty had budgeted for a fourth technician so the funding would just be converted from a technician position to an Administrative Assistant position.

Motion made by Mayor Pro Tem Eason, seconded by Council Member Mackowski, to approve the creation of a Public Works Administrative Assistant position. Motion carried unanimously.

***T. Discussion and any necessary action regarding the City's 2018 Calendar of Events***

Motion made by Council Member Mackowski, seconded by Council Member Crenshaw to accept the City's 2018 Calendar of Events. Motion carried unanimously.

***U. Discussion and any necessary action regarding carnival in city for 2018***

City Attorney Adkins stated that a carnival is not allowed in residential zoning; the city needs to find an appropriate location and zoning to hold the proposed carnival and then the Council would need to approve a Special Use Permit.

Motion made by Council Member Mackowski, seconded by Council Member Priest, to authorize the City Attorney to continue his review of the ordinances to see if there are provisions to hold a carnival. Motion carried unanimously.

***V. Discussion and any necessary action regarding City Engineer***

Council did not take any action on this item.

***W. Discussion and any necessary action regarding Memorandum of Understanding (MOU) with Wise County for use of equipment***

Motion made by Mayor Pro Tem Eason, seconded by Council Member Mackowski, to authorize the Mayor to enter into an agreement with Wise County for use of equipment, subject to legal review. Motion carried unanimously.

***X. Discussion and any necessary action regarding Resolution adopting new Rate Review Mechanism (RRM) tariff to govern future annual rate filings by Atmos Mid-Tex***

Motion made by Council Member Crenshaw, seconded by Council Member Mackowski, to approve a Resolution adopting a new Rate Review Mechanism (RRM) tariff to govern future annual rate filings by Atmos Mid-Tex. Motion carried unanimously.

***Y. Discussion and any necessary action regarding a Contract for Election Services with Wise County for the May 5, 2018 General and Special Election***

Motion made by Mayor Pro Tem Eason, seconded by Council Member Mackowski to enter into a contract for Election Services with Wise County for the May 5, 2018 General and Special Elections. Motion carried unanimously.

***Z. Discussion and any necessary action regarding a Joint Election Agreement with NISD for the May 5, 2018 General and Special Election***

Motion made by Mayor Pro Tem Eason, seconded by Council Member Mackowski, to enter into a joint election agreement with NISD for the May 5, 2018 General and Special Elections. Motion carried unanimously.

***AA. Discussion and any necessary action regarding the designation of the Election Judge and Alternate Election Judge for the May 5, 2018 General and Special Election***

Motion made by Council Member Crenshaw, seconded by Mayor Pro Tem Eason, to approve the designation of Election Judge and Alternate Election Judge as presented. Motion carried unanimously.

**Future Agenda Items**

Council did not request any future agenda items.

**Adjourn**

Motion made by Council Member Mackowski, seconded by Council Member Priest, to adjourn. Meeting adjourned at 9:59 pm.

**Minutes approved the 5th day of April 2018.**

*Michelle Pittman Di Credico*

Michelle Pittman Di Credico,  
Mayor



*Shannon Montgomery*

Shannon Montgomery, TRMC  
City Secretary