

Minutes

October 20, 2022 @ 6:00pm
Regular Council Meeting

1. Call to Order @ 6:03pm
2. Roll Call: Fladmark, Dumont, Lawhon, Sestito and Harrison
 - (a) **Quorum Established**
3. Invocation and Pledge of Allegiance

Councilmember Fladmark made a motion to move agenda item number 7 before 18, limit presentation time and request that the city be able to respond with equal time then allow those signed up to speak. Motion was seconded by Councilmember Dumont. Motion Passed 4/0.
4. Citizen Comments: Citizens wishing to speak on an agenda item must sign up to do so (3 Minute Maximum)
 - a. Charles Wells gave an RMS Gateway presentation. This gateway will provide Winlink which is used by all emergency communications. Currently there is not an RMS Gateway in Henderson County. Motion to expand time was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 4/0. The cost incurred by the city would only be the cost of high-speed internet and electricity required to power the RMS Gateway. Mr. Wells stated that he would put in a request to appear on the agenda for next month's meeting to be able to address the council and receive their feedback.
 - b. Philip Weeks – Spoke regarding a problem with the Police Department. Mr. Weeks stated that he has asked for help on multiple occasions regarding speeding on 274 and trying to keep his children safe when getting on/off the bus due to vehicles going around the bus and was told by Chief Rossmann that the PD had other things to do and couldn't help him. He should take it up with the school.
 - c. Bill Zook of 1825 Emma Dr. spoke and asked "What exactly is the monthly PD report and what does it cover with the PD being cut short with officers?" He also addressed Mayor Lawhon with the question "Mayor there is rumor circulating that you are trying to get the Police Chief fired and Police Officers fired, is this true?"
5. Approve Minutes: September 15th, 2022, Regular Meeting. Motion to approve was made by Councilmember Harrison with second by Councilmember Sestito. Motion Passed 4/0.
6. Approve Consent Agenda Items "A" thru "G"; Monthly Activity Reports for September 2022 as presented: (A) Municipal Court; (B) Police; (C) Financial and Expenditure; (D) Maintenance; (E) Building(F); Code Enforcement and (G) Animal Control. Motion to approve items A-E was made by Councilmember Fladmark with second by Councilmember Sestito. Motion Passed 4/0.
7. Update on property located at 1216 S. Tool Drive. Writ of possession was today. Constable has given tenants until Tuesday to remove heavy engines and equipment from the property. The owner of the property will take possession of the property next Wednesday the 26th. After Wednesday, the owner plans to get estimates to repair the property and will bring those estimates before Council. A Public Hearing will be set for the November Council Meeting.
8. Discuss and take action to adopt Henderson County Interlocal Agreement for Child Abuse, Investigation Services, and Law Enforcement Services. Motion to table the Henderson County Interlocal Agreement for Child Abuse, Investigation Services, and Law Enforcement Services was made by Councilmember Fladmark citing needing clarification on an "Operating Police Force" and if funds are reimbursed if agreement is cancelled. Motion was seconded by Councilmember Dumont. Motion passed 4/0.
9. Discuss and take action to adopt Resolution 2022-04R, creation of a Fiscal Affairs Committee. City Administrator Kizzee addressed council stating that this committee would be compiled with the following:

one employee of the city, one councilmember, and three citizens of Tool. This committee would meet once every quarter and he is requesting the creation of this committee to establish financial transparency throughout the city. Motion to adopt Resolution 2022-04R, creation of a Fiscal Affairs Committee was made by Councilmember Sestito with second by Councilmember Harrison. Motion Passed 4/0.

10. Discuss and take action to adopt Fiscal Affairs Committee Bylaws. Councilmember Fladmark asked City Administrator Kizzee in regard to the section under purpose "What is our true vision" and added that he would like citizen feedback. City Administrator Kizzee stated that the committee would not meet until January. Councilmember Fladmark also asked City Administrator Kizzee in the Terms & Criteria section should the word Board be changed to Committee? City Administrator Kizzee said that he would make the change regarding the language. Motion to adopt Fiscal Affairs Committee Bylaws with amendment to change language from Board to Committee was made by Councilmember Fladmark with second by Councilmember Sestito. Motion Passed 4/0.
11. Action on a request by Timothy Yates of 1217 Aloha Road of the Paradise Bay Subdivision to replat lots 2070 and 2071, creating one 0.76-acre lot, Lot 2070-R. Council requested the intent of the replat. Mr. Yates stated that his intent was to replat the property to build. Motion to replat lots 2070 and 2071, creating one 0.76-acre lot, Lot 2070-R was made by Councilmember Dumont with second by Councilmember Sestito. Motion Passed 4/0.
12. Action on a request by John Heimsath of 424 Ridgewood Dr of the Cedarcrest Shores Subdivision to grant two variances, one on the 5 ft setback from the property line and one to place a carport in the front yard. Councilmember Harrison asked if there was a survey of the property available. A survey was not provided by the property owner. Motion to grant two variances, one on the 5 ft setback from the property line and one to place a carport in the front yard was made by Councilmember Sestito with no second. Motion Failed.
13. Action on a request by Robert Cochrane of 495 Kontiki Dr to grant two variances, one on the off-street parking and loading requirement and one on the side setback from Kontiki Drive. Councilmember Dumont recused himself citing that Mr. Cochrane was currently doing a construction project at his home. Councilmember Sestito made the motion to grant a parking variance for lot 706 and a portion of lot 705 of the Paradise Bay Subdivision with proposed address of 904 S. Tool Drive. Councilmember Fladmark seconded this motion. Motion Passed 3/0.
14. Action to adopt Ordinance 2022-08, at the request of Bella Trust of 1209 Rim of The World Dr of the Westwood Beach Subdivision to abandon 0.09 acres of the city's right of way. Motion to approve was made by Councilmember Dumont with second by Councilmember Harrison. Motion Passed 4/0.
15. Action to adopt an amendment to the Employee Handbook, creating a PTO bank. Staff addressed that this bank would be used for medical uses only. Motion to approve was made by Councilmember Harrison with second by Councilmember Sestito. Motion Passed 4/0.
16. Discuss and take action to adopt Police Department General Orders/Policies and Procedures Item Numbers 3000-3500. Councilmember Harrison inquired on the effective date. Chief Rossmann stated that the effective date would be the date of adoption. Chief Rossmann was also asked by Councilmember Harrison in regard to the Section 3200 Notification Procedures how being On Call was handled. Councilmember Harrison also asked in regard to Section 3300 pertaining to Department vehicles and who is allowed? Councilmember Fladmark asked Chief Rossmann if his plan was to do quarterly or half year review to make sure officers are familiar with the Polices. Chief Rossmann stated that yes, they would be reviewed yearly. Motion to adopt Police Department General Orders/Policies and Procedures Item Numbers 3000-3500 was made by Councilmember Harrison with second by Councilmember Sestito. Motion Passed 4/0.
17. a Action on a request by Tracy Lawhon to address council regarding the city's possible violation of his civil rights. Mayor Lawhon recused himself. Mayor Pro-Tem Dumont is now presiding over the meeting. Mr. Tracy Lawhon requested that he would like to reschedule for a private session at a later date. Dale Price was signed up to speak but declined since the Mayor recused himself.
18. Convene into executive session pursuant to Texas Government Code Chapter 551.074, Police Department

Personnel Matters. Motion to make Mayor Pro-Tem Dumont the presiding officer during the executive session was made by Councilmember Fladmark with second my Councilmember Dumont. Motion passed 4/0. Chief Reid Rossmann exercised his right to have session in open. City Administrator Kizzee stated that he had accepted his resignation on Monday but brings it before council this evening. Councilmember Dumont gave the floor to Mayor Lawhon and Lawhon had nothing to say. Chief Rossmann was given the the floor to speak. Chief Rossmann began by saying that his 15 ½ months with the City of Tool had been mostly ok. He continued by saying that he heard that Mayor Lawhon had called the store clerk at Lucky's to tried to get her to come here today and complain about me not responding to a call. Chief Rossmann explained that he was in Athens when that call was placed but did follow up once he was back in the area. Chief Rossmann went on to say that he has heard from numerous people around the lake that Mayor Lawhon was speaking ill of him and that he believes that is why officers will not apply to work here. Rossmann continued further by saying that there were three previous officers who would give Mayor Lawhon intel about the department and there were rumors about his (Chief Rossmann) credibility. Councilmember Fladmark asked Rossmann ,” is this was an ongoing process, did you ever think about filing a grievance?” Rossmann replied with, “No, on 2 occasions I had a sit down with the mayor and we agreed to clear the air but it just kept happening.

- Janice Powers spoke and stated that Chief Rossmann tried to clean up the city and appreciated his service.
- Beth Petty spoke and stated that the past year has been good. The City has a good Police Department and a previous decent Mayor. She asked why can't the current Mayor be professional?
- Pam Skaggs spoke and stated that while getting her hair done at a hair salon in Mabank she was hearing negativity. She told Mayor Lawhon that he does nothing but negativity and tear apart the city.
- Tawnya Austin spoke and said she appreciated all of council and felt like we've lost enough good in the city. She asked what we are doing to keep the employees we have and said that we need to move forward.
- Scott Felton spoke and thanked the council for their service. He informed the council of a woman in Arnold Hills that recently collapsed, and it took 25 minutes to get a police officer to respond and it took 45 minutes to get an ambulance. He stated that something needs to change.
- Dale Price spoke and recalled a question that posed to the Mayor when he was running for election that asked if he would have a problem working with these people to which the Mayor responded that no he did not. Mr. Price stated that we have a fine Chief of Police who is doing great – shame on you Mayor.
- Billie Hathaway spoke and stated that she appreciated all of council.
- Terry Fenwick spoke and stated that what he had seen here tonight was disgusting; for people to jump on the Mayor and Police Chief. He then stated that he had had a problem next door for eight months and reported it to the Police Department and the response he received from Chief Rossmann was to call the Sheriff's Department. Mr. Fenwick also stated that he called to talk to Chief Rossmann on numerous occasions and was told he was not available and never received a return call. He stated that he then called the City Secretary and she had him call me.
- Roland Napoles spoke and stated that it was a he said /she said thing. He asked how do we know who is telling the truth? His final question was “Wasn't the Police Chief on the board to interview the Police Chief Candidates?”

- Michelle McClain spoke and asked what are we going to do for Police?
19. Reconvene in open session and take any action necessary as a result of executive session. Councilmember Sestito asked “What is the plan if we accept his resignation?” City Administrator Kizzee stated that we would bring in an Interim. Councilmember Sestito responded “What are we going to do about officers? City Administrator Kizzee said that the timing was not ideal. Councilmember Dumont stated that Chief Rossmann had submitted his letter of resignation and then asked Rossmann directly, “ You are resigning, correct?” Chief Rossmann responded yes.
- Randall Austin spoke and said that Mayor Lawhon was the cancer in this city.
 - Pam Skaggs spoke and stated that she wanted Reid (Chief Rossmann) to resign and that she could see why he is tired and stated that he put things into place that were never done before.
 - Patty Rossmann spoke and stated that her husband was an officer in Little Elm for over 20 years and never had an issue. Mrs. Rossmann then stated all you have done Tommy (Mayor Lawhon) is smear his name. You are cowardly and do not answer questions. Mayor Lawhon responded by saying that Rossmann had made severe mistakes and that Julius came to him with them.
 - Tracy Lawhon spoke and stated that he hated the fact that the people of this city will not come to confront Rossmann. He then asked if Chief Rossmann did everything he could to help him out in his situation?
 - Brandy Weeks spoke and asked Rossmann why he couldn’t take 15 minutes out of his day to help kids on 274. She stated that she had come to Chief Rossmann about this but was told that he didn’t have time and couldn’t help her.

Councilmember Fladmark stated that he was disappointed in the Mayor. He went on to say that we have lost so many employees in the last year. Chief Rossmann lists a number of grievances against you, what is your response? Mayor Lawhon responded that he had went to Chief Rossmann three times and asked for a weekly report and Chief Rossmann told him he will not be micromanaged. Mayor Lawhon said that he received the weekly report for three weeks and then it stopped. Councilmember Fladmark made the remark, we have 2 choices here tonight. We could ask the mayor to resign. Councilmember then went on to make a motion to accept Chief Rossmann’s resignation. No second. Motion failed. Councilmember Dumont made a motion to decline Chief Rossmann’s Resignation Agreement and Release. Motion was seconded by Councilmember Harrison. Motion passed 4/0.

Closing

- 20. Next Meeting: November 17th, 2022
- 21. Adjourn @ 8:26pm

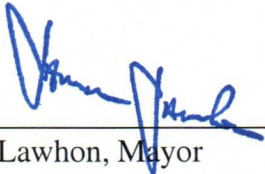
Passed and approved this 17th day of November 2022.

A meeting that is “open to the public”, pursuant to the Open Meetings Act, is one that the public is permitted to attend. The act does not entitle the public to choose the items to be discussed or to speak about items on the agenda. If the City Council, during the course of the meeting covered by this notice, should determine that an executive session is required, then such executive session, as authorized by the Texas Open Meetings Act, Texas Government Code, Section 551.001 et seq., will be held by the Council at the date, hour and place given in this notice, concerning but not limited to the following sections and purposes of the Act: 551.071 Private consultation with the city’s attorney; 551.072 Deliberations about Real Property; or, 551.074 Discussing personnel or to hear complaints against personnel. Should any final action, final decision or final vote be required in the opinion of the City Council with regard to any matter considered in such executive session, then the final

action, final decision or final vote shall be in the open meeting covered by this Notice upon the reconvening of the public meeting.

“Pursuant to Texas Government Code section 551.007, members of the public may speak on an agenda item during the citizens comment section of the meeting or at the time the agenda item is called for discussion by the Mayor. Speakers must sign up with the City Secretary to speak and shall be given three (3) minutes to speak. A speaker needing a translator and/or interpreter may be given six (6) minutes to speak. Criticism of city employees or staff is prohibited. Those wishing to address the Council regarding an item not on the agenda must be a citizen, property owner or business owner of Tool. Comments on such non-agenda items shall be limited to three minutes. The Council will not comment on items not on the agenda; however, the Council may refer the item to city staff for research, resolution, or referral of the matter to the Council as a future agenda item.”

I certify that the above notice of meeting, a true and correct copy, was posted on the bulletin board in front of Tool City Hall prior to the required 72 hours and that the city’s official newspaper was notified.



Tommy Lawhon, Mayor



Attest:



Cheryl Odom, City Secretary