

Minutes

November 17, 2022 @ 6pm
Regular Council Meeting

1. Call to Order @ 6pm
2. Roll Call: Fladmark, Dumont, Lawhon, Sestito and Harrison.
 - a. **Quorum Established**
3. Invocation & Pledge of Allegiance
4. Citizen Comments: Citizens wishing to speak on an agenda item must sign up to do so (3 Minute Maximum)
5. Approve Minutes: October 20, 2022. Motion to approve the minutes from the October 20, 2022, regular scheduled meeting was made by Councilmember Sestito with second by Councilmember Harrison. Motion Passed 4/0.
6. Approve Consent Agenda Items "A" thru "G"; Monthly Activity Reports for October 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 Agenda Items "A" thru "G" with the exception of item "F" was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 4/0.
7. Discuss and take action on a petition from Roland Napoles and other residents on Plantation Drive to install road humps.
 - a. Roland Napoles presented his petition to City Council hoping the City would approve two Road Humps. He stated that someone was going too fast around a curve and a truck hit a neighbor's carport and truck.
 - b. Jerry Slovak stated that we need the speed humps especially on Plantation Drive. He requested that there be at least two on Plantation Drive and that one would be needed as well on Woodcrest. He requested that the City help him, and that people are cutting through woods from Paradise Bay to access Lakeway Estates. Councilmember Dumont asked Mr. Slovak "How many owners are in Lakeway Estates?" Mr. Slovak responded, "Approximately 60-70."
 - c. Tawnya Austin stated that if the City were going to do them, before we make a commitment, we should know the cost and make sure doing so will not harm the roads.
 - d. City Administrator Kizzee shared his thoughts on the matter. He questioned if the subdivision could pay for them or reduce speed limit. Mr. Roland Napoles asked "Why the city would be liable?" He also said that humps do no damage to vehicles.
 - e. Councilmember Sestito stated that there needs to be more investigation but that he agreed with Roland that they are needed. Councilmember Sestito also stated that the City would be liable if we place humps that aren't properly engineered – however, if we investigate and install humps that are properly engineered liability would be reduced. Councilmember Harrison asked could we compile a list of most areas where speeding is taking place and that would want to hear from the Fire Department and hear that they are OK with it. City Administrator Kizzee responded to Councilmember Harrison stating that a Traffic Study would take time and would not solve Mr. Napoles problem and that he had been trying to get help for this problem for some time. Councilmember Fladmark stated that the speed humps do need to be engineered and that research needed to be done.

Motion to Table was made by Councilmember Fladmark with second by Councilmember Harrison.
Motion Passed 4/0.
8. Action on a request by Charles Wells for approval to install necessary computer systems and radio equipment with internet access for an RMS Gateway.
 - a. Councilmember Sestito asked if this gateway would interfere with police equipment. Mr. Wells stated that it would not interfere. Councilmember Sestito also asked if there was a cost involved with the gateway. Mr. Wells stated that there was no cost to install it just that it would need electricity and internet capabilities. Councilmember Harrison asked what would happen if City Hall lost electricity. Mr. Wells said that his system can be ran off a battery. City Administrator Kizzee asked Mr. Wells if he would be the person we would be in contact with. Mr. Wells stated that yes, he is. Next, City Administrator Kizzee asked Mr. Wells why put one in Tool? Mr. Wells stated that the City has a tall tower and great internet. City Administrator Kizzee concluded his questions by asking Mr. Wells if he had been in contact with Tool Fire Department about this? Mr. Wells responded by saying that no, they have nothing to do with this. Councilmember Fladmark asked do we need a contract company that installed tower and conduit to make sure that attaching to the tower would not void warranty?

Motion to Table until January meeting was made by Councilmember Dumont with second by Councilmember Harrison. Motion Passed 4/0.

9. Action on a request by Leigh Sherman of 412 Oak Creek Dr. to grant a variance on the 24ft maximum length requirement of a carport.
 - a. Councilmember Harrison asked Mrs. Sherman if she had a survey because this could run into another variance, a setback variance. Councilmember Sestito asked Mrs. Sherman if she knew where her property markers are. Mrs. Sherman response that no she did not. Councilmember Dumont asked Mrs. Sherman if the metal poles were there originally or did, she place them. Mrs. Sherman explained that the guy misunderstood and put them in before they gave him the go ahead.

Motion to Table was made by Councilmember Harrison with second by Councilmember Fladmark. Motion Passed 4/0.
10. Discuss and take action to adopt Henderson County Interlocal Agreement for Child Abuse, Investigation Services and Law Enforcement Services. Motion to approve was made by Councilmember Sestito with second by Councilmember Fladmark. Motion Passed 4/0.
11. Discuss and take action to adopt Ordinance 2022-06, Minimum Square Footage for Homes. Motion to approve was made by Councilmember Dumont with second by Councilmember Sestito. Motion Passed 4/0.
12. Action to adopt amendments to the Employee Handbook, including verbiage of PTO change to vacation time, compensatory time for employees, FMLA Leave policy, Long-Term Absence Control Policy and Grounds for Termination.
 - a. Councilmember Harrison stated that she does not like the word “or” and that it needs to be clear and straightforward. She then asked why only the Secretary and Chief of Police? Should it read all Department Heads?

Motion to approve changes to Employee Handbook, including verbiage of PTO change to vacation time, compensatory time for employees, FMLA Leave policy, Long-Term Absence Control Policy with changing the language of Long-Term Absence Control Policy from “will” to “shall” was made by Councilmember Fladmark with second by Councilmember Harrison. Motion Passed 4/0.
13. Canvass votes from the November 8th, 2022 City of Tool General Election.
14. Reorganize outgoing members of the governing body.
 - a. Tawnya Austin stated that the last few years have been tough ones and that she appreciated council for sticking in there and congratulations to Mike, Greg, John and Mark and wished them well.
15. Install newly elected council members.
16. Consideration and appointment of Mayor Pro-Tern. Motion to nominate Councilmember Dumont as Mayor Pro-Tern was made by Councilmember Fladmark with second by Councilmember Figueroa. Motion Passed 4/0.

Closing

17. Next Meeting: December 15th, 2022
18. Adjourn @ 7:47 PM

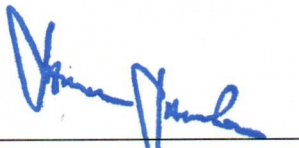
Passed and Approved this 15th day of December 2022.

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.

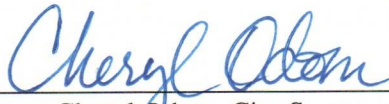
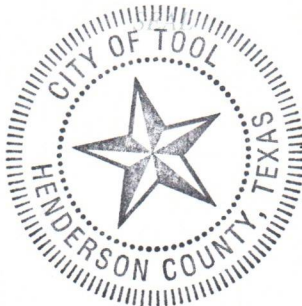
"Pursuant to Texas Government Code section 551.007, members of the public may speak on an agenda item during the citizens comment section of the meeting or at the time the agenda item is called for discussion by the Mayor. Speakers must sign up with the City Secretary to speak and shall be given three (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.

Attest:



Tommy Lawhon, Mayor



Cheryl Odom, City Secretary