

Minutes
January 19th, 2023
@ 6:00pm
Regular Council Meeting

1. Call to Order @ 6:01pm
2. Roll Call: Fladmark, Dumont, Lawhon, Brasfield, Figueroa and Holley. All Present. Councilmember Brasfield present via Zoom.
3. Invocation and Pledge of Allegiance
4. Citizen Comments: Citizens wishing to speak on an agenda item must sign up to do so (3 Minute Maximum)
 - a. Kim Welch informed the public that the Library at Cedar Creek Lake is having their annual fundraiser on February 4th at the Country Club in Athens.
5. Approve Minutes: December 15th, 2022 Regular Meeting and January 9th, 2023 Special Meeting. Councilmember Fladmark requested clarification regarding the language on item number 11 in the minutes from the December 19th Regular Meeting. It was verified by the City Secretary that the language was correct as written. Motion to approve minutes from the December 15th, 2022 Regular Meeting and the January 9th, 2023 Special Meeting was made by Councilmember Fladmark with a second by Councilmember Dumont. Motion Passed 5/0.
6. Approve Consent Agenda Items "A" thru "G"; Monthly Activity Reports for November 2022 as presented: (A) Executive Summary (8) Municipal Court; (C) Police (D) Maintenance; (E) Building (F) Code Enforcement and; (G) Animal Control. City Administrator Kizzee addressed the Council to make two comments regarding the agenda. Kizzee stated that the agenda says November 2022 and should be read January 2023 and as presented and that the Monthly Finance Report was excluded from this agenda since Staff is still in the process of getting more concrete numbers. Councilmember Dumont stated that it should be read as December 2022. City Administrator Kizzee apologized stating that he read the previous item. Councilmember Fladmark discussed the Police Report and commended Chief Robert Walker and his force on slowing things down on State Highway 274 since it is a dangerous thoroughfare. Motion to approve the consent agenda items A-G excluding item D for the Financial and Expenditure and to correct the reference to November 2022 to December 2022 was made by Councilmember Fladmark with a second by Councilmember Figueroa. Motion Passed 5/0.
7. Action on a request by Greg Figueroa and Caroline Figueroa of 317 Tangle Drive of the Arnold Hills Subdivision to replat lots 62, 63, 64, 65 to create a 0.57-acre lot 62-R, 0.29-acre lot 63-R, a 0.29-acre lot 64-R, and a 0.295 acre lot 65-R. Councilmember Figueroa recused himself from this item. Mr. Scott Felton of 89 Hillcrest Drive represented the Figueroa's on this request. Councilmember Dumont questioned if these lots tie into the canal that is located near these properties. Mr. Felton responded saying there has never been a canal behind these lots and the water comes in two lots away. Councilmember Dumont asked the Building and Code Official Lacosta Davis if she inspected this property and if she had seen any problems. Ms. Davis responded saying she did inspect the property and found no problems with the property. Councilmember Fladmark asked Mr. Felton if the neighbors are in agreement that this is not a problem. Mr. Felton stated that the Figueroa's own the property to the east and directly behind and that he owns the lots to the west and he has not heard of any objections to this request. Mr. Felton concluded by saying that this request was essentially taking ten feet off one lot and spreading it to the other lots. Motion to approve the request to replat lots 62 to lots 65 in Arnold Hills was made by Councilmember Fladmark with second by Councilmember Dumont. Motion Passed 4/0.
8. Action on a request by Leigh Sherman of 412 Oak Creek Drive to grant a variance on the 24ft maximum length requirement of a carport. Leigh Sherman stated that she has come before the council previously and needed to come back to verify the easement, offset of the carport from the easement, her property line and where the carport is going to start. Mrs. Sherman stated that her property line is six feet from the 40-foot easement of the road and the carport starts six feet after that going to the garage. Councilmember Dumont asked how far the side setback is and if she had found her survey. Mrs. Sherman stated that she believed that her setback was five feet and that she found the pins. Motion to approve the request by Leigh Sherman of 412 Oak Creek Drive to grant the variance on the 24-foot max length requirement for a carport was made by Councilmember Dumont with second by Councilmember Holley. Motion Passed 5/0.
9. Action on a request by Clay Frugé of 1113 Wood Canyon Road to grant a variance to allow living space in a detached accessory structure. Mr. Frugé stated that he purchased this house in December of 2022 and on the survey, there is a detached building that was built in 2007. Upon purchase, the detached building already had a bathroom and was used as an office and garage and it did not have HVAC. Mr. Frugé stated that his purpose in coming before the council was to get a variance that if he ever decides to use it as an office, it is legitimate. Councilmember Holley asked if

the building had running water, and Mr. Frugé stated that it did and there were no problems with the plumbing. Mr. Frugé stated that he is in the process of building a deck and that he had to trace the water line. Councilmember Fladmark asked where the deck was being built. Mr. Frugé stated that it is going between the house and the detached structure. Mr. Frugé said it would be behind the build line and that the deck has been permitted. Councilmember Fladmark verified that the plan was not to use the space as a living space and Mr. Frugé stated that his plan was to use it as an office only. Councilmember Fladmark concluded by saying that any electrical work needing to be done will need to be brought up to the current code. Councilmember Dumont asked if there was a problem with the side setback. Mr. Frugé stated that the setback was 16 feet away and that he had found his pins. Councilmember Brasfield stated that Mr. Frugé lives in his neighborhood, it is well off from the street and that the POA has no problems with this request. Motion on the request by Clay Frugé of 113 Wood canyon Rd to grant a variance to allow office space in a detached accessory structure was made by Councilmember Dumont with second by Councilmember Figueroa. Motion Passed 5/0.

10. Action on a request by Eric Napier of 609 East Oakwood Dr. to grant a variance to allow a recreational vehicle to be placed in the front yard of the property. Councilmember Dumont stated that it is really not allowed for them to be living in their recreational vehicle and inquired if they had sewer, running water or electricity. Mr. Napier reassured Council that his intent was to only live in it until the completion of their new home being built if council allowed it. After the amendment, Councilmember Dumont made the motion to grant a variance to allow a recreational vehicle to be temporarily placed in the front yard of the property for one year with a second by Councilmember Fladmark. Motion Passed 5/0.
11. Action to adopt Resolution# 2015-04R_A 12, Corporate Bank Authorization. City Administrator Kizzee stated that currently the city has only one authorized signer on the bank account due to the recent departure of staff members. Standard operating procedure states that Staff requires two signatures on each check. Administrator Kizzee stated that this resolution would include himself, City Secretary, Chief of Police and Maintenance Supervisor. Councilmember Holley inquired who would sign checks if City Administrator Kizzee was absent. Kizzee stated that he would then decide who would sign checks. Councilmember Fladmark stated that with a total of four to sign, in his absence, standard operating procedure would be for the City Secretary to sign then have one other sign. City Administrator Kizzee agreed that this would be the standard operating procedure. Motion to adopt Resolution # 2015-04R_A 12, Corporate Bank Authorization was made by Councilmember Fladmark with a second by Councilmember Dumont. Motion Passed 5/0.
12. Consider, discuss and take action to enter into an Interlocal Agreement with the City of Seven Points for the use of a holding facility to provide inmate/defendant services. City Administrator Kizzee stated this agreement was brought by the City of Seven Points as an idea to have a holding facility for inmates. Administrator Kizzee stated officers currently must go to Athens for inmate services and it's a two-hour trip. By entering into this agreement, it makes logistical sense and would provide cost-saving housing. Chief Walker stated that the City of Seven Points would house their Class C offenses. City of Seven Points Chief Wennerstrom stated that Seven Points would book and hold inmates and then City of Tool officers would pick up their inmates when available and take them to County. This would provide relief when there is only one officer available. Councilmember Holley inquired how many cells the City of Seven Points had. Chief Wennerstrom stated there are three working cells that could house 14 people. Councilmember Fladmark requested confirmation that the City of Tool would still have to take their inmates to Henderson County just not at night and this would give the officers the choice on making the trip now or later. Chief Wennerstrom stated that he was correct. Councilmember Fladmark concluded by saying that he appreciated Chief Wennerstrom for opening his cells to the City of Tool. Motion to enter into an Interlocal Agreement with the City of Seven Points for the use of a holding facility to provide inmate/defendant services was made by Councilmember Dumont with a second by Councilmember Figueroa. Motion Passed 5/0.
13. Discuss and take action on a petition from Roland Napoles and other residents on Plantation Drive to install road humps. Mr. Roland Napoles stated his hope for the petition to be approved due to there being an accident that resulted in damages from speedy drivers a few years ago. Councilmember Fladmark asked Maintenance Supervisor Martin if these were the same road humps in the Council packet. Mr. Martin stated that they were but the price has gone up to roughly \$1000 plus shipping per set and they are requesting two sets of road humps. Mr. Martin stated that the best location for the road humps would be past the flume. Councilmember Dumont asked City Administrator Kizzee if he had consulted with the City Attorney to get clarification on liability if the City could be held liable for damages. Councilmember Fladmark stated that as long as there was proper signage that the City could not be held liable for damages. Councilmember Fladmark also stated that these road humps are effective at slowing vehicles down but will not damage your vehicle. Councilmember Figueroa verified that Mr. Martin would and could install these road humps if approved. Councilmember Figueroa asked if the subdivision would be willing to participate in the cost of the road humps. Mr. Napoles stated that they are the smallest subdivision in Tool and they do not have the money

to help with the cost. Councilmember Dumont asked if rumble strips would work in place of road humps. Mr. Martin stated that according to TXDOT, rumble strips are to alert you - not to slow you down. Councilmember Figueroa inquired how many signatures Mr. Napoles received on his petition. Mr. Napoles responded with about 20-25 people which is almost every full-time person in his subdivision. Councilmember Brasfield stated that he would like to see the POA commit to helping with the cost. Councilmember Fladmark stated that he would like to include financial commitment when making an Ordinance and that their payment could be made over time. City Administrator Kizzee requested that Council go ahead and discuss the cost the City is willing to contribute now so when the ordinance is made the language is concise and clear on what the City is willing to contribute whether that is \$2,000 or \$2,500 as discussed. Councilmember Holley stated that if the project was over \$2,500 it would require POA participation. After an amendment, a motion on the petition from Roland Napoles and other residents on Plantation Drive for the City to install road humps and to approve up to \$2,500 for this project was made by Councilmember Figueroa with second by Councilmember Fladmark. Motion passed 5/0.

- 14. Next Meeting: February 19th, 2023
- 15. Adjourn @ 6:58pm

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.

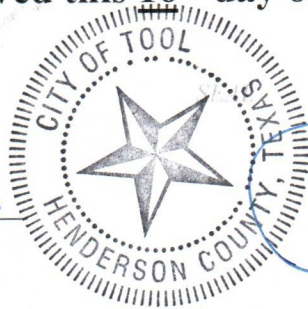
“Pursuant to Texas Government Code section 551.007, members of the public may speak on an agenda item during the citizens comment section of the meeting or at the time the agenda item is called for discussion by the Mayor. Speakers must sign up with the City Secretary to speak and shall be given three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

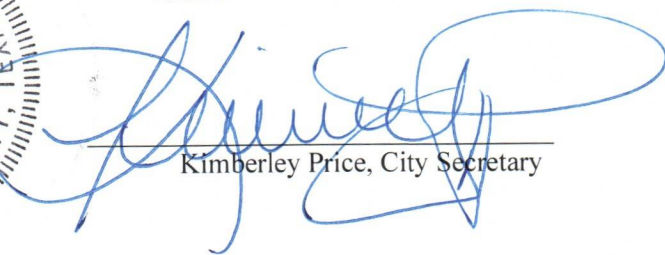
Passed and approved this 16th day of February 2023.



Tommy Lawhon, Mayor



Attest:



Kimberley Price, City Secretary