

**MINUTES OF THE
CITY COUNCIL MEETING
Monday, March 23, 2020
REGULAR MEETING 6:00 p.m.**

PRESENT: Mayor Martin Woodruff, and Council members, Will Carpenter, Jay Davidson, Dr. Carmelina Holloway, Jake Hayes, Mike McQuiston and Melinda Reeves

ABSENT:

OTHERS PRESENT: City Manager Brett Shannon, Interim Finance Director Sandra Clarkson, Fire Chief Nate Mara, Fire Marshal Deroy Bennett, Police Captain Delvon Campbell, Building Official Wayne Smith, City Engineer Earl Smith, Public Works/ Airport Director Greg Hall, City Secretary Diane Cockrell, City Attorney Patricia Adams and Brian Knox representing the Wise County Messenger, Marie Rieger representing Decatur Forward, Ben Brewster, Council Candidate, Cecil Buster Chandler Council Candidate. The attendees were screened for Covid-19 symptoms prior to entry by Decatur Fire personnel and social distancing was observed.

CALL TO ORDER

Mayor Woodruff called meeting to order at 6:02 p.m.

MOMENT OF SILENCE

Mayor Woodruff declared a moment of silence.

PLEDGE OF ALLEGIANCE

Council member McQuiston led the pledge.

General Agenda Comments

Anyone wishing to speak on a posted agenda item must complete a speaker card with his/her name and address and must identify the agenda item number for which he/she would like to speak. A card must be submitted to Diane Cockrell, City Secretary, so that the speaker may be recognized by the Chair at the appropriate time. Speakers will each be allowed a total of three (3) minute time period to provide comments regarding the posted agenda item for which the request to speak was submitted and may speak during this item or during the Commission's consideration of individual items in accordance with City Council Rules of Procedure. The three (3) minute time period will be extended to six (6) minutes if a translator is required for a non-English speaker to communicate his/her comments regarding the posted agenda item for which the request to speak was filed.

Planning and Zoning Report:

1. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE AMENDING APPENDIX "B," "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS TO GRANT A ZONING CHANGE AND TO AMEND THE ZONING MAP FROM A C-1A, DOWNTOWN BUSINESS DISTRICT ZONING DISTRICT TO A C-1, RESTRICTED BUSINESS DISTRICT ZONING DISTRICT FOR AN APPROXIMATE 0.164 ACRES OF LAND AND INCLUDING APPROXIMATELY 0.055 ACRES TO THE CENTERLINE OF W. MAIN ST. WHERE ADJACENT TO THE SUBJECT TRACT. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 38' WEST OF THE INTERSECTION OF W. MAIN ST. AND S. HOLMAN ST. AND IS MORE COMMONLY

REFERRED TO AS 306 W. MAIN ST., DECATUR, TEXAS. **(ZONING CHANGE APPLICATION ZC2020-01—MR. J.D. CLARK'S REQUEST, ON BEHALF OF WISE COUNTY.) (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 5-0, COMMISSIONER ALLEN ABSENT.)**

Council member McQuiston moved to approve the ordinance as presented. Council member Carpenter seconded the motion. The motion passed unanimously.

2. **CONSENT AGENDA – ALL CONSENT AGENDA ITEMS LISTED ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE RECOMMENDED IN ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A CITY COUNCIL MEMBER SO REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA. (THE PLANNING AND ZONING COMMISSION RECOMMEND APPROVAL 6-0.)**

- A. CONSIDER TAKING ACTION REGARDING **REPLAT APPLICATION 2020-02 – MR. J.D. CLARK'S REQUEST, ON BEHALF OF WISE COUNTY, TO FINAL PLAT LOT 1, BLOCK 124R, JAMES TARLETON ADDITION, TO THE CITY OF DECATUR, TEXAS BEING A REPLAT OF 0.992 ACRE TRACT IN BLOCKS 113, 114, 115 AND 124, JAMES TARLETON ADDITION, TO THE CITY OF DECATUR, WISE COUNTY, TEXAS, ALSO BEING A CERTAIN CALLED 0.990 ACRE TRACT DESCRIBED IN CLERK'S FILE NUMBER 201906436, OFFICIAL RECORDS, WISE COUNTY, TEXAS, AND MORE COMMONLY REFERRED TO AS 306 W. MAIN ST., DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY IS FOUND ON THE PLAT EXHIBIT LOCATED IN THE STAFF REPORT.**

Council member Davidson moved to approve the replat application as presented. Council member Holloway seconded the motion. The motion passed unanimously.

3. HEAR STAFF REPORT AND CONSIDER TAKING ACTION ON VARIANCE APPLICATION 2020-02—MR. BRYAN BROWN'S REQUEST, ON BEHALF OF DYNASTY OVERHEAD DOORS, FOR A VARIANCE FROM THE CITY OF DECATUR SIGN ORDINANCE, SECTION 15-6(A)17, "CEVMS PROHIBITED. CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS ARE PROHIBITED. THIS PROHIBITION APPLIES TO ALL OFF-PREMISE SIGNS, INCLUDING WITHOUT LIMITATION, BILLBOARDS, IN PLACE AT THE TIME OF ADOPTION OF THIS CHAPTER OR WHICH ARE CONSTRUCTED AFTER THE DATE OF ADOPTION OF THIS CHAPTER" AND SECTION 15-6(A)18, "EXCEPT AS OTHERWISE EXPRESSLY ALLOWED HEREIN, ELECTRONIC MESSAGE BOARDS ARE ONLY ALLOWED ON ON-PREMISES POLE OR MONUMENT SIGNS ALONG FM 51 AND U.S. BUSINESS 380 AND ARE EXPRESSLY PROHIBITED ON ALL OTHER SIGNS IN ALL OTHER LOCATIONS, INCLUDING WITHOUT LIMITATION, SIGNS LOCATED ON US HIGHWAY 81/287 OR 380 BYPASS." SPECIFICALLY, APPLICANT IS REQUESTING THAT A CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN BE ALLOWED. THE SUBJECT PROPERTY IS GENERALLY LOCATED AT 601 N. US HIGHWAY 81/287, DECATUR, TEXAS.

Council member Reeves moved to approve variance application 2020-02 as presented. Council member Carpenter seconded the motion. The motion passed unanimously.

OPEN PUBLIC HEARING:

4. CONDUCT A PUBLIC HEARING, HOLD DISCUSSION AND CONSIDER TAKING ACTION ON FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF

THE CITY BY AMENDING APPENDIX A "SUBDIVISIONS", BY AMENDING APPENDIX A - "SUBDIVISIONS", TO AMEND SECTION 104.5, "NO PERMITS WITHOUT FULL COMPLIANCE" OF SECTION 104, "SPECIAL PROVISIONS FOR ENFORCEMENT", OF CHAPTER 1, "ADMINISTRATION" TO PROVIDE AN EXCEPTION TO THE PLATTING REQUIREMENT FOR CERTAIN TYPES OF PERMITS ISSUED FOR WORK INTERNAL TO A STRUCTURE, AND TO ADOPT CHAPTER 9, "EXEMPTIONS", SECTION "901 - EXEMPTIONS TO SUBDIVISION REGULATIONS" TO PROVIDE EXEMPTIONS FROM CURB, GUTTER AND SIDEWALK REQUIREMENTS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AN AMENDMENT; PROVIDING A CUMULATIVE REPEALER AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

No public comments.

Attorney Patricia Adams explained after the workshop held August 19, 2019 with the P&Z. She had put together this ordinance to try to put in place what we thought was the crux of the issue to absolve the external improvement requirement from the curb, gutter and sidewalk and also from the platting requirement for those properties that were just doing internal improvements like renovating a bathroom did not require you to put in curb, gutter and sidewalk. We had initially talked about the comp plan coming up and as you see in the staff report that Dedra prepared the comp plan will not address that specifically but it will address mobility and the Council could come up with a good sidewalk plan. This is one of those issues that has been going on for a while, but the intent was to get sidewalks in new subdivisions, but it was written so that it applied to everybody and you may have a sidewalk in the middle of a roadway going to nowhere. So as discussed by staff, it was decided that it was easier to amend the permitting section itself rather than some of the more complex amendments that we were trying to do before. We added a section for exemptions. These are providing exemptions for building or remodeling or repairs to interior where you are not increasing the total footprint of the building. We also have some things included from the initial research by Fire Marshal Bennett: for the subdivision of land required by a Court of competent jurisdiction, for an accessory structure, for the removal or demolition of a structure, or for cemeteries in general. This ordinance will put into play for those doing those interior remodels, they will be relieved of both permitting and platting requirements.

Mayor Woodruff stated that if they put this ordinance in place the issue would be revisited when the comp plan comes back to Council for a rewrite. This is a way to provide some immediate relief for this situation. Attorney Adams stated that this is an amendment to the subdivision regulations so as you move forward and as the comp plan progresses and you want to develop a sidewalk or trail plan it can be amended.

Discussion ensued regarding the inclusion of swimming pools that were not initially included in the proposed ordinance because they would exceed the 200 square foot accessory structure requirement. Attorney Adams stated that the reason we would want platting and permitting for a pool would be basically to make sure you are not putting it over an easement or a utility line in the ground. Also, discussion was held of how an accessory structure's size was determined. Attorney Adams, explained that the building code defines the accessory structure's size. Council member Hayes requested to include swimming pools in the ordinance and it was agreed that there will still be variances to be considered. Attorney Adams said that Chapter 9. Exemptions, 901.2 "f" swimming pools, would be added for the second reading.

CLOSE PUBLIC HEARING

5. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE III, "BOARDS, COMMITTEES, COMMISSIONS", DIVISION 3, "HOSPITAL AUTHORITY", SECTION 2-77 "BOARD OF DIRECTORS" OF THE DECATUR CODE OF ORDINANCES TO CORRECT A

SCRIVENERS ERROR IN THE MAXIMUM NUMBER OF DIRECTORS SERVING ON THE HOSPITAL AUTHORITY BOARD OF DIRECTORS; PROVIDING AMENDMENTS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Council member Carpenter moved to approve the ordinance as presented. Council member Holloway seconded the motion. The motion passed unanimously.

6. CONSIDER TAKING ACTION ON SECOND READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DECATUR BY AMENDING SECTION 2-181 AND REPEALING SECTIONS 2-182 AND 2-183 OF DIVISION 3 "MUNICIPAL COURT JUDGE" OF ARTICLE IV "OFFICERS AND EMPLOYEES" OF CHAPTER 2 "ADMINISTRATION" TO RESOLVE INCONSISTENCIES BETWEEN THE CODE OF ORDINANCES AND THE CITY CHARTER; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENT; PROVIDING FOR REPEAL OF SECTIONS 2-182 AND 2-183 OF DIVISION 3 "MUNICIPAL COURT JUDGE" OF ARTICLE IV "OFFICERS AND EMPLOYEES" OF CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER AND SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND NAMING AN EFFECTIVE DATE.

Council member Holloway moved to approve the ordinance as presented. Council member Davidson seconded the motion. The motion passed unanimously.

7. CONSIDER A REQUEST FROM WASTE CONNECTIONS FOR A CONSUMER PRICE INDEX INCREASE (CPI) EQUAL TO 2.15% EFFECTIVE MAY 1, 2020.

City Manager Shannon explained that as part of the city's contract with Waste Connections, the company is allowed to come before the council once a year to ask for a CPI adjustment.

Council member McQuiston moved to approve the CPI increase of 2.15 percent as presented.

Council member Carpenter seconded the motion. The motion passed unanimously.

8. RECEIVE UPDATE, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING ACTIONS TAKEN BY WISE COUNTY AND PROCLAMATIONS FROM GOVERNOR ABBOTT RELATED TO THE CORONAVIRUS PANDEMIC (COVID-19), CITY FACILITIES, OPERATIONS AND GOVERNMENTAL FUNCTIONS IMPACTED BY COVID-19, POTENTIAL DECLARATIONS AND ORDERS FOR A MAYORAL PROCLAMATION OR COUNCIL DECLARATION AND ORDERS IN RESPONSE TO COVID-19, INCLUDING AUTHORIZING THE CANCELLATION OF ONE OR MORE APRIL OR MAY REGULAR COUNCIL MEETINGS AS DETERMINED NECESSARY FOR THE PROTECTION OF PUBLIC HEALTH AND SAFETY.

Attorney Adams explained: Currently you have a previous Presidential and Governor's order and a Wise County Judge's order that came out today. The city order is basically to deal with your own facilities. You have a draft ordinance declaring a state of emergency. Basically essential services are going to continue, the library and conference center have been closed to the public. Municipal Court proceedings will be addressed by the Judge operating under the direction of the Texas Supreme Court, most cities have been offering alternate methods to deal with traffic tickets, so they are not forgotten in the next few weeks. The Mayor is authorized to direct the City Manager regarding fees associated with utility billing, including without limitation, extending time for payment and suspending utility shut offs for customers that are negatively impacted by job loss or reduced income with verifiable documentation of their hardship as a direct result of COVID-19. This will cancel any March, April and May meetings. (The Charter requires a ¾ vote to cancel a meeting) The Mayor would have the authority to call a meeting when needed. The Governor has loosened the restrictions regarding meetings. Many cities are video conferencing or teleconferencing their meetings. Manager Shannon explained that the city currently doesn't have the means to hold this type of meeting. The Mayor would also have the ability to cancel board and commission meetings. We've been told that the Governor was expected to take action

regarding the Shot Clock legislation (that puts the city on a strict time restriction), but there has been no action taken yet. What many cities are doing is not accepting any new applications and finishing those that are in the works. With skeleton crews and closed public facilities staff members are available by phone and making appointments when needed. The Mayor is the Emergency Management Director and the Fire Chief is the Emergency Management Coordinator (edit to be made to the draft agenda to reflect Fire Chief, Nate Mara instead of the Police Chief as the EMC, action to change from Police Chief was taken by Council at the February 19, 2019 meeting). Attorney Adams added that there should not be more than 10 in attendance of a gathering. As an emergency ordinance we can take action tonight and it will be effective as designated.

Council member Reeves moved to approve the emergency ordinance as presented amending the 5th WHEREAS, Police Chief as the EMC to Fire Chief, Nate Mara, effective 11:59 p.m. on March 24th. Council member Davidson seconded the motion. The motion passed unanimously.

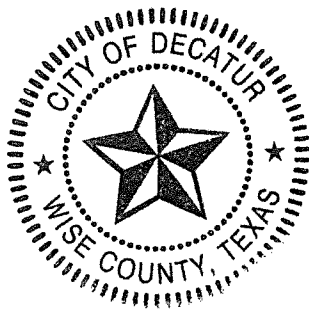
9. CONSIDER TAKING ACTION REGARDING A RESOLUTION ORDERING THAT THE MAY 2, 2020 JOINT GENERAL ELECTION BE POSTPONED TO NOVEMBER 3, 2020 PURSUANT TO THE PROCLAMATION OF GOVERNOR GREG ABBOTT ISSUED ON MARCH 18, 2020 AS A RESULT OF THE CORONAVIRUS PANDEMIC; AND PROVIDING AN EFFECTIVE DATE.


Council member Reeves moved to approve a resolution postponing the joint election as presented. Council member McQuiston seconded the motion. The motion passed unanimously.

10. COUNCIL MEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

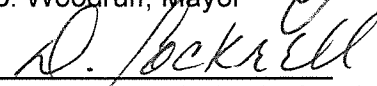
ADJOURNMENT

There being no further business, Mayor Woodruff declared the meeting adjourned at 7:11 p.m.





 Martin B. Woodruff, Mayor



 Diane Cockrell, TRMC, CMC, City Secretary