

THE CITY OF EASTLAND
CITY COMMISSION REGULAR MEETING

May 17, 2021

EASTLAND, TEXAS §

EASTLAND, COUNTY §

The City Commission of the City of Eastland, Texas, met in Open Session at Eastland City Hall as scheduled, and notice was posted 72 hours in advance and prior to the meeting.

CITY COMMISSIONERS PRESENT:

Chairman	Larry Vernon
Commissioner	Ben McNabb
Commissioner	Cecil Funderburgh
Commissioner	Richard Rossander
Commissioner	Zac Darr

PERSONNEL PRESENT:

City Manager	J.J. Oznick
Finance Director	Leslie Zander
Planning & Zoning Director	Tony Stubblefield
City Secretary	Roma Holley
Public Works Director	Bobby Jacoby
Code Enforcement	Terry Simmons
City Attorney	Eileen Hayman

Guests: Tom Bailey, Tommy Wells, Lisa Benson, Joe Williamson, Julie Elrod

I. MEETING CALLED TO ORDER

Chairman Larry Vernon called the meeting to order at 6:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

City Manager J. J. Oznick offered the invocation and Commissioner Ben McNabb led the Pledge of Allegiance.

III. PUBLIC COMMENT ON ANY SUBJECT NOT LISTED ON THIS AGENDA (Limited to Five Minutes Per Speaker)

IV. APPROVE MINUTES OF THE APRIL 19TH and MAY 5TH, 2021 MEETINGS

Commissioner Richard Rossander made a motion, seconded by Commissioner Cecil Funderburgh, to approve the minutes of the April 19th, 2021 and May 5th, 2021 Meetings. Motion prevailed by the following vote:

Ayes:	Commissioners Darr, Funderburgh, McNabb, Rossander
Nays:	None
Absent:	None

V. FINANCIAL REPORT

Finance Director Leslie Zander stated that we have just received the sales tax report from the Texas Comptroller's office. The report showed an increase of almost \$43,000 over last year. While this would be a wonderful figure, she has asked for a detailed review to ensure that we do not have to repay for an overage.

No action at this time.

VI. The Board of City Commissioners May Discuss and Take Action on the Following Agenda Items:

1. Presentation of City Annual Audit - Debra Goodheer of Jerry Love, CPA

Chairman Larry Vernon postponed this item until the next commission meeting.

2. Discussion and Consideration of First reading of Cemetery Ordinance **21-869** adding provisions regarding a new Columbarium for cremains.

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING ORDINANCE NO. 693; REVISING CHAPTER 14, STREETS, SIDEWALKS, AND PUBLIC PLACES, ARTICLE VI, EASTLAND CEMETERY BY ADDING PROVISIONS REGARDING A NEW COLUMBARIUM; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

City Manager Oznick stated that because cremation is becoming a more popular option of interring people, our ordinance needs to be addressed and amended in order to provide a Columbarium for use in our cemetery.

Cemetery Director Dean Vernon advised the Commissioners that Sterling Monument has agreed to provide a Columbarium at no cost to the City. Mr. Vernon provided details regarding the cost of the interment of cremains in the Columbarium, which would be \$750. \$650 would be paid to Sterling Monument and \$100 retained by the city. There are questions about the details for interment in a cemetery plot

There was also discussion about where the Columbarium will be placed. The original thought is to place it in the Pavilion which was donated by the E. T. Bradley family. Mr. Bradley has been contacted and stated that the Pavilion is to be used however the City sees fit. However, more information regarding the size and weight of the Columbarium needs to be obtained. Mr. Vernon agreed to gather more information

Commissioner Richard Rossander made a motion, seconded by Commissioner Ben McNabb, to table this item until the next meeting. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

3. Presentation of the EEDI Midyear report by Executive Director Tom Bailey

Executive Director Tom Bailey stated that he is fulfilling the EEDI Bylaws requirement for providing a mid-year report. He gave updates and a slide show on the following projects:

Woodlands Nursing Home: EEDI provided funds to build the street leading to the new nursing facility. This facility is now open and residents are enjoying their new surroundings.

Maverick Town Homes: has been completed and are leasing ahead of schedule. They are beginning on a second set of 28 units.

Red Star Travel Center: Burger King, Topline Convenience Store, and Red Star Café are now open for business.

Morgan Building Property / MIRA Enterprises: This has ceased to be called Morgan Buildings as it has been purchased by Mike Batteas with MIRA Enterprises. Mr. Batteas is remodeling and converting this property into a business that manufactures building materials for his other businesses and other enterprises. He is also building a two-story office complex. This is going to be a wonderful asset to Eastland when it is completed.

El Reno Energy: This is an Oilfield and Trucking business that is tucked into the back corner of the Business Park. They have cleaned and are utilizing this space very effectively.

Bartee Metals: They are making great progress toward getting their business moved here. They have poured the concrete pad for their building and looking forward to completing it in the near future.

U.S. Sand & Gravel: They have been moving equipment and are actually are utilizing some of it already there.

Director Bailey stated that he is proud to be part of the expansion that is happening in Eastland. It's an exciting time to live in Eastland.

Chairman Vernon thanked Director Bailey for all of his hard work. No Action is required.

4. Discussion and Consideration of Second Reading of Zoning Ordinance **21-867**: ***AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING ORDINANCE NO. 18-844; REVISING CHAPTER 19, ZONING, OF THE EASTLAND CODE OF ORDINANCES SPECIFICALLY AMENDING SECTIONS 19-11 AND 19-17 TO ADD CERTAIN RESIDENTIAL USES TO THE "C1" LOCAL BUSINESS DISTRICT AND ESTABLISHING RESTRICTIONS FOR SAME; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.***

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to approve Ordinance 21-867. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

5. Discussion and Consideration of **P&Z Case 21-004**: Applicant Danny Burgess is requesting to rezone lots 4 and 5 of 200 S Virginia, aka 1-5 BLK 70 Daugherty/Brelsford, Eastland, TX

Planning and Zoning Director Tony Stubblefield addressed the board and stated the business located on Lots 1-3 was already in place when zoning was introduced in 2007. When the zoning maps and districts were placed, Lots 4 and 5 were noted for SF and not C2 to keep the same zoning on the entire parcel.

There are some zoning districts that were placed in 2007 that do not correspond with their current use, or cover the entire parcels. When these are found they are to be brought forward to be rezoned to correct the issues. This is one of those times

City Staff recommends to approve the rezone of Lots 4 and 5 to ensure the entire parcel is zoned uniformly. This will allow the property owner(s) to expand their business and not be in violation of zoning rules.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to approve the P & Z Case 21-004. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

6. Discussion and Consideration of **P&Z Case 21-005**: Applicant Lisa Benson is requesting a Specific Use Permit for apartments/multi-family residential use in a C1 District, for 111 South Lamar, being, Lots 6-7, Block A-2, OT Eastland, Eastland, TX.

Planning and Zoning Director Tony Stubblefield addressed the board and stated the applicant is requesting a Specific Use Permit in order to place residential apartments on the second floor of location listed.

111 S Lamar had offices in the 2nd floor from its date of construction to 1950s. It has had multiple commercial businesses on the first floor during its existence. The current owner of the property has begun remodeling the structure to have a commercial space on the first floor, and loft apartments on the 2nd floor residential use. The property owner has worked with Fire Marshal David Branch in order to ensure that steps were being taken to ensure for the safety of any future occupants to both floors of the structure. Owner is also taking steps to find off street parking for future occupants of building.

City Staff recommends to approve the SUP requested by owner along with the following stipulations. The City Commission had suggested that it be expressed to the applicant that 1.) on the street parking is not guaranteed, 2.) that residential parking not interfere with commercial parking which includes special events, and that 3.) all applicants should comply with all posted parking regulations.

Fire Marshal David Branch stated that owner Lisa Benson has been more than agreeable with all requirements and is setting a great example.

Commissioner Cecil Funderburgh stated that he appreciates the Planning and Zoning Board taking into consideration the concerns he had expressed at the last meeting. He stated he also appreciates Lisa Benson for being proactive in her vision.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to approve P & Z Case 21-005, allowing for the Specific Use Permit. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

7. Discussion and Consideration of **P&Z Case 21-006** Applicant Lisa Benson is requesting a Specific Use Permit for apartments/multi-family residential use in a C1 District, for 102 West Commerce, being Lot 6, Block -B1, OT Eastland, Eastland, TX.

Planning and Zoning Director Tony Stubblefield addressed the board and stated the applicant is requesting A Specific Use Permit in order to place residential apartments on the

second floor of location listed. 102 West Commerce had offices in the 2nd floor from its date of construction to 1950s. It has had multiple commercial businesses on the first floor during its existence.

Staff recommends that the Specific Use Permit be approved. Current owner of the property plans on remodeling the structure to have a commercial space on the first floor, and loft apartments on the 2nd floor residential use. The property owner has stated that she will work with Fire Marshal David Branch in order to ensure the safety of all occupants of the building for this use when any remodeling begins on the property. Owner is also taking steps to find off street parking for future occupants of building.

City Staff recommends to approve the SUP requested by owner. The City Commission had suggested that it be expressed to the applicant that 1.) on the street parking is not guaranteed, 2.) that residential parking not interfere with commercial parking which includes special events, and that 3.) all applicants should comply with all posted parking regulations.

Commissioner Zac Darr made a motion, seconded by Commissioner Cecil Funderburgh, to approve P & Z Case 21-006, allowing for the Specific Use Permit. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

8. Discussion and Consideration of **ORDINANCE NO. 21-868 AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV, UNIFORM BUILDING CODES, OF THE EASTLAND CODE OF ORDINANCES TO ADOPT THE 2018 INTERNATIONAL EXISTING BUILDING CODE AND THE 2018 INTERNATIONAL FIRE CODE AS CODES OF THE CITY AND TO REQUIRE CERTIFICATES OF OCCUPANCY FOR COMMERCIAL PROPERTIES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

City Manager Oznick began the discussion by explaining that with all of the progress being made in the City of Eastland, there are steps that we need to take to help ensure the safety of our citizens along with the people who are investing time and money in our community. We want to pass this ordinance which gives us the right to enter these buildings and make sure that everything complies with Fire and Building Codes which will help protect everyone.

Fire Marshal David Branch provided information to the Commissioners. He stated that regulation of fire prevention and fire protection systems through the adoption of the International Fire Code also furthers the health, safety, and wellbeing of the citizens of the City. Fire Marshal Branch also stated the International Building Code is frequently used as a reference for the International Fire Code and so it would be beneficial to adopt the International Building Code as a reference code for the City; and that requiring certificates of occupancy for commercial structures will reinforce the adoption of these and other previously adopted uniform codes.

Commissioner Richard Rossander made a motion, seconded by Commissioner Ben McNabb, to approve Ordinance 21-868 Adopting The 2018 International Existing Building Code, and the 2018 International Fire Code as Codes of the City and to Require Certificates of Occupancy for Commercial Properties. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

VII. City Manager's Briefing

City Manager J.J. Oznick briefly covered the report that the commissioners have in their packet.

GLO-CDBG-MIT Project Planning

Exchanged emails with Sara Husted, who handles the state side of the GLO. She could not give a definite date but the contract should be coming soon.

TWDB Flood infrastructure Fund Grant

We received an email this morning stating that we should budget the match for this upcoming year, which is a good indication that we are moving forward.

2018 WATER SYSTEM IMPROVEMENTS

We are at a standstill, waiting on the Texas Water Development Board.

Red Star

The Burger King and the Topline Store is now open for business and seem to be doing very well. The Red Star Café is open with limited hours at this time, but nearing full-time status.

Woodlands Nursing Center

University Drive construction has been completed. The Trinity Nursing System expansion project of the Woodlands Assisted Living Facility with the addition of a 24,000 Square Foot Nursing Home and Dementia Care Facility continues. The city, in conjunction with EEDI, Eastland Community Foundation and Eastland Industrial Foundation assisted with infrastructure for the expansion. Earlier this month residents were moved in and they are open. The facility looks wonderful and the residents will enjoy it.

Eastland Memorial Hospital Rural Health Clinic (TxCBDG Project # 7218058)

Project is complete. The City of Eastland and Eastland Memorial Hospital have applied for a \$500,000 Texas Community Block Development Grant to construct an approximately 4,800 Sq. Ft. Rural Health Clinic to be located in the Medical Business Park, next to the Renal Care Clinic, on West Commerce Street. The clinic held its grand opening on April 29th. The clinic turned out beautiful and will greatly serve our community for many years to come.

VIII. Code Enforcement Report

Planning and Zoning Director Tony Stubblefield reported the Code Compliance Report for April 2021. There were 34 open cases at the beginning of the month, 27 new cases were opened and 21 cases were closed which ended the month with 40 cases open. 5 citations were issued and fines assessed were \$7,045. \$509 in fines were paid. 1 property was reported for back taxes and 1 annual notice was mailed.

IX. Police Report

Chief David Hullum stated there were 197 calls for service in April. 11 cases were filed with the District Attorney. There were 47 offense reports generated. He noted 31 arrests. A total of 449 traffic stops were initiated. This resulted in 342 warning citations and 107 citations issued.

X. Fire Chief Report

Fire Chief Joe Williamson gave the following activity report for the month of April for the Volunteer and Paid Firefighters. Total call volume: 58 which was an average of 1.9 calls per day. 42 of these were in the City Limits and 15 of them were in the county and they responded to 1 call for mutual aid to other county fire departments. There were 14 incidents between 10 p.m. and 7 a.m. They responded to 3 structure fires, 4 grass fires and 1 vehicle fire. They responded to 21 Medical calls, 10 Motor Vehicle accidents and 8 Public Service assists. Also, 1 new member was added to the Volunteer Fire Department which makes 23 volunteers on the roster.

Chief Williamson stated they participated in the Career Day at Eastland High School. They put on a “community Breakfast” on April 10 which was well received. On April 17th they honored the 10th anniversary of the death of Volunteer Fire Fighter Greg Simmons, who died in the line of duty while fighting a grass fire on April 15, 2011.

First Wednesday of the Month they will be testing the Outdoor Warning System. The Public Service Announcement for the Month is “Turn Around, Don’t Drown”

XI. Adjournment

Commissioner Richard Rossander made a motion, seconded by Commissioner Zac Darr, to adjourn at 7:34 p.m. Motion passed unanimously.

APPROVED

Larry Vernon, Chairman
Board of City Commissioners

ATTEST

Roma Holley, City Secretary