

**CITY OF SEVEN POINTS
MINUTES
SEVEN POINTS CITY COUNCIL
REGULAR MEETING
FEBRUARY 10, 2022, AT 7:00 PM
CHAMBER ROOM OF SEVEN POINTS CITY HALL**

- 1. Call to order and roll call.**
The Regular Meeting of the Seven Points City Council was Called to Order at 7:00p.m by Mayor Skippy Waters; Mayor Pro Tem Andy Perdue, Council Members Michael Lowe, and LaJohnna Wells were present to establish a quorum.
- 2. Invocation and Pledge of Allegiance.**
Chief Raymond Wennerstrom gave the invocation and Skippy Waters led everyone in the Pledge of Allegiance.
- 3. Public Comments.**
Candice Watson and Jan Clark signed up to speak but chose to wait until line item 10.
- 4. Consent Items.**

 - A. Approve Minutes from the December 9, 2021, Regular Meeting. November and January meetings were canceled.**
Upon motion by Andy Perdue and a second by LaJohnna Wells; the vote was three (3) for and none opposed to accept the minutes as written. Motion carried.
 - B. Approve December and January Financials, subject to audit.**
Upon motion by Michael Lowe and a second by Andy Perdue; the vote was three (3) for and none opposed to approve the December and January financials subject to audit. Motion Carried.
- 5. Discuss and vote on contracting with Henderson County to run the City's May 7, 2022, General Election.**
Upon motion by Andy Perdue and a second by Michael Lowe; the vote was three (3) for and none opposed to contract with Henderson County to run the City's May 7, 2022, General Election. Motion carried.
- 6. Approve the Ordering and Calling of the May 7, 2022, General Election.**
Upon motion by Andy Perdue and a second by LaJohnna Wells; the vote was three (3) for and none opposed to Order and Call the May 7, 2022, General Election. Motion carried.
- 7. Discuss and vote on purchasing a 2018 Ford Interceptor for \$11,500.00 with the insurance proceeds from the wrecked Charger. For an additional \$3000.00 it can be outfitted with the lights.**
Mayor Waters explained the City received \$15,000.00 from TML Insurance, so there would be money left over to be able to outfit it also. Upon motion by Andy Perdue and a second by Michael Lowe; the vote was three (3) for and none opposed to purchase the 2018 Ford Interceptor and have it outfitted for the extra \$3000.00. Motion carried.
- 8. Discuss and take any action necessary on the continuation of the contract with Archive Social.**
Chief Wennerstrom explained that Archive Social would be the ones to archive any posts or statements placed on the City and Police Department's websites in the case of any Public Information Request that may lead to any type of lawsuit. LaJohnna Wells asked if there were any other companies who did this for maybe a cheaper price and Chief stated that this was the only company who came to him about it. LaJohnna asked if he could check to see if there were others. Upon motion by Andy Perdue and a second by LaJohnna Wells; the vote was three (3) for and none opposed to Table this item until Chief could get quotes from other companies. Motion carried.
- 9. Discuss and vote on repealing Ordinance 338; Late Hours Permit. To take effect immediately upon passage.**
Mayor Waters stated that his big concern was with Racks going on all hours. They are open til 2am and our officers are out there with Tool backing them up and with a club full of people and no one can control them then our officers are outnumbered. Chief wrote a letter as to how he feel about it as the Police Chief. Skippy

stated that he thought the Ordinance needed to be repealed. LaJohnna stated that everyone was coming from Gun Barrel when everything closes there and Officer McCoy stated that they were always outnumbered when they received a call to come out to Racks. He stated there was a constant problem there. It used to be just Friday and Saturday but now they come from Gun Barrel and continue to be served and it creates a problem for them. It has now migrated into the week days and Skippy said putting our guys in harms way was just crazy. LaJohnna stated that it was also taking time out for real emergencies. Upon motion by LaJohnna Wells and a second by Michael Lowe; the vote was three (3) for and none opposed to repeal Ordinance 338. Motion carried. Mayor Waters asked the owner be contacted and let them know their permit would not be renewed.

10. Discuss and take any action necessary regarding the request of Jan Clark concerning the container placed by Wanda Nichols at 1052 Holiday Circle.

Jan stated that the container was placed onto the property without any of the required permits. She stated the Ordinance was upheld at the August 19, 2021 meeting. She produced photos of the container and the improvements made to it without permits and requested the City remove it immediately. Many of us moved to Seven Points from the big City to get rid of all of the hassle and live a peaceful existence but that doesn't apply and the Municipal Government has the ability to create rules and enforce them but they aren't being enforced. The City enacted Ordinance 363 to deal with these and stated the actions the ordinance can take. The storage container is not permitted per Ordinance 363. As children we learn there are rules to follow such as raising their hand before speaking and blurting out the answer is not acceptable and there are consequences to the actions. There are processes each of us must follow and if I were putting a container on my property I would need to submit plans and get it approved BEFORE placing on my property. In the case of the shipping container at 1052 Holiday Circle, none of these actions were taken. Plans and permits were not obtained and after the period of removal has passed the home owner is now asking for a variance two months after the violation. As neighbors living with the shipping container we are concerned that our property values are deteriorating. With the pictures you can see it is not attached to the house. This is allowing the homeowner to act like a child without a hall pass and it is not acceptable because it is a violation of Ordinance 363 and request you take immediate action to remedy this. Candice Watson stated that it's not about what we have but we should all have to follow the same laws and ordinances. There are high fences and electrical and plumbing put it without permits and if it was the law then why is it still there because if it was anyone else it would have been gone. The back of that connex is a big sliding glass door and she can see everything I do and I will have to put up a privacy fence. She also stated that there were no permits for the electrical, plumbing or the container itself. Everyone should have to follow the same rules and laws from the trash cans to fences to structures being taken down, everyone has to follow the same rules it's not fair, I don't care what it's used for, it's not fair. At this point, Mayor Waters skipped to Item 11 before a vote to hear Wanda Nichols opinion.

11. Discuss and take any action necessary regarding the request of Wanda Nichols for a "Special Use Permit" for the container placed on her property at 1052 Holiday Circle.

Mayor Waters stated that when the old Council was here it got voted on that everyone could have one container but no Ordinance was ever voted on and the new Council voted on and approved the Ordinance. It was passed that no resident could put a container on their property. Our Code Enforcement Officer has given her 180 days plus to get the container removed and Officer Beckham stated that she was sent letters and several citations to have it removed. I have done everything I can do right now and now it's up to Council. Wanda Nichols stated that they were totally wrong. This is built into the house. There are a few neighbors here and a few people in the neighborhood but they jumped the gun and didn't know that it was actually a shell made out of wood. I just flagstoned the shower in because I have a Mother who is 84 years old and had a stroke and is legally blind and she stays with me from time to time. She is probably going to end up living with me. When she comes to the house she can't get into a tub. I have back issues with surgery and I can't even get in a tub. To make a long story short, she should be able to take a bath when she comes over. The container was a shell. Then I was going to stone it to match my house. I know that people are allowed to have, you know, I also have it for my dogs to have puppies underneath the bed. It's a national, use for safety, it's tied down. All these people took pictures in June and what I want to tell people here, I follow the rules and I had a City Council member tell me all the way through, and I have proof and everything, that I could do this. Mayor Waters stated he was stopping her there and stated that first of all Planning and Zoning had to be involved first and asked if she did that and she stated no. So, the City Council person said to do it and you knowing you had to have permits

decided to do it. You have to come to the City to get permits to bring it in and you didn't do it. Wanda said right. Mayor Waters stated that you also didn't get permits for electrical and plumbing. Wanda stated that she tried, she called and couldn't get through, the City was closed because of the pandemic, she tried to get someone out to build it and couldn't get anyone. Finally a man in this town, a big business man found her the container would be perfect for her Mother and her dogs. Wanda stated that the neighbors were getting along and then all of a sudden they're fighting again. She stated she went to the right person, she thought. LaJohnna Wells stated that she didn't know who she went to and she didn't want to but she has to come to the whole Council not just the one person because they were there for the whole Council to decide not just one person. She stated that Wanda should have modified her home not a shipping container. Wanda stated that someone was living in their garage without a bathroom and she didn't complain about that and someone was selling drugs on the corner for 20 years and she didn't complain about that. LaJohnna stated that she should have. Andy Perdue stated that this wasn't the Old School and People, yesterday is gone and this is a new generation we work very hard and he's insulted that she accused the Council of not knowing how to run the City. Wanda stated that she got slammed for running for Mayor, she lost her husband over it, and the media was all over it. Andy stated they were trying very hard to be a good City Council and he thinks they have come a very long way. Wanda's Attorney, Matthew Espinoza, stated that this was a "bad blood" situation and he would try to stay out of that. Mayor Waters asked what he meant by that and he said there were neighbors her going back and forth with each other. Mayor Waters said they were trying to figure out everything because with what the ordinance says and where we're at, we have to figure it out. Matthew Espinoza stated he had current pictures of where they are at with the container. He stated the container was tied in to the house. He said as you can see by the pictures, the upgrades, new flooring, uniform throughout the house, a sliding door, windows all the electrical, stone work in the shower, there's a sink. He stated that she had spent a considerable amount of money fixing this up and not having some hunk of metal. He stated that he knew they were at the position that was not necessarily her mission but that's why we're here, we're at the point where that's why we're here. So, as far as looking at who got permission, we need to go back because at this point we're no longer there for a couple of reasons. It's tied into her house, it's not movable, it's there, it's level, she's added windows, electricity, plumbing. I get that there's issues with the code. She's done that so her Mother can have access to bathe and not have to struggle to get into a bath tub. So, we're asking ultimately for a special permit or a variance so that we can get that contract in her to fix stuff and I think her goal is to stone that or add siding so the metal is no longer visible. As it is, it's painted a similar color to the house. We're asking for that permission at this point so that she can move forward and try to resolve this. He stated that the container would be used by her Mother and for her dogs. Mayor Waters stated to Council that she was looking to get some kind of a special use permit for this container and it's up to yall to grant it or deny it. A citizen asked if they could make a comment and she stated that she didn't know why we should give some people special accommodations here when everybody else has to have a permit and they have to come up with plans, they have to do this in advance, not after the fact and then say "oh, give me a variance", I don't think that's right and I don't think that it's fair. Wanda stated "this City is trash." One of the officers asked her Attorney to quiet his client or he would have to escort her out. Mayor Waters again stated that she was wanting a "special use permit" for this container. Andy Perdue stated that at this time he would like to make the motion about the container placed on Wanda's property at 1052 Holiday Circle to deny the special use permit and it was seconded by LaJohnna Wells; the vote was three (3) for and none opposed to deny. Motion carried. Mayor Waters read a statement from the City Attorney that stated she was given 120 days to remove the container and he went back and looked at the ordinance and it allowed 2 remedies for the City. Number 1, assess a citizen every day that an owner was non-compliant with tickets or 2, seek an injunction to remove the container. He stated that the City Attorney couldn't make it tonight and asked Ms. Nichols if she would like her Attorney to get with the City Attorney and get something done because we've been sitting on this a minute and we need to get something done. She has had 120 days plus and it needs to get resolved. Permit has been denied at this time and we'll get with the Attorney and figure out a grace period to get this done ASAP because it been there a minute.

12. Discuss and take any action necessary regarding the request of Wanda Nichols requesting a zoning change for her property at 640 S. Seven Points Blvd. in a B-2 Zone to add residential.

Mayor Waters said that everybody knows that building that sits across from Vamos Auto. Cameron Beckham stated that it was a white building. Skippy stated that it used to be yellow and Cameron said it was white and black. Mayor Waters said, right now it is zoned commercial and she was asking it to be zoned residential.

Wanda stated that the reason she was doing this is because she has been a citizen of this City, not like some of you who have been here for 2 years. Mayor Waters told her to say what she had to say, we don't need any cheap shots to anybody else, if you got something we're discussing that you want but I'm not going to have it to where you're going to disrespect anybody. Wanda stated she had been here for way over 25 years. I have had numerous problems with that building, you can ask Chief here. Trying to sell it, you cannot sell anything in Seven Points but anyway, for 25 years you cannot sell this building but some of these people don't understand, I'm single, I don't have my maid paying my bills ok. I've worked hard all my life to have what I've got. I live in the City and I can't even sell anything. So, I'm requesting the reason why, only, is because I had a serious buyer who had the cash money and I called to see if I could get a special meeting and nobody would give me anything. But, he would have closed that week and I would have finally sold that building. LaJohnna asked if it was because of the zoning, was that the issue. Wanda stated that if it was residential, she could sell it but nobody wants to build a business in Seven Points, like real people, like wanting to come into the City, no. Not because of yall, yall are all new but because of prior people there's a lot of political things going down in this City that a lot of people do not know yet so I'm just trying to make a living, you know, and take care of my family and all I want to do is sell that building but I cannot sell that building for commercial because like I said, I've talked to every city council. I have an insurance company. I sell to big towns like Richardson. I talked to people about their zoning. LaJohnna asked if we had laws to read about zoning to see if it even applies. Shirley told her that our ordinances state that you can't live in a business. Wanda said the property was in the middle of a field, there's nothing there. LaJohnna asked if it faced the street and was told it did. She was also told that you can't spot zone. LaJohnna said, so it has to be all in one not split. Cameron said right. Wanda said "that's not true" you know how long that's been there, the six years, seven years, the same way. LaJohnna said that's why the City is changing, we're trying to move forward. So, they're saying the zoning has to be one or the other, it can't be both. Wanda stated she didn't know but she just had to sell the building. Skippy asked if they wanted to table this until they could get more information. Shirley stated she gave council paperwork on the procedure which stated she had to go through Planning and Zoning, they would have a meeting about it then give their recommendation to City Council. LaJohnna told Ms. Nichols she had to start with Planning and Zoning and then it would be brought to Council. LaJohnna stated that Council was not trying to prevent her, they were just making sure to go through the proper steps. Upon motion by LaJohnna Wells and a second by Andy Perdue; the vote was three (3) for and none opposed to TAKE NO ACTION until Planning and Zoning could give their recommendation. Motion carried.

13. Adjourn.

Upon motion by Andy Perdue and a second by LaJohnna Wells; the vote was three (3) for and none opposed to adjourn the meeting at 7:51pm. Motion carried.

These minutes passed and approved this 10th day of March 2022.

APPROVED

ATTEST:

Skippy Waters, Mayor

Shirley Kirksey, City Secretary

