

**CITY OF SEVEN POINTS
MINUTES
SEVEN POINTS CITY COUNCIL
REGULAR MEETING
APRIL 14, 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 7:03p.m by Mayor Skippy Waters; Mayor Pro Tem Andy Perdue, Council Members Charles Longacre, 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.

Melissa Thompson, Stacie Shelton, Landon Shelton and Mac McKinsey all chose to speak when line item #5 came up for discussion.

4. Consent Items.

A. Approve Minutes from the March 10, 2022 Regular Meeting.

Upon motion by Charles Longacre and a second by LaJohnna Wells; the vote was four (4) for and none opposed to accept the minutes as written. Motion carried.

B. Approve March Financials, subject to audit.

Upon motion by Andy Perdue and a second by Michael Lowe; the vote was four (4) for and none opposed to approve the March financials subject to audit. Motion Carried.

5. Discuss and take any necessary action on the request of Jim Elliott to remove farmers markets from the flea market umbrella and allow him to have a permit for one.

Mac McKinsey with Planning and Zoning stated that he knew what the situation was and he had talked to Jim before and he recommended the removal of the farmers market from the umbrella under flea markets. He stated it would be good for the community and that Jim had plenty of parking. Charles Longacre asked where the market location would be and Mac stated it would be at the Cedar Creek Brewery. Jim stated that there had been several attempts to have a farmers market and for one reason or another it was not approved because there wasn't a secure location that people could rely on and people kept telling him he had the space and he was on the main road so after several years he decided to have one and he didn't know he had to have permission or that it fell under flea markets because we don't need another flea market. So out by the road in his parking lot he started a farmers market and probably started it a little early because fruits and vegetables aren't ready yet but people came out with eggs and honey and plants and all these things that are great and we haven't really done any marketing. I asked Shirley to put it on her sign and she told me why she couldn't so I decided to come and talk to yall about it and it's definitely not a flea market. A farmers market brings communities together and it will be every Saturday morning from 8 to 11 because the Brewery opens at 11 and we didn't want to be using the parking lot for the farmers market after the Brewery opens. Eventually, I hope it grows into something like Athens has. They have been doing a farmers market for 10 years and they have over 9600 followers and they have it from May through November. They have live music, food vendors plus all the market vendors so how awesome would that be for it to grow into something like that. A week from this Saturday we will be having our 7th annual lake festival and the proceeds from that will be given back to the Library, Humane Society, Police Dept and the Fire Dept. but it didn't start that way, it's grown into that after the years and we're hoping the farmers market will too. A couple of vendors that have been out are here and they would like to give their two cents if you don't mind. Skippy asked if it was people growing their own vegetables and selling them and Jim said, exactly. Charles asked that since it was under the umbrella of a flea market, what would make it different. Mac stated that if you have a flea market that you would need a permit, whether it was a weekend or monthly permit. LaJohnna asked if it was an ordinance and was told, yes. Charles asked if it was going to be a yearly permit or monthly or how would it work if we took it out from under the flea market umbrella, how long would be permit be good for. Skippy asked how long the farmers market would

go for. Jim stated he hadn't thought that through that he started it March 1st. Athens does theirs from May through November. Charles asked if they had tents and Jim stated that he just provided the space and some of them have tents and some have tables or signs or banners. Charles asked if he had set standards as to what they could sell and Jim stated that he tried to make it very structured because he didn't want it to be a flea market and some vendors came in with homemade stuff and he stated he didn't want to go there because that was a gray area and they understood and he gave them a vendor packet for the festival. One lady was selling eggs and jams and jellies and she had chickens at home and was taking the feed bags and making hand bags out of them and I thought that was pretty amazing but I also thought that was a gray area and didn't know if we should go there. LaJohnna stated that if she was using them to put the produce in it that it would be ok because in California you have to purchase the bags to put your groceries in. Charles stated that he didn't want it to end up like the place across the street. His concerns were that we had standards that we set to make sure we don't have junk just sitting out there or somebody just trying to sell stuff out of their trunk. As long as it pertains to a farmers market. Skippy stated that a farmers market meant fruits, vegetables, seeds and home grown things. Jim stated that for the first few weeks he was just trying to get started and after that he would maybe charge \$10 per week and would use that for like banners, ads in the newspaper and such. Charles liked the idea of giving the citizens a place to go and buy fresh vegetables and such. Skippy stated that before they made a decision that he would like to know what types and things would be sold. He likes the idea and thinks it would be great. Cameron Beckham stated that the City could specify the uses of the special use permit such as it will be all home-grown foods and such and the permit would only be good for those things. Andy Perdue asked if there would be a limitation on how many vendors would be there and Jim stated that that would be a great problem to have but he has six or seven spaces out by the road and then he could possibly start a second row and then he could put some up by the building and still have a drive through in between. He stated it would be great if at some point to use the whole back lot behind the Brewery. Skippy asked if they eventually had 100 vendors would there be enough parking. Jim stated there was a grassy area behind the library if that was usable and Charles asked that when did the Library ever use all their parking spaces so those could be used also. Mac stated that they would be allowed to use the Library parking lot and the grassy knoll behind it. Melissa Thompson stated she owns a catering and event planning company, we also sell local honey that's infused with orange and jalapeno and things like that. We sell scones, what's important to me with the farmers market and the reason I like to be a part of it is because the events that we cook for, I like to use as much local as we can and to have a farmers market to pick from is very important. Everybody's crops that start coming in that I can buy and put into my artisan bread like her chicken eggs, everything that I buy to use I can source from locals. Everything we do we try to do local so when Jim sent out the email specifying everything that we could sell stated that everything should be edible or any plants that would grow something edible. So I think that when you're trying to write the ordinance and put everything together, that makes sense to me for a farmers market. Charles agreed saying, because we don't need a bunch of tractors or equipment parked out there, that's not the idea of a farmers market. Melissa stated that she was super excited to have a farmers market in this area. Athens isn't that far away but to have one right here in Seven Points would be great. Charles stated that obviously there's a boom that's started and it's still coming so whatever we can do to help out our locals, that's our job. Whatever you guys can come up with that we all can agree on, I'm all for it. Melissa stated that she already had people come up to her talking about they have goats and want to make goat butter and she also sells flavored butter and this would be perfect. Cameron stated that the City of Ennis also does a farmers market that the City puts on themselves and it started out small and now it goes around the whole square. Stacie Shelton stated that as far as farmers markets versus flea markets to her farmers markets are all hand curated, nothing second hand or a bargain you've been looking for all day. She has greatly benefited from the farmers market Jim has been having by selling her eggs and produce to neighbors. She and her teenage son have attended every weekend. He has taught himself and has been very successful with his 3-D printer and has loved having an outlet for his little fidgets and little pots and stuff but the thing we have enjoyed the most is connecting with the community. We have met some of the friendliest people and have been lucky enough to have multiple people return to us and bring back egg cartons and we hang out and socialize. I like the flea market where people come from multiple different towns and customers bargain and this farmers market has proven to be more personable and for the community to support the locals be it farm good, plants, hand-made crafted items, 3-D prints and all things locally made. Without all our local vendors, this market will wither away and take the community connections with it. Please let us keep our farmers market. Charles stated, so now is where we run into the issue of what we talked about. It's not going to be fully a farmers market because

we've got this teenage boy over here trying to create an avenue for himself with his 3-D Printer. Jim stated that what he was making is pots for plants. Charles said OK, now I understand. Charles said the last thing we want to do is deter him from trying to better his future. LaJohnna Wells stated that her family is alumni's for the FFA in Kaufman and the FFA, that is what they're about, supporting our youth because without them we are nothing and that encourages them. Charles stated that this is the best part, that young man right there, so how would we have to do this. Charles asked do we need to write up an ordinance for this and he was told, no, a permit would be all he needed. So we take the farmers market out of the umbrella and I'm good with that. Michael Lowe stated that going over the road and going into different cities, you see farmers markets everywhere and they're full of produce. I grew up in West Texas and they wouldn't let him take his produce to the flea market, he had to take it somewhere else, especially if you do home canning. You have to take it to a farmers market not a flea market. I think it's a great idea. Skippy stated it would be good for the City and that's what they want to do. Charles asked about what it would do to the fruit stand and Mac stated that the fruit stand was under different zoning and ordinance. Mac stated that for Jim, he would recommend shortening the time frame from March through November to May through November or October and making a Special Use Permit. Charles stated he just didn't want it to take away from what the fruit stand is trying to do but competition is competition he just didn't want it to affect his business at the fruit stand. Mac stated that he didn't think it would because the farmers market was only 3 hours a day on a weekend. Michael said that one question he had is, if this is going to be home-grown, are they going to go to the Dallas Market and pick up 4 or 5 cases of this and 4 or 5 cases of that and his has no problem with that but they didn't raise that, it's not home-grown. Charles stated that you really couldn't put a stipulation on that because a farmers market is a farmers market. Andy asked about a guy coming in with a 20 foot trailer full of watermelons, would he have to remove the trailer after the 3 hours and not be able to leave it there. He was told he would have to remove the trailer. Jim stated the way it was set up now, everyone gets a 10 X 10 spot and whatever they can fit into that area is what they sell and after the time frame is up then everything has to be removed for his business to open up. Upon motion by LaJohnna Wells and a second by Charles Longacre the vote was 4 for and none opposed to remove farmers markets from the flea market umbrella and create a Special Use Permit for the flea market from May through November. Motion carried, Charles asked Jim if he could get a proposal to Beckham pretty quick for the Special Use Permit and Jim stated yes.

6. Discuss and take any necessary action on the request of Jim Elliott to be able to keep his containers at 336 E. Cedar Creek Pkwy, Cedar Creek Brewery.

Jim Elliott stated that he has had his business open for 10 years now and everything he does he tries to do is not only try to bring people to his business but to this side of the lake and you can see on the logo that we've been using for years and years and years it says Seven Points on there. This is our 10 year anniversary and it's hard to believe I stood here 10 years ago and asked for permission to bring a brewery here. All the signatures for TABC and are you in the City, yes, Shirley had to sign a bunch of stuff and that's our 10 year anniversary logo. Seven years ago, I came and stood at this same podium and asked y'all a couple things. One is, we needed to move, we outgrew our other building and it's now the Fire Department and I bought the building we're in now 7 years ago and I asked the Council, one, I could load everything up on a truck and move it two doors down and unload it or would it be ok if I took one piece of equipment at a time with a sky track and haul it down the road into the parking lot and the City graciously said we'll give you a Police escort so it would be safe so we got really cool pictures in the Monitor of "the Brewery in Seven Points gets new location with Police escort." Those are great memories that I share with a lot of people. I also said that this building wasn't large enough, even though it was good size, because of our kegs and our cans that we sell all over Texas, we didn't have enough storage and I was going to require some containers or trailers or both and we could look back at the records from seven years ago and see that Council said "not a problem" and so when I got the letter about the ordinance for the shipping containers, I understand there needs to be ordinances and things, but I also would think that I would be grandfathered in. Charles asked how many containers he had and Jim said two trailers and one container. Charles asked where the containers were and if they were visible from the road and Jim said yes they were on the side of the building. When asked if they could be grandfathered in, Skippy stated we didn't choose to grandfather any of the containers. He also stated that we would need to research and if it's been there for seven years....Cameron said that the ordinance was clear and there, no offense, have been other businesses that have also been here who have already removed their containers. Cameron stated that if the documentation does exist then it would fall under possible grandfather clause. Skippy stated that Shirley could

look up the minutes and Charles stated that if it was in the minutes then it would have to be grandfathered. LaJohnna asked Shirley what kind of time frame she needed to go back and look and Shirley stated she could have the information by Tuesday. Andy stated he didn't remember anything about the containers. Skippy stated that if it was approved that he would just like it grandfathered and be done and Charles agreed. Shirley asked Jim if he knew about when it was that he talked to Council about it and Jim said seven years ago, so, the grand opening was Memorial weekend and Larry Penny played that day and there was a tornado that broke several windows out of the Brewery so it had to be about this same time seven years ago between January and May 2015. Shirley stated that was close enough. Upon motion by LaJohnna Wells and a second by Charles Longacre; the vote was 4 for and none opposed to Table this item until the information could be located. Motion carried.

7. Discuss and vote on adding James Taylor to the Planning and Zoning Committee. (Mac McKinsey)

Council received information about James in their council packets and Mac stated that Planning and Zoning added Stephanie Love last month and they had another opening and he would appreciate James being added. He stated that he has known James since about 2004 and they have done things together through the years and he thinks James would be a great asset to the Committee. He knows blueprints, drawings, 3-D's and other such things. He would be a nice person to have, he's local, he's a realtor, he drives the streets and sees things that need to get done such as fencing, ordinances, and if yall bring him on-board, we'll be fully staffed. Skippy stated that the Planning and Zoning hadn't been fully staffed in a while and Mac stated that when the Pandemic happened, it hurt everybody and for a while it was just himself, Glenda and Hunter. Upon motion by Andy Perdue and a second by LaJohnna Wells; the vote was 4 for and none opposed to approve James Taylor to the Planning and Zoning Committee. Motion carried.

8. Discuss and take any action necessary on the request of Charles Longacre about unresponsive calls of the Fire Department.

Charles asked Kenneth Crutchfield, Assistant Chief, how many firemen he had on the roster and Cindy Conn stated 27. LaJohnna asked how many were actually active and Cindy stated 15 – 17. Charles said, so, here's the dilemma that we're in. I know it's all volunteer but workers comp only covers 13. Cindy stated there was 20 on the list and Shirley stated that workers comp covers 20 now. Cindy stated there is never 20 people on a call and they have always had more than 20 people on their roster. Charles asked if they had a criteria for making calls, because wherever he was younger and on a department, they had to make so many calls. Cindy stated there was still a percentage that you are supposed to make and when you fill out your application, you stated your availability, so if someone stated they were only available from say 6 to 10 at night, legally you can't say oh you're not running calls after 10 when they signed up for 6 – 10 so that is a gray area. Everybody's not available 24/7. Charles stated he understood that. Kenny stated that when he joined back up he made a stipulation that he wouldn't be held to those standards because that's the reason he resigned because he couldn't stay up all night at his paid job as a paid fireman in Garland, do his side business and then stay up all night down here, so he resigned. He then talked to the Fire Department here and said that if they could take him when he could show up that he would join back up. It's hard to tell somebody that's just a volunteer that you have to show up. Cindy stated that every department is having the same problem because Bobby goes to the Fire Chief meetings and every department is that way and Skippy can tell you from being on Tool. She stated that they were talking to Mike at Gun Barrel Fire Department and they had 4 people that were able to run calls on Saturday and Gun Barrel is way busier than we are. A lot of our calls are early in the morning for lift assist or way in the night and a lot of the time EMS asked us for help and by the time we get there, they've already got them up or they are 10 – 22ing us and we don't get the call until we're there. Kenny stated that was happening a lot. We get to the call and they are either gone already or don't need us. Cindy stated that a lot of the people listen to the scanners and they use an app to reply back saying they are enroute so people who are listening hear dispatch and tones but they can't see the app where we're responding so they think we don't respond but dispatch sees it on their computer so there's a lot of calls that people think we aren't responding to but we actually are. Charles asked if our Police Officers responded to lift assists and things like that. Cindy stated that they used to a long time ago but I don't know what's changed or whatever but there use to be times where if we were in certain neighborhoods and it might be kind of sketchy then PD were the first there because they were already on patrol and they could give us a scene size up and let dispatch know that "hey we have a major fire going on and we've got structures in danger" so if they know that then they could go ahead and call

Gun Barrel for whoever for water support and stuff like that. LaJohnna stated that we should be working together because we're a community and should be helping each other. Charles asked Chief to enlighten him on why that has changed. Chief stated that if it was in the City and it's a major fire then they will go. A lift assist or something like that then sometimes we'll go but when it something or somebody that it happens every single day then we go ahead and go because we know that's what's going on. Cindy stated that the Police Department didn't always go, usually only when they ask them for assistance and Charles asked why isn't that standard procedure to go especially if it's our City because we know the call has went out and if we can get there, because the FD is all volunteer and have to leave their houses, if the PD can get there faster because they are already out then why are they not headed out there to give them an idea as to what is going on and if you need backup then you can get hold of Gun Barrel or Tool or whoever. Chief stated that one of the main reasons it stopped was that they were advised that mainly on fires there was a mutual aid agreement and as soon as it toned out then another agency was automatically toned too and other than that he has even driven a fire truck out to calls before but then he was told he couldn't do that because he would then be considered a paid fireman. He stated that he has no problem going out to any fire call, medical, meh, on lift assist or something like that I just try to keep them calm until somebody gets there because that way they can't say "well an officer picked me up wrong" Skippy stated that was a liability for the City. Kenneth stated the lift assist problem was County wide and every department was having trouble getting someone to show up in the middle of the night to pick somebody up. You can't get help for them from a social worker because if they get help up and don't get transported then they are never put into the system and therefore can't get a social worker to help their case. Charles stated his only other concern is that we don't have a Police Officer there, and lets just say there's a house on fire and say some guys going nuts and he's done set this house on fire and he's got a gun and the Fire Department is the only one that shows up then where is their back-up". LaJohnna stated that "or if you have a neighborhood fixing to go up in smoke" you need help to go knocking on doors. Chief ask Cindy if she remembered when the apartments caught on fire and one of his Officers went door to door and got everyone out. Kenneth stated that if they needed help they always called the PD, that wasn't an issue. Chief stated he didn't have a problem as long as they weren't on a call. Now it's just 4 of us and we have the app on our phones too and we see something pop up then I don't have a problem sending my people out there for scene size-up and I even have an app on my phone that I have a button I can push and it sends a helicopter. Chief said anything they can do to help then we will and Cindy stated that it's not just help from the Police Department, they need help from the community also. Kenneth stated that as far as getting people to show up for calls, most of their people work days and they're limited on daytime calls. Charles stated that he understood and that's why if we have Officers that aren't busy then they could go out and either give an assessment or maybe decide our department is not going to have enough people to help this situation and have others called out to the scene. Cindy stated that some times the situation turns and you get called out for a difficulty breathing and you get there and it's CPR in progress. Skippy stated for the most part though when I was on Seven Points I've always seen PD run calls especially if it was a structure fire because they're out and they know they will know if it's bad or not because they will be getting multiple calls. LaJohnna said we appreciate yalls service and Charles agreed and stated he appreciated the information. No action was taken on this item.

9. Charles Longacre requests an update on the container at 1052 Holiday Circle.

Charles asked Beckham what was the update on the container and Beckham stated she had been sited several times and she gives the same reasoning that it's too wet to move it. Skippy stated that she has a court date coming up on the 29th and Shirley stated it was the 27th and from there, basically the way it plays out it could take years and Charles asked what court it would be at and Shirley stated it would be here first. Skippy said it would then go to County. Charles asked, so when it comes here, what kicks it to County. Is there a criteria that has to be met before it gets kicked to County. Skippy stated that once she gets done with Court and we find out how court goes and I think they'll probably have a jury trial. Cameron stated that they have had some that have complied with the removal of the containers from residential lots which one is in her neighborhood so we're kind of trying to work it out that way. Chief stated that he was sure that when she goes to court here that she will have some sort of Attorney and if they don't agree with the decision then it will go to County. Charles asked if it does go to County do we still continue to give her citations and Beckham stated yes. On top of her continuing to receive citations, an injunction can be filed in court. Charles stated that we could continue to give her citation after citation but if there's no repercussion then we could just be doing this for years. Shirley stated that the citation could go up from \$500 to \$2000 every day. Charles asked, every day,

and Shirley stated yes. Michael Lowe asked, after we get to a certain point, what do we do. Mary Wennerstrom stated she would have to go before our court first and if she appeals it then it goes to County and County has to make a decision. Beckham stated that was just for the offense, not for the actual container. The container itself is up to the City Council to make the decision to have it removed and there's no abatement process on a container. Charles stated then it would fall on us to have somebody go out there and physically remove it. Shirley stated that would be after the City got the Court Ordered Injunction. Charles asked where would the container be taken if the City removed it was told it could be taken to her property on 274 or to a storage yard and she would have to pay the storage fees. Charles then asked what would become of all the citation fees and was told the City could put a lien on her property. Michael asked once we get a decision on this if we want to go in and remove it then we can go in and remove it and Beckham stated that yes, once we get the Court Order then we can go in and remove it and Michael stated that would be at our expense. Beckham stated that whatever contractor we used, we would just make sure that no damage was done to the house. Charles said that if it was attached to the house, and Beckham interrupted and stated that it was not attached to the house that there was just some flashing over it. LaJohnna asked if there was a door way and the container was just butted up to it. Charles asked if we went over there and removed it and she has flashing attached to her house, LaJohnna stated we would remove the flashing before removal. Shirley stated that between her house and the container there was a small breezeway connecting the two. Skippy stated we would just have to see how the court date goes from here and then just set up a court date with the County. Charles stated that was all he needed was an update to where we were at. No action was taken on this item.

10. Charles Longacre requests an update on the Police Department radios.

Chief stated he handed out a 4 page printout highlighted. The actual date the radios are supposed to be shipped to us is June 14th. They were ordered on March 15th and up at the top of the order form it says 5 day ground. He reached out to Mr. Harris and he hasn't responded. Don't know whether they will be shipped there or if they will be shipped here and we will have to take them to Harris for programming. Skippy said they are usually shipped to you and you have to take them to get programmed. Chief stated that was what he was figuring but regardless that will be three months out for programming. Also, on the back page, the total, is less than what he originally quoted. Charles asked what we budgeted this for and Chief stated \$20,000. Andy stated that would save us about \$1000. No action was taken on this item.

11. Discuss and vote on setting a date for a Budget Workshop.

Michael Lowe stated that Thursday was his only day off. LaJohnna stated that we could have it right before the next Council meeting and everyone agreed. Upon motion by LaJohnna Wells and a second by Charles Longacre; the vote was 4 for and none opposed to have a Budget Workshop on May 12th at 6:00pm and continue into the Regular Council Meeting after. Motion carried.

12. Discuss and take any necessary action on the request of Chief Wennerstrom to receive bids on a new IT company.

Chief stated that right now we were using ALPS for our IT. Shirley can attest to this that dispatch, courts, everybody has had issues since the main guy (Casey) retired. Every time they come out here they mess everything up. I don't know what he's done, I've called the owner and he sent him back out here at around 4 in the afternoon and he was here til 2 in the morning trying to get the computers fixed and we ended up having to call Casey to come and fix them and they charged us but Casey also charged them. I would just like for you to give me the ok to get different bids on other IT companies. Charles suggested that along with the bids to get some kind of background on the companies. Chief stated that he would tell them to send some sort of resume to be able to see what cities they work with. The guy that retired actually said he would send him a quote also. He knows our system. Charles stated to definitely get a bill of what we are paying now versus what else you find. Chief stated that right now we are paying \$850 per month and he is supposed to come out twice a month and we usually have to call him right back out. Charles asked if there were limitations as to how many times they can get called out and Chief said no, they are supposed to be on call 24/7. Upon motion by Charles Longacre and a second by Andy Perdue; the vote was 4 for and none opposed to allow Chief Wennerstrom to get bids from other IT companies. Motion carried.

Council adjourned to Executive Session to discuss line items 13 and 14 per local government code section 551.072 as listed below at 8:18pm

Council returned from Executive Session to take any necessary action on the discussion in Executive Session on line items 13 and 14 at 8:40pm

13. Take any necessary action on the request of Steven Stearman to lease the City owned property next to the Soccer Field.

Upon motion by LaJohnna Wells and a second by Charles Longacre; the vote was 4 for and none opposed to deny the request of Steven Stearman to lease the property next to the Soccer Field. Motion carried.

14. Take any necessary action on the request of Mac McKinsey about the sale of the EDC property on Hwy 334.

Upon motion by Charles Longacre and a second by Michael Lowe; the vote was 4 for and none opposed to accept the bid for the sale of the EDC property on Hwy 334. Motion carried.

15. Adjourn.

Upon motion by Michael Lowe and a second by LaJohnna Wells; the vote was 4 for and none opposed to adjourn the meeting at 8:41pm. Motion carried.

These minutes passed and approved this 12th day of May 2022.

APPROVED

ATTEST:

Skippy Waters, Mayor

Shirley Kirksey, City Secretary