



**City Council Meeting  
Minutes  
Regular Session  
February 10, 2011 - 7:00 p.m.**

Rhome City Hall  
105 W. First Street  
Rhome, TX

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**Council Present:** Mayor Evelyn L. Obenour; Mayor Pro Tem Chris Moore;  
**Council Members:** David E. Wilson, Jo Ann Wilson, Charles Pennington and  
Gerry McBride.

**Staff Present:** Walt Leonard, City Attorney; Ramah Burns, City Secretary;  
Preston Gilliam, Public Works Director; Robert Pratt, Fire Chief, James Rose,  
Police Chief.

Mayor Obenour led the assembly in the Pledge of Allegiance.

**Citizen Presentations and Public Input for Future Agenda Items:**

Brad McDannald – 1314 Prairie Point spoke. He said he came to the council about the white fencing around the sub division. He said right now they can't figure out who owns the fence. He said the broken boards are an eye sore when you are driving into the property. The cattle have broken it in places.

**Announcement from Mayor and Council Members**

Mayor Obenour said she had some ideas for the council to work together on. She was at the Metroplex Mayoral meeting they discussed planting trees in Texas. She said knowing Love's is coming to the area that's why he sought her out. She would really like for Rhome to get involved in this program. She would like to inspire the council to start thinking about the beautification of Rhome. She would also like during the rest of the meeting if anyone has a comment or question she will acknowledge one at a time.

Jo Ann Wilson said why it's good to live in Rhome. She said one of our senior citizens had to go to the emergency room the night before the ice storm. She came home with a prescription to she thought to the Rhome Pharmacy which it was not. Ray Moreno the Pharmacist took the time to work through the emergency room found her prescription filled it and our Fire Chief Robert Pratt went over and got the prescription and took it to her and checked her vitals. She said they want to thank Ray and Robert and a Special thanks to the Fire and Police personnel for their efforts during all of this weather. She also said Preston and his staff have gone the extra mile.

She said she had a friend say that Preston was knocking at her door to tell them they may have a water leak. She said that doesn't happen in large cities. She said they wanted to thank Preston and his staff. She said Ramah and Elizabeth need to be commended. They never lost their cool when people called in and complained about garbage pick up. It was a wild time and they worked through that. She also said that Marshall Madden was present. He has a daughter with a very nice article in the Wise County Messenger about the yellow snow. She said to please take time to read the article. She said lastly the Rhome Library is a privately owned library. As you all know the state is cutting funds. One of the rumors is it maybe a 90% hit. They have cards if anybody wants to take the time to fill out. They are going to be taken to Austin next week.

Gerry McBride said when we had the "Beautification Committee" the residents had a commitment more than the council had. They might look into trying to incorporate a citizen's forum to get ideas.

1. **Consent Agenda:** The items will be enacted with one motion. Any Council Members may remove any item form the Consent Agenda.

**A. Approval of Minutes:**

1. **January 13, 2011 Regular Session**

**B. Acceptance of Report**

1. **Police Department**
2. **Fire Department**
3. **Public Works**
4. **Administration**
5. **Parks and Recreation**

Jo Ann Wilson asked that Administration be removed. She said they need to discuss what they want to do to repair the back of the building that leaks in. She said they had snow and now we have water. She said we have been told by a contractor that the brick in the back needs to be sealed. The mortar is mostly gone. She said it needs to be repaired where the water is coming it. She said there is one area on the roof that needs to be looked at. She said we also need a sealant or membrane around the side of the building to prevent water from coming in.

Gerry McBride said he would like to get a detail of the work to be done before they get bids.

Mayor Obenour said there was a problem with the gutters where the water comes pouring in.

David Wilson said the water needs to be channeled out and turned away from the building.

**C. Approval of Check Registers**

**1. January 13, 2011 through February 7, 2011**

Motion was made by Chris Moore to approve the consent agenda. Gerry Mc Bride seconded the motion.

**Motion carried unanimously**

Discussion and necessary action concerning the following agenda items:

**2. Old Business**

**A. Action on Variance request from Love's Travel Center and Country Stores on site lighting.**

Motion was made by David Wilson to approve the variance request from Love's Travel Center and Country Stores on site lighting. Jo Ann Wilson seconded the motion.

William Gleason, Love's Travel Center and Country Stores said what they are asking for is commercial type lighting that's tall enough so when they drive underneath it the area lights up around them. He said there are only about 11 lights on that site.

**Motion carried unanimously.**

**B. Drug Free Zones**

Jo Ann Wilson said she wanted to know the status of this. She said on the Chief's report he states he has taken action and she sees no signs and has he talked with the churches.

Chief Rose said he needs to get with the Mayor and find out whose Budget the signs are coming out of. He said he would contact the Churches. He said playgrounds are a State law. He said Churches are city ordinance violations and the maximum fines can be \$2,000.

**3. New Business**

- A. I.E.S.I. – Bob Kneis, Senior Manager said he first wanted to apologize for any inconvenience there was last week. He said he has been in the business for the last 22 years and operating in this area for the last 16 years. He said if they miss three (3) days of service they can make that up. However when Friday came and it pushed them into the weekend – there was no way possible that they could have made that up. It was more efficient to get everyone back on schedule. He said everyone had a good response and understood the situation. The snow on Friday had ice under it and the cold temperatures. The wind chills were 12 to 15 below zero. They took a safe approach and chose not to run. He said they are caught up today. They are back on schedule now. They were the only company to run on Wednesday in Tarrant County with the snow. He said they have an efficient operation and their employees are outstanding.**

**Jan McKeleb said she didn't think he needed to apologize because she didn't get out. She wouldn't have wanted them to take a chance and get hurt.**

**Bob Kneis asked over all are they happy with the service. He said they have started a curbside recycle program. Decatur started the recycle program. They may be able to cut back from twice a week to once a week recycle. He said he is on the board for North Central Council of Governments and there are grants you can apply for. He said that he and Ramah should work on this. This is something for the council to consider.**

**Everyone said they are very happy.**

**Ramah Burns said Ramon and his crew are excellent. Ramon calls and lets us know when he is finished with the city. He calls to see if customers have moved or if a business is delinquent with their payment. He is very conscious about his work and takes excellent care of the city.**

- B. Consultant Agreement with Building Official for a 12 month contract.**

**Motion was made by David Wilson to approve the Consultant Agreement with Jason Cottongame, Building Official for a 12 month contract. Jo Ann Wilson seconded the motion.**

**Motion carried unanimously.**

- C. **Election Services Contract between the City of Rhome and County of Wise for rental of voting machines & equipment and purchases of voting supplies.**

**Motion was made by Jo Ann Wilson to approve the Election Services Contract between the City of Rhome and County of Wise for rental of voting machines & equipment and purchases for voting supplies. Charles Pennington seconded the motion.**

**Motion carried unanimously.**

- D. **Clarification of what is to go to the Planning & Zoning Commission.**

**Mayor Obenour said she would like for Walt Leonard, City Attorney and Jason Cottongame, Building Official to answer those questions from the Council about the Planning & Zoning Commission.**

**Walt Leonard said the Planning & Zoning Commission whether it's under our ordinance and another cities ordinance is a creature of State law 2.11 of the Texas Local Government Code. He said as a General Law city they have little or no authority to change what a P & Z does and a Home Rule City has very little if any authority to change that. A P & Z Commission is an advisory body. They make few if any decisions on their own. Their principle activity is of areas of concern are in zoning changes and review of plats. Review of plats is essentially a technical process where by they make sure that plats that are sent to the city meet our requirements. If they meet our requirements the law says they are suppose to approve them and send them on to us with a note that they have been checked and approved. That reduces the work for the city council. The other activities are reviewing zoning changes either changes to the zoning ordinance over all or for a specific spot. They only review it and send them a recommendation. They can't tell us to do it or you've got to do it. The council can listen to their well written recommendation and you can say no. They are an advisory body. How they are organized and run is also determined by State law. You may also use them if you wish for a variety of things as an advisory body. If you want to have them review things like for the Master Plan or review the entire zoning ordinance or the code of ordinances. You can ask them to go and look at that and send you back a report. It would have the same requirement force as anything else they send to you. You can say yes, no or maybe. There is one odd thing. If they have something they approve and send it to you, this is under State law, there is 20% of cases – when they say it yes or no that takes a ¾ vote from the city council to over turn it or approve it.**

**You really don't need an ordinance on that because it is determined by State law. He said in the envelope tonight they have the Ordinance that was passed in 1985 and the one that was passed 10 years later in the over all code. The Code book would over rule the older one.**

**Jo Ann Wilson asked what if a new business is coming into the city and they need 16 parking places – I know Jason would look at the building, would you also look at the parking?**

**Jason Cottongame said yes.**

**Walt Leonard said if it's part of our development code that would go to Jason to make sure they meet all of the requirements. If our code requires 20 parking spaces and they can only put in 16 there are provisions and they can request a variance. That does not go to the P & Z that goes to the council who are the Zoning Board of Adjustments.**

**Jo Ann Wilson asked what if the property line ends in front of a building and they need parking then what happens.**

**Walt Leonard said they have to determine if they can use that area in front of it or if it's going to require a variance or getting more land and doing a replat or asking for a change in the zoning ordinance which says you don't need anything in front of your house.**

**Jo Ann Wilson said they have a current business, Auto Collision World, on the North end of town. She said Chief Rose has been working through some of this with these guys. It is her understanding their building is more or less all they own. She said where they park, where they leave the vehicles to be worked on from what she understands is State Right of Way.**

**Jason Cottongame said they were never given a Certificate of Occupancy. They aren't supposed to be in that building. He said if it's a battle the council wants to fight.**

**Walt Leonard asked how long have they been there?**

**Jo Ann Wilson said less than a year but more than 6 months.**

**Jason Cottongame said no one has ever said anything about them.**

David Wilson asked what would be required to get them a Certificate of Occupancy. He said he has eight (8) feet on the South end and about two (2) feet all the way around the building.

Jason Cottongame said there is not the off street parking that he needs or property around it for the council to give him a variance.

Jo Ann Wilson asked how did they get there.

Jason Cottongame said Oncor set a meter by mistake. They thought that was in the County. He said they went back and forth and they were told to bring the electrical service up to meet code.

Gerry McBride said for this business to continue instruct them to get a Certificate of Occupancy.

- E. Motion by Jo Ann Wilson to Table this Police Blotter for Rhome Community Review to February 24, 2011. David Wilson seconded the motion.

Motion carried unanimously.

- F. Repair exciting wells

Preston Gilliam, Public Works Director said it got cold and froze. He said Well #6 is down. It's pumping very slow. It looks like there might be a hole in the casing. He said 2005 was the last time that well was pulled. When they replaced that pump they replaced a couple sections of casing. He said right now that well is off line until he gets direction. He said it was about \$8,500. He said some of these well sites have open electrical.

David Wilson said to pull the casing. He said it needs to be put back on line because it is a good well.

Motion was made by David Wilson to repair the existing wells. Chris Moore seconded the motion.

Motion carried unanimously.

4. Recess to Executive Session at 7:30 p.m.: The Rhome City Council will Convene Into Executive Session In Compliance With Chapter 551 Of The Texas Government Code (Open Meeting Act) Vernon's Texas Code Annotated, As Follows:

- a. Section 551.074 – Personnel – Police Chief
  - b. Section 551.071 – Potential litigation – Easement – Sewer Plant
5. Discuss, Consider, and Act Regarding Taking Any Appropriate Action – Executive Session Item 4a or 4b.

No Action was taken at 8:45 p.m.

There being no further business the meeting adjourned at 8:45 p.m.

**CERTIFICATION:**

Passed and approved on this 10<sup>th</sup> day of March 2011

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**Evelyn L. Obenour**  
Mayor

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**Ramah Burns**  
City Secretary