

**City of West Orange
Monday, May 16, 2022
Special Session**

**West Orange Community Center
2700 Western Avenue (rear entrance)
West Orange, Texas
5:00 P.M.**

COUNCIL MEMBERS PRESENT:

Randy Branch
Michael Shugart, Sr.

Meritta Kennedy
Brent Dearing

Shirley Bonnin

COUNCIL MEMBER ABSENT:

Dale Dardeau

APPOINTED OFFICIALS PRESENT:

Chris Leavins
Theresa Van Meter

Mike Stelly

Jon Sherwin

OTHERS PRESENT:

Jay Odom
Roy McDonald
Sherry Shugart
Dustin Hartsfield
Kirk Roccaforte
Wanda Shugart
Brandy Bonnin
Finn Landry
Alicia Bonnin
Annette Bonnin

Mary Odom
LaVerne McDonald
Omar Price
Donna Ellis
Daniel Odom
Lanie Brown
Kim Smith
Tatum Landry
Gracie Bonnin
Jesse Gardner

E.J. Williams
Jane Branch
Ida Schossow
Charles Cotton
Ronnie Shugart
Wally Brown
Kacy Landry
Jeff Bonnin
Rachel Bonnin

Call to Order

Mayor Branch called the meeting to order at 5:00 p.m. Council Member Bonnin gave the invocation. The mayor then led in the Pledges of Allegiance to the American and Texas flags.

Consent Agenda

Discussion and Possible Action on approval of the minutes of the April 11, 2022 City Council Meeting - These minutes were unanimously approved by vote after a motion was made by Mayor Pro-Tem Kennedy, followed by a second from Council Member Bonnin.

Council members with terms expiring in May 2022 were then presented with Certificates of Appreciation for their service by Mayor Branch. Those individuals were:

Council Member Shirley Bonnin: May, 2020 – May 2022
Council Member Michael Shugart, Sr.: May, 2020 – May 2022

A Certificate for Council Member Dardeau would be presented to him at a later time.

Regular Session

Canvass of the May 7, 2022 General Election – Mayor Pro-Tem Kennedy and Council Members Bonnin and Dearing, along with Mr. Leavins canvassed the results of the May 7th General and Special Elections. Mayor Pro-Tem Bonnin reported back to the Mayor that all results were correct as had been reported.

Mayor Branch reported that there had been a total of 210 votes cast in the election, with 139 of those being mail and early voted ballots, and 71 Election Day ballots.

He then read the results of the election:

For Alderman:

Frances Droddy-Lopez: 75
Jay Odom: 136
Michael Shugart, Sr.: 98
Lanie Brown: 91

There were three at-large positions open and the three top "vote-getters" won those seats. Mayor Branch congratulated Mr. Odom and Mrs. Brown for their election to the Council and to Council Member Shugart for his re-election to the Council. He then proceeded to read the results of the propositions:

Proposition #1 PASSED (For 182 / Against 17)

The reauthorization of the local sales and use tax in the City of West Orange, Texas at the rate of ¼% to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

Proposition #2 PASSED (For 138 / Against 52)

Shall Section 3 (Disannexation of Municipal Boundaries) be added to Article II MUNICIPAL BOUNDARIES in the Charter of the City of West Orange, Texas to give the city the power and authority, by ordinance, to disannex property within the boundaries of the city, subject to any restrictions or limitations provided by the constitution and laws of the State of Texas?

Proposition #3 FAILED (For 90 / Against 109)

Shall Article V DUTIES AND POWERS OF OFFICERS Section 11 (Judge of the Municipal Court) in the Charter of the City of West Orange, Texas be amended to remove the requirements that the judge must be a qualified elector and resident of the city?

Proposition #4 PASSED (For 154 / Against 40)

Shall the title of Article V DUTIES AND POWERS OF OFFICERS Section 15 (Removal of Officers) in the Charter of the City of West Orange, Texas be amended to read "Removal of Appointed Officers" as addressed in said section?

Proposition #5 PASSED (For 161 / Against 30)

Shall the word "appointed" be added before the word "officer" in the first sentence of Article V DUTIES AND POWERS OF OFFICERS Section 15 (Removal of Officers) in the Charter of the City of West Orange, Texas to clarify subject and remain consistent with remainder of section?

Proposition #6 PASSED (For 171 / Against 28)

Shall Article V DUTIES AND POWERS OF OFFICERS Section 16 (Salaries of Appointed Officers) in the Charter of the City of West Orange, Texas be amended to read, "The City Council shall set the salary or compensation of all paid officers appointed by the mayor each fiscal year."?

Proposition #7 PASSED (For 176 / Against 22)

Shall Article XVI MUNICIPAL COURT Section 1(a) (Creation and Jurisdiction) in the Charter of the City of West Orange, Texas be amended to read, "In the absence or disability of the judge, the court may be presided over by an alternate judge appointed by the mayor and approved by the City Council. The salaries of said judge and alternate judge shall be fixed by ordinance."?

Presentation of Certificates of Election – Mayor Branch then presented the Certificates of Election to the newly-elected Aldermen: Lanie Brown; Jay Odom; and re-elected Alderman Michael Shugart, Sr.

Issuance of Statements of Elected Officers – Aldermen Brown, Odom and Shugart were then given their Statements of Elected Officers to read and affirm.

Issuance of Oaths of Office – Mrs. Ida Schossow, Associate Judge of the Bridge City Municipal Court then administered the Oath of Office to Alderman Brown and Alderman Shugart. West Orange City Secretary Theresa Van Meter administered the Oath of Office to Alderman Odom.

Discussion and Possible Action on election of Mayor Pro-Tempore – Mayor Branch commended Mayor Pro-Tem Kennedy on her service as Mayor Pro-Tem during the past year and followed that with a motion to re-elect her to serve in that capacity again during the upcoming year. Council Member Shugart seconded his motion. With there being no additional nominations, the mayor called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on Mayor's appointment of Alternate Judge for the West Orange Municipal Court – Mayor Branch announced that he would like to appoint Council Member Odom to serve as the Alternate Judge of the West Orange Municipal Court. Council

Member Dearing then made a motion that this appointment be made. Mayor Pro-Tem Kennedy seconded his motion. With there being no discussion on the matter, a vote was cast, with the motion passing unanimously.

Issuance of Statement of Appointed Officer of Alternate Judge of West Orange Municipal Court – Council Member Odom then read and signed the Statement of Appointed Officer of Alternate Judge of West Orange Municipal Court.

Issuance of Oath of Office of Alternate Judge of West Orange Municipal Court – The Oath of Office as Alternate Judge of West Orange Municipal Court was then administered to Council Member Odom by Mrs. Van Meter.

Discussion and Possible Action on a membership application to the WOVFD submitted by Jesse Lee Gardner – Council Member Shugart made a motion that Mr. Gardner's membership application to the WOVFD be approved. Mayor Pro-Tem Kennedy seconded his motion. With there being no questions or discussion on the matter, the mayor called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on a request from Brian Jackson for a variance to Ordinance No. 355-C to allow him to have fowl on his property – Mr. Jackson explained that, although he does not have a full acre of property as required by the ordinance, he only has one neighbor, and they have no problem with his birds. Also, he does have his fowl behind a 6' privacy fence and in cages. He has his son clean these cages out every other day. He has never had any complaints about them.

Council Member Brown asked Mr. Jackson if he owns the property in question. He responded that he is buying it. Discussion then followed on whether, if granted, the variance would go to the person, or to the property. Mr. Leavins felt that it could be determined on how the variance is worded when (if) given. Council Member Brown asked Mr. Jackson if he had hens and roosters and he responded that he only had hens.

Several of the council members stated that they had gone by the property and all agreed that it was in a fairly "secluded" area. Council Member Odom stated, however, that that could change at any time with the issuance of a building permit for any of the vacant lots in that neighborhood.

Mr. Omar Price (2624 Smith St.) stated that he is in a similar situation in that he has chickens as well, but he has a bit less property than does Mr. Jackson. He explained that he has lived on Smith Street and has had chickens there for almost five years and it has never been a problem. But now he has been told he has to get rid of them. He wants to keep them and is hoping there is way he can do so. Mayor Pro-Tem Kennedy informed Mr. Price that Council could not address his situation at this meeting. He would have to submit his own request for consideration at a future meeting.

Council Member Shugart then made a motion that a variance to Ordinance No. 355-C be granted to the current occupant only (Mr. Brian Jackson) of 306 Joyce allowing him to keep his fowl on his property. Council Member Brown seconded the motion.

Council Member Odom then questioned what will happen when the next resident comes in who only has .5 acres or .4 acres of land. Council Member Brown responded that she went to Mr. Jackson's property. His coops are more than 100' from any other structures (other than Mr. Jackson's house) as is required in the ordinance. Mayor Pro-Tem Kennedy stated that, by approving a variance, this would be what council would be opening itself up for. If this one is approved, other requests will have to be considered as well. Council Member Shugart replied that they do not have to be approved though. He added that he felt this request to be a special situation – due to the seclusion and the fact that there have been no complaints.

Council Member Odom asked if this ordinance should be reviewed and possibly rewritten and be less restrictive. The mayor responded that that would be a council decision for a later date.

The mayor then stated that there had been a motion and a second to give Mr. Jackson a variance to Ordinance No. 355-C to keep his fowl on this property as long as he is a resident of that property. With there being no further discussion on the matter, he then called for a vote by show of hands. For granting the variance: Mayor Pro-Tem Kennedy and Council Members Dearing, Brown and Shugart. Opposed to granting the variance: Council Member Odom. With the majority voting in favor of granting the variance, Mr. Jackson was thereby granted permission to keep his fowl on his property.

Discussion and Possible Action on authorizing the Public Works Director to advertise for bids for repaving Western Avenue from Irving Street west to Foreman Road – Council

Member Brown made a motion that Mr. Sherwin be authorized to advertise for bids for repaving Western Avenue from Irving Street west to Foreman Road. Her motion received a second from Mayor Pro-Tem Kennedy. With there being no discussion on the issue, Mayor Branch called for a vote. The motion passed unanimously.

Discussion and Possible Action on the following residential tax exemptions for tax year 2022 – Mayor Pro-Tem Kennedy made a motion that the Homestead Exemption continue at 20% and the 65 or older and Disabled exemptions remain at \$17,000 each. Her motion was seconded by Council Member Dearing. With there being no discussion on the matter, the mayor called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on approving the recommendation of the Selection Review Committee to award by resolution Traylor & Associates, Inc. for administrative services in conjunction with the submittal of an application for funding through the 2022 Hazard Mitigation Grant Program for DR-4485 COVID-19 Pandemic to provide application preparation, project administration, and project-related management services, if awarded – A motion was made by Council Member Brown to approve, by resolution, the recommendation of Traylor & Associates, Inc. for administrative services in conjunction with the submittal of an application for funding through the 2022 Hazard Mitigation Grant Program for DR-4485 COVID-19 Pandemic to provide application preparation, project administration, and project-related management services, if awarded. Council Member Shugart seconded this motion. With there being no discussion or questions on the item, Mayor Branch called for a vote. The motion passed unanimously.

Discussion and Possible Action on approving the recommendation of the Selection Review Committee to award by resolution Whiteley Oliver, LLC for engineering services in conjunction with the submittal of an application for funding through the 2022 Hazard Mitigation Grant Program for DR-4485 COVID-19 Pandemic to provide application preparation and project implementation, if awarded – Mayor Pro-Tem Kennedy made a motion to approve the recommendation of the Selection Review Committee to award by resolution Whiteley Oliver, LLC for engineering services in conjunction with the submittal of an application for funding through the 2022 Hazard Mitigation Grant Program for DR-4485 COVID-19 Pandemic to provide application preparation and project implementation, if awarded. Her motion received a second from Council Member Dearing. With there being no discussion or questions on the item, the mayor called for a vote, with the motion passing unanimously.

Discussion and Possible Action on accepting into record the Amended Quarterly Investment Report for October – December, 2021 - Mayor Pro-Tem Kennedy made a motion that the Amended Quarterly Investment Report for October – December, 2021 be accepted into record as presented. Her motion received a second from Council Member Odom. A vote was cast; motion carried.

Discussion and Possible Action on accepting into record the Quarterly Investment Report for January – March, 2022 – Council Member Brown made a motion to accept the Quarterly Investment Report for January – March, 2022 Quarterly Investment Report for January – March, 2022 into record as presented. Her motion was seconded by Council Member Odom. A vote was cast; motion carried.

Announcements

Mayor Branch then announced that City offices will be closed in observance of Memorial Day on Monday, May 30, 2022. He also reported that the next Council meeting was scheduled for Monday, June 20, 2021 at 5:00 p.m.

He then invited everyone to stay for a reception in honor of Mrs. Bonnin in recognition of her 27+ years of service to the City of West Orange.

Adjournment

With there being no further business before Council, Mayor Branch adjourned the meeting at 5:50 p.m.



Randy Branch, Mayor

ATTEST:



Theresa Van Meter, City Secretary



SUMMARY OF ELECTION RETURNS

I, the undersigned, the presiding officer of the canvassing authority for the City of West Orange General and Special Elections held on the 7th day of May, 2022, Orange County, Texas do hereby certify that the following is a total of all votes received by each candidate and votes received "for" and "against" each measure as shown on election returns. I further certify that the following vote totals include early voting by personal appearance and ballots by mail cast.

Name of Office/ Or Proposition	Name of Candidate	Total Votes Received
Alderman	Frances Droddy-Lopez	75
Alderman	Jay Odom	136
Alderman	Mike Shugart	98
Alderman	Lanie Brown	91

<u>Proposition</u>	<u>Votes "For"</u>	<u>Votes "Against"</u>
#1	182	17
The reauthorization of the local sales and use tax in the City of West Orange, Texas at the rate of ¼% to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.		
#2	138	52
Shall <u>Section 3 (Disannexation of Municipal Boundaries)</u> be added to <u>Article II MUNICIPAL BOUNDARIES</u> in the Charter of the City of West Orange, Texas to give the city the power and authority, by ordinance, to disannex property within the boundaries of the city, subject to any restrictions or limitations provided by the constitution and laws of the State of Texas?		
#3	90	109
Shall <u>Article V DUTIES AND POWERS OF OFFICERS Section 11 (Judge of the Municipal Court)</u> in the Charter of the City of West Orange, Texas be amended to remove the requirements that the judge must be a qualified elector and resident of the city?		

Proposition

Votes "For"

Votes "Against"

#4

154

40

Shall the title of Article V DUTIES AND POWERS OF OFFICERS Section 15 (Removal of Officers) in the Charter of the City of West Orange, Texas be amended to read "Removal of Appointed Officers" as addressed in said section?

#5

161

30

Shall the word "appointed" be added before the word "officer" in the first sentence of Article V DUTIES AND POWERS OF OFFICERS Section 15 (Removal of Officers) in the Charter of the City of West Orange, Texas to clarify subject and remain consistent with remainder of section?

#6

171

28

Shall Article V DUTIES AND POWERS OF OFFICERS Section 16 (Salaries of Appointed Officers) in the Charter of the City of West Orange, Texas be amended to read, "The City Council shall set the salary or compensation of all paid officers appointed by the mayor each fiscal year."?

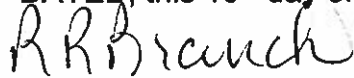
#7

176

22

Shall Article XVI MUNICIPAL COURT Section 1(a) (Creation and Jurisdiction) in the Charter of the City of West Orange, Texas be amended to read, "In the absence or disability of the judge, the court may be presided over by an alternate judge appointed by the mayor and approved by the City Council. The salaries of said judge and alternate judge shall be fixed by ordinance."?

DATED, this 16th day of May, 2022.



Mayor Randy Branch, Presiding Officer



CANVASS OF GENERAL & SPECIAL ELECTIONS

I, Randy Branch, Mayor of the City of West Orange, Texas, met with the City Aldermen *(who were not on the ballot)* who served as the canvassing board to canvass the May 7, 2022 General and Special Elections of the City of West Orange. This meeting was held during a duly-called City Council meeting on May 16, 2022 in West Orange, Texas.

I certify that the figures on the tally sheets correspond with the figures on the returns.

Witness my hand this 16th day of May, 2022.



Presiding Officer of Canvassing Authority

