

**City of West Orange  
Monday, August 8, 2022  
Regular Session**

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

**COUNCIL MEMBERS PRESENT:**

Randy Branch	Meritta Kennedy	Jay Odom
Brent Dearing	Michael Shugart, Sr.	Lanie Brown

**APPOINTED OFFICIALS PRESENT:**

Chris Leavins	Mike Stelly	Jon Sherwin
Theresa Van Meter	Simmie Gibson	

**OTHERS PRESENT:**

Matt Frederick	Michael Corbett	Robin Strother
Jane Branch	Frances Lopez	Tammi Fisette
Gail Langton	Austin Mellen	Bruce Partain
William Lee	Giancarlo Cardenas	James Fisette
Emily Mellen	Chrisleigh Dal Sasso	Glenda Mello
Dustin Hartsfield	Mike Van Meter	Sammy Cooper
Mary Odom	Pamela Thomas	Jerry Delano
Ben Tristan	Kellie Bishop Riley	Clyde McKee
Kathy LeBlanc		

**Call to Order**

Mayor Branch called the meeting to order at 5:00 p.m. Council Member Shugart 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:**

- July 5, 2022 Public Hearing
- July 18, 2022 City Council Meeting
- August 1, 2022 Budget Workshop

Council Member Shugart made a motion that the minutes of the July 5 2022 Public Hearing, the July 18, 2022 City Council meeting and the August 1, 2022 Budget Workshop be approved as presented. Council Member Brown seconded his motion. A vote was cast; motion carried.

**Reports & Comments**

**City Staff:**

**Public Works – Jon Sherwin**

Mr. Sherwin reported the following for his departments:

**Street:**

Street project is 95% complete, with the exception of pavement markings. Western Avenue project is waiting on permit approval from Western Union RR.

**Building Official:**

- 15 building permits issued
- 12 permits have been completed

**Sanitation:**

- 38 tons green waste hauled to paper mill
- 5 tons of construction and demolition waste hauled to the landfill

**Animal Control:**

- 12 intakes to shelter; 2 claimed or adopted, 7 rescued, 0 euthanized; 1 citation issued
- 5 wild hogs captured

**Police – Mike Stelly**

Chief Stelly reported that during the month of July, 2022, the WOPD had the following activity:

- 54 traffic contacts
- 1 crash
- 26 arrests
- 48 reports
- 456 calls for service
- driven 8,352 miles

**Code Enforcement:**

- 145 violations investigated
- 29 of those filed with the court

**Emergency Management:**

- Blackboard Connect test on July 26 with 85% success rate
- As of today, no tropical storms named. He added that within the past thirty (30) years, this has only happened four (4) times – that there has been no named storm between July 3<sup>rd</sup> and August 3<sup>rd</sup>.
- Drs. Hah and Chen-Hah have given a donation to the Police Department for equipment.
- Mayor Branch, Mr. Sherwin and Chief Stelly met with Senator Nichols and members of his staff for a briefing session last week. Information and concerns were relayed in both directions.

**Fire Department – Simmie Gibson**

Assistant Fire Chief Gibson reported that the department had responded to 14 total calls within the past month:

- 1 motor vehicle accident;
- 7 medical assists;
- 1 mutual aid;
- 1 line down;
- 1 gas leak;
- 3 fire alarms (2 at the school);

He also reported that two firefighters attended school at A&M. The department is continuing to train with other departments in the county.

**General Administration – Theresa Van Meter**

Mrs. Van Meter announced that booth registrations were now being accepted for the 2022 Holiday in the Park festival. To-date, five electric booths and seven non-electric booths have been rented for the event.

**Executive Session**

The mayor adjourned the meeting at 5:08 p.m. so that Council could enter into Executive Session pursuant to Section 551.071 of the Texas Government Code – Consultation with Attorney, to seek advice regarding pending or contemplated litigation.

**Regular Session**

Mayor Branch reconvened Council into Regular Session at 5:47 p.m.

**Discussion and Possible Action on retaining Patricia Garrett as a “full-time” employee of the City** – Council Member Odom made a motion that Patricia Garrett be retained as a “full-time” employee of the City. Mayor Pro-Tem Kennedy seconded his motion. With there being no discussion, the mayor called for a vote on the motion, which passed unanimously.

**Discussion and Possible Action on naming a representative from Council to serve on the SETRPC Executive Committee** – Mayor Branch nominated Council Member Odom as the Council representative to serve on the SETRPC Executive Committee. Council Member Shugart seconded his motion. With there being no additional nominees, nor discussion, Mayor Branch called for a vote. His motion passed unanimously.

**Discussion and Possible Action on a request from Jerry Delano for an extension to the six-month variance to Ordinance No. 302-D granted to him on February 14, 2022 allowing him to live in his motorhome at 2004 South Street** – Mr. Delano stated that he would like a six-month extension to his variance, explaining to Council that he has not been able to do anything to the structure yet as he is still waiting to get it in his name. Mr. McCorquodale is waiting on the line of succession before he can complete the sale to him. He also stated that his plan is to tear the house down now and build an apartment behind the house to live in while he builds the house back right where it is. He added that he would be able to be in the apartment in six months' time.

Mayor Pro-Tem Kennedy asked Mr. Delano if there was any reason why he had not started that process. He replied that it was because the property is not in his name. Council Member Shugart asked him when he plans to tear down the structure. He responded that it would be down within the next three weeks. Council Member Shugart then made a motion that Council grant Mr. Delano a 180-day extension to his variance to Ordinance No. 302-D. The motion died for lack of a second.

Mayor Branch then asked Mr. Delano if he knew whether or not Mr. McCorquodale would be able to settle the deed issue within the next three weeks. Mr. Delano responded that he did not, but if it was not in his name within the next six months, he would "get out of there."

Council Member Brown asked him how he could tear it down if he did not have ownership of the property. He responded that Mr. McCorquodale wants it down also. It is coming down "no matter what."

Council Member Odom then made a motion that Mr. Delano be given a three-month (90-days) extension to his variance to Ordinance No. 302-D allowing him to live in his motorhome at 2004 South Street. This motion was seconded by Council Member Shugart. Mayor Branch informed Mr. Delano that if he was making progress on the property, to come back to Council at the end of those 90-days to see what they can do then.

Mayor Branch then called for a vote. Voting in favor ("aye") of the motion were Mayor Branch and Council Members Shugart and Brown. Voting against ("nay") the motion were Mayor Pro-Tem Kennedy and Council Member Dearing.

**Discussion and Possible Action on a request submitted by Austin Mellen for approval to construct an RV park at 605 Foreman Road** – Council Member Shugart made a motion to approve the request submitted by Austin Mellen for approval to construct an RV park at 605 Foreman Road. A second to this motion was made by Council Member Brown.

Mayor Branch explained that Council has been investigating issues brought up by Mr. Strother. He added that during this time, he received a letter "demanding" from a lawyer that this request be granted. The mayor stated that the request had yet to be denied, yet this "demand" had been received. He stated that this did not sit well with anyone on the Council.

Mayor Pro-Tem Kennedy stated that she wanted both parties to know that she appreciated their due diligence and her decision would not be based on any demands that may have been made.

Mr. Partain addressed Council, stating that he wrote the letter, apologizing if he offended anyone. He stated that that was not his intent. He then stressed the intent of his client, Mr. Mellen, to invest his capital in the project and in the community. He encouraged Council not to look at what might happen, but to allow the project to stand on its own merits.

Mayor Branch then stated that one of his safety concerns could be addressed by adding egress from the park at both ends. He added that this was simply a suggestion in case of any emergency. He also suggested that he meet with Mr. Strother to find out what is there to determine what he should building into the park. Again, he added that that was just a suggestion. Council Member Brown agreed, thanking Mr. Strother for providing Council with information earlier in the day. She also suggested that Mr. Strother and Mr. Mellen meet. This may give Mr. Mellen further direction in how he wants to proceed.

Mr. Strother stated that he hoped that the information he provided was enough to enable Council to make an informed decision. He, representing Suez and Pelican Plastics, was still in hopes that the request would be denied. He added that they feel there is too much risk over reward. Mayor Branch thanked Mr. Strother for all of the information he provided to Council.

Council Member Brown stated that she believes the question before Council is whether or not Mr. Mellen meets the criteria of the ordinance as it is currently written, and the answer is "yes,"

he meets every one. She added that based on that fact, she would be voting in favor of his request.

Mayor Branch then called for a vote on Council Member Shugart’s motion to approve the request submitted by Austin Mellen for approval to construct an RV park at 605 Foreman Road by roll-call vote.

Mayor Pro-Tem Kennedy -	aye	Council Member Brown -	aye
Council Member Dearing -	nay	Council Member Shugart -	aye
Council Member Odom -	nay	Mayor Branch -	aye

With four votes in favor of the motion, and two against, Mr. Mellen’s request was approved by majority vote.

**Discussion and Possible Action on accepting into record the Quarterly Investment Report for April – June, 2022** – Mayor Pro-Tem Kennedy made a motion that the Quarterly Investment Report for April – June, 2022 be accepted into record as presented. Council Member Odom seconded her motion. Mayor Branch stated that interest earnings were much better this quarter than last. He then called for a vote on the motion, which passed unanimously.

**Discussion and Possible Action on authorizing a proposal on an ad valorem tax rate by record vote and consider setting the date for a public hearing and the adoption of such proposal on a future meeting agenda** – Council Member Brown then made a motion that Council, by record vote, place a proposed tax rate of no greater than \$0.4228 per \$100 valuation on the Monday, September 12, 2022 Regular Meeting agenda at 5:00 p.m. at City Hall and set a public hearing on Thursday, September 8, 2022 at 5:15 p.m. at City Hall to receive comments on such proposal. Council Member Shugart seconded her motion. With there being no discussion on the motion, Mayor Branch called roll for the vote:

Mayor Pro-Tem Kennedy -	aye	Council Member Brown -	aye
Council Member Dearing -	aye	Council Member Shugart -	aye
Council Member Odom -	aye	Mayor Branch -	aye

With the vote being unanimous, the motion to place a proposed tax rate of no greater than \$0.4228 per \$100 valuation on the Monday, September 12, 2022 Regular Meeting agenda at 5:00 p.m. at City Hall and set a public hearing on Thursday, September 8, 2022 at 5:15 p.m. at City Hall to receive comments on such proposal passed.

**Announcements**

Mayor Branch then announced the following upcoming meetings/events:

- Thursday, Sept. 8, 2022; 5:00 p.m. – Public Hearing on Proposed Budget
- Thursday, Sept. 8, 2022; 5:15 p.m. – Public Hearing on Proposed Tax Rate
- Monday, Sept. 12, 2022; 5:00 p.m. – Council Meeting
- (Adoption of Budget & Tax Rate on Agenda)
- Saturday, Nov. 5, 2022 – HOLIDAY IN THE PARK

**Adjournment**

With there being no further business before Council, Mayor Branch adjourned the meeting at 6:13 p.m.

  
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 Randy Branch, Mayor

ATTEST:

  
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 Theresa Van Meter, City Secretary

