

THE STATE OF TEXAS §
COUNTY OF ANDERSON §
CITY OF PALESTINE §

The City Council of the City of Palestine, Texas convened in a Regular Meeting on Monday, January 12, 2015 at 4:30 p.m. for the Work Session in the City Hall Conference Room, and at 5:30 p.m. for the Regular Meeting in the Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas, with the following people present:

Mayor Therrell Thomas; Mayor Pro Tem Vickey L. Chivers; Councilmembers Vernon Denmon, Jr., Joseph Thompson, Doug Smith and Steve Presley; City Manager Wendy Ellis, City Secretary Teresa Herrera, and City Attorney Ronald Stutes.

Other staff present: Development Services Director Jeffrey Lyons and Interim Police Chief Mike Alexander.

A quorum of the City Council was present.

WORK SESSION

Mayor Thomas called the work session to order at 4:30 p.m.

Discuss proposed amendment to the regulations for sexually oriented businesses as found in the Palestine Code of Ordinances, Chapter 26, Article VII

Discussion was held regarding the proposed amendment to the regulations for sexually oriented businesses. Maps were provided showing potential locations for these types of businesses which included a minimum distance of 1,000 feet from any property zoned residential uses. Interim Police Chief Mike Alexander informed that the Police Department would prefer that these types of businesses be located in one specific area instead of the entire city. Councilmember Presley proposed that the Mayor form a committee to make a recommendation to Council regarding these types of businesses and to extend the moratorium that will expire on January 20, 2015. Other Councilmembers felt that Staff had already spent many hours on this item and action needs to be taken. Council will need to take action on this item during the Regular Meeting.

With no other business to come before the Council, the work session was adjourned at 5:27 p.m.

CALL TO ORDER - REGULAR MEETING

Mayor Thomas called the Regular Meeting to order at 5:32 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Doug Smith, and was followed by Pledge of Allegiance.

PUBLIC COMMENTS, PUBLIC RECOGNITION, AND ANNOUNCEMENTS

James Smith addressed Council regarding city government and new Councilmember Doug Smith.

OATH OF OFFICE FOR NEWLY APPOINTED COUNCILMEMBER

Doug Smith recited the Oath of Office, given by Municipal Court Judge William Curly.

CONFLICT OF INTEREST DISCLOSURES

No action was taken.

MAYOR'S REPORT

Mayor Thomas welcomed new Councilmember Smith.

ITEMS FROM COUNCIL

Councilmember Presley reported on the following activities at the Texas State Railroad:

- Read press release from Texas State Railroad the release provided ridership information and different events that take place throughout the year.

Councilmember Denmon informed that the meeting scheduled for January 16 & 17 have been cancelled to allow additional time to work with City Staff and get more involvement from citizens. Project Restore Hope will be rescheduled for the first weekend in February.

Mayor Pro Tem Chivers reported on the following community events:

- Read letter from NAACP letter providing information on MLK celebration Parade on Monday, January 19th at 10:00 a.m. following the parade, participants will meet at Ben E. Keith Community Room for a program and light lunch.

CITY MANAGER'S REPORT

Departmental reports for Development Services, Municipal Court, and Library were provided.

City Manager Wendy Ellis provided a brief update regarding the Development Services monthly report. She added that thanks to the partnership with Public Works, 20 substandard structures were demolished in 2014. Also, January 9th was National Law Enforcement Appreciation Day. The day is a national movement to show appreciation for officers and the work they do in our community. The Police Department serves more than 18,000 residents and in the month of December dispatch received 15,594 calls and officers were dispatched to 1,806 of those calls. City Manager thanked the Police Department for the work they do in the City.

BOARD APPOINTMENTS

Consider appointments to Charter Review Committee:

- a. Ray Charles Emanuel, Alternate – District 3
- b. Mike Davis, Alternate – District 6

Consider appointment of Bob Herrington to Charter Review Committee replacing Andrew Flowers - District 5

Councilmember Presley made a motion, seconded by Mayor Pro Tem Chivers, to approve the appointments as presented. Upon vote, motion carried unanimously.

CONSENT AGENDA

- 1) Consider approval of proposed Land Lease for a manufactured home for office and living quarters at the Palestine Municipal Airport

Public Works Director Tim Perry presented summary of request. The proposed location is within the guidelines set by the Airport Master Layout Plan. This will be a 20 year lease with option for 20 year renewal. Council was concerned on the condition of the mobile home. Council requested that the term of the lease be changed to 10 years instead of 20 years. Mayor Pro Tem Chivers made a motion, seconded by Councilmember Presley, to approve the Consent Agenda item. Upon vote, motion carried 5-1 with Councilmember Denmon voting nay.

REGULAR AGENDA

Consider an Ordinance amending the regulations for sexually oriented businesses as found in the Palestine Code of Ordinances, Chapter 26, Businesses, Article VII

Development Services Director Jeffrey Lyons provided a brief summary. The existing ordinance does not regulate where these types of businesses can locate. Major proposed changes include: 1) The annual fee for a sexually oriented business will be \$1,400 and each employee shall pay \$150.00 annual fee both fees are non-refundable; 2) regulating the hours of operation; and 3) providing the location restricts. Staff has provided maps that include a minimum distance of 1,000 feet from any property zoned for residential uses. Councilmember Presley pointed out that any changes made will be better than the existing ordinance. The current ordinance would allow these types of businesses to locate anywhere in the City that is zoned commercial and industrial districts. Councilmember Denmon asked if City had proper staff to regulate these businesses. Development Services Director Jeffrey Lyons answered yes, the application process would start in Development Services and the Police Department would run background checks and issue the license.


Councilmember Denmon made a motion, seconded by Councilmember Thompson, to approve **Ordinance No. O-01-15** with 1,500 feet buffer from churches, public schools, daycares and public parks, regulate hours of operations, and 200 feet minimum from the loop. Discussion followed. Councilmember Presley would like to restrict the location to the overlay zone that was originally presented. Council agreed that it is important to adopt an Ordinance that is a restrictive to these businesses. Mayor Thomas thanked City Staff and Council for all the time that was invested on this issue. City Attorney Ron Stutes reminded Council that if they adopt an ordinance they can always come back and amend it at a later meeting. Interim Police Chief Mike Alexander said that from a police prospected it would be more foreseeable to manage these types of businesses in one area. City Manager Wendy Ellis informed that the City doesn't have any applications for these types of businesses at this time this is only an effort to be prepared, if that day ever comes and have guidelines on our books that best reflect the character of our community while we also adhere to the guidelines of the Supreme Court that we must adhere to. Upon vote, motion failed 3-3 with Mayor Thomas, Councilmembers Presley and Smith voting nay.

Councilmember Smith made a motion, seconded by Councilmember Thompson, to approve **Ordinance No. O-01-15** within the overlay zone, more than 1,500 feet from churches, schools, child-care facilities, and public parks, more than 1,000 feet from any property zoned for residential uses, the distances shall be calculated by a straight line from the property line of the tract upon which the church, school, public park, or child-care facility is located to the closest construction (parking lot, structure, or other construction) on the tract upon which the sexually oriented business is located and limited hours of operation. Upon vote, motion carried 4-2 with Mayor Pro Tem Chivers and Councilmember Denmon voting nay.

ADJOURN


With no other business to come before the Council, the meeting was adjourned at 6:59 p.m.

PASSED AND APPROVED THIS 9TH DAY OF MARCH 2015.



Therrell Thomas, Mayor

ATTEST:



Teresa Herrera, City Secretary