

The Early City Council met in regular session on Tuesday, March 14, 2023 at 6:00 p.m. with the following members present:

Mayor Mangrum

Council members:

Benny Allcorn

Leland Acker

Garry Forisha

City Administrator Tony Aaron

Economic Development Director Larry McConn

City Secretary Brenda Kilgo

City Attorney Mark Bessent

The following were absent:

Council members Charles Matlock and Travis Eoff

Establishing a quorum present, Mayor Mangrum called the meeting to order. Mr. Forisha gave the invocation and led the Pledge of Allegiance.

Consideration of the minutes for regular meeting held on February 14, 2023 and special meeting held on February 22, 2023.

Mr. Acker made motion, seconded by Mr. Forisha, to approve the minutes as written. All members present voted "aye".

Citizen's comments

There were no citizen comments.

Early Chamber of Commerce presentation of Business of the Month.

The Early Chamber of Commerce presented the City of Early as the February 2023 Business of the Month. Board member Robert Clark noted the City's law enforcement, fire department and first responders along with the service of public work crews during the winter storms as well as the City's draw for new businesses and working with current businesses to enhance the community are just a few of the reasons for the selection of this award. Mayor Mangrum accepted the award on behalf of the City and thanked the Chamber members present for the recognition.

Public Hearing

Mayor Mangrum opened the public hearing at 6:03 p.m. for the following items:

Consider continuation of the variance granted to City Ordinance Code Chapter 23, Section 2-2, to place a firework stand to sell fireworks at 710 Garmon Drive.

Jeremy Essary, development services, reported that the fireworks stand has been operated in this location for several years and that the owner has provided all requested information and remains in compliance with all regulations and requirements within the City's Code. It is staff's recommendation to approve the continuation for this variance as requested.

Mr. Forisha made motion, seconded by Mr. Acker, to approve the continuation of the variance as presented. All members present voted "aye".

Consideration to approve Ordinance 2023-04, to change the zoning designation from SF to GR for approximately 3.16 acres of Jacob Duckworth, Survey 56, Abstract 240, known as 720 Longhorn Drive.

An aerial map of the property was provided on the smart screen for the purpose of this discussion. Mr. Aaron stated that the property of topic is approximately 17 acres, with only a little over 3 acres within the city limits of Early, Texas. He noted that the City has no jurisdiction over the portion of property outside of the city limits and even though the ETJ agreement between the City and the County allows for platting approval for up to one-half mile outside of city limits it does not include for zoning regulations.

Mr. Davis, property owner, approached city staff with his proposal for the property and requesting services such as water and sewer if available. Based on the plans for the use of the property, city staff thought it would be a better approach to change the zoning to include for the intended purpose. Currently zoned as SF Single Family Residential any type of multi-family or multi-dwelling purpose would not be allowed, hence the change to GR General Residential. However, even with the zone change this would only be applicable to the portion of the property within the city limits.

A Planning and Zoning meeting was held last night and several neighboring property owners attended to voice their concern or issues with the proposed zone change. As a result of that meeting, the P&Z Board is recommending that the Council not approve the zone change for the property.

Mayor Mangrum opened the floor to anyone present that wanted to address the Council on this matter.

Mr. Scott Pruett, 734 Longhorn Drive, stated his concern that the zone change would allow for the future development of an apartment complex or similar development.

Mrs. Virginia Burgan, 719 Longhorn, noted that her concern was also the development of apartments on the property and the effect it would have on the value of their property as well as the overall look of the neighborhood.

Mr. Mark Harris, 732 Longhorn, voiced concern about the proposed use of the property, the cosmetic view from his back yard and drainage issues around the creek with any road work or pavement construction.

Mrs. Karen Harris, 732 Longhorn, indicated that if the proposed use of the property within the city limits was only for a drive or access to the remaining property within the County then the City should not approve the zone change as it would not affect the current requested use of this property.

At this time, Mayor Mangrum invited Mr. Davis to come forward and address the Council and those present regarding his plans for this property and offer any response to the concerns voiced.

Mr. Davis explained that his plans for the property is to move in 2-4 new container-type structures, approximately 300 square feet, that include attached porches, a bedroom, bathroom and small kitchenette for AirBnB rentals. These units would be placed toward the back of the property (in the county) with only an entrance for a roadway access on the portion within the city limits. He indicated that there would be no long-term rentals. Signage would be minimal at the entrance as he wants to keep the appeal of country/rural and secluded feel of the property.

Concluding the public hearing, Mr. Aaron stated that his recommendation at this time is for Council to table this item until the next meeting to allow further research of the legalities for the City's authority as it pertains to the property's status of both in and out of the city limits.

Mr. Acker made motion to table this item until the next meeting to allow city staff and attorney to research the topic further. Mr. Allcorn seconded the motion and all members present voted "aye".

Consider adopting an Ordinance, 2023-05, cancelling the General Election for May 6, 2023 and declaring the unopposed candidates elected.

Mr. Acker made motion to approve Ordinance 2023-05, cancelling the General Election for May 6th and declare unopposed candidates elected. Mr. Forisha seconded the motion and all members present voted "aye".

Consider accepting 2023 Telecommunication Right-of Way Access Line rates as provided by Public Utility Commission.

2023 right-of-way access rates reflect a 4.2883% increase over 2022 rates due to the CPI inflation adjustment.

Residential: from \$0.54 to \$0.57

Non-Residential: from \$1.26 to \$1.32

Point-to-Point: from \$1.67 to \$1.75

Mr. Allcorn made motion to accept the 2023 rates as presented. Mr. Acker seconded the motion and all members present voted "aye".

Consideration to approve Resolution 2023-R07, supporting the Opioid Settlement Agreement.

Mr. Aaron explained that the Council approved the participation in this settlement agreement last year for the initial pharmaceutical companies identified at the time, this is a phase II settlement that includes four other pharmacies; Allegran, Walgreens, Walmart and CVS. Texas State Attorney General Office estimates that the City is eligible to receive approximately \$14,000 from this settlement to be used for further opioid training, awareness, and prevention tools.

Mr. Acker made motion to approve Resolution 2023-R07 supporting the settlement agreement as written. Mr. Forisha seconded the motion and all members present voted "aye".

Consideration to approve the purchase of a replacement patrol unit for Early Police Department.

Chief Mercer reported that a patrol unit was involved in an accident during a pursuit in January. A damage claim was filed with TML and the car was deemed totaled and the city is to receive monies for the value of the car less any deductible. With the loss of the unit from the patrol fleet and any spare units being salvage/sold last year, officers have been sharing units between shifts. Chief Mercer presented a proposal to purchase a replacement vehicle and ask Council's approval for the additional funds needed.

Two vehicles, a pickup and a Tahoe, were included in the 2022-2023 budget for the police department. The pickup has been delivered to the contractor for the installation of all equipment and the Tahoe is still on order but no indication of its arrival. Chief Mercer is proposing to cancel the Tahoe and equipment order (\$71,448) and replace that order with a Dodge Charger with equipment (\$57,485), a savings of approximately \$14,000. The estimated value of the totaled unit to be received from TML is \$21,200 and a replacement Dodge Charger with equipment is quoted at \$53,518, a net difference of approximately \$32,318. Calculating the savings of the change between Tahoe and Charger and the cost difference for the replacement unit, approximately \$18,318 additional funds is needed.

Mr. Aaron stated that this amount is available within the current budget due to a change in the camera system item that will not be occurring this budget year.

Mr. Forisha made motion to approve the purchase of the replacement vehicle as proposed. Mr. Acker seconded the motion and all members present voted "aye".

Discussion and consideration of establishing new bank accounts for the Series 2023 Certificate of Obligation funds.

The closing date for the Certificate of Obligation issuance is scheduled for March 21st. Two accounts need to be established at the City's depository in order to receive the funds upon closing. A checking account for the construction funds (\$4 Million) and an Interest and Sinking checking account for servicing the debt are required for this transaction.

Mr. Allcorn made motion to approve the two checking accounts as needed. Mr. Acker seconded the motion and all members present voted "aye".

Discuss investment account options for Series 2023 Certificates of Obligation funds.

Mr. Aaron stated that it is encouraging for the City to be at this point, to have the funds available to consider investment options and the potential to earn higher interest rates outside of simple checking accounts. Council was provided with information regarding TexSTAR/LOGIC (Government Investment Pools). Current rates average around 4.5%, calculated daily and compounded monthly for deposit and funds are very liquid with day to day access.

As this is new territory for the City and staff, he wanted to open the discussion to determine the Council's interest and direction for further consideration.

Announcements

Courts & Controllers event at McDonald Park – March 25th

Dedication of the pavilion at McDonald Park – slated for March 25th (time to be determined)

Adjourn

Concluding all business, Mr. Acker made motion to adjourn the meeting. Mr. Forisha seconded the motion and all members present voted “aye”, adjourning the meeting at 6:50 p.m.

03/28/23

DATE

Robert S. Mangum

MAYOR

Brenda Kilgore

CITY SECRETARY