

MINUTES

A regular meeting of the City Council of the City of Pinehurst was held on May 14, 2024, at 6:00p.m. at Pinehurst City Hall Council Room. The following council members were present: Sarah McClendon, Cynthia Adams, J. Michael Shahan, Troy Pierce, Joey Vance, and Greg Willis. Mayor Sarah McClendon called the meeting to order and established a quorum. Councilman Greg Willis gave the invocation followed by the reciting of the United States and Texas Pledges of Allegiance, led by Councilwoman Cynthia Adams. The following business was transacted.

On a motion made by Mayor Pro-Tem J. Michael Shahan and seconded by Councilman Greg Willis, council members unanimously voted to approve the minutes of the Regular Session held on April 9, 2024.

Council members reviewed the budgeted expenditures for March 2024. City Secretary Debbie Cormier began the financial report by saying that there were still no capital outlays for the current fiscal year. Regarding the income comparison, she advised that March 2024 General Fund YTD revenue exceeded March 2023 General Fund YTD revenue by approximately \$156,000. She stated that the 2023 YTD revenue for Garbage Fund exceeded the 2024 YTD revenue by slightly more than \$5,000. She noted that this was due to more temporary dumpster fees in 2023. Concerning the Water/Sewer Fund, Ms. Cormier reported that it appeared that 2024 YTD revenue was behind 2023 YTD revenue by about \$340,000. However, she explained with one-time events and grant funds removed from both years, 2024 YTD revenue exceeded 2023 YTD revenue by about \$20,000. She noted that the 2024 YTD revenue exceeded the 2023 YTD revenue in the Debt Service Fund by slightly more than \$11,000. Overall, she advised that 2024 YTD revenue exceeded 2023 YTD revenue by approximately \$148,000. When comparing YTD actual revenue versus YTD actual expenditures, Ms. Cormier advised that revenue exceeded expenditures in all funds except the Water/Sewer Fund. In that fund, she noted that the expenditures exceeded the revenue by slightly more than \$65,000. She reported overall, the city had received \$341,657 more in revenue than the expenditures YTD. Ms. Cormier summarized by saying that the city had 7.53 months of cash reserves in February and 7.54 months of cash reserves in March, or virtually unchanged. Council members had no comments or questions regarding this financial report.

No one signed up to address the Council under the Citizen Comments section of this agenda.

City Attorney Tommy Gunn presented Certificates of Election to Mayor Sarah McClendon, Councilman Greg Willis, Councilman Joey Vance, and Councilwoman Cynthia Adams.

Under the direction of the City Attorney, all council members listed above executed the Statement of Officers.

Under the direction of the City Attorney, all council members listed above executed the Oath of Office.

Concerning the annual appointment of a Mayor Pro-Tem, Councilwoman Cynthia Adams made a motion to re-appoint J. Michael Shahan to that position. Councilman Greg Willis seconded the motion and the motion unanimously passed.

City Administrator Jerry Hood reported that Operation & Maintenance employees had been preparing for new taps for new businesses. He stated that crews had been performing routine maintenance, mowing, etc. He noted that recent inclement weather had caused lots of debris in the streets and downed trees.

Mr. Hood advised that administrative team members would soon begin reviewing the Personnel Policy book for necessary changes. He stated that the committee would meet once per week and present recommendations to the Council.

Mr. Hood reported that green waste (limbs, leaves, etc.) had been taken to International Paper until that company closed, then to Manshack & Sons. He advised that Manshack & Sons had shut down operations for Pinehurst and the City of Orange recently. He noted that the city was currently using Plessala Enterprises. He stated that the fees were higher than Manshack & Sons.

Mr. Hood reported that the ATV previously approved by the Council had been picked up the prior week. He noted that this vehicle would be used for meter reading.

Mr. Hood stated that the plants and bushes near and around the foundation of City Hall had been removed. He advised that they were causing deterioration of the building. He informed the Council that the building would be power washed to remove the residue left from the bushes. He noted that Council might wish to perform some landscaping in the future but stated that the outside of the building needed to be cleaned first.

Mr. Hood reported that Tiny Homes Village was temporarily on hold. He advised that they were waiting for Entergy transformers to arrive.

Mr. Hood reported that the Senior housing facility had cleared the land but then had to cease operations to finish a project in Eagle Pass.

Mr. Hood asked that Agenda Items 10 & 11 be discussed together. He explained that the engineering contracts for the City's Community Development Block Grant – Disaster Recovery Imelda grant Contract No. 24-067-011-E198 and Contract No. 24-067-012-E199 required an amendment due to oversight of some legal jargon regarding Davis-Bacon Act, Clean Air Act, etc. Councilman Joey Vance made a motion to approve the amendment to both contracts. Councilman Troy Pierce seconded the motion and the motion unanimously passed.

On consideration of purchasing four vehicles currently leased through Enterprise Fleet Management and one patrol vehicle, City Administrator Jerry Hood advised that he had met with Joe Love of First Financial Bank (FFIN) and had some financing numbers to present. He stated that FFIN was willing to finance all four of the fleet vehicles for \$129,000 with 6% interest over 60 months. Mr. Hood advised that the city had equity built up in the four vehicles. He stated that the equity could be used to purchase one of the vehicles, leaving only three vehicles to finance. The cost for financing three vehicles would be approximately \$98,000. He noted that financing for three vehicles for 48 months would be about \$2,300 per month. He advised that financing for three vehicles for 60 months would be about \$1,900 per month. He stated that this was really the

most feasible option for the city at this time. He noted that this was not budgeted because the city did not know that Enterprise Fleet Management was going to terminate the leases. Mr. Hood recommended that the city use the equity to purchase one vehicle and finance the other three for 60 months.

Mr. Hood continued by saying that the city had been leasing one police vehicle through Enterprise Fleet Management (EFM). He noted that the lease expired in April and the truck went back to EFM. He stated that left only three patrol units for four officers. He advised that the city was limited regarding patrol vehicles due to availability. He informed council members that a Ford Explorer police unit was located at Silsbee Ford for \$66,000, including equipment. Mr. Hood stated that he had spoken with Joe Love at FFIN regarding this vehicle as well. He advised that terms for this vehicle were \$1,290 per month for 60 months with 6% financing. A second option would be \$1,566 per month for 48 months with 6% financing. Police Chief Chris Humble informed council members that his department had been down to one patrol unit the prior week. He stated that one of the other units had transmission problems and the third unit required some warranty work. He stated that the one unit was running 24 hours a day for several days. Mr. Hood recommended financing the patrol unit for 48 months. On a motion made by Councilman Greg Willis and seconded by Councilwoman Cynthia Adams, council members unanimously voted to approve the financing of three fleet vehicles and one patrol unit according to Mr. Hood's recommendations. In addition, council members agreed that the fourth fleet vehicle would be purchased with equity funds.

Regarding discussion and possible action on revising the City's current Noise Ordinance. Councilman Troy Pierce stated that there were several things he would like to see modified with the current ordinance. He advised that he would like to see the times included in the current ordinance changed. He said that residents should be able to enjoy the peace and serenity of their property regardless of the time of day. Councilman Pierce stated that he would also like to see the distance requirement changed. In addition, he requested that the fine amount be increased. City Attorney Tommy Gunn suggested that the mayor appoint a committee to review the noise ordinance. Secondly, Mr. Gunn suggested that the committee check noise ordinances from other cities and make recommendations to the council for changes. Mr. Gunn, from a legal perspective, advised getting an injunction to prohibit certain things from occurring as the best option. He stated, if an ordinance does not work, the complainant should sue for public or private nuisance. He noted that the key to a successful ordinance was enforcement. Mayor McClendon appointed Councilman Pierce, City Administrator Jerry Hood, Police Chief Chris Humble, and Code Enforcement Official Leonard Roff to the committee.

Regarding the discussion and possible approval of an Independent Contractor Agreement between City of Pinehurst and CHRISTUS Trinity Clinic Practitioner William Rutledge Jr., M.D., City Secretary Debbie Cormier advised that the city had used Dr. Rutledge as its company doctor for longer than she had been employed, more than 17 years. She stated that he had always been independent but had recently joined the CHRISTUS group. She informed council members that the group required this agreement for the city to continue to use Dr. Rutledge for pre-employment physicals. She stated that both she and City Attorney Tommy Gunn had reviewed the agreement and did not find any issues. She noted that the prices listed on the agreement were the prices that Dr. Rutledge charged as an independent physician. On a motion made by Mayor Pro-Tem J.

Michael Shahan and seconded by Councilwoman Cynthia Adams, council members unanimously voted to approve the Independent Contractor Agreement.

Regarding discussion and consideration of adopting a Child-Care Facilities Exemption for ad-valorem property taxes, City Secretary Debbie Cormier advised that this exemption was passed during the last legislative session. She explained, if adopted, this exemption would allow qualifying childcare facilities an exemption of at least 50% of their property taxes. Ms. Cormier stated that she had spoken with several City Secretaries from surrounding cities. She noted that the City of Orange had already discussed the topic but put it on hold until they spoke with the qualifying Child-Care Facilities within their city. She advised that the City of West Orange had denied this exemption totally. She informed council members that the City of Bridge City was unaware of this exemption and had not brought this before their Council yet. Ms. Cormier recommended that Council deny this exemption due to the excessive amount of 50%. She stated that she did not believe that there were currently any qualifying facilities within Pinehurst but voting for this exemption may draw that type of facility to Pinehurst. City Attorney Tommy Gunn agreed with Ms. Cormier regarding the denial of this exemption. On a motion made by Mayor Pro-Tem J. Michael Shahan and seconded by Councilman Troy Pierce, council members voted to deny the Child-Care Facilities Exemption.

Under the Announcements, Comments, and Requests from Council, City Secretary Debbie Cormier advised that she had received a call from Greater Orange Area Chamber of Commerce Director Ida Schossaw regarding a Stakeholder’s meeting with Golden Triangle Polymers. Ms. Schossaw stated that they would like to have two council members from each city attend this meeting on May 21, 2024, from 4:30pm – 5:30pm at Lamar State College Orange Stark Nursing Building. Councilman Joey Vance and Mayor Pro-Tem J. Michael Shahan volunteered to attend.

There being no further business to transact, Councilwoman Cynthia Adams made a motion to adjourn. Mayor McClendon adjourned the meeting at 7:00pm.

City Secretary

Mayor