Holly Gray, Mayor Pro-Tem
Bryan Moyers, Council Member
David Brundage, Council Member

Carl E. Gierisch, Jr., Mayor

Brian Darby, Council Member
Hogan Page, Council Member
David Thompson, Council Member

MINUTES
ROANOKE CITY COUNCIL
REGULAR MEETING
JULY 9, 2024
CITY HALL COUNCIL CHAMBERS
500 S. OAK STREET
7:00 P.M.

PRESENT: Mayor Carl E. "Scooter" Gierisch, Jr.; Mayor Pro Tem Holly Gray; Council Members: Brian Darby, David Thompson, Bryan Moyers, Hogan Page, and David Brundage; City Manager Cody Petree, City Secretary April S. Hill, and City Attorney Jeff Moore.

DEPT. STAFF: Assistant City Manager/Chief of Police Jeriahme Miller, Public Works Director Shawn Wilkinson, Development Services Manager J.R. Hames, IT Manager Blake Gore, Sr. Building Inspector Chad Liford, Economic Development Manager Siale Langi, Communication and Public Administrator/Marking Carissa Katekaru, and Human Resources Manager Jamie Seil.

A. CALL CITY COUNCIL TO ORDER

City Council called to order at 7:00 p.m.
Invocation and Pledge of Allegiance given by Mayor Gierisch.

B. ANNOUNCEMENTS

Mayor Gierisch announced the July 3rd Independence Day event was very successful with over 20,000 in attendance. Mayor Gierisch thanked staff and everyone who participated in the event.

Mayor Gierisch wished Councilmember David Thompson a happy birthday.

C. PUBLIC INPUT

Nicole van Vuuren, Roanoke resident, representing Anton's African Cuisine LLC, stated she is struggling to understand the situation they find themselves in. Mrs. van Vuuren further explained they opened their business to bring unique dining to Roanoke. In 2018-2019 when getting permits for their business, the city did not realize it would be a restaurant, even with the dining and kitchen area located on the plans. After receiving the permit, they were delayed again, so instead of opening in April, they opened in June. In 2020, although a lot was going on worldwide, the city taunted them about sandwich boards and feather flags that were not legal in the city, but yet used every where else, including

the farmers markets. When the ordinances changed, they were never notified, so they pushed back out of frustration. In 2021, after feeding everyone during the freezing event in February, we were used as a strong arm against our landlord, to make him place a fire suppression system in the building, which should have had a grandfather clause. The city stated they were willing to work with them, but it didn't happen properly. Instead of opening in June, we were not able to open until August. In 2022, the city welcomed a drag show, and their business (Anton's) was the only one who spoke out openly against it. In 2023, they found themselves as the only place allowing people to speak, who had concerns about the current NISD school board and became targets of the teachers, faculty, and those associated with the local schools. We homeschool for personal choice, and I refuse to let another day go by without knowing my children. In 2024, we were pinpointed as radical homeschoolers by sitting council members. All of this comes from supporting another candidate for Mayor. No offence to Mayor Gierisch. The mayor's race is over, and I am not upset, as the city did a great job, they spoke together and had some growth, and asked questions. That is the best I can ask for. Never did I think I would be facing political persecution in my own business. Most of our customers are not from Roanoke. Out of 130 names, only 5 are Roanoke residents.

Anton van Vuuren, Roanoke resident, representing Anton's African Cuisine LLC, stated our business went from 1,500 square feet to 7,000 square feet in the past 5 years. We supply products countrywide. We started as a restaurant, but due to the pandemic, we expanded to a market that imports and supplies international goods. This allows us to do business anywhere. We received citations, and still have not received ordinances or complaints. City officials walked into our business all with the power of shutting us down. That is not a warring, it is a threat. On July 4th, Nicole drove through town to see if any other businesses were doing what we have been cited for, which can be read on our social media accounts. On Friday, she found a teacher had falsified information by taking a photo off of their Facebook page and edited it out of context, and lied about us. On Saturday, she drove past a city building (265 Marshall Creek Rd.) and there was a grill, which we were cited for and so apparently if you are not the fire department, you are not allowed a grill within 10 feet of the building. She drove around and saw multiple stores that have exactly what we were cited for all over the parking lots. One of the things that I find very frustrating, is when you need to market your business, and you do not know what you are legally allowed to do, and the city does not tell you unless you ask the correct question. It makes it extremely difficult, when you go to the planning department and you ask about putting up feather flags, and are told those are not legal, but other business have them. Don't be surprised if you lose businesses. We appreciate rules and try to follow them, but when they constantly change, it's very hard to know what's going on. Selective enforcement is a real thorn in one the side, and a political tool.

Mayor Gierisch stated that normally the City Council does not reply back during public input, but a statement of fact will be read.

Mayor Gierisch clarified; a citation was never issued, it was a warring letter in regard to a few things that were mentioned concerning violations, in regard to your property. The main differences between a citation and a warning are:

A citation (also called a ticket) typically involves a monetary fine and may require a court appearance. A warning does not involve any fines or court appearances.

Staff prepared an outline of what has occurred. Originally your business was inspected and CO'ed for a fixed food establishment, which does not include outdoor cooking. It would only be allowed on a mobile food vendor during a special event, and was listed on the notice. The inspectors witnessed outdoor grills onsite, which would require a special event permit to host that. Although not selling, grilling, or cooking outdoors, at the time of the inspection, the warning was only a reminder that this is not permitted as part of their current health permit.

If the food you are cooking on the outdoor grill is distributed to the public, you would need a special event permit and health inspection. The permit is temporary and not continuous.

The fire department, as referred to in your social media post, are not cooking for an event or for the public, and public facilities are not zoned Retail (R), which have outside display and open storage conditions.

Your establishment is located in a Retail Zoning District (R), storage requires proper screening and cannot be stored in the parking area. Some businesses received variances, such as Home Depot and Tractor Supply, to allow outside storage.

Violations observed were from Section 12.404, Sec. 12.700 (h) and Sec. 12.806, and determined the bookshelves, table and chairs are not in violation, please make sure not impede pedestrian circulation or accessibility. An email was sent in regards to this, and the owners of the business have been notified as well.

I have also included Section 6.208 regarding the cooking and processing of food outdoors, which would apply if they were operating without a temporary vendor permit.

This is to clarify things that is being shared out there that are not true. This was a warring and not a citation, and not an attempt to try and shut down a local business.

Mayor Gierisch thanked them for speaking.

Stephanie Rogers, Roanoke resident, requested agendas be posted a week prior, because there isn't enough time to read everything and do research prior to a meeting. Ms. Rogers, asked what roll, do we as citizens have in these meetings. Ms. Rogers stated she would set a meeting with staff to discuss how it all works.

D. PRESENTATION

1. Mayor Gierisch swore in Jeff Williams to his new position of Assistant Chief of Police.

E. CONSENT AGENDA

All items listed below are considered routine and will be enacted with one motion. There will be no separate discussion of items unless a Councilmember or citizen so requests, in which event the item will be removed and considered separately.

1. Consider approval of the minutes from the regular City Council meeting held on June 25, 2024.

2. Consider approval of an Interlocal Agreement between the City of Roanoke and Denton County for the use of the Denton County Radio Communications System.

3. Consider approval of an Interlocal Agreement between the City of Roanoke and the City of Allen for technology aid in the event of a disaster or IT department unavailability.

Motion made by Holly Gray second by David Thompson to approve Consent Agenda Items 1 and 2.
Motion carried unanimously.

Item E3 was removed for discussion.

Motion made by Holly Gray second by David Thompson to approve Consent Agenda Item 3.
Motion carried unanimously.

F. OLD BUSINESS

1. Consideration and action to appoint four (4) members to the Planning and Zoning Commission for a term ending July 2026.

- Motion made by Holly Gray second by Brian Darby to appoint Victor Molaschi to the Planning and Zoning Commission for a term ending July 2026.

Motion carried unanimously.

- Motion made by Brian Darby second by Holly Gray to appoint Jason Kasal to the Planning and Zoning Commission for a term ending July 2026.

Motion carried unanimously.

- Motion made by Bryan Moyers second by Brian Darby to appoint Ernie Adams to the Planning and Zoning Commission for a term ending July 2026.

Motion carried 4-3-0. Mayor Pro Tem Holly Gray, Councilmember David Brundage, and Councilmember David Thompson were opposed.

- Motion made by Hogan Page second by Holly Gray to appoint Donald Glacy to the Planning and Zoning Commission for a term ending July 2026.

Motion carried 4-3-0. Mayor Gierisch, Councilmember Bryan Moyers, and Councilmember David Brundage were opposed.

G. NEW BUSINESS

1. Motion made by Holly Gray second by Bryan Moyers to award a bid to K. Tillman Construction LLC for electrical improvements on Oak Street, including the installation of electrical receptacles from Crockett Street to Byron Nelson Blvd, for an amount not to exceed $1,724,400.00.

Motion carried unanimously.

2. Motion made by Holly Gray second by David Thompson to approve Ordinance No. 2024-107 granting to Atmos Energy Corporation, a franchise to construct, maintain, and operate pipelines and equipment in the City of Roanoke, Denton and Tarrant Counties, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said city for all purposes.

Motion carried unanimously.

This item was considered after executive session.

3. Motion made by Holly Gray second by Hogan Page to approve Ordinance No. 2024-108, establishing a sinking fund for the second amended employment agreement with Cody Petree, as presented.

Motion carried unanimously.

H. EXECUTIVE SESSION

The City Council will hold a closed Executive Session meeting pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

CITY COUNCIL DID CONVENED INTO CLOSED SESSION AT 7:38 P.M.

Section 551.074
To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551 of the Texas Government Code, to take any action necessary regarding:

CITY COUNCIL RECONVENED INTO REGULAR SESSION AT 7:45 P.M.

1. **Sections 551.074 of the TEXAS GOVERNMENT CODE** To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

   Motion made by Holly Gray second by Hogan Page to approve a second amended employment agreement with Cody Petree, as presented.

Motion carried unanimously.

I. ADJOURNMENT

Motion made by Holly Gray second by Brian Darby to adjourn the meeting at 7:47 p.m.

Motion carried unanimously.

Carl E. "Scooter" Gierisch, Jr., Mayor

April S. Hill, City Secretary