

Kirby Smith, Council Member
Brian Darby, Council Member
Holly Gray-Moore, Mayor Pro-Tem



Carl E. Gierisch, Jr., Mayor

Vacant, Council Member
Angie Grimm, Council Member
David Thompson, Council Member

**MINUTES
ROANOKE CITY COUNCIL
REGULAR MEETING
APRIL 13, 2021
CITY HALL COUNCIL CHAMBERS
500 S. OAK STREET
7:00 P.M.**

PRESENT: Mayor Carl E. "Scooter" Gierisch, Jr.; Mayor Pro Tem Holly Gray-Moore; Council Members: Kirby Smith, Brian Darby, and David Thompson; City Manager Scott Campbell, City Secretary April S. Hill, and City Attorney Jeff Moore.

DEPT. STAFF: Assistant City Manager Cody Petree, Director of Fiscal and Administrative Services Vicki Rodriguez, Chief of Police Jeriahme Miller, Public Works Director Shawn Wilkinson, Parks and Recreation Director Ronnie Angel, Planning Manager J.R. Hames, and City Planner Kelly Carlson.

ABSENT: Councilmember Angie Grimm and Fire Chief Chris Addington.

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

Administrator Special Events, Marketing & Tourism Mary Jo Tellin announced the Alternate Easter Program, which included nine (9) different events, had positive responses. Ms. Tellin thanked all of the staff involved in making it a great success. Many residents sent emails, thanking the City for the program.

C. PRESENTATION

1. Rachel Ormsby, CPA, Senior Manager from BKD, LLP provided an overview of the annual audit.

D. PUBLIC INPUT

No one wished to speak.



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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 March 23, 2021.

Motion made by Holly Gray-Moore second by David Thompson to approve Consent Item 1.

Motion carried unanimously.

F. NEW BUSINESS

1. Motion made by Holly Gray-Moore second by David Thompson to accept the FY2019-2020 Comprehensive Annual Financial Report for the fiscal year ending September 30, 2020.

Motion carried unanimously.

2. Public hearing regarding property located at 349 Randy Road, Lot 13, Block 4, Country Acres Estates, SN#1 TXS0589776, HUD# TXS0589776 to determine whether the structure is a public nuisance and substandard structure as set out in Chapter 3, Article 3.1200 of the City of Roanoke Code of Ordinances, entitled "Regulations of Dangerous Buildings and Premises."

Public hearing started at 7:12 p.m.

J.C. Sampson, owner of 349 Randy Road, stated, there was a fire at the property on March 3, 2021. Mr. Sampson further stated the Roanoke Fire Marshal and Code Enforcement deemed the property unsafe/uninhabitable, and the tenants were informed that they could no longer stay on the property. The tenants would not vacate the unsafe property, so Mr. Sampson started the eviction process, and formally filed it with Denton County.

Public hearing ended at 7:18 p.m.

3. Consideration and action regarding property located at 349 Randy Road, Lot 13, Block 4, Country Acres Estates, SN#1 TXS0589776, HUD# TXS0589776 to determine whether the structure is a public nuisance and substandard structure as set out in Chapter 3, Article 3.1200 of the City of Roanoke Code of Ordinances, entitled "Regulations of Dangerous Buildings and Premises."

Councilmember Brian Darby asked what the timeline would be for cleanup of the property.



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Mr. Sampson stated that once the tenants have vacated the property it would take about 2 days for the cleanup.

Mayor Pro Tem Holly Gray-Moore asked if it was possible to rehab the home.

Assistant City Manager Cody Petree stated staff's recommendation is to demo the home.

Mayor Gierisch stated this is exactly the reason we adopted a rental ordinance, due to the number of substandard structures, because landlords are not maintaining and properly inspecting their properties.

City Attorney Jeff Moore stated that the purpose of this item to decide whether the property is a public nuisance or not. Included in the packet is evidence of the fire damage. Mr. Moore further stated that he has handed out three (3) possible motions, (1) finding it's a not public nuisance, (2) finding it is a public nuisance and giving 30 days to demolish and remove the structure, and (3) finding it is a public nuisance and giving a longer amount of time to demolish and remove the structure. Mr. Moore stated that based on all of the evidence, he would suggest a motion be made using option (2) in this case, which State law provides the ability to impose a penalty if the order is violated.

Councilmember Kirby Smith asked if the property owner has a tenant on the property and he has to evict them, how we could say it has to be demolished in 30 days, when he is waiting on the eviction process.

City Attorney Jeff Moore stated that is a point to take into account and make a motion using option (3), if you want to allow time for the eviction process.

Councilmember Smith stated that making a motion with option (2) does not seem plausible.

Councilmember Darby stated, if he understands correctly, the people who are still on the property are not paying rent and may not be actual tenants. Councilmember Darby further stated that is not a City concern, but rather a property owner concern. The public nuisance of the property is the City's concern. Councilmember Darby concluded that based on this, 30 days would be adequate time to comply with the order.

Councilmember Smith asked if you cannot get the occupants off the property, how you could demolish it.

Assistant City Manager Cody Petree asked if the eviction did not happen within 30 days, could we come back and ask for an extension to the order.



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City Attorney Jeff Moore stated that under the order, you could come back and revisit it.

Councilmember Smith stated he understand the sense of urgency to get this done, as it is a nuisance, "but if his hands are tied, then they are tied."

City Attorney Jeff Moore stated that if a motion is made using option (2), the days could be modified to 60 days.

Motion made by Holly Gray-Moore second by Brian Darby to authorize the Mayor to execute Order 2021-04-13-002 finding the following:

- 1) The structure located at 349 Randy Road is a substandard structure;
- 2) Authorizes and imposes a civil penalty in the amount of \$ 500 per day for each day the owner is in violation of this order in accordance with City Code; and
- 3) Orders the property owner to remove or demolish said substandard structure within forty-five (45) days of this order, by June 1, 2021.

Motion carried unanimously.

4. Motion made by Holly Gray-Moore second by Kirby Smith to approve a Site Plan (SP 2021-02) request from Eddie Bogard, PE, for a site plan application for a building to be located on an approximate 4.07 acre parcel being a part of the Vaughan Addition; Block 1, Lot 2, generally located on the West side of Hwy 377 and North of Marshall Creek Rd.

Motion carried unanimously.

5. Public hearing to consider amending the Comprehensive Zoning Ordinance, by amending Chapter 12, Article III, Division 15, entitled "Oak Street Corridor Zoning District", by amending Section 12.492 of the Code of Ordinances entitled "Table 1 - Schedule of Uses," by amending the residential uses of the Oak Street Corridor Zoning District to allow Single-Family Residential Attached Dwelling Unit (Townhomes) Use by Specific Use Permit (SUP) in the neighborhood transition zone on Morningside Drive. (Ordinance No. 2021-108)

Public hearing started at 7:33 p.m.

No one wished to speak.

Public hearing ended at 7:33 p.m.

6. Motion made by Holly Gray-Moore second by David Thompson to approve Ordinance No. 2021-108 amending the Comprehensive Zoning Ordinance, by amending chapter 12, Article III, Division 15, Section 12.492, Table 1-Schedule of Uses of the Code of Ordinances of the City of Roanoke, Texas, by amending the



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zoning district to allow Single -Family Attached Dwelling Unit (Townhomes) use by Specific Use Permit (SUP) in the Transition Zone District on Morningside Drive.

Motion carried unanimously.

7. Motion made by Holly Gray-Moore second by David Thompson to appoint Robert Balduc, David Thompson, and Jason Newton to the Roanoke Economic and Industrial Development Corporation REIDC Type A.

Motion carried unanimously.

8. Motion made by Holly Gray-Moore second by David Thompson to appoint Larry Granados and Jason Kasal to the Roanoke Community and Economic Development Corporation RCEDC Type B.

Motion carried unanimously.

9. Motion made by Holly Gray-Moore second by David Thompson to appoint David Stone, Karla Balduc, and Rachel Moldanado to the Keep Roanoke Beautiful Board.

Motion carried unanimously.

10. Motion made by Holly Gray-Moore second by David Thompson to appoint Joshua Binegar to the Roanoke Parks and Recreation Board.

Motion carried unanimously.

G. 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 CONVENED INTO CLOSED SESSION AT 7:36 P.M.

Section 551.087

To deliberate commercial or financial information the City has received from a business prospect, and to deliberate the offer of a financial or other incentive to a business prospect.

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 7:57 P.M.

1. **Sections 551.087 of the TEXAS GOVERNMENT CODE** To deliberate commercial or financial information the City has received from a business prospect, and to deliberate the offer of a financial or other incentive to a business prospect.

No action taken.



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H. ADJOURNMENT

Motion made by Holly Gray-Moore second by Brian Darby to adjourn the meeting
at 7:57 p.m.
Motion carried unanimously.



April S. Hill, City Secretary



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