

Public Hearing and Regular Meeting Minutes—City of Plantersville
November 20, 2023

The Board of Aldermen of the City of Plantersville, Grimes County, Texas, met in public hearing and regular session at 6:00 p.m. on Monday, November 20, 2023, in Town Hall, 11335 Lodge Lane, Plantersville, Texas.

Members Present:

Karen Hale, Mayor
Kim Allphin, Alderman, Mayor Pro-Tem
Marilyn Bettes, Alderman, Secretary

Frank Dean, Alderman
Carolyn Kurten, Alderman

Absent initial 6:00 p.m.: Otis Greenwood, Alderman

Arrival at 6:45 p.m.: Otis Greenwood, Alderman

Visitors: Joseph Ellis, CPA Partner, McCall Gibson Swedlund Barfoot PLLC; Andrea Chan, City Attorney
Representative for Art Pertile, Charles Collins, Trenia Collins, Jessica Bomar, R Deen Miller

1. Call to Order: Quorum established. Mayor Hale called the meeting to order at 6:00 p.m. The invocation was given by Alderman Kim Allphin with pledges led by Mayor Hale.

2. Regular Meeting Minutes: October 16, 2023

Motion to Approve with corrections:

Alderman Dean requested correction to Item 9 on meeting minutes include the following:

The no quorum special meeting on September 28th involved an informal conversation with Mr. Wendell regarding Item 9 that was requested be placed on the agenda for that meeting. A possible Interlocal Agreement with Todd Mission for Renaissance Festival Traffic Control that he was to present, however, this was not possible as the only members at meeting were Mayor Hale, Alderman Bettes and Alderman Allphin.

Action: Motion to approve with corrections: Alderman Dean

Second: Alderman Carolyn Kurten

Voting: Yes: Unanimous

Final Resolution: Motion carries

Motion to approve with additional correction to amended minutes:

Alderman Allphin requested correction to the minutes of October 16, 2023, with corrected date on body of minutes to reflect October 16, 2023, as typing error in body of document, was typed as August 21, 2023. It was a typing error.

Action: Motion to approve with correction to amended minutes: Alderman Allphin

Second: Alderman Dean

Voting: Yes: Unanimous

Final Resolution: Motion Carries

Regular Meeting Minutes: September 18, 2023

Motion to approve with corrections:

Alderman Allphin requested correction to the minutes of September 18, 2023, with the corrected date on body of minutes to September 18, 2023, as typing error of August 21, 2023. It was a typing error.

Action: Motion to approve with corrected date of September 18, 2023

Second: Alderman Bettes

Voting: Yes: Unanimous

Final Resolution: Motion carries

3. Public Comments: No Public Comments

4. Discuss/consider/approve: Invoices and items currently due and payable.

Discussion: Mayor Hale emailed to all Aldermen for review prior to meeting. No questions.

Action – Motion to Approve Due and Payables: Alderman Dean

Second: Alderman Kurten

Voting: Yes: Unanimous

Final Resolution: Motion carries

5. Discuss/consider/approve: Proposed Budget for 2023-2024

a. Public Hearing – See Public Hearing Meeting Minutes in separate document. Adjourned for Public Hearing at 6:17 p.m., Returned to Regular Meeting at 6:41 p.m.

b. Discuss, consider, approve: Proposed Budget 2023-2024

Action – Motion to Approve Budget with recommendations of \$1,000 for sign and \$15,000 for CPA

Audit: Alderman Bettes

Second: Alderman Allphin

Voting: Yes: Unanimous

Discussion: Motion to Amend the Budget with recommendation to amend Clerical Part Time Salary to \$12,500: Alderman Allphin

Second: Alderman Bettes

Voting: Yes – Alderman Bettes, Alderman Allphin and Alderman Kurten
No – Alderman Dean

Final Resolution: The changes to Proposed Budget 2023-2024 have been noted for final presentation of City of Plantersville Proposed Budget 2023-2024.

Recap of Proposed Budget 2023-2024 presented by Mayor Hale.

Action – Motion to accept Proposed Budget 2023-2024 with changes: Alderman Bettes

Second: Alderman Allphin

Voting: Yes – Alderman Bettes, Alderman Greenwood, Alderman Kurten, and Alderman Allphin
No – Alderman Dean

Final Resolution: Motion carries

Mayor Hale presented Ordinance 3123 – Adopting the Budget for the City of Plantersville for October 1, 2023, to September 30, 2024

Action- Motion to accept Ordinance 3123 – Adopting the Budget for the City of Plantersville for October 1, 2023, to September 30, 2024: Alderman Allphin

Second: Alderman Greenwood

Voting: Yes – Alderman Bettes, Alderman Greenwood, Alderman Allphin and Alderman Kurten
No – Alderman Dean

Final Resolution: Motion carries

6. Discuss/consider/approve: 2021-2022 Fiscal Year Annual Audit: Joseph Ellis, CPA Partner, McCall Gibson Swedlund Barfoot PLLC

Discussion: Mr. Ellis provided audit information binders to each alderman and proceeded to review the contents, recommendations, and suggestions. The franchise fees paid by Entergy and the revenue on sales tax are listed with amounts and totals. The audit correspondence provided the additional information required as the financial statements and audit is provided by one firm – McCall Gibson Swedlund Barfoot PLLC. All documentation requested was presented quickly, there were no material weaknesses with any accounting practices that are not common to small cities, the year ended in conformity with accounting principles generally accepted in the U.S.

Action – Motion to approve the 2021-2022 Fiscal Year Annual Audit as presented: Alderman Allphin

Second: Alderman Dean

Voting: Yes: Unanimous

Final Resolution: Motion carries

7. Discuss/consider/approve: Cybersecurity Awareness Training Assessment of Knowledge (Test)

Discussion: Mayor Hale asked attorney Andrea Chan to explain and provide additional information regarding the Cybersecurity Awareness Training Assessment of Knowledge (Test). Ms. Chan reviewed the

Texas State Government Statute Code 2054.519; this code requires all elected Texas officials and Texas Government employees must complete and pass the test. The completed tests and scores are sent to the state in confirmation and verification that all individuals are following this guideline. The mayor is responsible for reporting and reporting of compliance with the code. Alderman Dean advised that he had researched this matter, and the compliance was only necessary if you dedicate a specific amount of time to the elected office. Ms. Chan explained that the time factor did not apply for exemption, all elected officials are required to complete and return to the mayor. Aldermen Allphin, Bettes, Kurten and Mayor Hale have all completed the requirement.

8. Discuss/consider/approve: GLO CBDG MIT MOD
Discussion: Mayor has received no news on this grant, other than confirmation from Grantworks that all documents have been submitted and it is still in review.

9. Discuss/consider/approve: Amendment to Ordinance 07-18, Rules of Procedure: Section 2, Notice of Meeting
Discussion: Mayor Hale asked if there were any questions regarding the ordinance prepared by City Attorney Art Pertile that was emailed to aldermen on multiple occasions. Alderman Kurten requested Alderman Allphin to read the ordinance for review. Alderman Allphin read the ordinance as requested. Alderman Kurten stated the ordinance is difficult to understand with the legal verbiage included, the only change needed was removing the two-person signature. The intent of the request was to bypass obtaining signatures to place item on agenda. Mayor Hale explained that the ordinance was changed to include the required legal terms as on any ordinance or resolution as prepared in compliance by the City attorney for the City as requested. Alderman Dean requested explanation of Walking Quorum to clarify why the ordinance change was important. Mayor Hale asked City attorney representative, Andrea Chan to please address the next agenda item – Walking Quorum Explanation as a better understanding was needed to proceed with Agenda Item 9.

Prior to the discussion of Walking Quorum, it is noted that Alderman Bettes made motion to accept the Ordinance 07-18, Rules of Procedure: Section 2, Notice of Meeting.

It was repeated as an action when Mayor Hale advised the motion was on the floor from Alderman Bettes.
Action: Motion to Accept the Amendment to Ordinance 07-18, Rules of Procedure: Section 2, Notice of Meeting: Alderman Bettes

Second: Alderman Dean

Further Discussion: None

Voting: Yes: Alderman Allphin, Alderman Bettes, Alderman Dean and Alderman Greenwood

No: Alderman Kurten

Final Resolution: Motion carries

10. Discuss/consider/approve: Walking Quorum Explanation by City Attorney representative, Andrea Chan
Discussion: Ms. Chan stated that the Walking Quorum rule is when there is communication of more than two regarding any matter pertaining to the city. Examples include emails that are sent to one person and then to another person or any chain of communication. Mayor Hale inquired about the number of persons as the City of Plantersville quorum is four. She was advised communication was permissible with no more than three with prior discussion with City Attorney, Art Pertile. Ms. Chan advised that this was confusing to many as each organization can require different numbers of individuals for their specific quorum. Alderman Dean remarked that engaging in Walking Quorum was a criminal offense and he wanted to alleviate confusion regarding the number involved with Walking Quorum. Ms. Chan advised that the intent is to eliminate any chance of being involved in Walking Quorum even though there is no intent to violate the guidelines. Mayor Hale reviewed the procedure was written by the city attorney. Alderman Dean expressed this was the reason he questioned the two-signature process as to remove confusion and the possibility of a Walking Quorum. He did not want a violation of Walking Quorum when it involved three members.
Alderman Kurten stated that this was confusing, and an item should be put on the agenda with one request. Mayor Hale advised that the Ordinance 07-18 change would allow the ability to request at each meeting. It would be a line item and the board could also contact the mayor with a written request such as an email. Mayor Hale reviewed an item can be added. Ms. Chan advised that the intent is to prevent a Walking Quorum with the Ordinance 07-18 listed in Item 9.

Mayor Hale asked for additional information from Ms. Chan regarding the Walking Quorum. Ms. Chan stated that in her experience, no one ever means to violate the Open Meeting guidelines. It is when a series of meetings take place, when at a social event an item is brought up inadvertently, social media forum. Those qualify as communication, there are so many ways to have conversation as before the electronic mail options. The mayor can send an individual email or text to let all board members know that there is an issue or problem which is acceptable. There should be no reply as a group or reply all response.

Alderman Kurten inquired as to the number in our quorum, Alderman Dean answered that the quorum for the City of Plantersville is four. Some organizations have a seven-body board, in that case the quorum is five. Ms. Chan stated that any group less than quorum is a violation. Mayor Hale again asked the exact number of individuals this applies to, Ms. Chan responded that two individuals do not violate the Walking Quorum. Ms. Chan stated Ordinance 07-18 was specifically written to prevent confusion or actions that could be construed as a violation of the Open Meeting Act. Ms. Chan advised that the proper procedure is to limit conversation regarding a possible pending agenda item. If the item has been addressed in a meeting, then it is not a violation to discuss that matter. She also advised that a simple communication between individuals in a social situation would not be a violation.

11. Discuss/consider/approve: Resolution Regarding Procedure of Requesting Attendance of Legal Counsel at Meetings
Discussion: Mayor Hale advised that item 11 had been completed, she failed to remove from agenda.
12. Discuss/consider/approve: Treats on a Dirt Street: Thursday, October 26, 2023, recap
Discussion: Mayor Hale asked Alderman Allphin to provide information. Alderman Allphin advised she and volunteers arrived at Town Hall at 3:30 p.m. to prepare and set up for event. The attempts to complete basic tasks were hindered with severe weather and flash flooding. The forecast continued to worsen and for safety reasons, Mayor Hale agreed that the event would need to be cancelled and the public notified as soon as possible. Alderman Allphin immediately provided postings on social media and website with notice of cancellation at 4:30 p.m., Thursday, October 26, 2023.
Action: Motion to use purchased candy for the Plantersville Christmas Parade on Saturday, December 2, 2023: Alderman Allphin
Second: Alderman Kurten
Further Discussion: None
Voting: Yes: Unanimous
13. Discuss/consider/approve: Entry in Plantersville Christmas Parade, Saturday, December 2, 10:00 a.m.
Discussion: Mayor Hale advised that she and John will provide the vehicle to ride on for the parade for any of the aldermen that would like to participate. All were welcome and invited to attend. Alderman Allphin stated that she would be out of town on that date, however, she will have a city banner – Merry Christmas for use with participants of their entry/float. Alderman Kurten inquired as to the type of vehicle that would be used, Mayor Hale advised that there were several to use and depending on the number participating room would be available for all to ride in parade. Alderman Allphin reviewed the categories of parade participation and encouraged all to attend. Additional information is available with Sandra Kuta and contact details can be provided.
Action: Motion to participate in the Plantersville Christmas Parade on Saturday, December 2, 2023: Alderman Bettes
Second: Alderman Greenwood
Further Discussion: None
Voting: Yes: Unanimous
14. Discuss/consider/approve: PSVFD Report provided by Jessica Bomar – Regular report regarding calls, vehicles in service and number of active/inactive volunteer fire personnel. The fundraiser “Fill the Bucket” is continuing at Intersection of FM 1774 and SH 249. Ms. Bomar encouraged all board members to become Community Emergency Response Team Certified – the federal website, FEMA provides education and certification. The website provides insight and review of consistent, nationwide approach to volunteer training and organization that professional responders can rely on during a disaster situation. She advised it would benefit the city and community in case of situations like the wildfire disasters a few years ago. This provides preparedness and communication when multiple agencies – first responders, law enforcement, county officials, etc. work together in disaster situations.
The 45th Fire Department Bazaar is April 7, 2024, and the committee has been formed for this event.

The newsletter has been completed for this year and upcoming events PSVFD Christmas Party is planned for Saturday, December 2, 2023. The PSVFD will participate in meeting with the City of Conroe to thank them for their support of the Plantersville Stoneham Volunteer Fire Department. Invitation to attend the PSVFD Board Meetings are on the second Monday of each month and PSVFD Trainings are held weekly on Tuesday evenings. Alderman Bettes inquired about the recent accidents, Ms. Bomar advised there were two auto accidents on the same day with a roll over vehicle incident and a vehicle into a building. The accidents occurred on FM 1774.

- 15. Board Update discussion: Items of community interest (no action may be discussed, except to put on an agenda).
Alderman Allphin noted the Plantersville Christmas Parade at 10:00 a.m. and the Anderson Christmas Parade is on Saturday, December 2, 2023, in the evening.
Alderman Greenwood invited all to attend Christmas Under the Stars event at A Place of Grace Church, it will be held at 7:00 p.m. on December 23, 2023. It will be held this year at this location hosted by Truevine Gospel Ministry with speaker Minister DuWayne Holiday.
Alderman Bettes noted on November 25, 2023, the annual Historic Grimes County Courthouse Lighting ceremony takes place. The Main Street event in Anderson includes Christmas carols, Christmas tree photos and additional activities.
- 16. Executive Session/Closed Meeting: None
- 17. No Action Taken Executive Session/Closed Meeting: None
- 18. Mayor Hale adjourned the meeting at 7:48 p.m.

Approved

Attest

Karen Hale, Mayor

Marilyn Bettes, Secretary

Date: _____

Date: _____