

**MINUTES OF THE  
HENDERSON CITY COUNCIL WORKSHOP AND  
REGULAR COUNCIL MEETING**

April 20, 2021

The City Council met on this date at 5:00 P.M. with Mayor John (Buzz) Fullen presiding. Council Members present included Tommy Goode, Michael Searcy, Henry Pace, Melissa Morton and Steve Higginbotham.

Staff members present included City Manager Jay Abercrombie, City Secretary Cheryl Jimerson, City Attorney Joe Shumate, Police Chief Chad Taylor, Fire Chief Rusty Chote, Director of Public Services Davis Brown, Director of Public Utilities Randy Boyd, Director of Finance Karen Arnall and HR Specialist and Leadership Assistant Hillary Falkner, Communications Coordinator Phedra Johnson, Parks and Recreational Director Kirk Kimbrell, Community Development Manager Billy Hughes, Animal Center Director Chrissa Pool, HEDCO Director John Clary and Civic Center Manager Laura Wilkerson.

**INVOCATION AND PLEDGE OF ALLEGIANCE:** Council Member Tommy Goode gave the Invocation and Mayor Fullen led the Pledges.

Mayor Fullen call the Workshop to order at 5:00 p.m.

There were discussions to update Ordinance 88-4-14 Section 5 (a), removing 1,2 and 3 the Committees are no longer in existence. Section 5 (c) changing from meeting quarterly to monthly. Section 5 (d) Rusk County Tourism Department as ex-officio member as they no longer exist. Ordinance 88-10-35 needs section (d) removed from the City Council criteria (appeal to City Council).

Council Member Michael Searcy made a motion to close the workshop at 5:43 p.m. and recess until 6 p.m. for the Regular Scheduled Council Meeting, duly seconded by Council Member Steve Higginbotham; vote was unanimous.

Mayor Fullen called the City Council to order at 6:00 p.m.

**CITIZENS' COMMENTS NON-AGENDA ITEMS:**

There were none.

**CITIZENS' COMMENTS AGENDA ITEMS:**

There were none.

**PRESENTATIONS/ANNOUNCEMENTS:**

HEDCO Director John Clary updated Council on the East Texas Business Park

**CONSENT AGENDA**

1. Consideration and possible action on the following Minutes: **(Jimerson)**
  - ❖ February 23, 2021 – Emergency Council Meeting
  - ❖ March 23, 2021 – Regular Rescheduled Meeting
  - ❖ April 5, 2021 – Joint Workshop
2. Consideration and possible action on HEDCO financials from March 2021. **(Clary)**
3. Consideration and possible action adopting a Personnel Policy. **(Faulkner)**
4. Consideration and possible action upon street closures for the first Hot Rod Rebellion Car Show. **(Abercrombie)**  
Streets that will be closed East and West Main Streets from Jackson to Marshall and S. Main to W. Elk.

Council Member Steve Higginbotham made a motion to approve the consent agenda; duly seconded by Council Member Tommy Goode; vote was unanimous.

**COUNCIL BUSINESS – REGULAR SESSION:**

5. Consideration and possible action upon the history and future plan for the National Registered Historic District Façade/Sign guidelines and the Landmark Preservation Committee. **(By request of Council)**  
Council Member Michael Searcy made a motion to update ordinances accordingly discussed in the workshop (see notes from workshop above). Duly seconded by Council Member Henry Pace; vote was unanimous.
6. Consideration and possible action upon a recommendation of an appointment of two new members and the reappointment of other members for the Henderson Landmark Preservation Committee.

**(Jimerson)**

City Manager Jay Abercrombie recommended appointing a Committee to interview the applications that have been submitted for this Committee. The Committee would consist of the Mayor, Mayor Pro-Tem, City Manager and/or the City Secretary.

Mayor Fullen appointed himself, Mayor Pro-Tem Melissa Morton, City Manager Jay Abercrombie as the interview Committee with City Secretary if the City Manager has other appointments scheduled. Council Member Steve Higginbotham made a motion to approve the Interview Committee and table the re-appointment and new members of the Preservation Committee., duly seconded by Council Member Tommy Goode; vote was unanimous.

7. Consideration and possible action upon an agreement with the Henderson Boys Baseball Association for use of athletic field at the Sports Complex. **(Abercrombie)**  
City Manager Jay Abercrombie asked Council to table items 7 and 8. He stated the need to accept the Rusk County Recreation Building needs to happen through a gift deed before considering the agreements with either of the Baseball or Softball Associations.  
Council Member Michael Searcy made a motion to table item 7, duly seconded by Council Member Melissa Morton; vote was unanimous.
8. Consideration and possible action upon an agreement with the Henderson Girls Softball Association for use of athletic field at the Sports Complex. **(Abercrombie)**  
Council Member Michael Searcy made a motion to table item 8, duly seconded by Council Member Melissa Morton; vote was unanimous.
9. Consideration and possible action upon an Ordinance creating the City of Henderson Municipal Court of Record. **(Abercrombie/Jimerson)**  
March of 2020 the City appointed an Attorney to be the Municipal Judge (James Holmes) so the City would be able to become a Court of Record. This would allow the City's Code Enforcement Officers to build cases upon the dilapidated structures filing them in the Municipal Court. The Municipal Judge would hear the case making a judgement on the property. Due to the pandemic and the Courts being closed to the public this item was put aside. The year 2021 brought a winter storm that has caused even more structures that have become unsafe and in need of attention. Code Enforcement cannot always contact property owners therefore needing help from the Court system to make judgements on these cases.  
Council Member Steve Higginbotham made a motion to approve the first reading of ordinance 2021-04-02 changing the City of Henderson's Municipal Court to a Court of Record, duly seconded by Council Member Michael Searcy; vote was unanimous.
10. Mayor Fullen Opened a Public Hearing to review and readopt a Juvenile Curfew Ordinance asking for Public Comments.  
There were none.
11. Mayor Fullen asked if he could get a motion to Close Public Hearing.  
Council Member Michael Searcy made a motion to close the Public Hearing, duly seconded by Council Member Steve Higginbotham; vote was unanimous.
12. Consideration and possible action upon the renewal of a curfew Ordinance 2021-04-01.  
**(Taylor/Jimerson)**  
City Secretary Cheryl Jimerson stated she and the Police Chief Chad Taylor had reviewed the Ordinance and did not see a need to make any changes to the regulations set out in the ordinance this year. She also stated this ordinance will be reviewed annually instead of the State requirements to review every three years.  
Council Member Melissa Morton made a motion to readopt curfew ordinance 2021-04-01, duly seconded by Council Member Michael Searcy, vote was unanimous.
13. Consideration and possible action on authorization for the City of Henderson to issue requests for proposals (RFP) for administrative services and requests for qualifications (RFQs) for professional services for the American Rescue Plan Act of 2021. **(Abercrombie)**  
City Manager Jay Abercrombie explained RFP or RFQ may not be needed and there is no requirement for the City to contract with a consultant for guidance, however, this authorization would allow staff to send out a Request for Proposal if deemed necessary.  
Council Member Tommy Goode made a motion authorizing the City Manager to issue RFP and RFQ if necessary, duly seconded by Council Member Michael Searcy; vote was unanimous.

14. Consideration and possible action upon a recommendation from the Planning and Zoning Commission on a text amendment to the Zoning Ordinance. **(Hughes)**  
Community Development Manager Billy Hughes stated staff supports the recommendation from the Planning and Zoning Commission on a text amendment to Article 2, Section 2.33 to include "Self-Storage Warehouse" as a permitted use in the General Industrial (I2) Zone. Council Member Steve Higginbotham asked how many I2 Zones are there? (Jay pulled the zoning map up on the screen) there is only one. Steve asked if it would not make more sense to allow Self-Storage Warehouse by variance, Special or Specific Use to control them on a case-by-case basis vs a text amendment? Billy stated another option would be to rezone that strip of HWY 64 to I2. Melissa asked what type of businesses would be deterred by having a self-storage warehouse by them? Billy stated the proposed building will be climate controlled where you would drive into the building with units available inside. Michael stated he is all for allowing self-storage in that area. With no more discussions or questions on this topic; Council Member Michael Searcy made a motion to approve the text amendment to the zoning ordinance, duly seconded by Tommy Goode; vote was unanimous.

#### **DEPARTMENTAL REPORTS**

15. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.

- A. City Manager
- B. Fire Department
- C. Police Department
- D. Animal Center
- E. Community Development
- F. Public Services Department
- G. Parks and Recreation Department
- H. Public Utilities
- I. Finance Department
- J. City Secretary
- K. Communications and Marketing
- L. HEDCO

#### **BOARDS AND COMMISSIONS**

Board of Adjustments minutes of April 6

Planning and Zoning minutes of April 6

Cemetery Board-none scheduled at this time.

Main Street- next meeting April 27

Preservation Board – there have not been any applications come before the Board since March 1, 2021

#### **EXECUTIVE SESSION:**

16. Executive Session to Consult with City Attorney discussing litigations, real property located on W. Fordall, W. Main, Frisco, 113 E. Main, Katherine Streets and Henderson Sports Complex; in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 071, 072 and 073.  
Mayor Fullen convened to executive session at 6:46 p.m.


#### **REGULAR SESSION:**

17. Mayor Fullen Reconvene into Regular Session at 7:52 p.m. stating there was no action to take from executive session.

#### **ADJOURNMENT:**

18. Adjourn.  
There being no further business to come before Council at this time, upon a motion by Council Member Michael Searcy, duly seconded by Council Member Henry Pace; with a unanimous vote of the Council, the meeting was adjourned at 7:53 p.m.

APPROVED:

  
John (Buzz) Fullen, Mayor

ATTEST:

  
Cheryl Jimerson, City Secretary