



## TOWN COUNCIL REGULAR MEETING

Wednesday, October 18, 2023 at 6:00 PM  
Fulton Council Chambers, 201 N. 7th Street

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### MINUTES

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#### CALL TO ORDER

##### PRESENT

Mayor Kelli Cole  
Mayor Pro Tem Robert Loflin  
Place 2 Chris Garis  
Place 3 MaryAnn Pahmiyer  
Place 4 Margo Nielsen  
Place 5 Laura McCorkle

##### STAFF PRSENT

Stephanie Garcia, City Secretary  
Matt Olenick, Director of Operations  
Hal George, Town's Attorney  
Ty Gerstenberger, Police Chief

Mayor Cole called the meeting to order at 6:00 p.m.

#### PLEDGE OF ALLEGIANCE – U.S. Flag and Texas Flag

Mayor Cole led everyone in the pledges.

#### OBSERVE A MOMENT OF SILENCE/PRAYER

Mayor Cole led everyone in a moment of silence.

#### CITIZENS TO BE HEARD (PUBLIC FORUM)

*Public participation is valued and at this time, comments limited to three (3) minutes will be taken from persons who have signed the Speaker's Card located on the table inside the Council Chambers and delivered to the City Secretary before the meeting begins. Written comments received by submission to the City Secretary in person or emailed to [citysec@fultontexas.org](mailto:citysec@fultontexas.org) by 3:00 p.m. on the day of the meeting, on any subject matter that is not on the agenda, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Speaker's Card will have up to three (3) minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.*

Mary Claire Kane: Mrs. Claire shared with the Council that she feels the huge water rate that has been established will continue to hinder the Fulton residents. She stated that many residents are not aware of the water rate increase. She discussed the petition that she is circulating and feels most people that are approached are signing it. Mrs. Kane mentioned that on Tuesday, October 19, 2023, the Duck Blind is hosting an event from 5 pm to 7 pm and she will be taking the petition there.

## CONSENT AGENDA

*All consent agenda items listed are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.*

1. **Discuss/Approve/Disapprove** minutes of the Regular Meeting held on October 4, 2023.
2. **Discuss/Approve/Disapprove** July 2023 financial reports.

Motion made by Place 5 McCorkle, Seconded by Place 4 Nielsen to approve the Consent Agenda as presented.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

## ITEMS FOR CONSIDERATION

3. Receive a report from Shelly Stuart, President/CEO, and Shanon Biggerstaff of the quarterly expenditures and activity for the HOT funds for the Rockport-Fulton Chamber of Commerce.

Shanon Biggerstaff with Rockport-Fulton Chamber of Commerce introduced herself and referred to the provided information. She briefly reviewed what they had been doing in the last quarter and overviewed the information provided. She noted they are already receiving many calls regarding Oysterfest. Alderman Garis noted that the new Oysterfest site will be live November 1, 2023. Mrs. Biggerstaff mentioned there is a group working on a short-term rental ordinance and will be contacting the Town, City of Rockport and County to discuss collaborating on that.

4. **Discuss/Approve/Disapprove** Teal Construction Company's use of a residential property located at 307 N. 6th Street, Fulton, Texas for a temporary commercial purpose as their worksite for the Fulton Elementary School project.

Mayor Cole read the item and gave a brief description of the temporary use of the property.

Motion made by Place 4 Nielsen, Seconded by Place 5 McCorkle to approve Teal Construction Company's use of a residential property located at 307 N. 6th Street, Fulton, Texas for a temporary commercial purpose as their worksite for the Fulton Elementary School project.

Voting Yea: Mayor Pro Tem Loflin, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle  
Voting Abstaining: Place 2 Garis

5. **Discuss/Approve/Disapprove** Professional Services Agreement Between Town of Fulton, Texas and SAFEbuilt Texas, LLC for inspection services.

Mayor Cole read the item and briefly discussed the necessity for the contract with SAFEbuilt and explained how the permitting will continue work and the how the company will take care of the inspection of what has been permitted.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 4 Nielsen to approve the Professional Services Agreement Between Town of Fulton, Texas and SAFEbuilt Texas, LLC for inspection services.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

6. **Discuss/Approve/Disapprove** Ordinance No. 316 an Ordinance Repealing Ordinance 184 Relating to Health Inspections; Repealing Ordinances in Conflict; Providing a Severance and Effective Date.

Mayor Cole read the item and gave a brief explanation of the change to the ordinance concerning performance of health inspections.

Motion made by Place 2 Garis, Seconded by Mayor Pro Tem Loflin to approve Ordinance No. 316 an Ordinance Repealing Ordinance 184 Relating to Health Inspections; Repealing Ordinances in Conflict; Providing a Severance and Effective Date.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

7. **Discuss/Approve/Disapprove** revisions to the Town of Fulton Personnel Policy.

Mayor Cole read the item and informed the Council that the policy has been revised to bring it forward on current rules and regulations.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 5 McCorkle to approve the revisions to the Town of Fulton Personnel Policy.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

8. **Discuss/Approve/Disapprove** variance for replat request by Ubaldo Vasquez on Lots 9-R & 10-R, Block 15 Townsite.

Mayor Cole read the item and explained Mr. Vasquez's request. Donnie Garcia and Ubaldo Vasquez introduced themselves and explained why Mr. Vasquez is requesting the variance. Mayor Pro Tem Loflin mentioned there is very little parking on the property. Mr. Garcia noted it will mainly be storage units. Alderwoman Nielsen asked about the setbacks and there was discussion regarding the same. There was also discussion regarding fire restrictions. Mr. Olenick indicated that the sewer is possible. Mayor Pro Tem Loflin indicated it would have been to his advantage to discuss the issues before they built the buildings. There was discussion that the buildings do not meet the current ordinances and Mr. Vasquez's reasoning for the variance. Alderwoman Nielsen agreed with Mr. Loflin regarding a precedent being set. Mr. George, the Town's attorney, gave an opinion regarding precedents and noted this would not be a binding precedent. It can be handled on a case-by-case basis.

Motion was made by Mayor Pro Tem Loflin to approve the variance with the stipulation that the property can never be fenced. Alderman Garis asked if there was a way in the future that if a person has the same instance, it is reviewed more closely. Mr. George recommended that it be noted on a revised plat that there will be no fence on the property or between the buildings at any time.

Mayor Pro Tem Loflin requested an amended motion to indicate that there will be a note on the revised plat of no fencing on the property or between the buildings.

Motion made by Place 5 McCorkle, Seconded by Mayor Pro Tem Loflin to approve the variance request by Ubaldo Vasquez on Lots 9-R & 10-R Block 15 Townsite with the stipulation that it is noted on a revised plat that no fencing will be allowed at any time on the property or between the buildings.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

**9. Discuss/Approve/Disapprove** payment of Town of Fulton's attorney fees invoiced in the pending lawsuit with John William Johnson.

Mayor Cole read the item and explained the reasoning for the payment of attorney fees. She informed the Council that Mr. Johnson installed a fence and obstructed the street which is Casterline Drive because he felt that the street belongs to him and should not be a public thoroughfare. Mayor Cole gave a recount of the time and effort spent by the Town of Fulton employees and police department due to continual texts and calls from the Johnsons. Mayor Cole stated that the court has ruled twice in favor of the Town that Casterline Drive is a public street and not owned by the Johnsons. The Town is advancing payment to Mr. George for the fees accrued to the date of the last ruling. Mr. Goerge informed the Council that the invoice submitted was for 134.8 hours spent on this case and broke down the attorney fees and court costs. He described each document, deposition, and hearing that has taken place and Judge's orders. Mr. George shared that Mr. Johnson's expert indicated that the street was a public street; therefore, contradicting Mr. Johnson's claim. He also indicated that the Johnsons have filed a notice of appeal and there will be additional fees.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 5 McCorkle to approve the payment of Town of Fulton's attorney fees invoiced in the pending lawsuit with John William Johnson.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

## **CLOSED SESSION**

*The Town Council may elect to go into closed session pursuant to Chapter 551, Government Code on any Agenda item where appropriate and particularly Sections 551.071 (consultation with attorney) and 551.074 (personnel matters), Government Code.*

Council did not convene into Closed Session.

## **OPEN SESSION**

*Discuss/Approve/Disapprove any and all action necessary with regard to the preceding matter(s).*

## ANNOUNCEMENTS

### 10. Mayor's Update.

Maintenance: Mayor Cole once again thanked Matt Olenick, Director of Operations for the overseeing of the projects. She mentioned that LCR Contractors are grading ditches on Myrtle and Mesquite and Pavecon are striping the areas of Fulton Convention Center, and Fulton Beach Road this week. The Prairie Road drainage project is also moving forward. Mayor Cole shared with the Council that there will be a fund raiser at FVFD for Brian Burke who was diagnosed with cancer. The event begins at 11 a.m. on Saturday, October 21, 2023. There will be food for sale, Chinese auction, and music.

Police Department: Chief Gerstenberger informed the Council that Officer Thompson is doing well. He also shared that Alyssa Hendricks the administrative assistant has been amazing and wanted to thank her for all of her help and work.

### 11. The next Regular Fulton Town Council Meeting will be held Wednesday, November 1, 2023, beginning at 6:00 pm.

Mayor Cole announced the next meeting date and time.

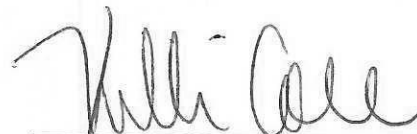
## ADJOURNMENT

There being no further business, Mayor Cole entertained a motion to adjourn.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 2 Garis to adjourn the meeting.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Nielsen, Place 5 McCorkle

The meeting was adjourned at 6:57 p.m.



Kelli Cole, Mayor

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Stephanie Garcia, City Secretary