

CITY OF VAN ALSTYNE

MINUTES

City Council Special Called Meeting

Van Alstyne Community Center

262 N. Preston Ave.

July 18, 2017

6:30 P.M.

Members present: Mayor Larry Cooper, Brad Clough, Teddie Ann Salmon, Robert Jaska and Suzon Crowell.

Staff present: Tim Barnes and Jennifer Gould.

AGENDA

1. Call to Order. *Mayor Cooper called the meeting to order at 6:33pm.*

PUBLIC HEARINGS

2. Conduct a Public Hearing to consider testimony regarding a request by the owner/agent of a 45.63 acre property being described as part of the James McKinney Survey , Abstract No. 770, Grayson County, Texas and being a part of Greywood Heights, an addition to Grayson County, Texas, as recorded in Volume 7, Page 87, Plat Records, Grayson County, Texas, and being a part of Greywood Heights, Section 2, to the City of Van Alstyne, Grayson County, Texas, as recorded in Volume 8, Page 70, of said Plat Records, and being part of the tract of land described in a deed to KERATEX , L.P. 11s recorded in County Clerk File Number 2010-21778, Real Property Records, Grayson County , Texas generally located south of Spence Road, east of Sanford Circle, west of Greywood Drive and north of Blassingame Avenue to change the current zoning of Single Family Residential District – 1 (SF – 1), Two Family (TF), Multi-Family (MF) and, upon annexation, Agricultural (AG) to Planned Development (PD) zoning having single-family-60 (SF-60) base regulations with reduced lot and setback requirements. *The Public Hearing opened at 6:33pm. Bruce French, Vice President of History Maker Homes, advised Council of the future plans for the property. Mayor Cooper advised that it would be best to wait for agenda item 4, as there is continued negotiation with Mr. French, History Maker Homes and the Planning and Zoning Commission. Bob Hendricks, a Planning and Zoning Commissioner, advised that the Commission is still in discussion regarding this item as well. Teddie Ann Salmon asked Mr. Hendricks if this was his recommendation even though this has not been finalized. Mr. Hendricks advised Mrs. Salmon that it sounds like that is not what is on the agenda; however, he certainly approves everything he has seen to this point. There being no further comments, the hearing closed at 6:40pm.*

ITEMS FOR CONSIDERATION

3. Consider and take any action necessary regarding approval of AN ORDINANCE of the City Council of the City of Van Alstyne, Texas, ANNEXING property into the City of Van Alstyne, Texas being described as a 16.27 acre tract being described as part of the James McKinney Survey , Abstract No. 770, Grayson County, Texas and being a part of Greywood Heights, an addition to Grayson County, Texas, as recorded in Volume 7, Page 87, Plat Records, Grayson County, Texas, and being part of the tract of land described in a deed to KERATEX , L.P. 11s recorded in County Clerk File Number 2010-21778, Real Property Records, Grayson County , Texas generally located south of Spence Road, east of Sanford Circle, west of Greywood Drive and north of Blassingame Avenue, extending the boundary limits of the City so as to include the described property,

and adopting a Service Plan. *Brad Clough made a motion to approve an ordinance annexing the property. Teddie Ann Salmon seconded this motion and the motion passed unanimously.*

4. Consider and take any action necessary regarding a request by the owner/agent of a 45.63 acre property being described as part of the James McKinney Survey, Abstract No. 770, Grayson County, Texas and being a part of Greywood Heights, an addition to Grayson County, Texas, as recorded in Volume 7, Page 87, Plat Records, Grayson County, Texas, and being a part of Greywood Heights, Section 2, to the City of Van Alstyne, Grayson County, Texas, as recorded in Volume 8, Page 70, of said Plat Records, and being part of the tract of land described in a deed to KERATEX, L.P. 11s recorded in County Clerk File Number 2010-21778, Real Property Records, Grayson County, Texas generally located south of Spence Road, east of Sanford Circle, west of Greywood Drive and north of Blassingame Avenue to change the current zoning of Single Family Residential District – 1 (SF – 1), Two Family (TF), Multi-Family (MF) and, upon annexation, Agricultural (AG) to Planned Development (PD) zoning having single-family-60 (SF-60) base regulations with reduced lot and setback requirements. *Mayor Cooper advised that Council should take no action, due to continued negotiation on the property. Teddie Ann Salmon made a motion to postpone the item to a later date. Robert Jaska seconded this motion and the motion passed unanimously.*

5. Consider and take any action necessary regarding removal and/or appointment of members for the Van Alstyne Economic Development Corporation Board of Directors. *Suzon Crowell made a motion to remove Randy Uselton from the board effective immediately. Mayor Cooper asked Mrs. Crowell the basis for removal to which Mrs. Crowell advised she does not need to provide one because it is an Act rule. Mayor Cooper clarified that Mrs. Crowell does not want to provide reasoning to which Mrs. Crowell advised again that she does not need to. Mayor Cooper denied the motion, stating that he could be overruled on this by a majority of the City Council. Teddie Ann Salmon made a motion to vote on Suzon Crowell's motion. Mayor Cooper advised Mrs. Salmon that she would be making a motion to overrule his decision to deny Mrs. Crowell's motion. Teddie Ann Salmon made a motion to overrule Mayor Cooper's denial of the initial motion made by Mrs. Crowell. Suzon Crowell seconded the motion to overrule Mayor Cooper's denial and asked City Attorney, Julie Fort, if the Mayor is allowed to overrule the motion. Julie Fort advised she did not think Mayor Cooper was denying the motion, rather he is declining to call for a vote, which is a procedural issue. The rest of the governing body does have the ability to do what just happened, which is overrule his procedural decision to not call for a vote. The motion passed with Suzon Crowell, Robert Jaska and Teddie Ann Salmon in favor and Lee Thomas and Brad Clough against. Mayor Cooper advised that Randy Uselton is not in attendance and expressed a personal objection to the action because there is no foundation for a vote. Mrs. Salmon advised Mayor Cooper that according to the EDC Guidelines, all of the volunteers who serve on the board serve at will and can be appointed or removed by City Council and no background or reasons are required. Mayor Cooper advised that the City Council, that he is a part of, had questions for some people in the audience. Mayor Cooper addressed Timmerle Kelly, a current member of the EDC Board. asking how long she has been sitting on the board. Mrs. Kelly advised that she and Randy Uselton have been on the board together for just about two years. Mayor Cooper asked if Mrs. Kelly knew of any reason Randy Uselton should be removed from the board. Mrs. Kelly advised that she did not directly know why he was being removed. Also, Mrs. Kelly understands that City Council has the option to remove, however she thinks they would remove someone for something illegal, immoral or unethical, which Mrs. Kelly does not believe Mr. Uselton has done. Mrs. Crowell advised Mayor Cooper that if he proceeds, he is forcing commentary that might not benefit Mr. Uselton and it may not be appropriate in a public forum to disclose why there are issues or why we want him removed. Mayor Cooper asked Patrick Flynn, a current member of the EDC Board, how long he has been on the*

EDC Board. Mr. Flynn advised he has been on the EDC Board for about two years. Mayor Cooper asked Mr. Flynn if he knew of any reason that Randy Uselton should be removed from the board to which Mr. Flynn advised he does not know of any direct reason. Mayor Cooper asked if he thinks Mr. Uselton is competent to which Mr. Flynn stated that he does think Mr. Uselton is competent. Mayor Cooper asked Mr. Flynn if he thinks Randy Uselton is hard to work with to which Mr. Flynn advised that Mr. Uselton is not hard to work with. Teddie Ann Salmon advised the Mayor that she has received six complaints regarding Mr. Uselton's behavior. Mrs. Salmon explained that the complaints are about Mr. Uselton trying to keep the director from going to certain businesses and wanting to keep certain business owners out of the office. Mayor Cooper asked Mrs. Timmerle Kelly if she knew the substance of these complaints and if she is aware of Mr. Uselton failing to observe procedures. Mrs. Kelly advised that she is not familiar with most of what Teddie Ann Salmon was saying and that as far as most meetings, she would say Mr. Uselton has followed procedures. Mrs. Kelly added, there was one meeting which it may have appeared that he may not have been, however he had instructions from the City Attorney on how to conduct that meeting to keep them out of territory that would involve an on-going investigation and he repeatedly stated that during the whole meeting. It may have been the belief of some that he was trying to prevent the meeting from proceeding, but her opinion was that Mr. Uselton was keeping the meeting from going into illegal activity. Mayor Cooper confirms with Mrs. Kelly that as a presiding officer, Mr. Uselton is correct for doing this. Mrs. Kelly advised City Council that this was her understanding from the letter provided by the City Attorney, which all board members received. Suzon Crowell advised that this is very inappropriate and not fair to Mr. Uselton and she does not think the City Council is to be interrogated on this. Mayor Cooper continued by asking Patrick Flynn questions regarding the allegations of Mr. Uselton not conducting meetings properly to which Mr. Flynn advised that he is not completely familiar with the investigation taking place or what led up to it, but he and Mr. Uselton work very well together and he has never had any issues with Mr. Uselton. Mayor Cooper advises that he personally objects to holding the vote without Mr. Uselton being in attendance to defend himself. Mrs. Crowell advised that it is not required, it is not proper procedure and she would like to make a motion. Mayor Cooper asked the City Council if there are any more questions. Brad Clough advised that his line of reasoning behind this is that the City has many boards and commissions that are charged with certain aspects of city business and city government and are trusted to do the best job they can in the capacity they have. For City Council to make a personnel decision without a recommendation from the EDC Board, is premature. Suzon Crowell advised that the complaints dealt with at the last meeting should be taken into consideration. Mr. Clough advised that he does not have any recommendation from the EDC board, so he would like to allow the EDC to do their due-diligence prior to the City Council making a decision. Teddie Ann Salmon asked City Attorney if the Mayor could continue with a motion on the table to which Mrs. Fort advised that historically councilmembers have discussion amongst themselves after a motion, before a vote is called. Teddie Ann Salmon made a motion to move that the vote be called. Suzon Crowell seconded this motion and the motion passed with Teddie Ann Salmon, Suzon Crowell, Robert Jaska and Lee Thomas in favor and Brad Clough abstaining. Mayor Cooper asked for a vote on all in favor of the removal of Randy Uselton from the Van Alstyne Economic Development Corporation Board. Suzon Crowell added that removal is effective immediately. The vote passed with Suzon Crowell, Lee Thomas, Robert Jaska and Teddie Ann Salmon in favor and Brad Clough opposed.

6. *Adjournment. Teddie Ann Salmon made a motion to adjourn at 6:56pm. Suzon Crowell seconded the motion and the motion passed unanimously.*

Larry Cooper, Mayor

Jennifer Gould, City Clerk