

CITY OF VAN ALSTYNE

MINUTES

City Council Special Called Meeting

Van Alstyne Community Center

262 N. Preston Ave

AUGUST 29, 2017

6:30 P.M.

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

Staff present: Tim Barnes, Jennifer Gould, Steve White, Judy Kimzey and Adam Huttash.

AGENDA.

1. Call to Order. *Mayor Cooper called the meeting to order at 6:31pm.*

PUBLIC HEARING.

2. Conduct a Public Hearing to consider testimony regarding a request by the owner/agent of an approximately 0.132 acre tract of land from a Central Business District (CBD) zoning to Planned Development (PD) with a base zoning of CBD with special events center with overnight guests, entire home rental to guests with no special event as allowed additional uses. Also, a waiver to any fire code requirement, such as installation of a fire sprinkler system, to maintain the current historical integrity. The property is described as OTP VAN ALSTYNE ADDN, BLOCK 26, LOT11 & 12, more commonly known as 120 East Marshall Drive (formerly known as 101 East Marshall Drive). *The Public Hearing opened at 6:32pm. Teddie Ann Salmon asked the purchaser if they are aware of a gas storage tank being removed as it used to be a service station. The purchaser, Rebecca Keil advised that she has no knowledge of the tank. Discussion was held between members of council, Rebecca Keil, Tiffany Clum and Darin Clum regarding the proposed use and requested waiver of any fire code requirement. It was clarified that a fire inspector did inspect the property and considering the desired use, a fire sprinkler and monitoring system is required. Mrs. Keil clarified that no retail will occur. Robert Jaska advised that these concerns should have been discussed with the purchaser so as not to waste their time. There being no further comments, the hearing closed at 7:03pm.*
3. Conduct a Public Hearing to consider testimony regarding various text amendments to City's Code of Ordinances, Chapter 46 "Zoning", which includes but is not limited to, amending Article I, "In General", Section 46-3 "Definitions" to add certain terms; amending Article II, "Zoning Districts and Regulations", Section 46-44-96 "Off-Street Parking, Loading and Drive-through Requirements" to add additional parking regulations; amending Article III "Use of Land and Buildings", Section 46-125 "Table of Uses" to amend use Table 5C for "Office, Retail, Commercial and Special Uses" to add "Recreational and Sports Store" use and amending Section 46-151, "Special Uses" to add additional regulations related to "Recreational and Sports Store" use. *The Public Hearing opened at 7:03pm. Tiffany Clum asked why this was not done early to which Teddie Ann Salmon advised that a publication was not done. It was agreed that the process took too long however notices and publications are required. Suzon Crowell advised that the only way to speed up the process is to have special meetings. Darin Clum asked if the gun store could have been categorized as something else. James Lewis suggested copying another city's uses. Teddie Ann Salmon suggested that uses should be addressed before rather than when it is brought before the city expressing concern for limiting the ability of one to sell motorized*

RVs. Mrs. Salmon also expressed concern for the parking requirement added to the proposed ordinance. There being no further comments, the hearing closed at 7:16pm.

4. Conduct a Public Hearing to hear comments for or against the proposed fiscal year 2017 – 2018 City of Van Alstyne operating budget. *The Public Hearing opened at 7:16pm. Teddie Ann Salmon questioned the parks budget, the demolition line item in the administration department and advised that the funds budgeted or clothing in the administration department should be reallocated to a department does go out of the office. There being no further comments, the hearing closed at 7:21pm.*

OPEN MEETING.

5. Consider and take any action necessary regarding a request for an ordinance by the owner/agent of an approximately 0.132 acre tract of land from a Central Business District (CBD) zoning to Planned Development (PD) with a base zoning of CBD with special events center with overnight guests, entire home rental to guests with no special event as allowed additional uses. Also, a waiver to any fire code requirement, such as installation of a fire sprinkler system, to maintain the current historical integrity. The property is described as OTP VAN ALSTYNE ADDN, BLOCK 26, LOT11 & 12, more commonly known as 120 East Marshall Drive (formerly known as 101 East Marshall Drive). *Brad Clough asked if the entire Fire Code would be waived or just the particular R-1, NFPA-13 requirement. Teddie Ann Salmon asked Rebecca Keil her objection to the installation of a system since several businesses in the CBD do have sprinkler systems. Mrs. Keil advised that a system is costly and will compromise the historical integrity of the structure. Lee Thomas made a motion to recess at 7:31pm for ten minutes to be sure the City Attorney can be reached by phone so that executive session discussion can occur to consult with the attorney. Suzon Crowell seconded the motion and the motion passed with Lee Thomas, Suzon Crowell and Brad Clough in favor and Robert Jaska and Teddie Ann Salmon opposed. Council reconvened at 7:39pm. Brad Clough made a motion to recess and enter into executive session at 7:42pm pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney regarding the agenda item. Suzon Crowell seconded the motion and the motion passed unanimously. Council reconvened at 8:08pm. Teddie Ann Salmon made a motion to approve the proposed ordinance but remove the language waiving the fire sprinkler system and fire alarm system from purpose and intent and use regulation so as not to waive the requirements, Robert Jaska seconded the motion and the motion passed unanimously.*
6. Consider and take any action necessary regarding various text amendments to City's Code of Ordinances, Chapter 46 "Zoning", which includes but is not limited to, amending Article I, "In General", Section 46-3 "Definitions" to add certain terms; amending Article II, "Zoning Districts and Regulations", Section 46-96 "Off-Street Parking, Loading and Drive-through Requirements" to add additional parking regulations; amending Article III "Use of Land and Buildings", Section 46-125 "Table of Uses" to amend use Table 5C for "Office, Retail, Commercial and Special Uses" to add "Recreational and Sports Store" use and amending Section 46-151, "Special Uses" to add additional regulations related to "Recreational and Sports Store" use. *Lee Thomas made a motion to approve the proposed ordinance. Brad Clough seconded the motion and the motion passed unanimously. Teddie Ann Salmon recommended that the Planning and Zoning Commission add a use and definition that allows sales of those excluded from the definition adopted.*
7. Consider and take any action necessary regarding an ordinance adopting the fiscal year 2017 – 2018 City of Van Alstyne operating budget. *[Vote must be a record vote] Suzon Crowell made a motion to approve the proposed budget removing funding for the permit clerk, clothing for City Hall employees, Shared Use Path expenses and all allocation of funds for raises be approved by City Council before given. Teddie Ann Salmon seconded the motion. Brad Clough expressed concern for the allocation of funds for raises being approved by City Council. Mrs. Crowell*

advised that she would like to understand the rationale before it is given so that Council has the ability to agree to it whereas right now there is no understanding of the methodology. Lee Thomas questioned the motion as it removes expenses yet the tax rate has been increased to cover the expenses. Suzon Crowell proposed when the expenses are taken out of the line items specified they should be added back to the reserves in the administration department. The motion passed with Suzon Crowell, Robert Jaska and Teddie Ann Salmon in favor and Lee Thomas and Brad Clough opposed.

8. Consider and take any action necessary regarding authorizing the Chief of Police to apply for a Criminal Justice Program grant for rifle ballistic vests for law enforcement officers. *Teddie Ann Salmon made a motion to authorize the Chief of Police to apply for a Criminal Justice Program grant for rifle ballistic vests for law enforcement officers. Suzon Crowell seconded the motion and the motion passed unanimously.*
9. Consider and take any action necessary on an Ordinance amending Chapter 36, "Streets, Sidewalks and other Public Places" by amending Article VII, "Right-of-Way Management" to add a new "Division 7" entitled "Use of Public Rights-of-Way by Network Providers (Right-of-Way Management)", adopting provisions regulating the physical use, occupancy and maintenance of City Rights-of-Way by Wireless Network Providers in Accordance with Chapter 284 of the Texas Local Government Code and renumbering the Division entitled "Miscellaneous" as "Division 8". *Teddie Ann Salmon questioned the mention of a design and historical district in the proposed ordinance as such districts have not yet been designated. Len McManus advised that such districts are not established to his knowledge however if and when they are, it is important that it be identified here. Lee Thomas made a motion to approve the ordinance as presented. Suzon Crowell seconded the motion and the motion passed unanimously.*
10. Consider and take any action necessary regarding appointment of Alesha Crowell to the Van Alstyne Community Development Corporation Board of Directors. *Brad Clough made a motion to appoint Alesha Crowell to the CDC Board of Directors. Robert Jaska seconded the motion and the motion passed unanimously.*
11. Consider and take any action necessary regarding reappointment of Collin Flynn, Robert Lewis, Mark Rock and Wayne Womack to the Van Alstyne Community Development Corporation Board of Directors. *Robert Jaska made a motion to reappoint Collin Flynn, Robert Lewis, Mark Rock and Wayne Womack to the CDC Board of Directors. Brad Clough seconded the motion. Suzon Crowell asked if there is a term limit on the board to which Rodney Williams advised of the limits. Mrs. Crowell asked if the openings were advertised to which Mr. Williams answered yes. Mrs. Crowell suggested using the Van Alstyne Leader as well to advertise openings and that people not serve on multiple boards. The motion passed with Robert Jaska, Brad Clough, Lee Thomas and Teddie Ann Salmon in favor and Suzon Crowell opposed.*
12. Consider and take any action necessary regarding the reappointment of James Lewis to serve a second term on the Van Alstyne Economic Development Corporation Board of Directors. *Robert Jaska made a motion to reappoint James Lewis to the EDC Board of Directors. Brad Clough seconded the motion. Suzon Crowell asked how long the term is and if there is a term limit to which Jodi Carr advised the term is two years and there is a two-term limit. Suzon Crowell suggested that people not serve on multiple boards. The motion passed unanimously.*
13. Consider and take any action necessary regarding appointment of David Hips to serve a two-year term on the Van Alstyne Economic Development Corporation Board of Directors beginning in October 2017. *Robert Jaska made a motion to appoint David Hips to serve on the EDC Board of Directors. Brad Clough seconded the motion and the motion passed unanimously. Teddie Ann Salmon asked why the term is to begin in October. Jodi Carr answered that the term expires at that time.*

14. Consider and take any action necessary regarding appointment of Darin Clum to serve a two-year term on the Van Alstyne Economic Development Corporation Board of Directors beginning in October 2017. *Teddie Ann Salmon made a motion to appoint Darin Clum to serve on the EDC Board of Directors. Brad Clough seconded the motion and the motion passed unanimously.*
15. Consider and take any action necessary regarding approval of the Van Alstyne Economic Development Corporation fiscal year 2017 – 2018 budget. *Jodi Carr addressed City Council and advised that a zero-based budget is provided for consideration. Suzon Crowell said that it lacks a financial picture. James Lewis advised that the Board is happy with the zero-based budget but is worried that maintenance and operations may be neglected. Discussion was held regarding how the Board got to a zero-based budget. Suzon Crowell made a motion to approve the proposed EDC fiscal year 2017 – 2018 budget. Teddie Ann Salmon seconded the motion and the motion passed unanimously. Kaaren Teuber addressed City Council and asked for their help in receiving sales tax funds. Teddie Ann Salmon asked Rodney Williams if CDC has received their sales tax funds. Mr. Williams answered yes. Mrs. Salmon suggested letting EDC know why they have not received their funds or give them the check.*
16. Adjournment. *Teddie Ann Salmon made a motion to adjourn at 8:51pm. Robert Jaska seconded the motion and the motion passed unanimously.*

Larry Cooper, Mayor

ATTEST:

Jennifer Gould, City Clerk