

Lavon Joint City Council & Planning & Zoning & Public Hearing Meeting Minutes



October 19, 2010

I. MEETING CALLED TO ORDER AT 7:00 P.M. BY MAYOR MARTIN

Members Present: Mayor Norma Martin
Council Member Place 1, Chris Kane
Council Member Place 2, Deborah Nabors
Council Member Place 4, Aaron Heatley
Council Member Place 5, Charles Teske

Members Late: None

Members Absent: Council Member Place 3, Gary Meeks

Staff Present: City Secretary, Linda Ardis
Administrative Supervisor, Laura Kennemer

Commission and Board Members: EDCB Member David Piekarski
P & Z Commissioner Trey Smith
P & Z Commissioner David Barnhart
P & Z Commissioner Peter Hacking

II. MAYOR MARTIN TO LEAD THE COUNCIL AND VISITORS IN THE PLEDGE OF ALLEGIANCE.

Mayor Martin led the City Council and visitors in the Pledge of Allegiance.

III. INVOCATION

City Council Member Aaron Heatley led the invocation.

IV. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS

Members of City Council have the opportunity to notify others of community events, functions and other activities. There will also be an opportunity to briefly comment on City Council business, City operations, projects and other items coming before the City Council.

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Citizen David Hawkins approached the Council and handed out a letter concerning the budget passed by the City Council. Mayor Martin thanked Mr. Hawkins, but said the Council could not reply because the item was not on the agenda.

V. CONSENT AGENDA

A. City Council to Consider and Act on approval of the consent agenda:

1. August 17, 2010 City Council Meeting Minutes. *
2. August 27, 2010 Special City Council Meeting Minutes. *
3. September 7, 2010 City Council Meeting Minutes*
4. September 16, 2010 Lavon Special City Council Meeting Minutes*

Motion: Council Member Nabors, "I move that we table Item 2 in the consent agenda."

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Heatley and Council Member Teske

Opposed: None

Abstained: None

Motion: Passed

Motion: Council Member Nabors, "I move that we approve Items 1,3 and 4 of the consent agenda."

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Heatley and Council Member Teske

Opposed: None

Abstained: None

Motion: Passed

VI. PUBLIC RECOGNITION

None

VII. CITIZENS' COMMENTS

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Citizens, who wish to address the Council, may discuss matters not on the agenda and who have not previously expressed to the Council or City Hall a desire to discuss such matters. The only response from the Council can be to request these items to be placed on a future agenda for action.

EDCB President David Piekarski told the Council that Saturday, October 23rd from 11:00 to 1:00 the Grand Opening of the Lavon Family Dental will take place. He encouraged everyone to come out and welcome the City's new Dentist.

VIII. COMMISSIONER CHAIRMAN SMITH TO CALL PLANNING & ZONING COMMISSION TO ORDER

Commissioner Chairman Smith called the Planning & Zoning Commission to order at 7:06 p.m.

IX. COMMISSIONER CHAIRMAN SMITH TO ANNOUNCE A QUORUM IS PRESENT

Commissioner Chairman Smith announced a quorum was present consisting of Commissioners Barnhart, Hacking and Smith.

X. PUBLIC HEARING

A. Public Hearing to receive public comment on an amendment to the Comprehensive Zoning Ordinance # 97-12-08, Article III General Requirements, related to Churches and Religious Organizations.

1. Mayor Martin to open Public Hearing.

Mayor Martin opened the Public Hearing at 7:10 p.m.

2. Mayor Martin to open floor to public comment.

Mayor Martin opened the floor to public comment at 7:10 p.m. Bob Cornelius from First Baptist Lavon encouraged the City Council to take action approving the amendment. Mayor Pro-Tem Kane asked Commissioner Chairman Smith to give a summary of the amendment. Commissioner Smith told the Council that the main points were to allow Churches in all zoning classifications, set regulations for building and add certain requirements for Home Based Churches should the need arise.

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3. Mayor Martin to close floor to public comment.

Mayor Martin closed the floor was closed at 7:10 p.m.

4. Mayor Martin to close Public Hearing.

Mayor Martin closed the Public Hearing at 7:10 p.m.

XI. PLANNING AND ZONING COMMISSION TO CONSIDER AND ACT ON A RECOMMENDATION ON THE BILL OF ORDINANCE AMENDING ORDINANCE # 97-12-08, ARTICLE III GENERAL REQUIREMENTS, RELATED TO CHURCHES AND RELIGIOUS ORGANIZATIONS.

Motion: Planning & Zoning Commissioner Barnhart, "I make a motion we recommend to the City Council that they approve this Ordinance change for the Churches."

Second: Planning & Zoning Commissioner Hacking

In Favor: Planning & Zoning Commissioners Barnhart, Hacking and Smith

Opposed: None

Abstained: None

Motion: Passed

XII. CHAIRMAN COMMISSIONER SMITH TO ADJOURN PLANNING & ZONING MEETING

Commissioner Smith closed the Planning & Zoning meeting at 7:10 p.m.

XIII. ITEMS FOR DISCUSSION

- A. City Council to discuss update from Design & Construction Committee. (Nabors)

Council Member Nabors presented a hand-out to the Council. David Piekarski, a member of the Committee then discussed the hand-out with the Council stating the following recommendations that will be made:

- *Location selection criteria
- *Location recommendation
- *Building design criteria
- *Building design recommendation

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- *Site Plan
- *Construction Budget

David Piekarski also presented the selection criteria the Committee had developed for a City Hall site which organized the criteria into the following categories:

- *Business Function
- *Amenities
- *Accessibility and Visibility
- *Utilities

Each category was classified to indicate the necessity and urgency of the criteria. An explanation of each criterion was also given along with recommendations of the Committee.

B. Administrative Supervisor Laura Kennemer to update the Council on City Financials.

Mrs. Kennemer told the Council that the City funds were low. The City has \$34,000.00 in the General Fund and \$18,000.00 in Savings. Taxes will come in slowly until January or February. Last year the City borrowed money from the Sewer Tax Fund and paid back the money borrowed plus the .02% interest the money would have earned had it remained in the Sewer Tax Fund. Alan Bain of World Land Developers has agreed to let the City borrow internally from the Fund. He has given us until December 31, 2010 to pay the money back to the Sewer Tap Fund with interest.

Mayor Pro-Tem Kane asked Administrative Supervisor Laura Kennemer what the average monthly out-lay was running. Mrs. Kennemer said bi-weekly it averages around \$40,000.00. Mayor Pro-Tem said \$80,000.00 a month was in line with last year's out-lay.

XIV. ITEMS FOR CONSIDERATION AND ACTION

A. City Council to Consider and Act on a recommendation on the Bill of Ordinance amending Ordinance # 97-12-08, Article II General Requirements, related to Churches and religious organizations.

Mayor Martin asked for comments or questions.

Motion: Council Member Nabors, "I move that we approve the Bill of Ordinance amending Ordinance # 97-12-08, Article II General Requirements, related to Churches and religious organizations."

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Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Heatley and Council Member Teske.

Opposed: None

Abstained: None

Motion: Passed

B. City Council to Consider and Act on Collin County Continuation of Animal Control & Shelter Services Agreement. (Ardis)

City Secretary Ardis told the Council for the last four years they had renewed this agreement with Collin County Animal Control & Shelter Services. She said this would be the fifth year without any increase in the cost. She recommended the City approve the continuation of this agreement.

Motion: Mayor Pro-Tem Kane, "I move that we approve the Collin County Continuation of Animal Control & Shelter Services Agreement."

Second: Council Member Deborah Nabors

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Heatley and Council Member Teske

Opposed: None

Abstained: None

Motion: Passed

C. City Council to Consider and Act on Atmos Energy RRM (rate review mechanism) Proposed Extension Settlement and Ordinance 2010-09-03.

City Secretary introduced Miriam Raphael from Atmos Energy. Ms. Raphael told the Council the agreement was an extension of the 2008 pilot program. The 2008 agreement was successful and the coalition of cities have agreed to extend the agreement for two more years.

The extension calls for replacement of steel-service lines. Lavon has a total of thirteen lines. Council Member Nabors asked about the lines in Lavon. Ms. Raphael told the Council that the steel-service lines had been a standard for many years and technology was just moving forward. The \$1.40 increase in residential service will help ensure the service lines are replaced in the next two years. Mayor Pro-Tem Kane asked if there were any compression fitting issues. Ms. Raphael said the pipes were monitored on a regular basis.

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The City Secretary recommended the Council approve the extension. Ms. Raphael said if the City did not approve the extension, Atmos would file a statement of intent to appeal to the Railroad Commission within thirty days. If a rate case was filed, any expenditures would be passed on to the citizens and would amount to more than the \$1.40 a month increase Atmos is requesting. The Council laughed.

Motion: Council Member Nabors, "I move we approve the the Atmos Energy RRM (rate review mechanism) Proposed Extension Settlement and Ordinance 2010-09-03."

Second: Council Member Heatley

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Heatley and Council Member Teske.

Opposed: None

Abstained: None

Motion: Passed

D. City Council to Consider and Act on approving the nomination and appointment of a Commissioner to the Planning & Zoning Commission, Seat One. (Nabors)

Council Member Nabors told the Council the Planning & Zoning Commission had received several voluntary applications and had interviewed the applicants. The Commission decided on Ernest Cody to fill the vacancy. She told the Council that Mr. Cody had a lot to offer to the Commission and she recommended his appointment.

Motion: Council Member Nabors, "I move that we approve the nomination and appointment of Ernest Cody as Commissioner to the Planning & Zoning Commission, Seat One."

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Heatley and Council Member Teske.

Opposed: None

Abstained: None

Motion: Passed

Mayor Martin swore Ernest Cody in as a Commissioner.

E. City Council to Consider and Act on the formation of a Citizen led project team for the preservation and revitalization of the Old School Building. (Nabors)

Council Member Nabors said she had spoken with both City Manager Jones and Mayor Pro-Tem Kane about the renovation of the Old School Building. She said that before we could move forward and take action, we needed to get a handle on our current state and

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where we stand. We need to know what needs to be repaired and the options the City has as to whether we could qualify for a historic grant or a parks and recreation grant.

A project lead would be able to find these things out and report back to the Council. The individual would then be able to give the Council a comprehensive recommendation of what needs to take place. That lead person would then present a budget to correspond with the project plan. Council Member Nabors said she had an individual that she felt was perfect for the lead. He has been in project management, construction and has city wide experience. She would want this individual to select his team members. Council Member Nabors asked the Council to approve this Citizen led project team for the preservation and revitalization of the Old School Building.

Mayor Pro-Tem volunteered to be the City Council representative for the project. He introduced Andy Wharton who works for Chamberlain and runs the renovation and water proofing department in Dallas. He has an architect degree. Mayor Pro-Tem told the Council that he, Andy, City Manager Mike Jones and Public Works Director Kevin Dudley had walked the building. Mr. Wharton had put together a list of goals and tasks for the renovation of the building. It was on the last two pages of the City Council Packets. The gym could be separated from the rest of the building. Mayor Pro-Tem said he already has a volunteer who will rework the wiring for free. He said they would need to find a plumber and someone to do the water proofing and check the roof.

Council Member Nabors said the first thing that needs to be done is to find out about the insurance. Without insurance, the building cannot be opened. She also told the Council that David Hawkins was the individual she recommends to be the project lead. She would like to format a citizen's specific skills list needed for the project. When it is completed it can be placed on the web site.

Motion: Mayor Pro-Tem Kane, "I move we approve a Citizen led project team for the preservation and revitalization of the Old School Building and approve David Hawkins as the project team leader."

Second: Council Member Nabors

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Heatley and Council Member Teske

Opposed: None

Abstained: None

Motion: Passed

David Hawkins said he would also like to see any old pictures of the building. The request will be placed in the November Newsletter as well as the web site. Mayor Pro-

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Tem asked if Mr. Hawkins could have his team members in place by the next meeting. Mr. Hawkins said he would like to get together with Council Member Nabors first.

F. City Council to Consider and Act on a Bill of Ordinance amending the Lavon Code of Regulations relating to Use of the Public Right-of-Ways. (Heatley)

Council Member Heatley said he had noticed people in the street collecting money especially on the intersection of 78 and 205. He felt this was a bad situation and an accident just waiting to happen. No one knows who these people are and what they stand for.

He told the Council that he and City Manager Jones had worked on a Bill of Ordinance. The main elements were:

1. It would be unlawful for any person to solicit donations from the operator or passenger of any motor vehicle
2. It would be unlawful for any person to solicit donations from any pedestrian without a valid Solicitor's Permit
3. Anyone wishing to solicit must obtain a Right-of-Way Permit and will complete a background investigation release authorizing the City to conduct an inquiry into the applicants background
4. You must have a valid government issued identification
5. No permits issued to any person with a conviction of fraud or a conviction or pending case involving Solicitation Within a Public Right-of-Way.
6. Applicants for a permit must pay all fees related to the permit and background check
7. Permits will not exceed 7 days and will have an expiration date and state whether it is for solicitation from pedestrians, vehicles or both
8. Solicitation must be done in a polite manner
9. You cannot be issued a permit if you have had one in the past 11 months
10. Violations and penalties were listed

Planning & Zoning Chairman Smith asked about the cost of the permit. It was left off of the Bill of Ordinance. He also wanted to know how this would affect firemen passing the boot for donations.

Council Member Heatley said that he would add the needed information. Other questions were asked related to pedestrians standing on the grass soliciting, people knocking on your door for contributions, etc.

Motion: Council Member Heatley, "I move we table Item "F" until I have time to rework some of the points."

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Second: Council Member Nabors

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Heatley and Council Member Teske

Opposed: None

Abstained: None

Motion: Passed

XV. SETTING FUTURE MEETINGS AND AGENDAS

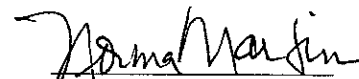
Council Members and staff may request items to be placed on a future agenda or request a special meeting be called. Each request that passes by a majority vote will be placed on the schedule by the City Secretary.

None


XVI. MAYOR MARTIN TO ADJOURN THE LAVON CITY COUNCIL MEETING.

Mayor Martin adjourned the City Council Meeting at 7:53 p.m.

Duly passed and approved on this 2nd day of November, 2010.


Mayor Norma Martin

Attest:


Linda Ardis, City Secretary