

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



December 21, 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, Mayor Pro-Tem
Council Member Place 2, Deborah Nabors
Council Member Place 3, Gary Meeks
Council Member Place 4, Aaron Heatley
Council Member Place 5, Charles Teske

Members Absent: None

Staff Present: City Manager, Mike Jones
City Secretary, Linda Ardis
City Services Coordinator, Jennifer Wolfe

Commission and Board Members: P & Z Chairman Trey Smith
P & Z Commissioner Ernest Cody
P & Z Commissioner David Barnhart
P & Z Commissioner Bill Bonney
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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City Council Member Deborah Nabors reminded the Council that on January 6, 2011 there would be a TexDot Public Hearing from 6:00 p.m. to 8 p.m. at NeSmith Elementary School concerning improvements of Hwy 78 from Hwy 205 to Hwy 6.

V. CONSENT AGENDA

Before the approval of the Consent Agenda, Mayor Martin told the Council that this would be a long meeting. She asked the Council to extend the 9:00 p.m. closing time to 10:00 p.m. if necessary.

Motion: Council Member Nabors, "I move we extend the meeting beyond 9:00 p.m. if necessary. However, I would like to insure that we limit it to no later than 10 p.m."

Second: City Council Member Meeks

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

Opposed: None

Abstained: None

Motion: Passed

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

1. November 2, 2010 City Council Meeting Minutes. *

Motion: Council Member Nabors, "I move we approve the Consent Agenda."

Second: Mayor Pro-Tem Kane

Council Member Heatley there was a correction to be made on Item II. It should read Mayor Martin to lead the City Council and visitors in the Pledge of Allegiance. City Manager Jones said that on page 4, the second paragraph and the second sentence should read Mayor Pro-Tem Kane instead of Mayor Pro-Tem.

Council Member Nabors withdrew her motion.

Motion: Council Member Nabors, "I move we accept the corrections to the Agenda under Item II and Page 4, second paragraph."

Second: Mayor Pro-Tem Kane

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

Opposed: None

Abstained: None

Motion: Passed

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Motion: Council Member Nabors, "I move we approve the Consent Agenda."

Second: Mayor Pro-Tem Kane

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

Opposed: None

Abstained: None

Motion: Passed

VI. PUBLIC RECOGNITION

Mayor Martin presented the following individuals with Mayoral Proclamations:

- | | |
|--------------------------|--|
| 1. Bruce and Lorna Foith | Proclamation of Appreciation for Citizens |
| 2. David Barnhart | Proclamation of Appreciation to Chamber of Commerce |
| 3. Trey Smith | Proclamation of Appreciation for Leadership of P & Z |
| 4. Deborah Nabors | Proclamation of Alderman of the Year Award |
| 5. Mike Jones | Proclamation of Leadership of the Year Award |

VII. CITIZENS' COMMENTS

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.

None

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

Chairman Smith called the Planning & Zoning Commission to order at 7:19 p.m.

IX. COMMISSIONER CHAIRMAN SMITH TO ANNOUNCE A QUORUM IS PRESENT

Chairman Smith announced all Commissioners were present.

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X. PUBLIC HEARING

- A. Public Hearing to receive public comments on amending the Comprehensive Zoning Ordinance 97-12-08 related to the sale of beer and wine in the City of Lavon.

1. Mayor Martin to open Public Hearing

Mayor Martin opened the Public Hearing at 7:17 p.m. (2 Minute difference in clocks used by Mayor Martin and Commissioner Chairman Smith)

2. Mayor Martin to open floor to public comment

City Manager Jones asked for the floor. He commented that on November 2nd, the citizens of Lavon voted to go wet or open the City for the sale of beer and wine. He said that State Law restricts the City to very specific restrictions. Mayor Pro-Tem Kane and City Manager Jones drafted an ordinance similar to the City of Murphy because it specifically relates to the maximum restrictions of State Law. Based on a request from C.I.S.D. they increased the distance from a school an establishment can be located.

Mayor Martin opened the floor to public comment at 7:18 p.m. There were no comments.

3. Mayor Martin to close floor to public comment

Mayor Martin closed the floor to public comment at 7:20 p.m.

4. Mayor Martin to close Public Hearing "A"

Mayor Martin closed Public Hearing "A" at 7:20 p.m.

- B. Public Hearing to receive public comments on a petition for a Special Use Permit for the sale of beer and wine at Mo's Exxon located at 411 Hwy. 78 in Lavon, Texas.

City Manager Jones requested the floor. He explained to the Council that prior procedures require this be placed on the Agenda, but this process appears not to comply with State Law. However, he recommended the Council continue the Public Hearing. Mayor Pro-Tem Kane explained this was a guideline by State Law to issue permits as regulated. The Ordinance in Item "A" was drawn so that if the regulations of the local Ordinance fit those wanting to sell beer and wine in the City and they complied with it, they could get a permit.

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1. Mayor Martin to open Public Hearing

Mayor Martin opened the Public Hearing at 7:23 p.m.

2. Mayor Martin to open floor to public comment

Mayor Martin opened the floor to public comment at 7:23 p.m. There were no comments.

3. Mayor Martin to close floor to public comment

Mayor Martin closed the floor to public comment at 7:24 p.m.

4. Mayor Martin to close Public Hearing "B"

Mayor Martin closed Public Hearing "B" at 7:24 p.m.

XI. PLANNING & ZONING COMMISSION TO CONSIDER AND ACT ON RECOMMENDATIONS TO CITY COUNCIL

- A. Amending the Comprehensive Zoning Ordinance # 97-12-08 related to the sale of beer and wine in the City of Lavon.

Motion: Commissioner Barnhart, "I recommend we amend the Comprehensive Zoning Ordinance # 97-12-08 related to the sale of beer and wine in the City of Lavon and recommend this request to the City Council and recommend the City Council amend it as well."

Second: Commissioner Hacking

In Favor: Commissioner Cody, Commissioner Barnhart, Commissioner Bonney, Commissioner Hacking and Commissioner Chairman Smith

Opposed: None

Abstained: None

Motion: Passed

- B. Amending the Comprehensive Zoning Ordinance # 97-12-08 related to a Special Use Permit for the sale of beer and wine at Mo's Exxon at 311 Hwy. 78 in the City of Lavon.

City Manager Jones addressed the Planning & Zoning Commission and said that since they had recommended the passage of the last one, I recommend you table this

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one to end the procedural issue for the time being. The item will become mute if the Council passes the first.

Motion: Commissioner Hacking, "I recommend we table Item "B".

Second: Commissioner Bonney

In Favor: Commissioner Cody, Commissioner Barnhart, Commissioner Bonney, Commissioner Hacking and Commission Chairman Smith

Opposed: None

Abstained: None

Motion: Passed

XII. COMMISSIONER SMITH TO CLOSE PLANNING & ZONING MEETING

Commissioner Smith closed the Planning & Zoning Meeting at 7:25 p.m.

XIII. ITEMS FOR DISCUSSION

- A. City Council to discuss Joint City Council & Planning & Zoning Commission Workshop to review the first series of draft elements for the Comprehensive Plan. (Nabors/Smith)

City Council Member Nabors told the Council that the P & Z had handed out six elements in a previous meeting. I am looking for a date that we can discuss and finalize these elements. Council Member Heatley asked if this needed to be a separate meeting or could it be done at a City Council Meeting. Council Member Nabors said she would like to offer at least one hour at the end of a City Council Meeting. Mayor Pro-Tem Kane said that he had reviewed the elements and was very pleased with the product delivery to the Council.

Commissioner Barnhart said that the Commission was looking for direction from the Council. We want to know if we are going the right way or do we have some major discrepancies that need to be addressed. Commissioner Barnhart requested feedback as to whether they were using the correct format and structure that the Council was needing. City Manager Jones said that the first pieces set the tone for the rest of the documents. Do the elements need content changes and do they fit the concept of the City. He recommended time set at the end of a Council Meeting for the Workshop.

Council Member Nabors requested the meeting on January 18th. The Council agreed.

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XIV. ITEMS FOR CONSIDERATION AND ACTION

- A. City Council to Consider and Act on amending the Comprehensive Zoning Ordinance # 97-12-08 relating to the sale of beer and wine in the City of Lavon. (Kane)

Mayor Pro-Tem Kane reminded the Council that the Ordinance is the maximum the Council can legally manage the sale of alcohol in the City. He recommended that the Council pass the Ordinance.

Motion: Council Member Heatley, "I move we approve amending the Comprehensive Zoning Ordinance # 97-12-08 relating to the sale of beer and wine in the City of Lavon."

Second: Council Member Nabors

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

Opposed: None

Abstained: None

Motion: Passed

- B. City Council to Consider and Act on Ordinance amending The Lavon Code of Regulations relating to creating the Infrastructure & Facilities Commission. (Nabors)

The City Council discussed the purpose of the Infrastructure & Facilities Commission focusing on what the City needs and how the City gets there.

The following corrections to the LCR were made. Page 14, # 3.3.8.15, Item B, add "If directed by the City Council" at the beginning of the sentence. On page 20, # 3.3.8.24 title should read "Records of the Infrastructure and Facilities Commission".

Motion: Council Member Heatley, "I move we make said amendments to The Lavon Code of Regulations relating to creating the Infrastructure & Facilities Commission."

Second: Mayor Pro-Tem Kane

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

Opposed: None

Abstained: None

Motion: Passed

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Motion: Council Member Heatley, "I move we approve the amended amendments to The Lavon Code of Regulations relating to creating the Infrastructure & Facilities Commission."

Second: Council Member Nabors

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

Opposed: None

Abstained: None

Motion: Passed

- C. City Council to Consider and Act on Bill Resolution # R2010-12-01 regarding Historic School Restoration Committee and Project Team. (Nabors)

The City Council discussed the purpose and establishment of the Committee.

The following corrections were made. On page 3, Section 4, add 4.5 which reads, "The Chairman shall provide at least monthly written and verbal reports on the progress to the City Council."

Motion: Council Member Heatley, "I move we approve the amendment to Bill Resolution # R2010-12-01 regarding the Historic School Restoration Committee and Project Team."

Second: Council Member Nabors

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

Opposed: None

Abstained: None

Motion: Passed

Motion: Council Member Heatley, "I move we approve Bill Resolution # R2010-12-01 regarding the Historic School Restoration Committee and Project Team as amended."

Second: Council Member Nabors

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

Opposed: None

Abstained: None

Motion: Passed

- D. City Council to Consider and Act on approving and ratification of Heritage Public Improvement District No. 1 (Residential) Annual Service Plan including the collection of 2010-11 Annual Installments dated December 7, 2010. (Jones/Ardis)

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City Manager Jones told the City Council that this is an annual vote that enables the Heritage Public Improvement District No. 1 (Residential) to collect the annual installments from the homeowners.

Motion: Council Member Nabors, "I move we approve and ratify the Heritage Public Improvement District No. 1 (Residential) Annual Service Plan including the collection of 2010-11 Annual Installments dated December 7, 2010."

Second: Mayor Pro-Tem Kane

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

Opposed: None

Abstained: None

Motion: Passed

The meeting was delayed from 8:12 p.m. to 8:22 p.m. for the tape to be changed.

E. City Council to Consider and Act on the purchase of radios for the Lavon Police Department. (Rector)

The City Council discussed the purchase of 8 portable radios for the Police Department and 1 mobile radio for the Marshal's Office to replace old ones because of safety concerns for the officers.

Motion: Mayor Pro-Tem Kane, "I move we approve the Mayor to execute Option 2 if it is in the budget. If it is not in the budget, then approve Option 3. However, it does specifically say payment is due after the first year's lease."

Second: Council Member Kane

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

Opposed: None

Abstained: None

Motion: Passed

F. City Council to Consider and Act on authorizing the purchase of a Public Works vehicle. (Dudley)

Public Works Director Kevin Dudley discussed with the City Council the need for a new truck, because the old truck is not worth the cost to have it repaired.

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Motion: Council Member Heatley, "I move we table this until the next meeting so we can have more information presented."

Second: Council Member Kane

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

Opposed: None

Abstained: None

Motion: Passed

XV. EXECUTIVE SESSION: In accordance with Texas Code, Section 551.001, et seq., the City Council will recess into Executive Session to discuss the following:

A. Pursuant to Texas Government Code § 551.072; A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

1. The City Council to discuss trading approximately 2 acres of real property owned by the City and located at or near the intersection of State Highway 78 and Burnett Drive for approximately 5.1 acres owned by World Land Developers LP and located at or near 500 Main Street. (Jones)

Mayor Martin recessed the Council at 8:32 p.m.

XVI. RECONVENE INTO REGULAR SESSION: In accordance with Texas Government Code, Section 551.001, et seq., The City Council will reconvene into Regular Session to take any action necessary regarding the following:

A. Pursuant to Texas Government Code § 551.102; A final action, decision, or vote on a matter deliberated in a closed meeting under this chapter may only be made in an open meeting that is held in compliance with the notice provisions of this chapter.

1. The City Council to consider and act on trading approximately 2 acres of real property owned by the City and located at or near the intersection of State Highway 78 and Burnett Drive for approximately 5.1 acres owned by World Land Developers LP and located at or near 500 Main Street. (Jones)

Mayor Martin reconvened the Council Meeting at 9:04 p.m. The following motion was made.

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Motion: Council Member Nabors, "I move we make a counter-offer to World Land Developers to trade our 2 acres located on Hwy 78 for the 5 acres located on Main Street and the additional lot connecting it to East "A", conditional upon the developer removing the existing structures, as well as paying any required legal fees for making the transfer, and that they place no deed restrictions on the property traded."

Second: Council Member Meeks

In Favor: Council Member Nabors, Council Member Meeks, Council Member Heatley

Opposed: Mayor Pro-Tem Kane and Council Member Teske

Abstained: None

Motion: Passed 3 to 2

XVII. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

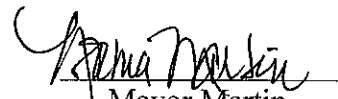
Council Members and staff may request items be placed on a future agenda or request a special meeting be called. Each request that passes by a majority vote will be placed on the schedule by the City Secretary.

1. The joint Workshop with the City Council and Planning & Zoning Commission on January 18, 2011

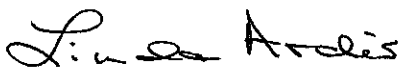
XVIII. MAYOR MARTIN TO ADJOURN CITY COUNCIL MEETING

Mayor Martin adjourned the City Council Meeting at 9:08 p.m.

Duly passed and approved on this 4th day of January, 2011.


Mayor Martin

Attest:



Linda Ardis, City Secretary