



Lavon City Council Meeting And Public Hearing

February 7, 2012

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

Members Present: Mayor Chuck Teske
Council Member Place 1, Chris Kane, Mayor Pro-Tem
Council Member Place 5, Jenny Bodwell
Council Member Place 4, David Hawkins

Members Absent: Council Member Place 2, Deborah Nabors
Council Member Place 3, Gary Meeks

Staff Present: City Manager, Mike Jones
City Secretary, Linda Ardis
Chief of Police, Jason Rector
Acting City Treasurer, Laura Kennemer

Commission and Board Members: None

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

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

III. INVOCATION

Mayor Pro-Tem Kane 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.

City Secretary Ardis informed the Council and audience that a Blood Drive benefiting the Police Department would be held February 11th from 1:00 PM to 5:00 PM at Grand Heritage Club House.

Council Member David Hawkins told the Council and audience that Gary Fox of Lavon Water Supply had suddenly passed away and his funeral was held on Sunday, February 5th. The Water Board Election will be coming up soon. The Board is looking for nominations to fill the vacancies on the Board.

V. CONSENT AGENDA

A. December 20, 2011 City Council Meeting Minutes*

Motion: Mayor Pro-Tem Kane, "I move we approve the Consent Agenda."

Second: Council Member Bodwell

In Favor: Mayor Pro-Tem Kane, Council Member Hawkins and Council Member Bodwell

Opposed: None

Abstained: None

Motion: Passed

VI. 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



Lavon City Council Meeting And Public Hearing

February 7, 2012

VII. PUBLIC HEARING

A. Public Hearing to receive Public Comment on a Special Permit Application for a Boarding House/Scrapbooking Retreat located at 660 Lakeridge Drive, Lakeridge Meadows Addition, Block C, Lot 17.

1. Mayor Teske to open the Public Hearing
Mayor Teske opened the Public Hearing at 7:06 PM.
2. Mayor Teske to open floor to Public Comment
Mayor Teske opened the floor to Public Comment at 7:06 PM.

The first to speak was the Applicant, Carla Crouse. She read her statement to the Council which is attached as Exhibit "A" to the minutes. Mrs. Crouse presented a signed copy of neighbors within 200 yards of her house stating that they had no objections to her opening a home based scrapbooking business or her residence being rezoned as a boarding house which is attached as Exhibit "B".

City Manager Jones, Council Member Hawkins, Council Member Bodwell and Mayor Pro-Tem Kane also spoke and asked questions.

Citizens Michael Dyess, Shea Warren and Steve Crouse spoke in favor of the application. Citizens Sheila Goeger, Dianne Steele, A.W. Steele, Dale Nabors, Chris Wess and Marcy Rivett spoke against the application.

3. Mayor Teske to close floor to Public Comment
Mayor Teske closed the floor to Public Comment at 7:56 PM.
4. Mayor Teske to close the Public Hearing
Mayor Teske closed the Public Hearing at 7:56 PM.

VIII. ITEMS FOR DISCUSSION

A. Representative of Planning & Zoning Commission to present a Letter of Recommendation to the City Council on the proposed Special Permit for a Boarding House/Scrapbooking Retreat located at 660 Lakeridge Drive, Lakeridge Meadows Addition, Block C, Lot 17. (Rosenquist)

Commissioner David Rosenquist read the Letter of Recommendation from the Planning & Zoning Commission which is attached as Exhibit "C" to the minutes. Based on the 2 to 1 majority vote, the Commissioners recommended that the Lavon City Council deny the Special Permit.

B. City Council to Discuss Construction Project for the Old School Building including recent insurance claim. (Teske/Jones)

Mayor Teske informed the Council that an insurance claim had been filed with TML. A roofing contractor is dealing with TML now to see if the insurance company claim will allow a new roof for the gym area and repair some water damage in the City Council chambers. When the work is completed, the City hopes to retrieve any depreciation deductions and be out of pocket only the \$1,000 deductible.

Public Works is installing Hardee board to stabilize the flooring in the hall and bath room. The gas line has been run up to the side of the building. They will be installing the air condition/heating system soon. The City seems to be on target for the June 1st deadline. Lowes has had to reorder the panes to replace some of the windows ordered, but hopefully the City will get them soon.

C. City Council to Discuss moving Code Enforcement from the Police Department to the Building Inspection Department. (Teske)



Lavon City Council Meeting And Public Hearing

February 7, 2012

The Council discussed various aspects of Code Enforcement including high grass, vehicles parked on grass and health and safety. City Manager Jones also explained the process of Code Enforcement paper flow; and how valuable these processes are not only for the present, but also for the future.

City Building Inspector, Lee Roberts, also addressed the Council. He told the Council that the City is not in that bad of shape now, but it has to start enforcing ordinances now to avoid trouble in the future. He said some of the City ordinances need to be revised to more effectively set up guidelines for Code Enforcement to follow.

Mayor Pro-Tem stated that if any additional costs had to be added for Code Enforcement, the funding would have to come out of the budget and not from reserve funds.

IX. ITEMS FOR CONSIDERATION AND ACTION

- A. City Council to Consider and Act on approving the Special Permit in accordance with Ordinance 97-12-08, Article IX, Section 2, Paragraph 2 authorizing a Boarding House/Scrapbooking Retreat located at 660 Lakeridge Drive, Lakeridge Meadows Addition, Block C, Lot 17.

Mayor Pro-Tem expressed to the Council that a lot of people conduct business from their home using Tupperware for an example. He said that he did not feel that anyone wants a Boarding House in a residential neighborhood. Yet at the same time, he did not want to set a precedence that would discourage other entrepreneurs in Lavon from working from home. As a result, he was not prepared to vote on the matter tonight.

Motion: Council Member Hawkins "I move we table this item until the next meeting."

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Hawkins and Council Member Bodwell

Opposed: None

Abstained: None

Motion: Passed

- B. City Council to Consider and Act on Resolution R2012-02-01 declaring the property at 616 Main Street a Continuing Non Conforming Mixed Use. (Jones)

Motion: Council Member Hawkins, "I move we approve Resolution R2012-02-01."

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Hawkins and Council Member Bodwell

Opposed: None

Abstained: None

Motion: Passed

- C. City Council to Consider and Act on Ordinance 2012-02-01 Amending the LCR relating to the Proliferation of Litter. (Teske)

After discussing the Ordinance and making suggestions for change, the following motion was made.

Motion: Mayor Pro-Tem Kane, "I move we table this item until next time to work out some adjustments made by Council tonight."

Second: Council Member Bodwell

In Favor: Mayor Pro-Tem Kane, Council Member Hawkins and Council Member Bodwell

Opposed: None

Abstained: None

Motion: Passed

- D. City Council to Consider and Act on Ordinance 2012-02-02 Amending the LCR relating to the Creation of the Parks & Recreation Board. (Bodwell)



Lavon City Council Meeting And Public Hearing

February 7, 2012

City Manager requested the item be laid on the table, proceed with Item "E" since a representative from Atmos was in the audience. After that, the Council could go back to Item "D" and complete that agenda item.

Motion: Mayor Pro-Tem Kane, "I move we lay this item on the table."

Second: Council Member Bodwell

In Favor: Mayor Pro-Tem Kane, Council Member Hawkins and Council Member Bodwell

Opposed: None

Abstained: None

Motion: Passed

- E. City Council to Consider and Act on a Resolution suspending the effective date of the proposed rate schedule of Atmos Energy Corporation, Mid-Tex Division for a period of 90 days. (Jones)

The Council agreed on the Resolution, and the following motion was made.

Motion: Mayor Pro-Tem Kane, "I move we approve the agenda item."

Second: Council Member Hawkins

In Favor: Mayor Pro-Tem Kane, Council Member Hawkins and Council Member Bodwell

Opposed: None

Abstained: None

Motion: Passed

- D. City Council to Consider and Act on Ordinance 2012-02-02 Amending the LCR relating to the Creation of the Parks and Recreation Board. (Bodwell) (cont.)

Before Mayor Teske began the discussion of the agenda item, the following motion was made.

Motion: Mayor Pro-Tem Kane, "I make a motion to extend the meeting until 9:15 PM."

Second: Council Member Bodwell

In Favor: Mayor Pro-Tem Kane, Council Member Hawkins and Council Member Bodwell

Opposed: None

Abstained: None

Motion: Passed

Council Member Bodwell and City Manager Jones discussed the Ordinance with the Council. Questions and suggestions for changes were made. The following motion was made.

Motion: Mayor Pro-Tem Kane, "I move we table this item until next time to allow time for changes."

Second: Council Member Hawkins

In Favor: Mayor Pro-Tem Kane, Council Member Hawkins and Council Member Bodwell

Opposed: None

Abstained: None

Motion: Passed

X. 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.

XI. MAYOR TESKE TO ADJOURN CITY COUNCIL MEETING

Mayor Teske Adjourned the City Council Meeting at 9:11 PM.

Duly passed and approved on this 21st day of February, 2012

Attest:


Linda Ardis, City Secretary

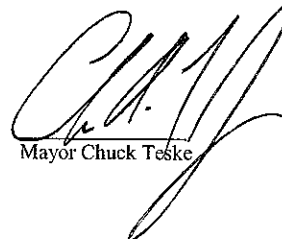

Mayor Chuck Teske

EXHIBIT 'A'

My name is Carla Crouse and I am looking to turn my home into a scrapbooking retreat. Thank you for coming.

Scrapbooking is organizing your pictures to tell the story of your life in a creative and unique way. Your photos aren't just pictures, they represent a history that you will pass along to future generations.

A retreat is a place providing peace, quiet, privacy, or security for a period of seclusion, retirement, or solitude.

Our Family Moved to Lavon in 2006. We live in the Lakeridge Meadows subdivision. We love our neighbors, the acre lot, and our home with 6 bedrooms and 4 bathrooms.

Many people don't have the luxury of leaving their pictures, tools, paper and scrapbooking supplies out full time and the only time they get to scrapbook is when they get away from their busy lives and spend the weekend with friends re-living these precious moments in time.

This idea of starting my own retreat developed from a bad experience I had while attending a retreat south of Dallas. My friend and I went only as last minute fillers for a group of 20 ladies. There was a lot of drama that went on amongst the group that made the weekend miserable. On the drive home my friend and I thought we would look for a smaller retreat next time we wanted to go and then we could have the retreat to ourselves without the drama. So I started the search online and couldn't find any – my friend suggested that I start one. I dismissed the idea at first and then thought why not.....I have plenty of space, I have a food managers license and I like to cook, PLUS I would have people to scrapbook with all the time. That would be fun.

So I called Code Enforcement with the City of Lavon and told them about my idea and asked if I needed a business license and if there was going to be anything special I was going to have to do. Code Enforcement said that they didn't think it was going to be a problem as long as their wasn't a noise issue for the neighbors and to make sure the scrappers didn't park in the street causing a hazard for those driving by.

Not a problem – I have plenty of parking in my driveway for at least 8 vehicles. However, most ladies carpool together and there wouldn't be no more than about three or four.

So I went ahead and filed my business name with Collin County, got my website up and running, purchased my extra beds and linens. After several months I finally got a few bookings and found that they loved my cooking and enjoyed the large scrapbooking space and use of all my tools. I found that I loved teaching them new techniques and how to use some of the tools that I have.

It wasn't until I got a notice from the City in Mid December did I know that there was a problem. Since then, I have done everything possible to comply and correct any issues so that I can continue providing a loving environment for a small group of people to get together and share this hobby.

The notice basically said that I need to have a special permit and will need to meet all code requirements for the operation of a boarding house.

The City of LAVON'S definition is "a building other than a hotel where lodging and meals are served for compensation."

I don't feel that I am a boarding house - I am not renting rooms to the out of town business man who has a meeting down town, or groups of people who have nothing better to do than vandalize the neighborhood or just random people who need a place to sleep and/or a meal to eat.

I AM RENTING SCRAPBOOKING SPACE : People come specifically to scrapbook. I rent them a 6 foot x 2 foot table with cutting mat, ott light, chair, drink holder, trash can and use of all my tools. Sometimes I teach classes or we work on a specific project – perhaps a home décor piece or a mini album.

Ladies rent scrapbook space so they can leave their supplies out for three days, not have to cook, clean or deal with the kids and husband. Eat when they are hungry, sleep when they are tired and socialize with their friends sharing memories.

The price does not change if they choose to eat elsewhere or go home to sleep.

Scrap bookers are mature adults whom tend to be nurses and teachers. They come to a retreat to get away from their busy lives and want to be pampered while they record their memories.

I cannot stress enough that these people are NOT coming to eat my food or sleep in my beds – they come to scrap book - and the rest is just included.

Kind of like renting a conference room at a hotel where you rent the conference area space and they give you a room to spend the night and complimentary breakfast while providing cookies and coffee during your meeting. You still only paying for the conference room.

Lets face it - Scrapbooking retreats are popping up all over and they operate out of homes. Priceless Memories in Wylie just opened in August. Memory Ranch in Quinlan opened last year. Creative Cottage and Memory Lane in McKinney stay full at 20 people all the time..... Their not in strip centers or in hotels – They operate in residential homes.

This retreat brings good people into the city of Lavon. They go to the Dollar Store when they have forgotten their toothbrush. They stop at Mo's and get gas on their way back home. I make Ice Cream runs to Sonic late at night when there are cravings. I support the local scrapbook store in Greenville by taking the ladies there to shop. I used a local business to re-do my front flower beds to make the initial view more appealing.

I had a lady come in from Garland who was looking to move and loved the area, the big lots, how quiet and friendly the neighborhood was that she immediately got on the internet and looked at what houses were for sale in the area. All of these things wouldn't have happened if it weren't for the retreat.

I have talked to all my neighbors that border my house within 200 yards, in addition to others in the neighborhood, and have gotten them all to sign that they have no objections to my opening a home based scrapbooking business and to being re-zoned as a boarding house even. I have a copy for you.

Many of these people weren't even aware that I was operating a scrapbooking retreat. AND I want to keep it that way. Except for possibly seeing us loading or unloading these women stay tucked away inside the house

and they don't come and go causing excess traffic. No more than six ladies come on Friday around Noon and leave on Sunday around 3.

During the Planning and Zoning meeting there were several other concerns that were brought up that I would like to address at this time.

1. Whether or not my septic system would be able to handle the additional people (i.e. a total of 9 persons with a maximum of 4 weekends a month.) I have a letter from Larry Howard (A certified and licensed Professional Sanitarian) who inspected my system, which states that the system is sufficient for the 9 people on weekends and should not cause any health hazards. I have a copy of that letter for you.

2. Property Values was another concern. I have been registered as a retreat at my current address since May of 2010. I have looked at my property value since that time along with several others outside our neighborhood but still in the city of Lavon and all values have shown to have dropped. But we've all heard the news about the decline in property values. This is not due to my having a retreat home in the area but rather to the bad economy the country is in.

In addition, If my home gets re-zoned with whatever label the City decides to put on it. The city doesn't notify the Central Appraisal District. The information is retained by the City and that's it.

So when you get ready to sell your house the only way potential buyers are going to know there is a scrapbooking retreat in the area is if you tell them. I won't have any signs out advertising that I am a scrapbooking retreat. If they should happen to drive by and see extra cars in my driveway they will think we are having a Pampered Chef Party perhaps or relatives in for a Wedding....

3. Setting a Precedence: I **DON'T** want to be labeled as a boarding house or even a bed and breakfast. It's too broad a listing, it doesn't describe what I do, and sets a precedent for other bad things to happen in the neighborhood we all currently love and enjoy. I moved to the neighborhood because I love the acre lots, I love that there are less than 100 homes in the neighborhood. It's quiet, the neighbors are friendly, I feel safe being hidden back behind the main areas of the city.

I live there too and I don't want to change any of that.... I consider myself a RETREAT HOME – Not a boarding house, Not a bed and breakfast.

While looking through the City of Lavon's Zoning Ordinance – I couldn't find anything that specifically described exactly what I do. So I broadened the search to other cities and didn't find much either. Mike Jones (Lavon's City Manager) agreed to sit down with me and see if we could come up with some guidelines that we could present to City Council that would better describe exactly what I do and limit what precedent we may or may not set.

I understand that I have to address the City Council separately from the current issue on the table to get new zoning laws written, issued and voted on. So we are working on a proposal for a focused permit specifically designed for retreat homes only. Some of the guidelines will include: In – Home Retreat Definition

Single Family Residence for special use to include all of the following:

- Event takes place inside the home

- Accessory to original residential use
- No more than 6 overnight guests
- No more than 12 nights per month
- Off street parking only on improved surface
- 2 people only per sleeping room
- 1 dedicated full size bathroom per every two sleeping rooms
- For the purpose of teaching an in home hobby (i.e. scrapbooking, quilting, jewelry making)
- The residential character of the home shall be maintained with no permanent business advertisement
- Must comply with all other City/ State/ Federal Laws
- Renewable every 2 years based on violations
- The zoning is for my house only. No one else in the neighborhood is re-zoned
- The zoning is attached to me only. I cannot sell the house as a commercial business

I am open to suggestions on further guidelines. I am hoping that this specific definition for a retreat home will limit just anyone being able to rent out rooms in their homes.

As I understand it - this will take a little more time and today we can only deal with the zoning law that is currently in place and that is "boarding house."

Scrap bookers book their retreats many months in advance. It's like booking a vacation with their friends.

I have two groups scheduled to come the first two weekends in March. Both of these groups are repeat guests who made their reservation and paid last year before all of this began. One group comes all the way from Houston and I was hoping to have this all cleared up by then as to not inconvenience them by trying to reschedule or lose them completely and have to refund their money.

My website also needs to be renewed in March. So I am in a little bit of a bind to continue business as usual.

I don't want to be zoned as a boarding house but rather ask City Council to grant me special permission to operate temporarily until the other guidelines for a Retreat Home gets ironed out and approved. I still have a lot to do with getting emergency lighting installed and a fire suppression hood for the stove and the food and fire inspections completed. Understanding, of course, that the boarding house label is temporary and continue working hard to get the Retreat Home Proposal ready for the next meeting.

I would also like to ask the Council if I could address any of the concerns that may come up individually as they are voiced.

Thank you for your time and consideration.

EXHIBIT 'B'

As you may or may not know – I LOVE SCRAPBOOKING>>>>> I am on the design team and teach classes for several scrapbook stores in the area. I also donate items for fundraisers and local charities. I want to take this a step further and open a place for fellow scrap booker's to get together and share this passion. I have tested the waters and found that this could be a good business. Therefore, I have registered the business with the county, gotten a tax id number from the federal government and have contacted the city regarding their needs to make it official. They have said that this would classify my home as a boarding house so I will need to request a zoning change and obtain city council approval. This means that I will need to gain the approval of my neighbors and overcome any objections they may have. So in an effort to make this go smoothly I am visiting all the neighbors and asking that you sign the following.

A **boarding house**, is a house (often a family home) in which lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. They normally provide "bed and board", that is, at least some meals as well as accommodation. A "lodging house", also known in the United States as a "rooming house", may or may not offer meals. Lodgers legally only obtain a license to use their rooms, and not exclusive possession, so the landlord retains the right of access.

Scrapbook Haven Retreat technically rents space for scrap bookers to record their memories on paper in a unique and creative way. A maximum of 8 people will visit my home from Friday at noon until 3:00 pm on Sundays. They will park their cars in my driveway as to not be nuisance to those driving by. While they are at the retreat, they will have access to my scrapbooking tools, be provided with meals and snacks, and a place to sleep should they so choose. I have a food manager's license and I hire a maid to help me keep the linens and home clean. No children under 18 are allowed and scrap booker's tend not to be a noise issue for the neighborhood.

I would appreciate your cooperation and ask that you give your approval and have no objections to opening a home based business for scrap bookers by signing below.

SIGNATURE	ADDRESS	DATE
	645 Lakeridge DR	12/18/2011
	645 Lakeridge Dr	12/18/11
Nena Potter	625 LAKERIDGE DR	12/18/11
Karen Stankus	625 Lakeridge Dr.	12/18/11
	605 LAKERIDGE DR	12/18/11
Bill Bink	720 Lake Vista LN	12/18/11
Mickey Hagar	660 Lake Shadow Dr	12/18/11
Bryce Terry	620 Lakeridge	12/18/11
	620 Lakeridge Dr.	12/18/11
	680 Lakeridge Dr.	12/18/11
	480 Lakeridge Dr.	12/18/11
	685 Lake ridge	12-18-11
C Kay Wright	665 Lakeridge Dr	12/18/11
	665 LAKERIDGE DR.	12-18-11

EXHIBIT 'C'



City of Lavon
Planning and Zoning Commission
Commissioner David Rosenquist

P.O. Box 340 ~695 Main St. #400 ~ Lavon, TX 75166
Office (972) 843-4220 ~ Fax (972) 843-0397

February 1, 2012

Mayor Chuck Teske
120 School Road
Lavon, Tx 75166

Re: P & Z Commission to Consider and Act on a recommendation to the City Council on a Special Permit application for a Boarding House/Scrapbooking retreat located at 660 Lakeridge Drive, Lakeridge Meadows Addition, Block C, Lot 17.

Mayor Teske & City Council Members:

The Planning & Zoning Commission met on January 24, 2012 for a Public Hearing regarding a Special Permit application for a Boarding House/Scrapbooking retreat located at 660 Lakeridge Drive, Lakeridge Meadows Addition, Block C, Lot 17. Planning & Zoning Commission Chairman Trey Smith and Commissioner's Bill Bonney, David Barnhart and David Rosenquist attended. Commissioner Earnest Cody was absent.

Chairman Trey Smith called the public hearing to order, at which time Commissioner David Barnhart recused himself due to personal conflict.

Chairman Trey Smith proceeded to hear testimony from the applicants and comments from the public. Chairman Smith asked the board for comments and a motion. Commissioner Rosenquist made a motion that the P&Z Commission recommend denial for a Special Permit for a Boarding House/Scrapbooking Retreat located at 660 Lakeridge Drive, Lakeridge Meadows Addition, Block C 17. The motioned was seconded by Commissioner Bonney.

Rationale for this motion was as follows:

- Issuance of this special permit in one of Lavon's residential areas could send a negative signal to prospective home owners and jeopardize the integrity of Lavon's residential plans.



City of Lavon
Planning and Zoning Commission
Commissioner David Rosenquist

P.O. Box 340 ~695 Main St. #400 ~ Lavon, TX 75166
Office (972) 843-4220 ~ Fax (972) 843-0397

-
- Environmental concerns: Residential septic units are designed for typical residential occupancy. The applicant stating that they haven't had any problems thus far does not constitute proof.
 - Traffic Concerns: Use of residential areas for this commercial purpose will increase traffic flow in our residential neighborhoods.
 - Approval of this special permit application in this residential area is not insular and may establish precedence for other residential areas and uses in the city of Lavon

Chairman Smith called for a vote. Of the three voting, Commissioner's Rosenquist and Bonney voted to recommend denial. Commissioner Trey Smith voted against recommending denial.

Based on the 2 to 1 majority vote, we are recommending that the Lavon City Council deny the Special Permit for a Boarding House/Scrapbooking Retreat located at 660 Lakeridge Drive, Lakeridge Meadows Addition, Block C Lot 17.

Sincerely,

David L. Rosenquist
Commissioner Seat 5
Planning and Zoning Commission

CC: City Manager Mike Jones
City Secretary Linda Ardis