

Lavon City Council Meeting Minutes & Executive Session



February 21, 2012

I. MEETING CALLED TO ORDER AT 7:02 P.M. BY MAYOR TESKE

Members Present: Mayor Chuck Teske
Council Member Place 1, Chris Kane, Mayor Pro-Tem
Council Member Place 2, Deborah Nabors
Council Member Place 4, David Hawkins
Council Member Place 5, Jenny Bodwell

Members Absent: Council Member Place 3, Gary Meeks

Staff Present: City Manager, Mike Jones
City Secretary, Linda Ardis
Acting City Treasurer, Laura Kennemer
Police Lt., Mike Curtis
Police Court Clerk, Sue Johnson

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 Teske 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.

None

V. CONSENT AGENDA

1. February 7, 2012 City Council Meeting Minutes*

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

Second: Council Member Nabors

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

Opposed: None

Abstained: Council Member Nabors because she was absent at the meeting

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

VII. ITEMS FOR DISCUSSION

A. City Council to discuss FY 2009-2010 Audit with CPA. (Kennemer)

Acting City Treasurer Laura Kennemer introduced Michael Conway of Conway Company CPA's. Mr. Conway passed out the Annual Financial Report for the FY Ended September 30, 2010 to the Council. He began by explaining that this audit represented a clean-up year for the City. There were significant issues in the past that had to be overcome as well as accounting corrections that had to be made.

He discussed net assets, the City's profit and loss statement and the budgeted amounts compared to the actual amounts spent for the year. Last of all, Mr. Conway told the Council that it was imperative to have internal controls firmly in place in the City. He told the Council that they were essentially the supervisors of that internal control. Their responsibilities might consist of asking questions, looking at invoices before they are paid or making sure that properly supported transactions are maintained in the City.

Mr. Conway concluded by saying he was very glad to have the FY 2009-2010 Audit in the past. He was looking forward to the FY 2010-2011 Audit because the accounts are in so much better shape than they found them.

B. City Council to Discuss Current Financials. (Kennemer)

Acting City Treasurer Laura Kennemer discussed the financials with the Council. Mayor Teske stated that he was forecasting additional revenues as the City had received an

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update on property taxes to be collected this year. Also the prior year carryover amount was also increased and could go higher after all the Quick Book changes have been made from the online version to the stand alone version.

- C. City Council to Discuss sending a proposed ordinance to the Planning & Zoning Commission related to zoning of certain alcoholic beverage sales. (Teske)

The Council discussed the proposed ordinance and its potential in the future to exercise discretion as to where beer, wine and hard liquor could or not be sold. The Council agreed that it was prudent to go forward as soon as possible. City Council Member Nabors is the liaison to the P & Z Commission, and she will request that the proposed ordinance be placed on a P & Z Agenda.

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

City Manager Jones made the following corrections:

1. Page 1, 3.3.9.2—Public Works Director is not a voting member
2. Page 8, 3.3.9.9 D— Word “City Council” changed to “P & Z”
3. Page 11, 3.3.9.20 F5—Delete

Council Member Nabors made the following corrections:

1. Page 11, 3.3.9.18 M—Delete
2. Page 11 3.3.9.19 E—Delete
3. Page 11, 3.3.9.20 H—Delete

Citizen Chris Wess suggested the following corrections:

1. Page 1, 3.3.9.2 C—Should read “The Parks and Recreation Board shall select from its membership a Board Secretary.”
2. Page 10, 3.3.9.1.8 I-2---Delete “guest or visitor” and replace with “staff member”.

The discussed changes will be made and the Ordinance brought back to the Council.

VIII. ITEMS FOR CONSIDERATION AND ACTION

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- 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. (voted)

Mayor Pro-Tem Kane felt there were only two options the Council had. They could either deny the application or use due diligence to create the right solution for the problem by sending the item back to the P & Z Commission for refining of the ordinance and zoning. He feels that the City needs to promote and provide home based businesses.

Council Member Nabors voiced her concerns for setting a precedence relating to boarding houses. She indicated that the City does not have in place a registration process or standards that will eliminate the risk of our neighborhoods. The definition of a boarding house is not only defined in the City's ordinance, but the State also. She told the Council that this establishment fell under the definition of a boarding house. She stated that she would not agree to the application just to change the definition of a boarding house for 16 homes within the neighborhood that signed a petition stating the boarding house was not a problem for them and not consider the other 2,300 citizens of Lavon. Council Member Nabors also stated that to send the item back to the P & Z Commission that the Council would have to give the Commission clear instructions to what they were looking for from them.

Council Member Hawkins felt the ordinance should get rid of the hotel/boarding house situation and make it a craft situation to prevent running into state law.

Council Member Bodwell asked the applicant and City Manager Jones in what kind of cities the scrapbooking retreats were "springing up." They both agreed that it was in Home Rule cities and not Type "A" Municipalities such as Lavon.

Citizens Chris Wess, Carla Crouse and Michael Gulino presented their comments and suggestions to the City.

Motion: Mayor Pro-Tem Kane, "I move we refer back to the P & Z the item for further development."

Second: Council Member Bodwell

Council Member Nabors wanted further discussion on clear instructions if the Council wanted the P & Z to do a comprehensive look at redefining and clarifying home based businesses.

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

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Opposed: None

Motion: Passed

Council Member Nabors asked in the interim what was going to happen. She was told by City Manager Jones and Council Member Bodwell that the applicant could not operate the business.

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

Mayor Teske reminded the Council that they had already seen this ordinance in draft form and minor changes had been made. The main discussion was focused on Page 3, 2.5.1.5, "A", "B" and "C". The Council Members voiced their concerns regarding:

1. Receptacle in front of every business entrance
2. The use of lineal feet to determine the number of receptacles instead of in front of every entrance
3. Who pays for the receptacle
4. What is adequate capacity and whose fault is it if it is inadequate
5. Who is responsible for emptying the receptacles

Citizens Mike Gulino, Chris Wess and Dale Nabors offered their concerns and suggestions to the Council.

Because of the necessity to complete other important items on the agenda, the Mayor "laid the item on the table" and moved to the next item.

C. City Council to Consider and Act on Ordinance 2012-02-03 Amending the FY 2011/2012 Budget. (Teske)

The Mayor asked for a motion to extend the meeting.

Motion: Council Member Nabors, "I move we extend the meeting until 9:30."

Second: Council Member Hawkins

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

Opposed: None

Motion: Passed

The City Council discussed numerous options to amend the proposed budget. The Mayor asked for a motion to extend.

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Motion: Council Member Nabors, "I move we extend the meeting until 9:45."

Second: Council Member Hawkins

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

Opposed: None

Motion: Passed

After more discussion on the Budget, the Mayor asked for a motion to extend.

Motion: Council Member Nabors, "I move we extend the meeting."

Second: Council Member Hawkins

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

Opposed: None

Motion: Passed

After all the discussions on the Proposed Amended Budget had been completed, the following motions were made.

Motion: Council Member Hawkins, "I move we accept the changes to the budget."

Second: Council Member Nabors

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

Opposed: None

Motion: Passed

Motion: Council Member Nabors, "I move we approve the amended budget."

Second: Council Member Hawkins

In Favor: Council Member Nabors and Council Member Hawkins

Opposed: Mayor Pro-Tem Kane and Council Member Bodwell

Mayor Voted: "I vote in favor to break the tie."

Motion: Passed

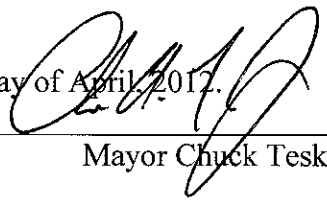
IX. MAYOR TESKE TO ADJOURN CITY COUNCIL MEETING

Mayor Teske adjourned the meeting at 9:50 pm.

Duly passed and approved on this 10th day of April, 2012.



Attest: Linda Ardis, City Secretary


Mayor Chuck Teske