

CITY OF SANGER, TEXAS

MINUTES: SPECIAL CITY COUNCIL MEETING
October 10, 2017, 7:00 p.m.
502 Elm Street, Sanger, Texas

COUNCIL MEMBERS PRESENT: Mayor Thomas Muir, Councilman Bill Boutwell, Councilman David Clark, Councilman Gary Bilyeu, Councilmember Allen Chick, Councilman Lee Allison

COUNCIL MEMBERS ABSENT: None

All Council Members Were Present Constituting a Quorum.

STAFF MEMBERS PRESENT: Mike Brice City Manager, Cheryl Price City Secretary, Alina Ciocan, Director of Economic and Development Services

1. Call Meeting to Order, Invocation, Pledge of Allegiance.

The Regular City Council Meeting was called to order by Mayor Muir on Monday, October 10, 2017 at 7:02 p.m. The Invocation was given by Councilman Bilyeu, and The Pledge of Allegiance was led by Councilman Boutwell.

2. Citizens Input: (Citizens are allowed 3 minutes to speak. The City Council is unable to respond or to discuss any issues brought up during this section).

There were no citizens who wished to speak.

3. CONSENT AGENDA:

a) Approval of Minutes:

1. City Council Special Meeting, September 11, 2017

b) Disbursements

Councilman Boutwell asked about the Disbursements regarding \$17,881 in hail damage. City Manager Brice noted it was insurance deductibles for building roof repairs and repair of the hail damage on a few of the newer police vehicles. We were reimbursed by the insurance company approximately \$58,000.

A Motion was made by Councilman Bilyeu, Seconded by Councilman Boutwell to approve the Consent Agenda as presented. Motion carried unanimously with a 5-0 vote.

4. Consider any Items Removed from Consent Agenda.

None.

REGULAR AGENDA

5. Consider, Discuss and Act on the Preliminary Plat of the Kenzie Park Addition, being 69.62 Acres of Land in the J .P. B. January Survey, Abstract No. 658, Generally Located North of

FM 455 and Sam Bass Road.

Mayor Muir noted this meets the Subdivision Ordinance and is outside of the city limits in the ETJ, and will be processed through Denton County. Alina Ciocan, Director of Economic and Development Services advised that Denton County had some revisions to be made to the plat and they were implemented as requested. Staff recommends approval.

Councilman Allison noted concern regarding the Flood Plain on the Eastern boundary. Also, that there were lots on this plat that would have 10 to 12 feet of drop from front to back. It was noted that the Engineer is not here to answer any questions. Councilman Allison felt that technically it meets the requirements; and, before a building permit could be issued it would have to be shown it is not in the flood plain. He just wanted to note his concerns.

A Motion was made by Councilman Bilyeu to approve the Preliminary Plat of the Kenzie Park Addition, being 69.62 Acres of Land in the J.P. B. January Survey, Abstract No. 658, Generally Located North of FM 455 and Sam Bass Road. Motion was seconded by Councilman Boutwell. The Motion carried unanimously with a 5-0 vote.

6. Consider, Discuss and Act on the Minor Plat of the Classic Addition. Two Lots Being 4.171 Acres in the Reuben Beebee Survey, Abstract No. 29, Generally Located South of FM 455/Chapman Street and East of the Railroad.

Alina Ciocan, Director of Economic and Development Services gave a synopsis noting the applicant, who was present at the meeting, is subdividing the property into two lots of record. Classic Fiberglass will continue to operate at its current location while the second lot will be used for a future boat storage facility. As per the Subdivision Ordinance lots, "shall be provided with adequate access to an existing or proposed street by frontage on such street." Lot 1, as described on the proposed plat does not have direct frontage on FM 455 and is accessed via a piece of property whose ownership is unknown. The piece of property is a small triangle which is noted on the plat. The applicants have exhausted all reasonable avenues to determine the ownership of the particular piece of property and have submitted a notarized affidavit holding the City of Sanger harmless should any issues arise related to the platting of this property. The applicants John Kernan and Chris McLain were recognized and explained their research on the piece of property. They noted that their research at Denton County ended up with "unknown" ownership. Also, they discovered that the triangle of property, at one time, may have been the city's but the city did not do what it was required for it to be claimed. They noted that they were trying to divide it into two lots because there is too much money tied up in the building and they need to free the money up to build the boat storage. Miscellaneous discussion ensued and it was noted that the expansion of FM 455 would more than likely take in the piece of property and it would not even be an issue. At that point TxDOT would be the one providing access. It was noted that the property is zoned I-1 and boat storage is allowed in I-1.

A Motion was made by Councilman Bilyeu approving the Minor Plat of the Classic Addition. Two lots being 4.171 Acres in the Reuben Beebee Survey, Abstract No. 29, Generally located South of FM 455/Chapman Street and East of the Railroad. The Motion

was seconded by Councilman Clark. Motion carried unanimously with a 5-0 vote.

7. Consider, Discuss and Act on the Final Plat of the Cottage Estates, Being 1.40 Acres of Land in the Henry Tierwester Survey, Abstract No. 1241, Generally Located South of Willow Street and East of Railroad Avenue.

Mayor Muir noted this meets the Subdivision Ordinance. The applicant is proposing to subdivide the subject property into five (5) lots of record to build single-family homes. The tract is zoned SF-10.

Alina Ciocan, Director of Economic and Development Services advised the staff has found the plat to be in compliance with the requirements of the Subdivision Ordinance. Staff recommends approval of the plat.

Councilman Allison asked if we require corner clips in our ordinances? Alina Ciocan advised that she was not aware of an ordinance for corner clips. He noted that a corner clip is a triangle of view required on corners so there is visibility in both directions. Councilman Allison suggested this may be something we need to look at in the future. Councilman Clark asked what size home would be built? Alina Ciocan noted that they are allowed to have 1000 square foot home, but the Applicant is saying they propose 1400 to 1600 square feet.

A Motion was made by Councilman Bilyeu to approve the Final Plat of the Cottage Estates, being 1.40 Acres of Land in the Henry Tierwester Survey, Abstract No. 1241, generally located South of Willow Street and East of Railroad Avenue. The Motion was seconded by Councilman Clark. Motion carried with a 4-1 voted, Councilman Chick in opposition.

8. Consider, Discuss and Possibly Act on the following Ordinances:

a) **Ordinance #10-31-17 Amending Chapter 6, Health and Sanitation of the Code of Ordinances; Article 6.100 Weeds, Grass, Rubbish, Brush and Other Objectionable Matter, Sec. 6.101 Tall Weeds Grasses or Plants Unlawful. Providing for Repeal of Ordinances in Conflict, Penalty, A Severability Clause and an Effective Date.**

b) **Ordinance #10-32-17 Amending Chapter 12, Traffic and Vehicles of the Code of Ordinances, Article 12.900 Truck Parking Regulations, Sec. 12.902 Hours. Providing for Repeal of Ordinances in Conflict, Penalty, A Severability Clause and an Effective Date.**

c) **Ordinance #10-33-17 Amending Chapter 8 Offenses and Nuisances of the Code of Ordinances, Article 8.100 Junked Vehicles, Sec. 8101 Definitions. Providing for Repeal of Ordinances in Conflict, Penalty, A Severability Clause and an Effective Date.**

d) **Ordinance #10-34-17 Amending Chapter 2, Animal Control of the Code of Ordinances, Article 2.100 Definitions "At Large". Providing for Repeal of Ordinances in Conflict, Penalty, A Severability Clause and an Effective Date.**

- e) **Ordinance #10-35-17 Amending Chapter 13, Utilities of the Code of Ordinances; Article 13.2100 Industrial Waste Regulations; Sec. 13.2104 Hazardous Metals and Toxic Materials, Revise “Note”; Sec. 13.2106 Storm Water and Other Polluted Drainage, “(b)”;** Sec. 13.2110 Compliance with Existing Authority, “(b)”;
- Sec. 13.2113 Requirements for Traps, “(b)”;
- Sec. 13.2114 Requirements for Building Sewers; Sec. 13.2302 Responsibility “(b)”;
- Sec. 13.2305, Customer Service Inspections; Sec. 13.2306 Procedures for Backflow Prevention “(k)-(1 and 2)”, “(o)”, “(u)”, “(v)”, “(z)-(1-4)”;
- Sec. 13.2308 Assembly Testing and Testers “(d)”;
- Article 13.2400 Wastewater Regulations; Sec. 13.2401 Collection of; Article 13.2500 Alternative Water and Sewer Facilities, (1) Water Wells (Individual and Irrigation), (2) Septic Tanks, (4) Private CO-OP Systems Revised (E). Providing for Repeal of Ordinances in Conflict, Penalty, A Severability Clause and an Effective Date.
- f) **Ordinance #10-36-17 Amending Chapter 8 of The Code of Ordinances, Article 8.500 “Noise Nuisances” “b” Adding “(10)” Related to Construction Activities. Providing for Repeal of Ordinances in Conflict, Penalty, A Severability Clause and an Effective Date.**

Mayor Muir noted that staff is still in the process of going through and cleaning up ordinances. There are redlined copies included in the packets. He noted that Council could discuss any of these ordinances and pull and make changes if desired. They can be approved in bulk or with changes. City Manager Brice noted that on most of these there are changes in state agencies, or staff responsibilities, typos, etc.

On a) Ordinance #10-31-17 – we ran into some discrepancies on maintenance of right-of-way. Currently our ordinance requires that if own property adjacent to public right-of-way or an easement you have to maintain up to 10 feet past your property line. There are some easements that are 30 feet wide and this has become a problem so we are proposing it to be changed to 25 feet which the property owner would be responsible for maintaining. Councilman Clark asked if this change was normal for most cities. City manager noted that what most cities say is that you have to maintain half of the easement. Councilman Clark noted concern if a homeowner was out in the country that this could become quite a responsibility. City Manager Brice noted that this ordinance is not enforced in the rural areas. He noted that there have been some issues where a property owner did not want to maintain (mow) the easement because it was more than 10 feet from their fence along the I-35 Corridor. It was noted that right-of-way maintenance by the property owner is standard practice.

On b) Ordinance #10-31-17 it is a clean up and is already covered in the Junk Vehicle Ordinance eliminates a conflict problem with non-violation time and being repetitive.

On c) Ordinance #10-33-17 – it amended the definition of junked vehicle by removing the “Vehicle Inspection Certificate” requirement since the window sticker is no longer issued and Current tags are proof of inspection.

On d) Ordinance #10-34-17 – it changes the definition of “At Large” when an animal is off

the premises of the owner and not under the control of their owner or another person authorized by the owner to care for the animal, by leash, cord, chain, rope only; and, it removes the words "or command:" so there must be full control of their animal at all times when off of their property by leash of some type.

On e) Ordinance #10-35-17 – This is mostly clean up and just a bunch of changes, some typos, staff changes, changes in organization names such as TCEQ; and certain staff responsibilities, etc.

On f) Ordinance #10-36-17 – we added specific hours for construction activity. We do not currently have an Ordinance in place restricting construction activity during certain hours. This would specify hours when construction activity would be allowed.

Councilman Boutwell noted he would like to see the hours reduced on Saturday to possibly 8:00 a.m. to 5:00 p.m.

Councilman Clark noted he would like to take it a step further and see no construction on Sunday.

City Manager Brice noted caution on not allowing Sunday construction as it would also apply to the homeowner who is building a shed or doing a project in his backyard. Discussion ensued and Councilman Clark noted that if it was a neighbor that he would go and talk to them. That most neighbors would not complain about another neighbor and that this was more geared towards new construction activities. There was discussion if there could be an exemption for residential homeowners. It was also noted that this would also enforce the neighbor who is in their garage sawing and building a shed at midnight. There was various discussion regarding other noise nuisances and City Manager Brice noted this is just for Construction Noise. There are already other ordinances in place for other noise nuisances such as mowing, etc. Alina Ciocan advised that she always researches other city ordinances to make sure that we are not out of line or too restrictive; and, our ordinance, as proposed, is not as restrictive as other cities. It was noted that iv) does allow for an approval if it is necessary. City Manager Brice advised that the ordinance would be enforced on a complaint basis and we do not receive a lot of complaints about neighbors doing projects, that it is mostly new construction related.

A Motion was made by Councilman Boutwell to approve the Following Ordinances from Items 8 a) through 8 e) as presented; a) Ordinance #10-31-17, b) #10-32-17, c) #10-33-17, d) #10-34-17, e) #10-35-17, and revise Item 8 f) Ordinance #10-36-17 with amendments of construction hours; change Saturday hours from 8:00 a.m. to 5:00 p.m.; and, on Sunday, no construction activities allowed. To read as follows:

(10) Construction activities including but not limited to the erection, excavation, demolition, alteration, or repair of any building, structure, street, alley or appurtenances thereto performed outside the following hours:

- i) 7:00 a.m. to 8:00 pm on weekdays.
- ii) 8:00 a.m. to 5:00 p.m. on Saturdays;

- iii) No construction activities allowed on Sunday;
- iv) In the case of urgent necessity or in the interest of public safety, deviation from these hours may be allowed with the prior approval of the City Manager or his/her designee.

The Motion was seconded by Councilman Bilyeu and carried unanimously with a 5-0 vote.

9. EXECUTIVE SESSION: CLOSED MEETING

Pursuant to the Open Meetings Act, Chapter 551, the City Council Will Meet in a Closed Executive Session in Accordance with the Texas Government Code:

**Section 551.074 Deliberation Regarding Real Estate
– Discussion Regarding Real Estate Matters**

**Section 551.087 Deliberation Regarding Economic Development
– Discussion Regarding Economic Development Matters**

Council convened into Closed Executive Session at 7:47 p.m.

10. RECONVENE: OPEN MEETING

Council reconvened at 8:30 p.m.

Any Action Taken.

No Action was taken during Executive Session.

11. INFORMATION ITEMS

a) **All American Dogs Report.**

b) **Denco Area 9-1-1 District Appointment to District Board of Managers – Sue Tejml**

Councilman Boutwell noted that Sue Tejml was Appointed to the Denco Area 9-1-1 Board by a landslide. There was no further discussion regarding Information Items.

12. ADJOURN.

There being no further business, Mayor Muir Adjourned the meeting at 8:32 p.m.