

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING November 6, 2017, 7:00 p.m. 502 Elm Street, Sanger, Texas

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

COUNCIL MEMBERS ABSENT: None

The Mayor and all Council Members were present constituting a quorum.

STAFF MEMBERS PRESENT: Acting City Manager Alina Ciocan, City Secretary Cheryl Price

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

The Regular City Council Meeting was called to order by Mayor Muir on Monday, November 6, 2017 at 7:11 p.m. The Invocation was given by Councilman Bilyeu and The Pledge of Allegiance was led by Councilman Clark.

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).

Jared Patterson, 4412 Sapphire Drive, Frisco, Texas, was recognized. He stated he is here to introduce himself as a Candidate for House District 106 in the Republican Primary in March. Mr. Patterson is looking to replace Pat Fallon who is running for the State Senate. He noted he is a God fearing, Texas loving husband and father of three. His wife Leslie is a former school teacher who stays at home with their three children, Regan, Austin, and McKinley (named after two Republican Presidents and the Father of Texas). He noted he grew up in Whitesboro Texas. His mother was a school teacher for 38 years and his father was a mailman and started a small business when he was in the first grade. His brother is a former volunteer firefighter in Whitesboro and works in the Addison Fire Department as Battalion Chief. His dad was on the school board when he was growing up. He noted that serving the community runs in his family. He has been a Planning and Zoning Commission member, an EEC member, a City Councilman, a Mayor-Pro-Tem. He has served on the executive board of the North Central Texas Council of Governments, a Precinct Chair of the Republican Party three times and delegate to the Republican Convention of Texas, three times. He stated he knows he is young, but he has a lot of experience and believes this next step is the right step for him. He noted he would be happy to meet with anyone, one on one to answer any questions on where he stands on the issues. He thanked everyone for their time.

3. CONSENT AGENDA:

a) Approval of Minutes:

1. City Council Work Session, October 16, 2017

2. **City Council Regular Meeting, October 16, 2017**
3. **City Council Special Meeting, October 30, 2017**

b) Disbursements

A motion was made by Councilman Allison to approve the Consent Agenda as presented. Motion was seconded by Councilman Boutwell. Motion carried unanimously (5-0 Vote).

4. Consider any Items Removed from Consent Agenda.

None.

REGULAR AGENDA

Mayor Muir advised for the Record that Councilman Allison is the Engineer/Consultant of Record for the following Sable Creek Items 5 and 6. Councilman Allison recused himself from the meeting and exited the room.

5. Consider, Discuss and Act on the Preliminary Plat of the Sable Creek Addition, Phase III, being 17.865 Acres in the R. Bebee Survey, Abstract No. 29, Generally Located South of FM 455, North of McReynolds Road and West of Sable Creek Phases I and II.

Acting City Manager Alina Ciocan summarized noting this is Sable Creek, Phase III and Council is probably familiar with this property as they have seen it at a previous Council Meeting in a slightly different version. The applicant has submitted a preliminary plat for 69 lots intended for single family use. The property is zoned Single-Family-7 and the plat does comply with the subdivision and zoning ordinance. Staff recommends approval. The Planning and Zoning Commission unanimously approved the Preliminary Plat on October 9th. There was no one recognized representing the developer of the property who wished to speak.

A motion was made by Councilman Boutwell to approve the Preliminary Plat of the Sable Creek Addition, Phase III, being 17.865 Acres in the R. Bebee Survey, Abstract No. 29, generally located south of FM 455, north of McReynolds Road and west of Sable Creek Phases I and II. Motion was seconded by Councilman Bilyeu. Motion carried unanimously (4-0 Vote – Lee Allison recused himself from the meeting and was not present for the vote because he is the Engineer/Consultant of Record for the project).

6. Consider, Discuss and Act on the Final Plat of the Sable Creek Addition, Phase III, being 17.865 Acres in the R. Bebee Survey, Abstract No. 29, Generally Located South of FM 455, North of McReynolds Road and West of Sable Creek Phases I and II.

Acting City Manager Alina Ciocan summarized noting this is the Final Plat of Sable Creek Phase II and that the same comments apply as the preliminary plat mentioned previously. The Final Plat is conforming and staff recommends approval. Councilman Boutwell noted that in view of the fact that previous concerns have been

resolved and that Council just approved the Preliminary Plat, he proposed a motion.

A motion was made by Councilman Boutwell to approve the Final Plat of the Sable Creek Addition, Phase III, being 17.865 Acres in the R. Bebee Survey, Abstract No. 29, generally located south of FM 455, north of McReynolds Road and west of Sable Creek Phases I and II. Motion was seconded by Councilman Bilyeu. Motion carried unanimously (4-0 Vote – Lee Allison recused himself from the meeting and was not present for the vote because he is the Engineer/Consultant of Record for the project).

7. Conduct a Public Hearing Regarding a Proposed Amendment to the Comprehensive Plan and Future Land Use Map to Change Two Tracts of Land Being Approximately 0.329 Acres and 1.240 Acres from Commercial Use to Industrial Use. The Subject Properties are Generally Located South of FM 455 and East of Acker Street.

The Public Hearing was opened at 7:23 P.M. Acting City Manager Alina Ciocan provided preliminary comments. She noted the applicant is present and she noted they would like to speak. She advised the Mayor and Council that anytime we have zoning request that is not in line with the Comprehensive Plan, first the Comprehensive Plan would have to be amended to be reflective of the requested zoning use. Mr. Louis Chenault is requesting to change the zoning from “B-2” Business District 2 to “I-1” Industrial -1 zoning (there is a companion case for zoning following this agenda item for zoning). Our Comprehensive Plan currently shows the area as Commercial use and would have to be changed to Industrial Use to allow Mr. Chenault’s request for Industrial zoning. This is pertaining to two tracts of land south of Chapman Road on the East side of Acker Street north of Dr. Wallace’s Veterinary Clinic and Kennel Facility. Some elements to consider that are listed in the staff report are that the entire quadrant is currently listed as Commercial use on the Comprehensive Plan. The property immediately to the south of the subject tracts is zoned I-1 Industrial District I, but is not reflected on the Comprehensive plan. We can touch on that during the re-zoning case. If the Council votes “No” on the Comprehensive Plan amendment, then Council can not vote “Yes” on the re-zoning. Agenda Items 7 & 8 are linked.

Councilman Boutwell asked what the purpose of the rezoning was. Alina Ciocan noted that Mr. Chenault wants to expand their business which is already located in Sanger, by adding another building for a machine shop.

Mayor Muir noted that since it is a Public Hearing he asked if the applicant wished to speak and summarize what he is planning to do. Mr. Louis Chenault, was recognized. He stated he has a business in town located on Acker Street. His business is selling oil field tools. The tools are currently built to his specifications in places all over the world (Mexico, Canada, China and some domestically). All of the products come to his shop in crates to his place of business on Acker Street. They receive them in, inventory, quality control them, and assemble them. He noted that he has lately been running into problems with this because it sometimes takes him up to 6 months to get his tools and it is becoming more costly and precarious with NAFTA, China and Korea. He and his family have made a decision to start building the products in-house. They are on Acker Street now in three buildings and to

expand this business he needs to build another building and bring some computer operated machines in and hire appropriate personnel to run them. He noted that the way the buildings are situated close to the front of the street and there is no parking. He noted when he bought the property it was being used as a garbage dump, illegal RV parking and an Auto Paint shop. The tenants were evicted and the area and buildings were cleaned up and offices were remodeled with insulated, restrooms, offices etc. Again, to continue the growth of his business he needs another building to put his machines in. He noted he has employed Eikon to do the engineering, site plan, drainage plan, etc. He noted they have remodeled all of the buildings and always met the City specifications. They have been in the City for 10 years and would like to stay here, that it has been great being here and that is his request for the zoning. He noted that he or his architect Richard Mason would be happy to answer any questions.

Mayor Muir solicited any citizens who wished to speak. No one came to the podium to be recognized. An unidentified seated citizen asked if there were going to be a lot of cars going and coming because there is a school there. Mr. Chenault advised that currently the parts are sent from overseas in large trucks so he believed that them making the tools in-house would actually decrease the traffic, because they will be having less large trucks coming in. He advised that the new building will be located in the back far corner of the property where you can not even see it from the road. They will pour concrete there and it will bring more parking into the back area, which is now located in the front of the buildings. He reiterated that he felt that all of the things he has mentioned will likely reduce the amount of traffic. The same citizen also asked if there would be forklifts. Mr. Chenault noted that he does use forklifts now and when this project is completed most of them will be inside of the property.

There being no further public input the Public Hearing was closed at 7:30 P.M.

8. Consider, Discuss and Possibly Act on Ordinance #11-38-17 – Amending the Comprehensive Plan and Future Land Use Map to Change Two Tracts of Land Being Approximately 0.329 Acres and 1.240 Acres from Commercial Use to Industrial Use. The Subject Properties are Generally Located South of FM 455 and East of Acker Street.

Councilman Bilyeu asked what type of uses would be allowed in light industrial zoning. Acting City Manager Alina Ciocan advised that in light industrial you could have warehousing, machine shops, etc. Mayor Muir noted that most people visualize businesses with smoke-stacks in industrial zoning. Ms. Ciocan noted that smokestacks and industrial development similar to that type would be considered heavy industrial and we don't really have any of that right now. Councilman Allison noted that the Comprehensive Plan is a guiding document and a Zoning Ordinance is a controlling document. We are not introducing industrial into the area, it is already there. He asked if we should consider putting in some kind of overlay district to limit some of the uses in the Light Industrial Zoning in this area to guard against the wide open industrial zoning. Ms. Ciocan advised the only way we would be able to put restrictions on the uses would be with a Planned Development (PD); however, in this particular situation a PD would not apply because you have to have three acres to have a PD in place. This property is only 1.5 acres. Councilman Allison advised that we may want to look into overlay zoning for the future and also noted

concerns regarding impact on existing streets. Ms. Ciocan summarized the existing zoning in the quadrant. Councilman Bilyeu asked if they sent out notices. Ms. Ciocan advised that she sent out 16 notices and we did not receive any comments back in favor or opposed. At the Planning and Zoning Commission meeting there were no public participants. Planning and Zoning did recommend approval of the proposed changes. It was noted that Mr. Chenault owns a majority of the commercial property in this area. Also, that there are already some grandfathered industrial zoned pieces in the area.

A motion was made by Councilman Bilyeu Approve amending the Comprehensive Plan and Future Land Use Map to change Two Tracts of Land being approximately 0.329 Acres and 1.240 Acres from Commercial Use to Industrial Use. The subject properties are generally located south of FM 455 and east of Acker Street. The motion was seconded by Councilman Clark. Councilman Allision noted he is in favor of this because there are already properties that are similarly zoned. He suggested to look into a type of overlay zoning or an SUP type restriction, as we move into the future, to restrict more onerous uses. There was brief discussion. The Motion carried with a 4-1 vote, Councilman Chick voting Against.

9. Conduct a Public Hearing Regarding a Request to Rezone Two Tracts of Land Being Approximately 0.329 Acres and 1.240 Acres From B-2 Business District to I-1 Industrial District. The Subject Properties are Generally Located South of FM 455 and East of Acker Street.

The Public Hearing was opened by Mayor Muir at 7:45 P.M. and he solicited anyone who wished to speak regarding the request for zoning.

An unidentified citizen in the audience noted that she thought Dr. Wallace was going to extend her business to the south and wanted to know if this was any of the buildings where she was expanding. It was noted that this request is to the north of the buildings.

There being no one approaching the podium to speak, the Public Hearing was closed at 7:46 P.M.

10. Consider, Discuss and Act on Ordinance #11-39-17 – Amending the Comprehensive Zoning Ordinance and the Official Zoning Map to Rezone Two Tracts of Land Being Approximately 0.329 Acres and 1.240 Acres From B-2 Business District to I-1 Industrial District. The Subject Properties are Generally Located South of FM 455 and East of Acker Street.

A motion was made by Councilman Bilyeu to approve amending the Comprehensive Zoning Ordinance and the Official Zoning Map to rezone two tracts of land being approximately 0.329 Acres and 1.240 Acres from B-2 Business District to I-1 Industrial District. The subject properties are generally located south of FM 455 and east of Acker Street. The motion was seconded by Councilman Boutwell. Discussion was called. Mayor Muir noted that Council is always weary about what could happen in an open zoning for industrial uses, which was probably Councilman Chicks concern and why he voted in opposition. There is always the concern as to how wide open are we throwing the door. Mayor Muir appreciated

the fact that Mr. Chenault has been here for 10 years and that this would bring more jobs to the community. He encouraged the applicant to go forward and make this something that the whole community could be proud of. Councilman Chick agreed with Mayor Muir's comments about why he voted in opposition. The motion was called and carried with a 4-1 vote with Councilman Chick voting in opposition.

11. INFORMATION ITEMS:

a) Financial and Investment Report:

1. **August 31, 2017**
2. **September 30, 2017**

b) Capital Projects Reports:

1. **September 30, 2017**
2. **October 27, 2017**

Mayor Muir noted that revenues were down in Electric but that was weather related, but staff controlled the spending and came in under budget.

There was brief discussion on Capital Projects. Councilman Clark requested that he would like updates on the Wastewater Treatment Plant and would like to see Neal Welch come in to the next meeting and give an update. The stated they have not heard anything new on the projects for a couple of months. Mayor Muir noted that he and Mike were also talking about another on the ground visit at the plant; and, that he would like to see the weekly wastewater update reports from Jim Bolz begin again. There was discussion as to why the plant was having problems and Mayor Muir noted that since Denton has recently discontinued taking septic dump and they can only dump in Fort Worth and Dallas now, that there is potential that some of that is getting dumped illegally through manholes into the City's sewer system. The police are aware of it and are doing what they can to monitor it. Councilman Allison noted that we need to make sure that the Wastewater Treatment Plant Expansion is not confused with the current operation and odor issues. Mayor Muir noted that he does know that there was a big sludge hit on the plant and that there have been other similar complaints from other surrounding entities.

12. ADJOURN.

There being no further discussion the meeting was adjourned at 7:57 P.M.