

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING
February 5, 2018, 7:00 P. M.
502 Elm Street, Sanger, Texas

COUNCIL MEMBERS PRESENT: Mayor Thomas Muir, Councilman Bill Boutwell, Councilman Gary Bilyeu, Councilman Lee Allison

COUNCIL MEMBERS ABSENT: Councilman David Clark, Councilman Allen Chick

The Mayor and three (3) Council Members were present constituting a quorum.

STAFF MEMBERS PRESENT: Alina Ciocan, Acting City Manager; Neal Welch, Director of Public Works; David Pennington, Fire Chief, Ramie Hammonds Building Official, Cheryl Price, City Secretary

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

The Regular City Council Meeting was called to order by Mayor Muir on Monday, February 5, 2018 at 7:00 P.M. The Invocation was given by Councilman Allison. 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 Work Session, February 5, 2018**
- 2. City Council Regular Meeting, February 5, 2018.**

b) Disbursements

c) Approve and Authorize Fire Chief to Sign the Interlocal Cooperation Agreement with Denton County for Fire Protection Services.

d) Approve and Authorize Fire Chief to Sign the Interlocal Cooperation Agreement with Denton County for Ambulance Services.

e) Approve Appointing David Cale Trail to An Open Park Board Position – Alternate.

Fire Chief, David Pennington was recognized and gave a brief summary regarding the Interlocal Cooperation Agreements for Fire and Ambulance Services.

A motion was made by Councilman Bilyeu to approve the Consent Agenda as presented. The motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

4. Consider Any Items Removed from Consent Agenda.

None.

REGULAR AGENDA

5. Consider, Discuss and Act on the Final Plat of the Sanger Lodging Addition, Being 2.637 Acres in the Henry Tierwester Survey, Abstract No. 1241, Generally Located East of IH 35 and South of Maple Street.

Acting City Manager, Alina Ciocan summarized. She noted the applicant is also present. They are proposing to plat approximately 2.6 acres to accommodate a hotel development for Holiday Inn Express. As far as infrastructure, we have an incentive agreement with the applicant where the city would provide some improvements to the site and those are listed in the staff report. Staff has found the plat to be in compliance with the subdivision ordinance and recommends approval.

Councilman Allison noted that with this plat we are not assuring driveway locations or TxDOT permits or future I-35 right-of-way. Staff noted that he is correct. The applicant noted that they are submitting a whole packet for approval to TxDOT.

A motion was made by Councilman Bilyeu to approve the Final Plat of the Sanger Lodging Addition, being 2.637 Acres in the Henry Tierwester Survey, Abstract No. 1241, generally Located East of IH-35 and South of Maple Street, as presented. Motion was seconded by Councilman Allison. The motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

6. Consider, Discuss and Act on the Preliminary Plat of the Indian Creek Addition, Being 35.726 Acres in the Henry Tierwester Survey, Abstract No. 1241, Generally Located South of Belz Road and East of Metz Road.

Acting City Manager, Alina Ciocan summarized. She noted the applicant, Justin Newland, is present for any questions. He is proposing to subdivide the tract into five (5) lots of record which range from two (2) acres to fifteen (15) acres. The Bolivar District will be providing the water and there will be private septic systems for sewer. Staff has found the plat to be in compliance with the subdivision ordinance and recommends approval. She noted the next agenda item is the Final Plat for the subdivision.

Councilman Allison noted FEMA Floodplain - Zone A on the site which has not been studied. He noted that the homes would be required to be two feet above the base flood elevation and that would require a study to determine the base flood elevation. He noted that FEMA is in the process in updating the maps and asked if staff knew if this area would be changed. Neal Welch, Public Works Director was recognized who is the Flood Plain Administrator. He stated if it is changed it will probably be reduced instead of enlarged. Councilman Allison noted that this is not typical, that he has

worked with several properties where FEMA has typically doubled the size of the Flood Plain area. Councilman Bilyeu asked if this was a property we have seen before and it was noted that this property was a different property located at Lois and Metz and it did have a similar configuration to an application we received recently.

A motion was made by Councilman Bilyeu to approve the Preliminary Plat of the Indian Creek Addition, being 35.726 Acres in the Henry Tierwester Survey, Abstract No. 1241, generally located South of Belz Road and East of Metz Road as presented. Motion was seconded by Councilman Boutwell. The motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

7. Consider, Discuss and Act on the Final Plat of the Indian Creek Addition, Being 35.726 Acres in the Henry Tierwester Survey, Abstract No. 1241, Generally Located South of Belz Road and East of Metz Road.

Mayor Muir noted this is the Final Plat for the previous item. Councilman Boutwell noted the right-of-way on the plat and it was noted it was set according to our thoroughfare plan.

A motion was made by Councilman Bilyeu to approve the Final Plat of the Indian Creek Addition, being 35.726 Acres in the Henry Tierwester Survey, Abstract No. 1241, generally located South of Belz Road and East of Metz Road as presented. Motion was seconded by Councilman Allison. The motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

8. Conduct a Public Hearing Concerning a Request for Approval of Alternative Exterior Building Materials and/or Design for a Proposed Bardominium Located at 10922 Metz Road.

Mayor Muir opened the Public Hearing at 7:16 PM.

Building Official Ramie Hammonds was recognized to summarize the Public Hearing. She advised the applicant is proposing to construct a Bardominium on their property consisting of a little over three (3) Acres. They are proposing a request for approval for alternative building materials of metal and stone. Article 3.2100 of the Code of Ordinances (Exterior Construction of Residential Dwellings) requires all exterior facades for the first story of a new single-family resident be constructed of a minimum of one hundred percent (100%) masonry construction, including and limited to: brick, stone, granite, marble, case stone or stucco. All other floors shall be constructed of a minimum of fifty (50) percent masonry. They would like to use metal with a three-foot rock accent. The applicants are present.

The applicants, Ann Fick and Christopher Fick were recognized. Ann Fick stated that she has lived in Sanger for 30 years. They purchased this property in May and they had some friends that had built a bardominium on Metz Road. When they purchased the property, they did not know for sure whether it was actually in the city. She noted that across the street is county. She provided photos. She advised that there was an ordinance back in 2001 that did not allow mobile homes in the city and noted that there are three mobile homes next door to their property and she is unsure when they were put there. There is also an abandoned mobile home across the street. They are building the home 367 feet from the road so they are basically halfway in the middle of

the property. They would like to request to be allowed to build a bardominium on their property with the metal and stone.

Mayor Muir solicited anyone else who wished to speak on the Public Hearing. There being no further citizens approaching the podium to speak, the Public Hearing was closed at 7:19 PM.

9. Consider, Discuss and Possibly Act on a Request for Approval of Alternative Exterior Building Materials and/or Design for a Proposed Barndominium Located at 10922 Metz Road.

Councilman Bilyeu noted that we entertain alternative materials but need to get specific on what they are planning to build, so that when the building inspection is done staff knows what to look for. He asked the applicant if they were planning on putting the stone three feet up all the way around the house. The applicant stated that they were planning on putting it all the way around the home. He noted the pictures with the metal and the rock home with the porch was the one they were planning on it looking like. Councilman Allison noted he was a believer of alternate materials and also a believer in holistic design. He asked if the Council was just approving the combination of stone and metal or if we are looking at the overall appearance. Acting City Manager Alina Ciocan noted we need to specify what we want because we are deviating from the one-hundred (100%) percent masonry requirement. Councilman Bilyeu noted that we needed to get the percentage of stone down so that staff knows what to look for during inspection. There was brief discussion and it was noted that it needed to be a measurable amount. Building Official Ramie Hammonds echoed that they would need to have whatever the percentage is so it can be calculated when it is inspected. The applicant noted that the siding was going to be a lot like the photo at about three feet up. Councilman Bilyeu asked if they were planning on that all around the property 360 degrees. They noted they would put the rock at three feet all the way around entire exterior. There was brief discussion regarding other materials the home was going to be built with. They were going to have metal roofing and shutters on the front. It was noted there were seven notices sent out and two responses were returned in favor of the request.

A motion was made by Councilman Bilyeu to approve the Alternative Exterior Building Materials and/or Design for a proposed Barndominium located at 10922 Metz Road with the following stipulation: The Barndominium have a masonry skirt of a minimum height of three feet (3') to encircle the entire dwelling on all sides.

Discussion was called and Councilman Boutwell asked if the motion could include having the metal shutters on any of the front windows facing the major road. The applicants agreed and stated they were planning to put them on the home already. Councilman Bilyeu noted he wanted to stick to what he said before, that the request was for masonry. He noted if the applicant is willing to put the shutters on it and he can add it, but did not want to tell them how to build their home. The applicant stated they did not have a problem with that at all. Councilman Bilyeu agreed that he would amend his motion to include Shutters.

The motion was amended by Councilman Bilyeu to approve the Alternative Exterior Building Materials and/or Design for a proposed Barndominium located at 10922 Metz Road with the following stipulations:

1. A masonry skirt of a minimum height of three feet (3') to encircle the entire dwelling on all sides.
2. Shutters on the front windows facing the road.

The amended motion was seconded by Councilman Boutwell. The motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

10. Conduct a Public Hearing to Consider a Request for a Specific Use Permit for Recreational Vehicle Sales on Property Zoned B-2 Business District 2 Located at 201 N. Stemmons Street. Mayor Muir opened the Public Hearing at 7:32 PM soliciting anyone who wished to speak.

Alina Ciocan, Acting City Manager gave a brief summary. The subject property is zoned B-2 Business District. The applicant is requesting a Specific Use Permit (SUP) to be able to conduct RV Sales on the property. The Planning and Zoning Commission considered the request and approved it with the stipulations reflected in the packet and the Proposed Ordinance #02-03-18, with a term limit of two years and added a stipulation that the property will conform with the City's off-street parking regulations, and that the parking will be brought up meet the current code. Seven (7) Public Hearing Notices were mailed and no response forms were received as of the time of this report.

Mr. Mark Laznowski, Owner of My RV, was recognized. He stated My RV is the proposed business for this location summarized the business and noted that there are a lot of people who are interested in owning RV's in the area. He stated he felt the business environment of Sanger will prosper from their activity and it would bring people to the City to stay a few days. He noted that Quality-1 RV is right next door and he is best friends with his neighbor. He noted that they were very big on the presentation of their property, as he stated on his letter of intent. They have to look good to present the product to the people. He noted what the property was used for before them and that they believed they were going to be an improvement. He stated they are requesting the Council's support and permission for the next 22 months of RV sales. They will take good care of customers and make good friends around town.

There being no further citizens approaching the podium who wished to speak on the Public Hearing item, Mayor Muir closed the Public Hearing at 7:36 PM.

11. Consider, Discuss and Possibly Act on Ordinance #02-03-18 - Granting a Specific Use Permit for Recreational Vehicle Sales on Property Located at 201 N. Stemmons Street.

Mayor Muir set the stage with some comments and asked that the Council chime in. He noted that; obviously, it would be nice to have some diversity of what is happening along our interstate which is a visible corridor for the city. There seems to be a theme. He noted he is not necessarily opposed to the request, but felt there does need to be a time constraint so that it can be revisited in the future. Councilman Bilyeu explained the reason for Specific Use Permits, and why they take such a close look at them, and put time constraints on them. He noted he heard Mr. Laznowski say that he would bring people to the City to stay a few days. He asked if this was just proposed for RV Sales, because he did not note that there would be any RV hook-ups. Mr. Laznowski

advised there were not going to be any RV hook-ups. That when some people are looking for a specific RV they come into an area and if they find the one they want, it takes some time for them to get the RV ready and do the walk through, etc. He assured there would be no hookups. Mayor Muir asked if staff could clarify the parking. Acting City Manager, Alina Ciocan noted that there is existing gravel, when they had the Planning and Zoning Commission meeting the condition of the property, at the time, was gravel. There was extensive discussion about making sure that it was brought up to code. The Ordinance prohibits parking on gravel or unequal surface. The applicant noted that they have paved the front of the parking lot and have not paved the whole area yet. Councilman Bilyeu asked about the buildings on the diagram and it was noted that they are currently existing on the property. Councilman Boutwell asked about the garage. He asked if there was going to be any kinds of hazardous materials located on the property or in the garage and what kind of fencing they were going to have for security purposes. The applicant noted that they were not going to have hazardous chemicals, that even the antifreeze they use can be run through the fresh water system of the RV. They have upgraded the fencing from piping to wood fence and spent \$14,000 to make it look nice. Councilman Allison asked staff some administrative questions. He asked if any improvements to the site were requiring building permits and being constructed and designed according to our ordinances for parking lots, buildings, fences. He noted that typically if there is a change in occupancy there has to be a CO Inspection. Acting City Manager Alina Ciocan noted that Councilman Allison is correct and whatever we have in our ordinances applies and they have to conform. Also there would be a Certificate of Occupancy (CO) inspection required. Councilman Allison also noted concern regarding TxDOT coming through with the highway improvements in the future and that it was going to cost TxDOT more with all of the improvements going on to the properties adjacent to it. There was brief discussion regarding the parking lot standards and that the Planning and Zoning Commission wanted it to be specifically clarified that it be included as a stipulation because at the time of the Planning and Zoning Meeting there was gravel area. They specifically asked that any parking shall be brought up to meet the current code, because our ordinance does allow if you have gravel you can maintain it but can not expand it. They wanted to make sure that it clarified that and that it is all brought up to code and all improved.

A motion was made by Councilman Bilyeu to approve Ordinance #02-03-18 - Granting a Specific Use Permit for Recreational Vehicle Sales on Property Located at 201 N. Stemmons Street (A1241A Tierwester, TR 102A, 1.14 acres), with the following conditions as presented in the ordinance:

1. The Specific Use Permit will expire two (2) years after going into effect.
2. The Specific Use Permit is subject to the City's off-street parking regulations and any parking shall be brought up to meet the current code.

The motion was seconded by Councilman Allison. There was brief discussion and Councilman Bilyeu mentioned fencing and buildings but noted that he wanted the motion as it was drafted in the Ordinance. He wanted the applicant to understand that the standard is that the parking lot all be paved and that gravel is no longer acceptable and they would have to follow ordinances. Motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

12. Conduct a Public Hearing to Consider a Request for a Specific Use Permit for a Quick Service Food and Beverage Shop on Property Zoned I-1 Industrial District I Located at 203 East Chapman Drive.

Mayor Muir opened the Public Hearing at 7:50 PM. Acting City Manager Alina Ciocan summarized. Back in 2014 the applicant was granted a Specific Use Permit subject to several stipulations (included in the agenda packet) to operate a BBQ type establishment at 203 East Chapman. The SUP was valid for one (1) year. Staff did an audit of SUP's and found out that the SUP was expired. The applicant was made aware and they contacted the office. They were told by a former planner in 2015 that they did not have to take any action and that they were good for another three years. As soon as staff brought it to their attention that this statement was not valid they submitted their application and went to the Planning and Zoning Commission. The Planning and Zoning Commission recommended approval with a two-year stipulation and also asked that the same stipulations that were included in the original ordinance carry over into the new ordinance. The applicant is here tonight.

Leonard Dodson, Owner, Pepper Belly BBQ was recognized. He stated that; to make a long story short, that he hopes that the Council approves the application so he can go another two years; and, in two years he will be back again.

There being no further citizens approaching the podium who wished to speak on the item, Mayor Muir closed the Public Hearing at 7:36 PM.

13. Consider, Discuss and Possibly Act on Ordinance #02-04-18 – Granting a Specific Use Permit for a Quick Service Food and Beverage Shop on Property Located at 203 East Chapman Drive.

Mayor Muir noted that the applicant has been in business for a good while and provides a good meal to many Sanger residents. While we are appreciative of their long tenure, we are also looking toward the future with FM 455 expansion and it being one of the major thoroughfares through the City. We think about what we would like for that area to look like in the future and where we would want it to be, so there may be a point in time where there may be a different vision for that area, possibly a more established facility, it may not be right now, that is up to Council. He wanted the applicant to know that when he spoke about coming back in the future for additional requests, that it may not be in perpetuity. He noted that there may need to be a preliminary talk and maybe a long-term plan to fit in with what is going on, on FM 455. Councilman Bilyeu noted that the Council may not be here in two years and a future Council may not want it there. Councilman Allison noted that the SUP will be in effect for two (2) years but in #5 it says "The site must fully mitigate the effects of traffic and parking on the site, maintaining the site in day one conditions throughout the one-year life of the SUP." Alina Ciocan, Acting City Manager apologized that it was a typographical error that carried over from the previous ordinance. Councilman Allison also noted that #2 of the SUP notes that the SUP will expire upon abandonment of the quick service food and beverage shop for a period of forty-five days and noted that what if someone was in the hospital for more than that and really did not intend to abandon their business. Alina Ciocan, Acting City Manager noted that the if the establishment was closed for over 45 days the SUP could be considered abandoned. Councilman Allison also noted the maximum building site of 128 square feet and it was noted that she believed that when it was approved it meant the footprint. Councilman

Allison noted that when this was approved the first time it was kind of an incubator see if it works and to see if it leads to something a little more permanent. Although, right now with the expansion of FM 455 a trailer may be a better thing to have right now. He noted he would like to see this business become brick and mortar. The applicant noted that the discussion of abandonment was a concern and he was not aware of the stipulation and last year did have a heart attack and was closed for three months. There was brief discussion regarding the time frame and if it included extenuating circumstances and it was noted that it does not read that way and would expire if it was abandoned. They discussed extending it to 90 days. There was discussion regarding the temporary snow cone stands around the city that have been abandoned in the past, that if the business is no longer operating that the buildings need to be moved.

A motion was made by Councilman Bilyeu to approve Ordinance #02-04-18 – Granting a Specific Use Permit for a Quick Service Food and Beverage Shop on property located at 203 East Chapman Drive with the following stipulations:

1. The SUP will expire two (2) years after going into effect.
2. The SUP will expire upon abandonment of the quick service food and beverage shop for a period of ninety (90) days.
3. No vehicles parking will be permitted within thirty (30) feet of the right-of-way of Chapman Drive.
4. No night-time operation of the business is permitted without adequate lighting.
5. The site must fully mitigate the effects of traffic and parking on the site, maintaining the site in day one conditions throughout the life of the SUP.
6. Maximum building site of 128 square feet.
7. Minimum setback between building and parking area of fifteen (15) feet.
8. A wooden walkway or other approval surface must be provided between building and parking area.

The motion was seconded by Councilman Boutwell. Motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

14. Consider, Discuss and Possibly Approve Soliciting Bid for Annual Concrete, Labor and Material Contract and Asphalt Paving Material Contract.

Public Works Director Neal Welch was recognized to summarize the request. He advised that we are going out to bid because we spend \$50,000 annually on concrete and asphalt. The law stipulates if you are going to spend over \$50,000 you go to out to bid. We had a three-year option and it has expired so we need to go out to bid again so we meet the letter of the law. Councilman Bilyeu asked if it was for a specific job. Mr. Welch advised it was for various jobs and random repairs and it keeps us from having to get quotes every time we do a repair and if a contractor knows they are going to get that much business from us, we bet better pricing. Councilman Allison asked if there were guaranteed minimums and Mr. Welch stated there were no guaranteed minimums.

A motion was made by Councilman Boutwell to approve soliciting bid for annual concrete, labor and material contract and asphalt paving material contract. The motion was seconded by Councilman Bilyeu. Motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

15. Consider, Discuss and Possibly Approve Ordinance #02-02-18 – Ordering and Providing Notice of a General Election for the Purpose of Electing A Mayor and Two (2) Council Members (Place 2 and Place 4); and, Approve and Authorize the Mayor’s Signature on a Joint Election Agreement and Contract with Denton County for Election Services.

Mayor Muir noted that election is on May 5, 2018 from 7:00 AM to 7:00 PM, as outlined in the Ordinance. The election is for Mayor, Place 2 and Place 4. The location is Church of Christ at 400 Locust Street, Sanger, Texas; Early Voting hours will be:

Monday – Friday	April 23, 2018 – April 27, 2018	8:00 am to 5:00 pm
Saturday	April 28, 2018	8:00 am to 5:00 pm
Monday	April 30, 2018	7:00 am to 7:00 pm
Tuesday	May 1, 2018	7:00 am to 7:00 pm

The filing deadline is February 16, 500 PM and packets are available at City Hall. The Election agreement with Denton County is also included in the packet.

A motion was made by Councilman Boutwell to approve Ordinance #02-02-18 – Ordering and Providing Notice of a General Election for the purpose of electing A Mayor and Two (2) Council Members (Place 2 and Place 4); and to approve and authorize the Mayor’s Signature on a Joint Election Agreement and Contract with Denton County for election services. Motion was seconded by Councilman Allison. Motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

16. Consider Authorizing the Acting City Manager to Execute an Engagement Letter with Lloyd Gosselink Rochelle & Townsend, P.C. to Provide Assistance with Respect to Utility Matters.

A motion was made by Councilman Bilyeu to authorize the Acting City Manager to execute an engagement letter with Lloyd Gosselink Rochelle & Townsend, P.C. to provide assistance with respect to utility matters. The motion was seconded by Councilman Boutwell. Motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

17. Consider Authorizing the Acting City Manager to Execute an Engagement Letter with Lloyd Gosselink Rochelle & Townsend, P.C. to Provide Assistance with Respect to Wastewater Treatment Plant Matters.

A motion was made by Councilman Boutwell to Authorize the Acting City Manager to execute an engagement letter with Lloyd Gosselink Rochelle & Townsend, P.C. to provide assistance with respect to wastewater treatment plant matters. Motion was seconded by Councilman Bilyeu. Motion carried unanimously (3-0 vote), Councilman Clark and Councilman Chick absent.

18. INFORMATION ITEMS:

a) Sanger Public Library Report – 1st Quarter FY 17-18

b) Financial Statements – December 31, 2017

c) City of Sanger – Capital Projects As of January 20, 2018

d) Atmos Energy GCR Rider – February 2018

Mayor Muir noted that there is a lot of growth coming our way. There are growing pains that come with that and staff requirements that come with that will be reflected in the financials and continue to reflect that growth and the need to expend funds to keep pace with the growth. There will be some budget amendments in the future as we look for additional staff, etc. Neal Welch gave a quick update on McReynolds Road noting that they shut down the asphalt because of the weather. They have partially opened the road. When the weather improves they will be back. It is still on track to finish on schedule. Eddie Piercy, Streets Superintendent advised he is working to implement some a drainage structure plan. The sidewalk projects will be ongoing this year and repair of base failures and stabilization will continue.

19. ADJOURN.

There being no further business, Mayor Muir adjourned the meeting at 8:15 PM.