

CITY OF SANGER, TEXAS

MINUTES: REGULAR CITY COUNCIL MEETING

**December 5, 2016, 7:00 PM
502 Elm Street, Sanger, Texas**

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

COUNCIL MEMBERS ABSENT: Councilman Allen Chick

Five Council Members present constituting a quorum.

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

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

Mayor Muir called the meeting to order at 7:01 p.m. Councilman Bilyeu led the Invocation followed by Councilman Boutwell leading the Pledge of Allegiance.

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).

Joe Falls, 4489 McReynolds Road was recognized and noted his history with the City and asked the Council to reconsider their plans for the wastewater treatment improvements.

3. CONSENT AGENDA:

- a) **Approval of Minutes: November 21, 2016 – Regular City Council Meeting**
- b) **Disbursements**
- c) **Approve Interlocal Cooperation Agreement for Ambulance Services Between Denton County and the City of Sanger**
- d) **Approve Interlocal Cooperation Agreement for Fire Protection Services Between Denton County and the City of Sanger**

A Motion was made by Councilman Bilyeu, to approve the Consent Agenda as presented. The Motion was seconded by Councilman Boutwell. Motion carried unanimously (4-0, Councilman Chick Absent).

4. Consider any Items Removed from Consent Agenda.

No Items removed from Consent Agenda.

REGULAR AGENDA

5. Consider, Discuss, and Possibly Approve a Proposed Final Plat of the Sanger Travel Plaza Located at the Southwest Corner of Interstate 35 and 5th Street.

Director of Economic and Community Development Alina Ciocan was recognized to present the request. She noted the applicant is present. She advised the property is located on the southwest

corner of Interstate 35 and 5th Street. It is the future site of the Sanger Travel Plaza. It is a 7.85 Acre site out of a larger parcel. It is zoned B-2 Business District. They do have an option to purchase the remainder of the property. The Planning and Zoning Commission unanimously approved the item at their November 14th 2016 meeting. It was noted it would be a filling Station, and have a Papa Johns Pizza on one end and a Carl's Jr on the other end. City Manager Mike Brice noted that with the next item, a Specific Use Permit, the City has asked them to make a screening wall between their property and the school property for safety issues.

A Motion was made by Councilman Bilyeu, to approve the Final Plat of the Sanger Travel Plaza Located at the Southwest Corner of Interstate 35 and 5th Street. The Motion was seconded by Councilman Boutwell. Motion carried unanimously (4-0, Councilman Chick Absent).

6. Conduct a Public Hearing Concerning a Proposed Specific Use Permit (SUP) for A Quick Service Food and Beverage Shop Property Located at the Southwest Corner of Interstate 35 and 5th Street. Public Hearing was opened at 7:14.

There being no citizens recognized to speak either for or against the item the Public Hearing was closed at 7:15.

7. Consider, Discuss and Possibly Take Action on Ordinance #12-25-16 – A Request for A Specific Use Permit for a Quick Service Food and Beverage Shop on Property Located at the Southwest Corner of Interstate 35 and 5th Street.

Director of Economic and Community Development Alina Ciocan was recognized to present the request. She noted the applicant is present. She advised the property is located on the southwest corner of Interstate 35 and 5th Street. It is zoned B-2 Business District. They do have an option to purchase the remainder of the property. It was noted it would be a Convenience Store, filling Station, and have two attached restaurants, a Papa Johns Pizza on one end and a Carl's Jr on the other end. The applicant is requesting a Specific Use Permit to allow for two drive thru windows for the restaurants. Staff mailed notices to the four property owners within 200 feet of the proposed zoning and received one notice back in support. Staff finds the proposed Specific Use Permit is in conformance with the requirements described in the Zoning Ordinance. Staff recommends approval of the proposed SUP with the following conditions:

1. The sale of alcohol at the delivery windows is prohibited.
2. An 8-foot screening fence shall be installed along the south side of the property.
3. Must meet the requirements of the B-2 Business District.
4. Two drive-thru lanes are permitted.

There was discussion regarding Item No. 2. It was noted the fence was proposed to be wood fencing. There was deliberation on the location and the materials of the fencing. There was various discussion regarding the look of the fencing, landscaping, idling of vehicles, overnight parking, safety concerns regarding the detention pond on the property and concern about safety. Consensus of Council was that they would like to see fencing on the western boundary and the southern boundary and that the minimum requirements for material for the 8-foot fencing on the southern boundary be wood with masonry columns (using the same masonry material as the building) spaced every 24 feet with metal posts in between and the fencing on the western boundary be wood with metal poles. It was noted the entrances would have to be approved by TxDOT.

A Motion was made by Councilman Bilyeu, to approve Ordinance #12-25-16 – A Request for A Specific Use Permit for a Quick Service Food and Beverage Shop on Property Located at the Southwest Corner of Interstate 35 and 5th Street with the following conditions:

1. The sale of alcohol at the delivery windows is prohibited.
2. An 8-foot screening fence shall be installed along the entire southern and western boundaries of the property. The minimum requirements for material for the 8-foot fencing on the entire length of the southern boundary be wood picket fence with metal posts and masonry columns every 24-feet to match the façade of the main building on the property. The fencing on the entire length of the western boundary be wood picket fence with metal posts
3. Must meet the requirements of the B-2 Business District.
4. Two drive-thru lanes are permitted.

The Motion was seconded by Councilman Boutwell. Motion carried unanimously (4-0, Councilman Chick Absent).

8. Consider, Discuss and Possibly Act on Approving Resolution #12-09-16 – Setting Date, Time and Place for Public Hearings on Proposed Annexation of Property Located to the East of Marion Road and North of FM 455.

Mayor Muir noted that the City is proposing to annex several properties located to the east of Marion Road and north of FM 455. With the continued growth along the FM 455 corridor and the area around the subject properties, the City feels it is important to have the ability to control development. Mike Brice noted the area being proposed is surrounded on three sides with the inclusion of the voluntary annexation at the last City Council Meeting. There was brief discussion about utilities. It was noted the properties would have Bolivar Water and Co-Serv Electric. This Resolution is to set the dates for the Public Hearings which would be on January 3 and January 17, 2017.

A Motion was made by Councilman Bilyeu, to approve Resolution #12-09-16 – Setting Date, Time and Place for Public Hearings on Proposed Annexation of Property Located to the East of Marion Road and North of FM 455. The Motion was seconded by Councilman Allison. Motion carried unanimously (4-0, Councilman Chick Absent).

9. Consider, Discuss, and Possibly Approve Award of Denton County Special Commissioners Proceedings Regarding Eminent Domain for Certain Portions of Land for the Expansion of the City's Wastewater Treatment Plant in the Amount of \$273,500.17 to Joe R. Falls and Patty J. Falls, Trustees of the Joe R. Falls and Patty J. Falls Revocable Living Trust.

City Manager Brice advised that on the 22nd of November the Special Commissioners awarded Joe and Patty Falls \$273,500.17 and we need to get it deposited with the Court Clerk so that we can move forward with the project. Once the money is deposited and we do a couple of legal things then we can move forward with the project. If either party decides that they want to appeal it, it does not affect us moving forward. If the Council decides that it is too much and wants to appeal it, we would need to have an executive session with the City Attorney at a later date to discuss it.

Councilman Bilyeu asked where they came up with the amount. Mike Brice noted that the City's appraisal was for \$85,000 based on the property value. Their appraisal was around \$450,000

based on their value of \$110,000 on the property and the rest possibly in damages on the remainder of the 400 acres. The Special Commissioners awarded a lump sum and did not determine how much was for the appraisal and how much was for damages. Mike Brice noted that tonight what we need to do is approve this so we can deposit the check with the Court Clerk so we can start the process of moving forward with the project and it does not delay the project any longer. If the consensus of the Council is they want to consider appealing the award, then we need to have that discussion with the City Attorney at a later date.

Councilman Allison noted that if it is appealed and the Commission comes back with a higher award, we would have to pay the higher award or we would get money back. Mike Brice noted that this is basically a good faith deposit.

A Motion was made by Councilman Boutwell, to Approve Award of Denton County Special Commissioners Proceedings Regarding Eminent Domain for Certain Portions of Land for the Expansion of the City's Wastewater Treatment Plant in the Amount of \$273,500.17 to Joe R. Falls and Patty J. Falls, Trustees of the Joe R. Falls and Patty J. Falls Revocable Living Trust. The Motion was seconded by Councilman Allison. Motion tied with Councilman Boutwell and Councilman Allison in Favor of the Motion and Council Bilyeu and Councilman Clark Against the Motion. Mayor Muir voted in Favor of the Motion breaking the tie. (Motion carried 3-2 Councilman Chick absent).

After the Motion was made there was discussion between Joe Falls and Council Members regarding Mr. Falls request for Council to reconsider plans for the Wastewater Treatment Plant.

9. INFORMATION ITEMS:

a) Financial and Investment Reports – September and October

Mayor Muir noted it looks like we ended up in pretty good stead for the end of the year.

8. ADJOURN.

There being no further items Mayor Muir Adjourned the Meeting at 8:22 p.m.