

**MINUTES: REGULAR CITY COUNCIL MEETING
June 3, 2013**

PRESENT: Mayor Thomas Muir, Councilman Billy Ezell, Councilman Russell Martin, Councilman Scott Stephens, Councilman Gary Bilyeu, and Councilman Allen Chick

ABSENT: None

STAFF PRESENT: City Manager Mike Brice, Deputy City Secretary Cheryl Price, Park and Recreation Director Brian Crenwelge, Director of Development Services Joe Iiff

OTHERS PRESENT: Idaleene Scheu Fuqua, Sam Alexander, Joe R. Falls, Chris Prock, Kurt Mercer, Ashley Tadlock, Rhonda Byrne, Dennis Jones/Atmos Energy

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

Mayor Muir called the meeting to order at 7:05 p.m. Councilman Martin led the Invocation, followed by Councilman Ezell who led 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 spoke regarding the bond issue and provided a few quotes.

Idaleene Scheu Fuqua was recognized and noted that after her 3 years of research on the City's history she felt that an appropriate slogan for the City of Sanger is "Where the Rail Met the Trail" and requested that City Council consider adopting it for Sanger.

CONSENT AGENDA

- 3. a) Approval of Minutes: May 20, 2013 - Work Session
May 20, 2013 – Regular City Council Meeting**
- b) Disbursements**
- c) Approval to Advertise for Bids for Construction of Belz Road Extension Paving and Drainage Improvements.**
- d) Approve Resolution #R06-10-13 – Approving and Adopting Rate Schedule "RRM-Rate Review Mechanism" For Atmos Energy Corporation, Midtex Division.**

It was noted that Dennis Jones with Atmos Energy was present if there were any questions.

A Motion was made by Councilman Ezell to approve the Consent Agenda as presented. The Motion was seconded by Councilman Stephens. The Motion to approve carried unanimously 5-0 Vote.

4. Consider any Items Removed From Consent Agenda.

There were no items pulled from the Consent Agenda.

REGULAR AGENDA

- 5. Conduct a Public Hearing Concerning A Request for Approval of Alternative Exterior Building Materials and/or Design for a Proposed Structure (Metal Pole Barn Behind Existing House) Located At 107 Holt Street.**

Kurt Mercer , contractor for Ashley Tadlock was recognized to answer any questions. He noted he would like for the Council to waive the requirement for masonry. It was noted that the colors would match the home.

Mayor Muir opened the Public Hearing at 7:17 p.m. and solicited any citizens who wished to speak either for or against the request or with questions,

There being no citizens recognized with questions, or wishing to speak either for or against the request, the public hearing was closed at 7:20 P.M.

- 6. Consider, Discuss, and Possibly Approve A Request for Alternative Exterior Building Materials and/or Design for a Proposed Structure (Metal Pole Barn Behind Existing House) Located at 107 Holt Street.**

Director of Development Services Joe Iliff noted that he did not receive any notices back either for or against the request.

Mr. Mercer noted he did acquire signatures from all of the surrounding residents who did not object to the construction of the building, but did not bring it in.

It was noted that the home backs up to the school, where there are metal buildings.

A Motion was made by Councilman Chick to approve the request for alternative exterior building materials and design for the proposed structure, as presented. The Motion was seconded by Councilman Stephens. The Motion carried unanimously with a 5-0 vote.

- 7. Consider, Discuss, and Possibly Approve Ordinance #06-06-13 - Amending Chapter 1 Of The Code Of Ordinances By Adding Article 1.1100 Park And Recreation Regulations.**

Park and Recreation Director Brian Crenwelge was recognized and gave a brief summary noting that he has researched several other city ordinances and has come up with this list of regulations. He noted the Park Board had three meetings over the proposed regulations. He advised he would answer any questions.

Councilman Bilyeu questioned why piñatas were prohibited? Brian Crenwelge advised that piñatas and cascarones were prohibited in the parks because they are filled with little pieces of colored tissue paper and it gets spread all over the park area and there is no easy way to pick it up, also, when it gets wet it melts into the ground.

Councilmen Stephens and Bilyeu noted that the Ordinance was very detailed.

There was discussion regarding concern on the enforcement and/or ability to enforce the Ordinance. It was noted that it was better to have the rules on the books if they ever become an issue, they would be enforceable.

Councilman Bilyeu noted the list of rules is extensive and we have not had Park Regulations in the past. He asked how the information was going to be disseminated to the public, was it going to be posted? Brian Crenwelge noted that he is currently working on the Parks and Recreation website and the information would be posted on the website. He advised that regulations being proposed were about average compared to other cities. He said that anyone coming in with an event in the park would be provided the regulations.

It was noted that with the additions and improvements to the City's parks that this was part of growing and necessary to take care of our park area facilities. The proposed regulations will apply to all of the City Park and Recreation facilities.

A Motion was made by Councilman Bilyeu to Approve Ordinance #06-06-13 - Amending Chapter 1 Of The Code Of Ordinances By Adding Article 1.1100 Park And Recreation Regulations. The Motion was seconded by Councilman Martin. The Motion to approve carried unanimously with a 5-0 vote.

8. Consider, Discuss, and Possibly Approve Ordinance #06-07-13 - Amending Appendix A "Fee Schedule" of the Code of Ordinances of the City of Sanger, Texas, Amending Article 7.000 Park and Recreation Use Fees.

Park and Recreation Director Brian Crenwelge was recognized and noted that the league and tournament fees were already existing and were included to make a more cohesive ordinance. New fees include fees to Commercial Vendors \$100 per event with \$10 per person. He explained that one citizen voiced his concern that he felt the fee was too much. He advised he would answer any questions.

Councilman Stephens questioned if Civic Organizations wanted to use the park, who has the authority to waive fees?

Brian Crenwelge advised that the Director of Parks and Recreation has the authority to waive the fees. He added that for a big event a group would be able to come to Council and ask for a waiver.

There was brief discussion regarding the fees and electricity costs.

A motion was made by Councilman Martin to approve Ordinance #06-07-13 - Amending Appendix A "Fee Schedule" of the Code of Ordinances of the City of Sanger, Texas, Amending Article 7.000 Park and Recreation Use Fees. The Motion was seconded by Councilman Ezell. The Motion carried unanimously with a 5-0 vote.

9. Conduct a Public Hearing On A Proposed Specific Use Permit For A Quick Service Food And Beverage Shop On Property Legally Described As Lot 1, Pate Addition, Located At 910 West Chapman Street.

It was noted that this item was pulled by the applicant.

City Manager Brice noted that since the Planning and Zoning Commission took action and denied the request, the City Council also would need to be on record with action on the request.

Mayor Muir opened the Public Hearing at 7:41 p.m. and solicited any citizens who wished to speak either for or against the request or with questions,

There being no citizens recognized with questions, or wishing to speak either for or against the request, the public hearing was closed at 7:41 P.M.

- 10. Discuss, Consider and Possibly Act on Approving Ordinance #06-08-13 - Amending the Comprehensive Zoning Ordinance and Official Zoning Map, by Granting A Specific Use Permit For A Quick Service Food And Beverage Shop On Property Legally Described As Lot 1, Pate Addition, Located At 910 West Chapman Street.**

It was noted that this item was pulled by the applicant and the Council would need to take action on it.

A Motion was made by Councilman Bilyeu to deny Approving Ordinance #06-08-13 Amending the Comprehensive Zoning Ordinance and Official Zoning Map, by Granting A Specific Use Permit For A Quick Service Food And Beverage Shop On Property Legally Described As Lot 1, Pate Addition, Located At 910 West Chapman Street. The Motion to deny was seconded by Councilman Martin. The motion carried unanimously with a 5-0 vote.

- 11. Conduct A Public Hearing on Proposed Amendment to the Official Zoning Map to Rezone from SF-10 Single Family Residential to B1 Business District 1 On the Property Legally Described As Tract 363 Of The Henry Tierwester Survey, Located At The Southwest Corner Of 5th Street and Willow Street.**

Mayor Muir opened the Public Hearing at 7:44 p.m. and solicited any citizens, who wished to speak either for or against the request or with questions,

Rhonda Byrne, 502 North 9th, Sanger, TX was recognized and noted she and her husband recently purchased the property. She stated before they bought the property she was told by someone in Planning and Zoning that there shouldn't be a problem getting the property zoned light commercial. She advised that she wanted to have an arts and crafts business. She not only wants to sell arts and crafts (sewing, stenciling on furniture, etc.) but would also like to bring the older people and the younger people in the community together with a program to teach lost arts. She noted that this could also possibly provide for the older people in the community to earn money by teaching classes.

Mayor Muir noted he happened to be at the Planning and Zoning Commission Meeting when this case was presented. He explained that the Planning and Zoning Commission denied the request because in B1 zoning, even though she is proposing a light use now, if the property ever sold or a decision to change the use occurred, the B1 zoning would allow

for other uses like a Tattoo parlor, gas station, etc. which would be uses that would not be desirable in the residential area.

Joe Iliff, Director of Development services was recognized and noted that the Mayor gave a good description of the B1 zoning concerns of the Planning and Zoning Commission. A Specific Use Permit was also discussed. Also of concern was what the property would look like, lighting, signage, etc. next to a residential area. A Planned Development (PD) which would specify a list of uses, parking, signage, lighting, etc. and could be more tailored to that type of use on the property.

It was noted there was a similar type business (a pottery shop) two houses down from the property with the type of use she is proposing. It was noted this business has been there for years and is grandfathered.

There was lengthy discussion regarding the Zoning and the possibility of using a Planned Development. Since Planning and Zoning denied the request, it would take a super majority of the City Council to approve the request if it was revised and brought in as a Planned Development. It was noted that the Council could deny or table the request.

Joe Iliff advised that if it was tabled and brought back to Council as a Planned Development it would take a super majority to approve it. He noted that he is familiar with the uses they would like to use on the property and would be able to put together a Planned Development on the property. It was noted if they went back to Planning and Zoning and they approved it, it would only require a 3-2 vote from the City Council. It was noted that a Planned Development specifies specific zoning uses specifically for the one piece of property, and it runs with the land.

Discussion ensued regarding the Historical Core and the design of the property. It was noted the the Historical Core discussion only applies to residential property. It was noted that setbacks, height, etc. could be addressed in a Planned Development. To see exactly what the building would look like, signage, etc., it could be addressed in a Planned Development.

Mr. Byrne was recognized and asked if they cannot use the property for this use, could they zone it for multi-family because they have someone who wants to buy it for that use. There was short discussion as to whether it would be a duplex or fourplex and no answer was given.

Mayor Muir advised that this discussion would be best continued by Council in the next item if there were no further comments, proponents, or opponents in the audience who wished to speak.

There being no citizens recognized with questions, or wishing to speak either for or against the request, the public hearing was closed at 8:10 P.M.

12. Discuss, Consider, and Possibly Act on Approving Ordinance #06-09-13 – Amending The Comprehensive Zoning Ordinance and Official Zoning Map, By Changing The Zoning Classification From SF-10 Single Family Residential To B1 Business District 1, On the Property Legally Described As Tract 363 Of The Henry Tierwester Survey, Located At The

Southwest Corner Of 5th Street and Willow Street.

Joe Iliff, Director of Development Services was recognized. He summarized previous discussion during the public hearing. He noted he felt that the Council was not comfortable with the B1 zoning which is the lightest zoning. He suggested that maybe a lighter commercial zoning be adopted for use adjacent to residential.

Discussion ensued regarding Planned Development and how detailed they could be in calling out the uses on the property.

It was noted the options to the Council were to deny and it would then go back to Planning and Zoning and then would come before City Council again and only a simple majority vote by Council would be required. If Council tables the request they could come back with a modified request (Planned Development) where the use was more restrictive. If this was the case notices would not need to be sent out again. Because Planning and Zoning denied it and it would require a super majority vote by City Council.

Concern was brought up that there were a few notices sent in by people who voiced their concerns against the zoning. There was concern if this was tabled that nearby residents would not be notified.

The applicant was concerned about how she would go about resubmitting everything and Council suggested she meet with Joe Iliff about the resubmittal.

A motion was made by Councilman Bilyeu to deny Amending The Comprehensive Zoning Ordinance and Official Zoning Map, By Changing The Zoning Classification From SF-10 Single Family Residential To B1 Business District 1, On the Property Legally Described As Tract 363 Of The Henry Tierwester Survey, Located At The Southwest Corner Of 5th Street and Willow Street. The motion to deny was seconded by Councilman Chick. The motion to deny carried unanimously with a 5-0 vote.

13. INFORMATION ITEMS:

- a) Financial & Investment Reports - April 2013**
- b) Library Report – April**
- c) ATMOS Energy Statement of Rider GCR for June 2013 in Accordance with Gas Utilities Docket No. 10170**

There was no discussion on Information Items.

14. Adjourn.

There being no further business the meeting was adjourned at 8:22 p.m.