

MINUTES: CITY COUNCIL MEETING
September 3, 2013

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

ABSENT: Mike Brice, City Manager; Tami Taber, City Secretary

OTHERS

PRESENT: Joe Iliff, Director of Development Services, Cheryl Price, Deputy City Secretary, Joe Falls, Steve Stone, John Paterson.

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

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

2. Citizens Input:

Joe Falls, 4489 McReynolds Road, Sanger, Texas was recognized. Mr. Falls spoke regarding the direction of Sanger and that there are citizens like himself who are willing to help Sanger.

CONSENT AGENDA

3. a) Approval of Minutes: August 19, 2013 - City Council

b) Disbursements

c) Approve Interlocal Agreement Between Denton County and the City of Sanger for Shared Governance Communications and Dispatch Services for Police and Fire

d) Approve Chris Prock to Board of Adjustment as an Alternate

e) Approve Casey Barclay to Planning and Zoning as an Alternate

f) Approve Engaging Weaver and Tidwell, L.L.P. to Conduct Audit Services for Fiscal Year 2012/2013, Estimated in the Amount of \$42,000 to \$46,000

g) Approve Proclamation #09-03-13 - Blood Cancer Awareness Month

A Motion was made by Councilman Bilyeu, Seconded by Councilman Martin to approve all items on the Consent Agenda as presented. The Motion carried unanimously with a

vote of five (5) in Favor and none (0) Opposed.

4. Consider any Items Removed From Consent Agenda.

REGULAR AGENDA

5. Conduct Second Public Hearing on a Proposed Increase of the Ad Valorem Tax Rate From 0.633049 to 0.665000 per \$100 Taxable Assessed Valuation for Fiscal Year 2013/2014.

Mayor Muir opened the Public Hearing at 7:15 p.m. and solicited any citizens in the audience who may have any questions or who wish to speak for or against the proposed increase of the Ad Valorem Tax Rate from 0.633049 to 0.665000 per \$100 Taxable Assessed Valuation for Fiscal Year 2013/2014.

There being no citizens who wished to come forward to speak, Mayor Muir closed the public hearing at 7:16 p.m.

6. Consider, Discuss and Possibly Approve Resolution #R09-16-13 - Authorizing the Award of a Professional Service Provider to Provide Texas CDBG Project Related Professional Engineering Services.

Mayor Muir noted the background information. The City received three proposals for engineering services. All three scored the maximum in points. Staff recommended Teague, Nall and Perkins (TNG) be awarded the contract subject to negotiating the price. The recommendation from staff was based on prior experience with the firm and the proximity of their Denton office to Sanger.

Steve Stone, Commercial Real Estate Broker, was recognized with a question. He asked if this is just a single item requesting engineering services or is the Engineering job still open. Mayor Muir advised that this is a single item for engineering services for a Block Grant. The City is still in the process of hiring an Engineer. The City Engineer Position is currently posted on the City's website.

A Motion was made by Councilman Bilyeu, Seconded by Councilman Stephens Approving Resolution #R09-16-13 Authorizing the Award of a Professional Service Provider to Teague, Nall, and Perkins to Provide Texas CDBG Project Related Professional Engineering Services. The motion carried unanimously with a vote of five (5) in Favor and none (0) Opposed.

7. Consider, Discuss and Possibly Approve Ordinance #09-14-13 - Granting a Specific Use Permit to Permit Outside Display and Sales on Property Located on the East Side of Stemmons (I-35 Frontage Road) Between Church and Wood Street.

Joe Iliff, Director of Development Services noted that for the record this is a public hearing, the words are not on the agenda item but we did notice for a public hearing

so it needs to be conducted as such.

Mayor Muir opened the Public Hearing at 7:23 and solicited any citizens in the audience who may have any questions or who wish to speak for or against Ordinance #9-14-13 Granting a Specific Use Permit to Permit Outside Display and Sales on Property located on the East Side of Stemmons (I-35 Frontage Road) Between Church and Wood Street.

Commercial Real Estate Broker, Steve Stone from Krum, Texas was recognized representing the owner. He noted that the property is for sale and they have the right to sell the property anytime during the lease of the property. He noted the owner also owns the lot across the Highway where the drainage ditch splits his property at the SWC of Duck Creek and I-35 next to the storage facility. He also was responsible for leasing to the recently opened Mexican restaurant Oscars.

Applicant, John Paterson from Whitesboro, Texas was recognized and noted he had a business on 377 for 37 years. He noted that he is very excited for the location on the highway for visibility and great access. He noted they would bring in portable buildings constructed by Mennonites', golf carts, trailers, Storm shelters, custom patio furniture, out door fireplaces, playground equipment, and decorative yard items to create variety and stability throughout the seasons.

Councilman Bilyeu requested Mr. Paterson to define decorative yard decor. He noted that since this is an SUP he would like to have the items noted specifically for the use.

Mr. Paterson advised that most of the items would be Texas creations, predominately western décor type items such as Texas stars, miniature windmills etc. High-end quality decorative pieces that are manufactured in Mexico. He noted that there were several businesses that had similar type or products off FM 377 going towards Whitesboro. They do not want to create clutter, but create a nice aesthetic atmosphere and have the ability to offer a variety of different types of sales. Their target market is middle and upper income level who will typically buy these types of products. He noted that they would have specialized storm shelters approved by FEMA.

Councilman Chick noted concern that with all of the items listed that they would be selling, he could not see how it would not be cluttered. Mr. Paterson noted that it would be done with taste, as if an interior decorator would decorate a house. It will be designed by someone with skill and a good eye for layout and design. It is important to them on how they will lay out the facility. They want to create a supercenter to offer a variety of products where people will be more likely to drive the distance to Sanger than if they only offered only one or two products. They do not intend to run a junk facility. He noted that it is his livelihood and is just as important to him that it is laid out in a manner that is appealing.

Councilman Chick questioned if he was leasing the property. Mr. Paterson said he was and that he had a year contract and there are clauses in the contract. Perhaps in six months to a year, if they are doing well, there may be a possibility they may purchase the property.

Councilman Chick questioned if they would have security lighting and fencing. Mr. Paterson advised that the facility already has lighting; they may have to add a two directional lights to the far corner of the lot.

Mr. Paterson advised that they would use the already fenced area for the loose items. On the exterior, the portable buildings will be spaced so that you could not get a trailer in between them. The golf carts and smaller items will be pulled into the building when they close in the evening. They will not gravel the grassy areas but create paths through them so people could envision how their items would look. Most of the trailers will be in the front. They will light up the south lot with installation of a light on the pole. The sheds would be model units and sales would be delivered within 7 days from the factory. There is the possibility that if someone wanted a particular unit on the site, he may sell it, but would replace it with a similar unit. There was concern regarding the mowing of the lots and whether it would become a code enforcement issue.

Councilman Bilyeu noted that the Specific Use Permit runs with the land and asked the reasoning behind the Specific Use Permit expiring upon a vacancy of one (1) year.

Joe Iliff explained that this was also a concern at the Planning and Zoning Commission meeting. If Mr. Paterson's business ceased to exist, the SUP for the use specified would be allowed for 1 year. Planning and Zoning felt that a year would be reasonable, but not so long that another business would come in and try to use the SUP several years down the road when circumstances may not justify the use at that time. Also, not so short that if there was a change in ownership and/or a brief closing would not cease the SUP. It would go back to its original use after the one (1) year of vacancy. Joe Iliff noted the Specific Use Permit Ordinance needs to be specific as possible in order for it to be enforced as its use was intended.

Mayor Muir solicited if there were any other citizens who wished to speak on the item, there being none, the Public Hearing was closed at 7:45 PM.

Councilman Bilyeu noted that he has issues with the decorative yard items, that the description is vague. It could be a number of items. In addition, the one-year term seems to be a long time. There was lengthy discussion regarding these two issues.

It was noted that Planning and Zoning Commission approved it with the one-year term and the Council could change the timing and modify the language in the SUP.

Councilman Bilyeu suggested reducing the timing from 30 to 60 days.

Concern ensued regarding the decorative yard items and a firm definition could not be determined. Discussion began regarding placing the items within a certain area on the lot and it was suggested that the currently fenced area on the northernmost section of the lot would be a good area to place the yard art.

It was noted they would be sharing the property with the Ranch Hand which sells feed and hay out of their store. The SUP would not limit the feed store.

Councilman Chick reiterated his concerns regarding all of the different items they will have for sale, and with all of it on the grassy area, he had reservations on how they would keep it looking good.

Councilman Bilyeu suggested 45 days might be a good compromise.

A motion was made by Councilman Bilyeu, seconded by Councilman Stephens to Approve Ordinance #09-14-13 - Granting a Specific Use Permit to Permit Outside Display and Sales on Property Located on the East Side of Stemmons (I-35 Frontage Road) Between Church and Wood Street with the following modifications to the Ordinance; Section 1, Item 1) that the Specific Use Permit will expire upon a vacancy of 45 days.; Section 1, Item 3) where it states decorative yard items put it in parentheses that the decorative yard items are limited to the northernmost currently fenced area of the property and reference the property tract. The motion carried with four (4) in favor and one (1) opposed, Councilman Chick voting in opposition.

8. **INFORMATION ITEMS:**

- a) Financial and Investment Reports - July
- b) Animal Control Report

There was no discussion regarding the information items.

9. **Adjourn**

There being no further business, Mayor Muir adjourned the meeting at 8:24 p.m.