

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
FEBRUARY 26, 2013

The Farmersville City Council met in a regularly called session on February 26, 2013 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, Pansy Hundley, Michael Carr, Billy Long, Russell Chandler and Jim Foy. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, Librarian Trisha Dowell and City Secretary Edie Sims.

**Item 1) CALL MEETING TO ORDER, ROLL CALL**

Mayor Helmberger called the meeting to order. Edie Sims called the roll and announced a quorum was present. Mayor Helmberger welcomed all guests and visitors. Pastor Tom Waitschies with the First United Methodist Church offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag.

Mayor Helmberger offered the guests and visitors to speak on a non-agenda item with no one coming forward.

**Item II – A) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A SPECIFIC USE PERMIT FOR TRIPLE CRAZY GAME ROOM LOCATED AT 865 WEST AUDIE MURPHY PARKWAY, FARMERSVILLE**

Mayor Helmberger opened the Public Hearing at 6:02pm and asked for those FOR the Specific Use Permit for Triple Crazy Game Room to come forward. With no one coming forward, Mayor Helmberger asked for those OPPOSING the Specific Use Permit for Triple Crazy Game Room to come forward. With no one coming forward, the Public Hearing was closed at 6:02:30pm.

Jim Foy stated he is not clear who actually owns the game room or the machines based on the application. Linda Story had submitted a certificate showing Lucky Spin as the owners of the gaming machines and presented this information to the Planning & Zoning Commission. City Manager Ben White clarified that the gaming machines are contracted through the Lucky Spin; however Linda Story states she is the owner of Triple Crazy Game Room. Jim Foy also indicated that Triple Crazy had previously had well over the machines allowed. Police Chief Mike Sullivan indicated that per the recent Code Enforcement inspection, the number of machines is in compliance per the ordinance. The Planning & Zoning Commission recommended approval of the Specific Use Permit for 6 months. Mr. Foy stated he would prefer the approval be for 5 months which would keep all the game rooms due at the same time. Therefore, Russell Chandler motioned to approve the ordinance as presented allowing the continuance of Triple Crazy Game Room for 5 months with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item II – B) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM HIGHWAY COMMERCIAL TO LIGHT INDUSTRIAL ZONING FOR THE PROPERTY LOCATED AT 701 STATE HIGHWAY 78 SOUTH, FARMERSVILLE**

Mayor Helmberger opened the Public Hearing at 6:07pm and asked for those for the amendment to change the land use to Light Industrial to come forward. Kim Trieu, owner of the property at 701 Highway 78 South, came requesting the Council to vote in favor of the land use change to allow more flexibility to fill vacancies in her strip mall.

Elissa Ray, residing at 708 Pecan Creek Court, came before the Council stating she does not live directly behind the strip mall, but does not have any problems or issue with



allowing other types of businesses to operate at this location. Ms. Ray requested the Council to grant the request.

Mayor Helmberger requested those OPPOSING the zoning change to come forward. Gary Mills, residing at 710 Pecan Creek Court, stated his property is one of the three that adjoin the strip mall property is opposing the zoning change since unknown types of businesses may operate at this location which could affect the residents' quality of life. Mr. Mills requested the existing zoning remain and not be changed.

Mark Smith, residing at 712 Pecan Creek Court, stated strip mall is presently too close to the residential area; however if the zoning was to change, the businesses that may come in could create a problem. Noise from businesses is a factor and Mr. Smith does not feel the City needs to allow any type of industrial businesses to be located in this strip mall. Mr. Smith requested the Council to keep the zoning as it currently exists.

With no one else coming forward, the Public Hearing was closed by Mayor Helmberger at 6:13pm.

Jim Foy stated he has three concerns: 1) that the request of a zoning change was denied by the Planning and Zoning Commission; 2) this type of zoning would be deemed as "spot zoning" which is not legal; and 3) this type of rezoning would open a wide variety of uses and if approved the City could not change at a later time. Mr. Foy indicated that game rooms are one of the types of businesses that are allowed in the Light Industrial Zoning in the City Limits of Farmersville. The game rooms have been designated by ordinance to only operate in Light Industrial zones. Russell stated he agrees that changing the zoning would bring concerns of business types plus noise and other factors that occur within a Light Industrial zone. Billy Long expressed concern of safety for residents and other businesses. Jim Foy motioned to reject the proposal to amend the Comprehensive Plan with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item II – C) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A ZONING CHANGE FROM HIGHWAY COMMERCIAL ZONING TO LIGHT INDUSTRIAL ZONING FOR THE PROPERTY LOCATED AT 701 STATE HIGHWAY 78 SOUTH, FARMERSVILLE**

Mayor Helmberger opened the Public Hearing at 6:17pm asking for those in FAVOR of the zoning change located at 701 State Highway 78 South. With no one coming forward, Mayor Helmberger asked for those OPPOSING the zoning change. With no one coming forward, Mayor Helmberger closed the Public Hearing at 6:17:15pm. Jim Foy motioned to deny the zoning change with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item III – A) SECOND READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO ADOPT THE NEW COMPREHENSIVE PLAN**

City Manager Ben White addressed the Council, stating he is very pleased to be at this point with this important document. With the Comprehensive Plan completed, we now have a tool to help guide the City. Billy Long motioned to approve the ordinance as presented to adopt the Comprehensive Plan with Michael Carr seconding the motion. Jim Foy stated it was very impressive to see the number of people that were involved with this process. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item III – B) FIRST READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO AMEND THE MASTER FEE SCHEDULE TO INCREASE THE WATER AND SEWER RATES EFFECTIVE MARCH 1, 2013; ADD AN ADMINISTRATIVE FEE; AMEND THE ZONING AND REZONING APPLICATION FEES WHICH INCLUDE SPECIFIC USE PERMITS, AND**



APPEALS TO THE BOARD OF ADJUSTMENT; AND ADD A PRE-PERMIT PLAN REVIEW RETAINER FEE

City Manager Ben White presented an ordinance to the Council to amend the Master Fee Schedule that would increase the water and sewer rates effective March 1. These rates would be the last rate increase for this year. According to the rate study performed that the previous Council approved, we will have on more rate increase next year. These rate increases are to allow funding for our dilapidating water and sewer infrastructure.

City Manager Ben White also indicated that the ordinance presented includes an administrative fee which would cover costs for administrative staff. And with the administrative fee, those charges will be used for the zoning and rezoning application process.

Finally Mr. White indicated that a pre-permit plan review retainer fee will be implemented so developers will pay in advance for costs that are incurred during the plan review stage. This retainer fee would cover cost that would be incurred because of the development for attorney fees, or engineering costs.

Russell Chandler motioned to approve the ordinance on first reading as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item IV – A) PRESENTATION FROM PROGRESSIVE WASTE SOLUTIONS (PREVIOUSLY IESI) FOR THEIR YEAR-END REPORT

Progressive was not in attendance to present their year-end report. This item will be moved to the next agenda.

Item IV – B) CONSIDER, DISCUSS AND ACT UPON AN INTERLOCAL AGREEMENT WITH THE FARMERSVILLE CHAMBER OF COMMERCE

With the City not gifting public funds, an Interlocal Agreement between the City and Chamber of Commerce was needed to clean up an old arrangement for the Visitor's Center. The building is the property of the City, yet the Chamber takes care of all operations. Billy Long motioned to approve the Interlocal Agreement with the Chamber of Commerce as presented with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item IV – C) CONSIDER, DISCUSS AND ACT UPON BLIND REPLACEMENTS IN THE COUNCIL CHAMBERS AT CITY HALL

City Manager Ben White indicated the blinds for the Council Chambers are in poor condition. Mr. White has been investigating the cost of the new blinds and one estimate was for \$4,000. Motorized blinds are also an option. Mr. White requested a consensus of the Council whether to proceed with this type of expenditure. Pansy Hundley stated \$4,000 is very expensive. With only one quote, Mr. White stated he would like to see if the Council wished to go forward to attain more quotes. Council concurred to move forward and bring back to the Council for action.

Item IV – D) CONSIDER, DISCUSS AND ACT UPON BURING UNDER CERTAIN CIRCUMSTANCES

Billy Long requested this item on the agenda. A resident that has over an acre of property with no access for fire truck at the rear of the property has requested the City review the burning ordinance and make allowances for situations such as theirs. Fire Chief Kim Morris stated the original ordinance from 1969 states the Fire Marshal and Collin County does not get involved with issues within the City Limits, Chief Morris stated Code Enforcement or the Fire Chief would need to pre-inspect a burn pile to ensure only natural items are being burned; the



burn would occur on a designated burn date; and there is appropriate water source in case of a fire. The other problem would be to make any changes fair to all concerned.

Chief Morris recommended declining the request as the burning would also cause smoke that will drift to other residential areas. If the smoke becomes a problem, an area resident could call in as a nuisance and the Fire Department would be obligated to put out the fire even though the individual burning has a permit and met all the criteria to burn. Jim Foy stated he has concerns of a burn occurring where fire apparatus cannot get to the fire area. Billy Long indicated a fire hose could be stretched to the burn area of this specific property. Council requested to investigate this issue further.

#### **Item IV – E) UPDATE ON ELECTRICAL SYSTEM**

City Manager Ben White indicated the electrical system inventory has been completed and the appraisal activity is about 70% complete. McCord Engineering is on track to give a full report at the March Council Meeting.

#### **Item IV – F) UPDATE ON THE MAIN STREET SIDEWALK/LIGHTING PROJECT**

City Manager Ben White informed the Council that all construction regarding the Main Street Sidewalk/Lighting project has been completed and we are in the process of closing out the grant. There have been many compliments received regarding the lighting, it is very impressive. The LED lights will use ½ the electricity.

The Bain-Honaker House is a different project that was not funded through the grant. Jim Foy asked if the sidewalks installed by the Bain-Honaker House are ADA complaint with Mr. White responding yes. Michael Carr expressed gratitude for the hard work for this project.

#### **Item IV – G) UPDATE ON THE MAIN STREET BRIDGE, CLOSURES AND HIGHWAY 380 IMPROVEMENTS**

City Manager Ben White stated that TxDOT will accelerate the process of building the Main Street Bridge. Mr. White passed out maps indicating the phases of the construction surrounding the Highway 380 and Main Street Bridge area. The “jug-handles,” otherwise known as the ramps, will remain open as long as possible. If closed, the “jug-handles” will be closed for the least amount of time. During the final phase, construction will concentrate on the north side and have all traffic on the south side of Highway 380. Alternate routes will be inconvenient, but this will allow flow of traffic going north and south. Patches have been completed on the “jug-handles” and the median will be taken out for easier travel.

#### **Item IV – H) UPDATE ON THE CHAPARRAL TRAIL PROJECTS**

There has been a lot of activity on the Chaparral Trail and more is to continue. Presently, per City Manager Ben White, the signage is being delivered and bollards are to be reinstalled along the Trail. The contractor for Phase 1 has done a great job even through inclement weather during the winter months. Another delay was due to a style change for the signage which was in the original plans. A Chaparral, otherwise known as a Roadrunner, was added which delayed the sign production, but Mr. White thought the addition was well worth the delay. Street signs have arrived and are not awaiting the sign poles.

Phase 2 will include a picnic area and grass will be sodded thanks to the Farmersville Community Development Corporation who funded this portion of the project. The bid opening for Phase 2 occurred February 21<sup>st</sup> with good news. The bids came in lower than the project price which will allow other amenities to be installed. With Phase 2, all the decomposed granite will be installed which will finish this portion of the Trail all the way to Merit. “S” curves and picnic areas will be added.

Phase 3 will hopefully be funded by TxDOT through an Enhancement Program which will allow for more amenities. Since funding is not available throughout the entire Northeast Texas Trail system, standards have not been set as to trail widths and other requirements to keep the system concurrent.



Phase 4 is in waiting mode as we are anticipating another grant to fund the last portion of the Trail. When all phases have been completed, \$950,000 will have been spent to make all the improvements to the Chaparral Trail.

May 18, 2013 is an inaugural event that the Farmersville Chamber of Commerce will be hosting through the Northeast Texas Trail for the "Meet in the Middle" campaign. People are expected to meet at 7:00am in Farmersville and in New Boston, Texas. After a ceremony at both ends where a spike will be driven at each end of the Trail, trekkers will begin their journey and literally "meet in the middle" at Paris, Texas around 12:30pm.

Texas Highways Magazine printed an impressive article in their March 2013 edition which portrayed the Chaparral Trail. Mayor Helmberger proudly exclaimed Farmersville is the talk of the 130 mile trail for the accomplishments achieved.

**Item V) EXECUTIVE SESSION – DELIBERATE A LEGAL MATTER WHICH PERTAINS TO THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY FOR MUNICIPAL PURPOSES AND ALL MATTERS RELATED THERETO**

- A. Council exited into Executive Session at 7:02pm.
- B. Council reconvened from Executive Session at 7:25pm.

Jim Foy motioned to authorize City Manager commence negotiations regarding the right-of-way with Joe Nerwich. Billy Long seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item VI) REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS**

No one requested items for future agendas.

**Item VII) ADJOURNMENT**

Council adjourned at 7:26pm.

APPROVED

  
Joseph E. Helmberger, P.E., Mayor

ATTEST

  
Edie Sims, City Secretary

