



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
September 26, 2017, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Piwko called the meeting to order at 6:00 p.m. Council members Craig Overstreet, Donny Mason, Mike Hurst, Michael Hesse, and Todd Rolan were all present. City staff Ben White, Sandra Green, Rick Ranspot, Daphne Hamlin, Paula Jackson, Kevin Lisman, Mike Sullivan, Trisha Dowell and City Attorney Alan Lathrom were also present.
- Prayer was led by Warrant Officer, Rick Ranspot, followed by the pledges to the United States flag and the Texas flag.
- The calendar of upcoming holidays and meetings were provided in the agenda packet.
  - National Night Out is October 3<sup>rd</sup> from 6:30 p.m. to 8:30 p.m.
  - Citywide Clean-up Day is Saturday, November 4<sup>th</sup>.
  - Mayor Piwko also announced Old Time Saturday on October 7<sup>th</sup>.
  - Ultra Expedition Oktoberfest Trail Run is on October 21<sup>st</sup>.
  - Trick-it-Up Bike Ride will be held on Saturday, October 28<sup>th</sup> at 9:00 a.m. and later that evening Scare on the Square at 5:00 p.m.
  - Recognition of the Farmersville EDC to the rank of Legacy Pacesetter in the Collin College President's Circle by accumulating a scholarship sponsorship level of over \$75,000.
  - Mayor Piwko also stated there would be a public hearing on October 10<sup>th</sup> at 8:30 a.m. to discuss the ADA portion of the Main Street Grant.

**II. PUBLIC COMMENT**

- John Hart who resides at 18601 CR 646 wanted to know what was going on in relation to the Islamic Associate of Collin County cemetery and asked for an update.
- Mayor Piwko stated she could not answer the question because they have not had the executive session to receive the information.

- Randy Smith who resides at 508 CR 601 stated he lives one mile north of Camden Park. He discussed the acreage of the property and the discrepancy on the plats. He is concerned about the attention of detail on the review of the plans. The Development Agreement that was signed previously allowed 30 days to pay the escrow, and that has since expired. He is wanting to know why the money has not been received.
- Mayor Piwko stated the City was told the lots were going to be developed by DR Horton Express. There has been a change in the 50 pre-sales and Ted Zedah is anticipating DR Horton taking all the lots he has available.
- Karen Anderson-Smith who lives at 617 CR 610 addressed how Camden Park has been begun moving dirt. She does not like how the trees have been knocked down. They have bulldozed through her back yard, taken out a fence, and flowerbed. They called Mr. Zedah and the contractor did replace the fence posts, but they replaced them using the bricks from her garden. She hopes the City will take an active participation in the supervision of the construction of the property.
- John Richard Smith who resides at 617 CR 610 addressed Council and stated both of his properties border Camden Park. He explained on September 8<sup>th</sup> he saw two men and a bulldozer working on the property of Camden Park. The gentlemen stated they were surveyors laying stakes for the site. A bulldozer took down his fence and they took out some trees. He was assured by the contractor the fence would be fixed. He stated he came to discuss the problem with Ben White and he was told to take it up with the contractor that it was not a City issue. He purchased a set of plans from the City that does not have a stamp of approval by the City Engineer and stated the plans were worthless. On those plans it says the contractor is liable for any damages. He called them and talked to Jeff Crannell and told him they needed to conduct another survey on the property to ensure they were working on Camden's land.

### III. CONSENT AGENDA

Items in the Consent Agenda consist of non-controversial or "housekeeping" items required by law. Council members may request prior to a motion and vote on the Consent Agenda that one or more Items be withdrawn from the Consent Agenda and considered individually. Following approval of the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.

- A. City Council Minutes 8-22-17
- B. City Council Minutes 8-31-17

C. City Council Minutes 9-5-17

D. City Financial Report

- Mayor Piwko stated she would like to pull the September 5<sup>th</sup> minutes.
  - Motion to approve reports A, B and D made by Michael Hesse
  - 2<sup>nd</sup> to approve was Mike Hurst
  - All council members voted in favor
  
- Mayor Piwko stated page 2, paragraph 2 should say “The homeowners should be grateful that their property values are increasing so dramatically when they resale.”
  - Motion to approve with changes made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Todd Rolan
  - All council members voted in favor

E. City Manager’s Verbal Report

- Wastewater System
  - Ben White stated that the City received the money from the obligation bond, but we are waiting for environmental clearance. Right now, the only hold up is the Army Corps. of Engineers. Kimley-Horn and DBI are trying to handle that issue. The design of the west side lift station and the collector line running from Camden Park the lift station is being completed by DBI.
  - Mayor Piwko asked if we have obtained all of the right-of-way easements.
  - Ben White stated they are being handled by DBI and they are working on them.
  
- Camden Park
  - Ben White stated there is an amendment to the Development Agreement and it has held up closing. They have started moving dirt, and DBI will conduct inspections when they are warranted by regulation. No one from the City is going by on a daily basis to monitor at this time. It is his understanding that DR Horton is buying all the lots for homes.
  - Mayor Piwko asked if the property line has been marked now.
  - Ben White stated he was told the fence was on Camden Park’s land and that Mr. Crannell has checked the stakes against the survey three different times. If there are disagreements over the property line Mr. Richard Smith was told to hire his own surveyor to verify the property lines. Mr. Crannell explained

he did tell Mr. Richard Smith he needed to discuss any issues with the contractor. The land boundary is a civil matter and there is a dispute right now, but Mr. Crandall would like to see Mr. Smith hire another registered surveyor to conduct a survey of the property.

#### **IV. INFORMATIONAL ITEMS**

These Informational Items are intended solely to keep the City Council apprised of the actions and efforts of the various boards and commissions serving the City of Farmersville. Council members may deliberate and/or request further information or clarification regarding any one or more of the items contained in this provision. City Council approval of, or action on, these items is not required or requested.

- A. FEDC (4A) Meeting Minutes
- B. FCDC (4B) Meeting Minutes
- C. Main Street Board Minutes
- D. Texoma Housing Partners Agenda
- E. Planning & Zoning Commission Minutes
  - o Motion to approve made by Mike Hurst
  - o 2<sup>nd</sup> to approve was Michael Hesse
  - o All council members voted in favor

#### **V. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon a recommendation from the Planning and Zoning Commission regarding a Final Plat of the Whitaker Addition Block 1, Lot 1A & Lot 1B being a replat of Block 1, Lot 1 of the Whitaker Addition, and being 0.742 acres in the W.B. Williams Survey, A-952 for residential uses.
  - Mayor Piwko opened the public hearing at 6:37 p.m.
  - Ben White explained that at the Planning & Zoning Meeting he asked for a 15' easement along the front of the property and 8' easements along the alley and Candy Street. He recommended approval with the easements added to the plat.
  - Mayor Piwko asked if anyone was in the audience who wanted to speak for the item.
  - Mr. Gooch addressed Council and stated they were excited and believed the property would create a great tax value for Farmersville. They want to build two homes that will be adequate for them as they age.
  - Craig Overstreet asked Ben White about the street conditions and whether they would hold up for the homes.
  - Ben White stated the road does need work, but it is passable.

- Mayor Piwko stated the alley would be a problem for firetrucks, but if the houses face Lincoln Street it would be fine. She closed the public hearing at 6:43 p.m.
  - Motion to approve with the easements added to the plat made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Todd Rolan
  - All council members voted in favor

## VI. REGULAR AGENDA

- A. Presentation from Kimley-Horn regarding the Comprehensive Zoning Ordinance and the Subdivision Ordinance update.
- Drew Brawner and Phyllis Jarrell addressed Council regarding the two Ordinances.
  - She went over the Power Point presentation that was in the agenda packet and showed Council their recommended changes.
  - The Council debated over whether they should make all properties that are built on or those that are adding to the existing structure require platting.
  - Mayor Piwko and Michael Hesse did not like requiring a plat on everything.
  - Mike Hurst stated he thought the properties that are not platted should be platted.
  - Alan Lathrom stated the concept behind requiring platting would be to make the City cleaner.
  - Ben White stated he liked platting because it allows the City to place utility easements on plats to help the City. He also likes the right-of-way effects that are established.
  - Mike Hurst stated it would not be a burden for the City and it would be good to require the platting of any unplatted land.
  - Michael Hesse stated his property is old and he knows it has not been platted. He wants to build a garage and he would then have to plat. He also believes the platting is good, but wants limitations.
  - Ben White stated he has always sent simple plats to the Planning & Zoning Commission for review even though he could approve it. If it involves easements or right-of-ways he does not have the authority to sign it.
  - Alan Lathrom stated we could amend the Ordinance to allow the City Manager to sign minor plats because state law allows that.
  - Phyllis Jarrell stated Traffic Impact Analysis' currently are required for a location that would have 1,000 trips a day. She indicated that was pretty low and she suggested increasing to 5,000 trips a day.

She explained that would catch all the big box uses, but not your smaller businesses that do not need a traffic analysis. She suggested taking out the required platting language from the Ordinance. It would be easier to change the language if it was not a part of the Ordinance. She explained the City could place that information in the application packet.

- Alan Lathrom stated it is typical to have them in another manual and not in the Ordinance.
- Council was okay with the changes.

B. Consider, discuss and act on an amendment to the Development Agreement for Camden Park.

- Ben White stated the Agreement had been changed to allow the Developer to pay the escrow within a reasonable time from the date the Agreement is signed by the last party. The date on which the Developer pays the escrow will be considered the effective date. There was also a change to show that the Developer has to show reasonable efforts to have the Sewer Project substantially completed within 180 days following the date the escrow is paid.
- Craig Overstreet asked why the City is not setting a specific time frame for the Developer to pay the fee.
- Alan Lathrom stated the City is not required to build the improvements unless the Developer puts the money into escrow. The Developer had requested a letter from the City to say his was in compliance with the past contract. We would not write the letter because they had not paid the money. We did not want to start all over again if the time ran out on this amendment. We have a release and a hold harmless that states we do not have to build anything until they deposit the money.
- Ben White asked if the Developer could claim injury based on this agreement.
- Alan Lathrom stated they cannot get a plat recorded until the infrastructure is in place, and they cannot go vertical or receive permits until the plat is filed at the County. He also pointed out that we could not write the letter to the bank stating the Developer had met the requirements of the agreement because he did not meet those requirements. Lying to the bank would be fraud.
  - Motion to approve made by Donny Mason
  - 2<sup>nd</sup> to approve was Michael Hesse
  - Craig Overstreet voted against approval
  - All other members voted in favor

- C. Consider, discuss, and act upon resignation of Wade Smith from the Planning & Zoning Board and appointing a new member.
- Motion to accept Wade Smith's resignation and appoint Kevin Adamson to the Planning & Zoning Commission made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor
- D. Consider, discuss, and act upon Resolution #R-2017-0926-001 regarding the nomination of Chris Nickell for the Board of Directors for the Collin Central Appraisal District.
- Motion to approve made by Donny Mason
  - 2<sup>nd</sup> to approve was Mike Hurst
  - All council members voted in favor
- E. Review draft Ordinance for nuisances, storage and vegetation on properties.
- Chief Sullivan stated our current Ordinance just address matter and is not specific. He suggested some changes to the document. He stated on page 5 it should be 10 days instead of 7, take out 3 (c)(i) and take out the wording in 3 (d) that references 3 (c).
  - Mayor Piwko wanted to address issues of open storage under carports and on front porches.
  - Craig Overstreet stated he is not ready to vote on the item.
  - Mike Hurst asked if Chief Sullivan had the staff to handle Ordinance and changes.
  - Craig Overstreet asked if Council could be provided pictures at the next City Council meeting to see different examples of where this would be warranted.

## **VII. EXECUTIVE SESSION**

- Mayor Piwko read the statement below and stated the City Council would go into executive session at 7:43 p.m.

### Discussion of Matters Permitted by Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY:

1. Discussion of matters protected by the attorney-client privilege:
  - a) Discussion regarding legal issues and negotiations related to and arising out of the cemetery plat.

**VIII. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTIONS 551.071 OF THE TEXAS GOVERNMENT CODE**

- Mayor announced the City Council would reconvene at 8:40 p.m. with no action to be taken from the executive session.

**IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- Mayor Piwko wanted the status on the construction of a building at 607 Waterford.
- Mike Hurst also asked for a status on the Little League contract.

**X. ADJOURNMENT**

Meeting was adjourned at 8:42 p.m.

APPROVE:

  
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Diane C. Piwko, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Green, City Secretary

