

FARMERSVILLE PLANNING & ZONING COMMISSION  
SPECIAL SESSION MINUTES  
February 21, 2013

The Farmersville Planning and Zoning Commission met in special session on February 21, 2013 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Mark Vincent, Craig Overstreet, Betty Sergent, Bill Nerwich, Lee Warren and Tom Waitschies. Bryce Thompson was absent. Staff members present was City Manager Ben White, City Attorney Alan Lathrom and City Secretary Edie Sims. Council Liaison Michael Carr was present.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Chairman Tom Waitschies called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present. Chairman Waitschies offered the invocation and the Pledge of Allegiance.

**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**

The item presented is a continuance of the Public Hearing that was held on January 24, 2013 with the time called at 6:33pm. Linda Story came before the Commission with a certificate that reflects Lucky Spin via Jack Fairchild as the owner of the gaming machines used at Triple Crazy Game Room. During the Public Hearing, no one else came before the Commission to speak. Chairman Waitschies closed the Public Hearing at 6:34pm.

Craig Overstreet questioned the certificate presented. Linda Story explained that she is a vendor of Lucky Spin and she does not own the gaming machines, she only allows them to be used in her game room. Lee Warren stated that neither Triple Crazy or Lucky Spin is listed with the Texas Comptroller's Office. City Attorney Alan Lathrom indicated that either name may not be required if filing under a corporation, partnership or self-proprietor since that entity is paying the franchise taxes. The owner of the gaming machines is responsible to pay all taxes regarding the machines. Lee Warren expressed concerns of accountability since there is no documentation showing Triple Crazy as an owner or entity.

6:44pm an Executive Session was called in accordance with Texas Government Code Section 551.071; deliberate a legal matter which pertains to seeking the advice of the City Attorney.

7:04pm the Planning and Zoning Commission reconvened to Regular Session from Executive Session to consider, discuss and act on matters discussed in Executive Session.

Craig Overstreet made a motion to recommend approval to the Council the Specific Use Permit for Triple Crazy Game Room for 6 months with 40 machines with the hours specified on the ordinance. Lee Warren seconded the motion. Motion carried unanimously.

**Item III – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM JANUARY 24, 2013 P&Z MEETING**

Craig Overstreet motioned to approve the minutes as presented with Betty Sergent seconding the motion. Motion carried unanimously.

**Item III – B) CONSIDER, DISCUSS AND ACT TO AMEND SECTION 56-31 OF THE SIGN ORDINANCE PERTAINING TO DIGITAL SIGNS**

City Manager Ben White came before the Commission and stated that the current Sign Ordinance regarding digital signs needs to be updated to be more with the times and changes in the sign world. After having staff review other cities, an excerpt from the City of McKinney's Sign Ordinance was presented as a guide.

Mr. White recommended changing the square foot size of an electronic sign to 50 square feet which is slightly larger than a sheet of plywood. The Commission discussed footcandles and how this type of measurement is not efficient for Farmersville. With pole signs not being allowed, the rotation of a sign is not relevant. Mr. White indicated that the City should not limit the colors used for electronic signs as this is a personal choice.

The Commission also discussed non conforming uses that exist such as Quick Check and Brookshire's. When the new ordinance has been adopted, the existing electronic signs will be grandfathered with the exception of requiring a dimming mechanism upon any upgrade or retrofitting of the existing sign. Lee Warren motioned for staff prepare an ordinance and return to P&Z with the changes as discussed with Bill Nerwich seconding the motion. Motion carried unanimously.

**Item IV) ADJOURNMENT**

Craig Overstreet motioned to adjourn with Lee Warren seconding the motion. P&Z Commission adjourned at 7:28 p.m.

ATTEST:

  
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Edie Sims, City Secretary

  
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Tom Waitschies, Chairman

