



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
for
April 17, 2017**

I. PRELIMINARY MATTERS

- Chairman Craig Overstreet presided over the meeting which was called to order at 6:30 p.m. Commissioners Sarah Jackson-Butler, Russell Chandler, Bobby Bishop, Luke Ingram, Chad Dillard, and Paul Kelly were in attendance. Also in attendance were City Manager, Ben White; City Attorney, Alan Lathrom; Council Liaison, John Klostermann; and Staff Liaison, Sandra Green.

- Paul Kelly led the prayer and Craig Overstreet followed with the pledges to the United States and Texas flags.

II. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request for a Special Use Permit for commercial, amusement (indoor) uses to allow Winners Sweepstakes to be located at 604 State Highway 78 North, #109.
- Public hearing was opened by Craig Overstreet at 6:32 p.m.
 - Mr. Steve Bell, President of Strategic Fundraising Solutions, LLC, addressed the Commission and gave background information on himself. He also explained how his businesses contribute to the Collin County CASA, McKinney Police Association and others. He pays the charities weekly with the money from his facilities. He described how the program works and indicated that his stores are no different than playing the lottery. The entries are predetermined, which means the winnings and amount of winnings are already set. He explained his business retains only a portion of the money that comes in and compared the business to the McDonald's monopoly game. He stated they follow the State of Texas laws and they have no issues or problems at their stores. They have security features in place that help curb any issues.

- Mr. Darrell McCaully, who resides at 422 State Highway 78 N., addressed the Commission and stated his biggest concern was the children. He continued by stating that gambling was a terrible disease and the kids would go right by the business every day in order to buy food. He believed that the business devalues the City and it would also decrease property values.
- Ms. Susan Lokey, who resides at 416 Sherry Lane, addressed the Commission and explained she was concerned because someone told her that gaming was only allowed in industrial zoned areas and the proposed location was not zoned industrial. The proposed location is across from two different schools and it would increase traffic. She would just like the business to be in a different location.
- Ms. Brenda Schlafke, who resides at 427 Sherry Lane, addressed the Commission and stated she could see the location of the business from her house and argued there would be more traffic if it was approved at the proposed location. She indicated that she does not believe the proposed location is an appropriate place for the business.
- Mr. Milton Wright, who resides at 601 Meadowview, stated it would affect his property values and he would not buy a house next to a game room. His grandchildren walk past that area every day. He has a problem with the location and does not feel that it would be appropriate across from schools and residential areas.
- Mr. Tom Tidwell, who owns a home at 615 Clairmont, stated he believed it would diminish property values. He argued gaming was only allowed in light industrial. He also stated the business would be closer than 1,000 feet from churches and schools.
- Alan Lathrom spoke in regards to the distance from the churches and schools and stated the business does not fall under the definition of gaming machines. Because of the definition, they do not have to register the machines with the State of Texas.
- Sheila Nelson stated she was concerned about traffic and the value of her property. Also, she views all the kids that go by every day and this business would make her worry even more about them. She indicated she did not want the business in the proposed location.
- Craig Overstreet closed the public hearing at 6:53 p.m.
- Steve Bell indicated there would be no smoking, drinking, or baggy pants allowed in the building. He wanted it to be a safe haven where people could go for entertainment. He believed the traffic would not increase that much due to the business. He explained they do not sell anything in their business and it would be a facility where people could come, relax and enjoy themselves. He stated he did not believe Police Chief Mike Sullivan or Lt. Brian Alford would have allowed them to file an application if they had any issues with the business.
- Craig Overstreet asked about what type of revenue the City could gain from the business.

- Steve Bell indicated it would be a build-up process. The monthly payments to charities increase dramatically over time.
- Craig Overstreet asked Mr. Bell to compare the benevolence fund to the amount he brings in.
- Steve Bell stated after the costs of the business are paid he has what is known as the gross hold left. Some of the gross hold goes to the charity. Most of the money goes to software for running the business. Everyone that comes in has their driver's license scanned and he posts police photos so that if someone comes in to the business that was wanted by they would call to have them arrested. He explained it is an easy way to raise money for charities and he included that their employees are on payroll and they pay taxes.
- Craig Overstreet asked if there would be tax revenue for the City.
- Steve Bell indicated there was no sales taxes, because they do not sell anything.
- Craig Overstreet asked Alan Lathrom if there was any pending litigation for these type of businesses.
- Alan Lathrom indicated there was a case pending, but it was remanded back to the court and he was not sure of the outcome.
- Sarah Jackson-Butler asked Mr. Bell if anyone had ever cancelled their contract with him.
- Steve Bell stated they have not, but he has several new places opening in Sherman, Denison, Princeton, and Greenville.
- Craig Overstreet asked about the proposed hours of operation.
- Steve Bell indicated the business would be open from 9:00 am to 12:00 am. He also indicated the offices were going to have the walls made into half walls or remove them all together. He stated they have to have visibility and there are cameras everywhere.
- Bobby Bishop asked if he used a third party software system.
- Steve Bell indicated that he currently does, but he was working on his own software.
- Chad Dillard asked how old someone had to be in order to enter the business.
- Steve Bell indicated all locations require a person to be 18 years old.
- Craig Overstreet stated he had a petition of no less than four pages long and of those who signed the petition they were worried about their property values. He asked how Steve Bell would respond to those issues.
- Steve Bell stated he does not want to be a bad neighbor and there are other locations he could choose, but he does not think his business would draw bad people, or would lower property values. He indicated the windows of the business are not tinted, so everyone can see what is going on inside the building.
- Bobby Bishop indicated the hours of operation in a residential neighborhood bothered him. He also asked for clarification on whether the police department was backing the business.

- Steve Bell indicated they could close at 10:00 pm if that was what the City wanted.
- Ben White indicated that he does not know of any police backing or support that had been given. The Chief did review the paperwork to ensure everything was legal and being processed in the proper way.
- Bobby Bishop also asked about how the City would benefit by allowing the business in Farmersville.
- Ben White indicated the Police Association was not affiliated with the City and any money that was presented to them would not be for the City.
- Steve Bell indicated the business does not pay taxes.
- Paul Kelly asked Steve Bell why he was choosing Farmersville.
- Steve Bell stated he believed there was a need here. He does not go anywhere they are not asked, or where they do not think it is needed.
- Paul Kelly indicated that our police department had not reached out to them, but rather they reached out to the police.
- Ben White explained Steve Bell met with the police department and shared with them the details of his business, but that did not indicate they supported it.
- Steve Bell indicated he obviously misunderstood and that he was referred to Lt. Brain Alford by another police officer from another town.
- Paul Kelly asked about why he chose the location that was across from two schools.
- Steve Bell stated he met Perry Marker. He explained they had looked at other locations, but he really like Perry Marker and he knew other businesses that he owned.
 - Motion to deny the Specific Use Permit because of citizens concerns, the location near schools and churches, and because the operating hours are not favorable made by Paul Kelly.
 - 2nd to deny the motion made by Chad Dillard
 - All members voted in favor

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. Consider, discuss and act upon minutes from February 27, 2017.

- Motion to approve made by Sarah Jackson-Butler
- 2nd to approve made by Russell Chandler
- All members voted in favor

IV. ADJOURNMENT

- The meeting was adjourned at 7:17 p.m.
 - Motion to adjourn made by Paul Kelly
 - All members rose to signify adjournment.

ATTEST:


Sandra Green, City Secretary

APPROVE:


Craig Overstreet, Chairman

