

## Minutes for 03/09/04 Board of Aldermen Town of Talty

### **I. Call to Order and Announce a Quorum**

The mayor called the meeting to order at 7:04 p.m. and announced a quorum. All Board members were present except Mayor Pro-tem Brad Davis.

### **II. Invocation and Pledge of Allegiance**

Alderman Jeremy Benton gave the invocation and Mayor Weaver led the pledge.

### **III. Open Joint Public Hearing to receive citizen feedback on the following:**

- 1. Approval of preliminary plat with requested variances for the Lost Creek Estates subdivision located in the ETJ of the Town of Talty.**
- 2. Approval of preliminary plat with requested variances for the Shamrock Ridge Estates Phase 8 subdivision located in the ETJ of the Town of Talty.**

The public hearing was opened at 7:05 p.m. No citizens signed up to speak on the public hearing items. Mayor Weaver discussed the details of each of the plats including requested variances and the recommendation of the town's engineer. Additional information was provided by Randy Touchstone of Daedelus Corporation.

### **IV. Close Joint Public Hearing**

**Discussion:** None.

**Motion:** To close joint public hearing.

**Made by:** Ginny Carter

**Second:** Beth Heathington

**Vote:** All in favor. Motion passes. The joint public hearing was closed at 7:29 p.m.

### **V. Recess for Planning and Zoning Committee Meeting**

**Discussion:** None.

**Motion:** To recess the Board meeting for the P & Z Committee to meet.

**Made by:** JoAnn McKethan

**Second:** Jeremy Benton

**Vote:** All in favor. Motion passes. The Board meeting recessed at 7:30 p.m.

### **VI. Reconvene meeting and receive recommendation of the Planning and Zoning Committee regarding the public hearing item.**

The Board meeting reconvened at 8:47 p.m. and received the recommendation from P & Z Chair Sandy Erwin. The recommendation was to approve the preliminary plats with specific feedback on each variance item. (See attached spreadsheet with the P&Z recommendation on each variance item).

**VII. Citizen Participation – All citizens wishing to address the Board of Aldermen regarding any topic other than that provided for in the public hearing must sign in at the beginning of the meeting.**

No citizens signed up to speak.

## VIII. Action Items:

### a. Discussion and consideration of preliminary plat with requested variances for the Lost Creek Estates subdivision located in the ETJ of the Town of Talty;

**Discussion:** Each variance item was reviewed and voted on. (See attached spreadsheet for the Board's decision on each variance item).

**Motion:** To approve the preliminary plat and select variances for the Lost Creek Estates subdivision with the following requirements:

- Note approved setbacks on the final plat
- House pads to be constructed on lots in the flood plain as part of the development phase and reflect same on the final plat
- Obtain sign off from the County regarding construction in the flood plain.

**Made by:** Beth Heathington      **Second:** JoAnn McKethan

**Vote:** All in favor. Motion passes.

### b. Discussion and consideration of preliminary plat with requested variances for the Shamrock Ridge Estates Phase 8 subdivision located in the ETJ of the Town of Talty;

**Discussion:** Each variance item was reviewed and voted on. All requested variances were approved. See attached spreadsheet.

**Motion:** To approve the preliminary plat with requested variances for the Shamrock Ridge Estates Phase 8 subdivision.

**Made by:** JoAnn McKethan      **Second:** Beth Heathington

**Vote:** All in favor. Motion passes.

### c. Discussion and consideration of Solid Waste Franchise Agreement with Hiram Waste and Recycling;

### d. Discussion and consideration of Solid Waste Franchise Agreement with IESI;

**Discussion:** Mayor Weaver indicated that the agreements still are not yet finalized; however we are close regarding the IESI agreement. IESI is getting their corporate officer to sign and it will be ready for the Board's approval at the April meeting.

**Motion:** To table both items c. and d.

**Made by:** Ginny Carter      **Second:** Jeremy Benton

**Vote:** All in favor. Motion passes.

### e. Discussion and consideration of renewing appointment of Patricia Ashcroft as municipal judge;

**Discussion:** It is recommended to renew the judge's appointment when the mayor is elected. This did not happen in 2003.

**Motion:** To renew the appointment of Patricia Ashcroft as municipal judge.

**Made by:** Ginny Carter      **Second:** Jeremy Benton

**Vote:** All in favor. Motion passes.

### f. Discussion and consideration of compensation for municipal judge;

**Discussion:** Our court is getting very active with the start up of the police department in January. Judge Ashcroft has provided training for the Municipal Clerk and will reserve one night per month for plea dockets. Trials will be scheduled as needed.

**Motion:** To compensate the municipal judge at the rate of \$100 per month.

**Made by:** Jeremy Benton                      **Second:** JoAnn McKethan

**Vote:** All in favor. Motion passes.

**g. Discussion and consideration of expenses related to burn ban signage;**

**Discussion:** We have received two bids to purchase four burn ban signs. Both are less than \$400. Recommend going with lowest bid.

**Motion:** To approve up to \$400 for the purchase of four burn ban signs.

**Made by:** Beth Heathington                      **Second:** Ginny Carter

**Vote:** All in favor. Motion passes.

**h. Discussion and consideration of compensation for election officials;**

**Discussion:** Historically, we have paid the election judge \$8.00/hr and the alternate election judge and election clerk \$7.00/hr.

**Motion:** To compensate the election judge at the rate of \$8.00/hr and the alternate election judge and election clerk at the rate of \$7.00/hr.

**Made by:** Jeremy Benton                      **Second:** Beth Heathington

**Vote:** All in favor. Motion passes.

**i. Discussion and consideration of expenses associated with Kaufman County Day in Austin;**

**Discussion:** The Kaufman County Leadership Council coordinates an annual visit to Austin to meet with legislators when they are in session or to meet with state agencies in off session. Mayor Weaver requested approval of up to \$200 to attend Kaufman County Day in Austin on April 25<sup>th</sup> & 26<sup>th</sup>. Funds are available in the budget for this training opportunity.

**Motion:** To approve expenses up to \$200 for attendance at Kaufman County Day in Austin.

**Made by:** Beth Heathington                      **Second:** JoAnn McKethan

**Vote:** All in favor. Motion passes.

**j. Discussion and consideration of town map;**

**Discussion:** We need to file the town map with the county clerk so that the tax assessor's office will update the town's boundaries on the county maps. According to County Clerk Laura Hughes, the map should indicate that it has been approved by the Board before it can be accepted for filing.

**Motion:** To approve the town map dated October 2003.

**Made by:** Ginny Carter                      **Second:** JoAnn McKethan

**Vote:** All in favor. Motion passes.

**k. Discussion and consideration of designating a voting representative of NCTCOG;**

**Discussion:** Beth Heathington will be unable to serve as the voting representative of NCTCOG due to a scheduling conflict that will prevent her from attending the meetings. Ginny Carter volunteered to serve in this capacity.

**Motion:** To designate Alderman Ginny Carter as the voting representative of NCTCOG.

**Made by:** JoAnn McKethan                      **Second:** Jeremy Benton

**Vote:** All in favor. Motion passes.

**l. Discussion and consideration of appeal of case against Security Custom Homes, et. al.;**

**Discussion:** Mayor Weaver reviewed the decision received from the Court of Appeals. In order to appeal the decision to the Texas Supreme Court, the town attorney requires specific approval/direction from the Board. Additional attorney fees will be incurred by the town's attorney for approximately \$3,000. The case will be heard in Austin which will require travel.

**Motion:** To appeal the Security Custom Homes, et. al. case to the Texas Supreme Court.

**Made by:** Beth Heathington      **Second:** Jeremy Benton

**Vote:** All in favor. Motion passes.

**m. Discussion and consideration of minutes from February 10, 2004 meeting;**

**Discussion:** None.

**Motion:** To approve the minutes from the February 10, 2004 meeting.

**Made by:** Beth Heathington      **Second:** Ginny Carter

**Vote:** All in favor, except JoAnn McKethan who abstained. Motion passes.

**n. Discussion and consideration of February Financial Report.**

**Discussion:** Mayor Weaver presented the new financial report as a result of the implementation of the Quickbooks accounting system. Feedback was received as to additional information required.

**Motion:** To approve the February Financial Report.

**Made by:** Ginny Carter      **Second:** JoAnn McKethan

**Vote:** All in favor. Motion passes.

**IX. Discussion Items:**

**a. Receive report on law/code enforcement activity;**

Police Chief Dennis Wagner was not present so Mayor Weaver provided a brief update. Chief Wagner has been performing code enforcement for a couple of weeks with one junk vehicle being removed and a citation issued regarding a pool enclosure. Chief Wagner will be attending a training session in April regarding the use of the radar gun.

**b. Update on pending litigation;**

Mayor Weaver requested but has not yet received an update regarding the Exxon litigation.

**c. Update on development in and around Talty;**

- Red Whaley demolished the Cotton Gin which has generated many inquiries. The town is not aware of any planned use for this property. It is currently zoned residential.
- Mayor Weaver is still trying to contact Michael Frazier regarding annexation of the Morris property.

**Alderman updates and communications.**

Alderman Jeremy Benton gave an update on the thoroughfare plan and requested additional comments to pass on to Dan Sefko.

**X. Adjourn**

**Discussion:** None

**Motion:** To adjourn.

**Made by:** Jeremy Benton

**Second:** Ginny Carter

**Vote:** All in favor. Motion passes. The meeting adjourned at 10:40 p.m.

**Approved on April 13, 2004.**

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**Allison Weaver, Mayor**

	<b>Talty Ordinance</b>	<b>Variance Requested</b>	<b>P &amp; Z Recommendation</b>	<b>Board of Aldermen Vote/Decision</b>
Lot Widths	150 Feet	Lot 21 136.74' Lot 41 – Should be 60' frontage on a cul-de-sac – drawn as 58.5'	To deny variance on Lot 21 To grant variance on Lot 41	Concur with P & Z recommendation Motion: Beth Heathington Second: JoAnn McKethan All in favor. Motion passes.
Width of Pie Shaped Lots	Lot width of 300' at 100' from front property line	Lots 14 – 16, 29 – 32, 40 – 42	To grant variance	Concur with P & Z recommendation Motion: JoAnn McKethan Second: Beth Heathington All in favor. Motion passes.
Cul-de-sac Length	No greater than 600'	675'	To grant variance	Concur with P & Z recommendation Motion: Beth Heathington Second: Ginny Carter All in favor. Motion passes.
Front Building Line	75'	50'	To deny variance	Concur with P & Z recommendation Motion: JoAnn McKethan Second: Beth Heathington All in favor. Motion passes.
Side Yard Setbacks	35' interior lot 75' exterior lot	25' interior lot 35' exterior lot	To deny interior lot variance To grant exterior lot variance	Concur with P & Z recommendation Motion: Jeremy Benton Second: JoAnn McKethan All in favor. Motion passes.

	<b>Talty Ordinance</b>	<b>Variance Requested</b>	<b>P &amp; Z Recommendation</b>	<b>Board of Aldermen Vote/Decision</b>
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Lot with sharp angle	Should be avoided (depth to width ratio should not exceed 2.5 times)	Lot 60	To grant variance	Concur with P & Z recommendation Motion: JoAnn McKethan Second: Jeremy Benton All in favor. Motion passes.
Lots at right angles	Should be avoided	Lots 61 – 64, 65 – 68, 34, 47	To grant variance	Concur with P & Z recommendation Motion: Ginny Carter Second: JoAnn McKethan All in favor. Motion passes.
Lot depth to width ratio	Should not exceed 2.5 times	Lots 2-8, 11-13, 15-16, 22-28, 33-39, 42-46, 48-54, 56-59, 62-68	To grant variance	Concur with P & Z recommendation Motion: Jeremy Benton Second: Beth Heathington All in favor. Motion passes.
Utility Easements	Drawn at rear of lots	Drawn at front of lots	To grant variance	Concur with P & Z recommendation Motion: JoAnn McKethan Second: Jeremy Benton All in favor. Motion passes.
Drainage Construction	Concrete pipe Culverts concrete lined	Galvanized steel pipes encased in concrete and earthen channel bottoms	To grant variance	Concur with P & Z recommendation Motion: Jeremy Benton Second: Ginny Carter All in favor. Motion passes.

	<b>Talty Ordinance</b>	<b>Variance Requested</b>	<b>P &amp; Z Recommendation</b>	<b>Board of Aldermen Vote/Decision</b>
Width of Lot (Avg of front and rear lot dimensions)	150'	Lots 348 – 355 126' Lots 377 – 393 & 396 – 412 148'	None – tied vote	To grant variance Motion: Jeremy Benton Second: Ginny Carter All in favor. Motion passes.
Width for “Pie Shaped Lot”	300' at 100' back	Variances as drawn for Lots 356 & 357	To grant variance	To grant variance Motion: Beth Heathington Second: JoAnn McKethan All in favor. Motion passes.
Front Building Line	75'	<ul style="list-style-type: none"> <li>50' Bldg Line</li> </ul>	To grant variance	To grant variance Motion: Ginny Carter Second: Beth Heathington All in favor. Motion passes.

Drainage Construction Requirements	Concrete Pipe and Channel Bottoms	<ul style="list-style-type: none"> <li>• Metal pipes encased in concrete</li> <li>• Earthen Channel Bottoms</li> </ul>	To grant variance	To grant variance Motion: JoAnn McKethan Second: Beth Heathington All in favor. Motion passes.
Lot Shape	Ratio of depth to width should not exceed 2 ½ times	Lots 348 – 355 greater than 2 ½ times	To grant variance	To grant variance Motion: Ginny Carter Second: Jeremy Benton All in favor. Motion passes.
Utility Easements	Drawn at Rear of Lot	Drawn at front of lot	To grant variance	To grant variance Motion: JoAnn McKethan Second: Beth Heathington All in favor. Motion passes.
Side Yard Setbacks	Interior Lot – 35' Corner Lot – 75'	Lots 348 – 255 20' Lots 356 – 432 25' Corner Lots – 35'	To grant variance	To grant variance Motion: Beth Heathington Second: Ginny Carter All in favor. Motion passes.