

# MINUTES 04/12/05

## Board of Alderman Town of Talty

### I. Call to Order and Announce Quorum

Mayor Weaver called the meeting to order at 7:05 p.m. All board members were present except JoAnn McKethan, who arrived at 7:10 p.m.

### II. Open Public Hearing to receive citizen feedback on the following:

Application from Almo Investments to change the zoning district on 14.79 acres adjacent to and south of the Exxon Gas Station, which is located at Interstate 20 and FM 1641, from Commercial (4.0 acres) and Residential (10.79 acres) to Planned Development (14.79 acres).

Application from A. J. Layden to change the zoning district on approximately 195 acres adjacent to FM 1641 and County Road 213 in Talty, from Agricultural and Residential to Commercial (17.166 acres) and Residential (R1) (178.135 acres).

**Motion:** To open Public Hearing.

**Made by:** Brad Davis

**Second:** Ginny Carter

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

### Items listed above have been taken out of order.

A. A. J. Layden representatives presented a concept plan of a neighborhood commercial center with typically a grocer “running the show”. At this point, they are focusing on obtaining the zoning. Representatives explained that Forney Independent School District has expressed a strong interest in this development. Representatives stated that it would be ideal to have systems designed to include taps/sewer lines to one day tie into a sewer system.

### Citizen Participation:

Mr. Todd Hutton spoke of his concerns of run-off into the Shamrock subdivisions.

Mr. Steven Osborn asked if Mr. Layden would be selling or donating to FISSD and it was reported that it would be selling the land.

Mr. Middleton, a Layden representative, addressed drainage issues stating that there would be detention areas and a storm water facility.

B. Almo Investments legal representative, Mr. Meredith reviewed revisions to the general design standards that include relocating the spray field. No tenants are in mind at this time, pending zoning. Almo representatives stated that they are requesting concept plan approval with development plan approval of the Sonic restaurant and retail strip center. Since they have provided plans that include all their Conditional Uses, Almo requests approval so they will not have to return for individual Conditional Use approvals. Their plan provides for two signs, one located on Interstate 20, and the other off of F.M. 1641. They additionally requested a sign for Sonic. Initially, the spray field will be relocated and then begins the phased development. Waste water will be treated and dispensed through an underground drip system. Brad Davis, Mayor Pro-Tem, asked what would keep you from putting all restraurants in. Mr. Meredith replied that they aren't asking for what it can't accommodate. Mr. Meredith added that he'd be quite happy to limit the CU's. Mayor Weaver stated that she is not in favor of the added CU's. Parking issues were addressed and changed with these plans to provide better access of fire protection, deliveries, etc. A request by Almo to decrease the area screened was met with the information that the Town of Talty has a screening ordinance. Mr. Meredith assured that Board that the commercial areas will be screened and will include foliage and landscaping. Alderman, JoAnn McKethan stated that it seemed like these plans should have included the Boards feedback from prior meetings. Mr. Meredith replied that they concentrated on the spray field and its' relocation. The applicant presented what he wanted and the Board can approve or deny as they see fit.

Detention pond will be used for storm water run-off only. The pond will have two pipes to treat sediment and the pond will be lined. Also, there are covers that can be placed over the pond to control any odor. Water will drain through a pipe or a channel towards I-20.

Representatives of BDS stated that it would take 30 to 60 days to install the basic septic concept for commercial development. Each business will have its own system which will be pumped into a sectioned area, treated and gravity will move it towards the pond. Chlorination will not be included even though it was indicated in the document provided. The treatment system will be located at the rear of the property. At the 5,000 gallon level, the state will get involved in the permitting process that would involve our inspection department.

### **Citizen Participation:**

Kathie Baity spoke to the Board and stated that she is confused about the revisions that were requested by the Board and that have not been addressed by Almo Investments. She stated that she hears phrases like, "we think" and "we can

speculate” and she thinks we will take a step back approving these plans. The Board needs to consider that we are not going forward. She reported that right now in Sunnyvale, Texas, there is a lawsuit pending due to commercial development run-off killing animals – is Talty next! Mrs. Baity stated that Mr. Tatari has not addressed waste water issues. She asked that the Board delay this planned development or ask for revisions that are firm without change after change after change.

### **III. Close Public Hearing.**

**Motion:** To close the Public Hearing.

**Made by:** JoAnn McKethan

**Second:** Donna Avery

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

The Public Hearing was closed at 8:50 p.m.

**Motion:** To recess for five minutes

**Made by:** Brad Davis

**Second:** Ginny Carter

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

The Board recessed at 8:50 p.m. and returned at 8:54 p.m.

### **IV. Receive Recommendation from Planning and Zoning Commission regarding public hearing items.**

Mayor Weaver read the written report dated April 12, 2005 from the Planning and Zoning Commission Co-Chair Laura Chambers. In summary:

Application from Almo Investments - recommended to approve with the following exceptions:

- a. Provide a security fence and cover for the detention pond
- b. Provide a more durable type of privacy fence between the PD & residential property.

Application from A.J. Layden – recommend to approve.

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

No citizen signed up to address the Board.

### **VI. Action Items:**

**a. Swear in Town Administrator, Terry Kinsworthy;**

Mayor Weaver swore in Terry Kinsworthy making him the first ever Town Administrator for Talty.

**b. Discussion and consideration of the preliminary plat for Winners Circle Estates Phase 4 subdivision with requested variances located within the extraterritorial jurisdiction of the Town of Talty;**

**Discussion:** Representatives reported that the requested changes had been made to this final plat with the exception of a few lots that need to have the rear set back corrected. No park is being offered for the subdivision. The requested emergency exit is included in this plan at lot 406.

**Motion:** To approve Winners Circle Estates Phase 4 preliminary plat.

**Made by:** Mark Graybill

**Second:** Brad Davis

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

**c. Discussion and consideration of application from Almo Investments to change the zoning district on 14.79 acres adjacent to and south of the Exxon Gas Station, which is located at Interstate 20 and FM 1641, from Commercial (4.0 acres) and Residential (10.79 acres) to Planned Development (14.79 acres).**

**Discussion:** It was agreed that more work is needed on this issue. Mayor Weaver suggested that we review each item at a scheduled workshop since the PD ordinance will be very detailed. Mayor Weaver requests that this item be tabled for now.

**Motion:** To table item c.

**Made by:** Brad Davis

**Second:** JoAnn McKethan

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

**d. Discussion and consideration of application from A. J. Layden to change the zoning district on approximately 195 acres adjacent to FM 1641 and County Road 213 in Talty, from Agricultural and Residential to Commercial (17.166 acres) and Residential (R1) (178.135 acres).**

**Discussion:** Mark Graybill asked an A. J. Layden representative, if the church had been approached. Mr. Hudson reported that the church had been the first people his company contacted. The church's position is that although they would like to expand, this is not the right time for them. After discussing the church parking lot, which extends into this tract, Mayor Weaver stated that the neighborly thing to do would be to deed that parking lot to the church. Mr. Hudson agreed that would be the neighborly thing to do. Mr. Kinsworthy, Town Administrator elaborated on what his knowledge of the situation was adding that he would love to see a grocer occupy some of the space.

**Motion:** To approve the A.J. Layden zoning application.

**Made by:** Mark Graybill

**Second:** Brad Davis

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

**e. Discussion and consideration of grant to purchase case management software for the Talty Municipal court;**

**Discussion:** The town has been awarded a grant for approximately \$11,600 to purchase case management software for the municipal court. This grant was offered to paper filers of citations, such as Talty, in response to a new law that requires quicker notification of citations written to drivers with CDLs. If the grant is approved, Talty will be required to purchase the software from an approved vendor, purchase & install it by a certain date and begin filing citations electronically by another stipulated deadline.

**Motion:** To approve the grant to purchase case management software for the Talty Municipal court.

**Made by:** Ginny Carter

**Second:** JoAnn McKethan

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

**f. Discussion and consideration of releasing maintenance bond funds to Winners Circle HOA for road repairs in Winners Circle Phase 2;**

**Motion:** To table.

**Made by:** Brad Davis

**Second:** Mark Graybill

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

**g. Discussion and consideration of Public Utility commission's 2005 Consumer Price Index Adjustment to Municipal Telecommunications Right-of-Way Access Line Rates;**

**Motion:** To take no action.

**Made by:** Brad Davis

**Second:** Ginny Carter

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

**h. Discussion and consideration of training expenses for Town Administrator;**

**Discussion:** Mr. Kinsworthy asked the Board to approve paying for his registration fee, while he would pay the other expenses, to attend TCMA sponsored training for City Managers. The registration fee is approximately \$250.

**Motion:** To approve \$250 in training expenses for Town Administrator.

**Made by:** Mark Graybill

**Second:** JoAnn McKethan

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

**i. Discussion and consideration of performance objectives for Terry Kinsworthy, Town Administrator;**

**Discussion:** Mayor Weaver reviewed the objectives. Mr. Graybill recommended hiring a consulting firm to obtain a vision for Talty. Mr. Graybill stated that he would investigate an internship for a GSI.

**Motion:** To approve performance objectives for Terry Kinsworthy.

**Made by:** Donna Avery                      **Second:** Brad Davis

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

**j. Discussion and consideration of minutes from the March 8, 2005 meeting;**

**Motion:** To approve minutes from March 8, 2005 meeting.

**Made by:** JoAnn Mckethan                      **Second:** Brad Davis

**Vote:** In favor: JoAnn McKethan, Brad Davis, Mark Graybill. Abstained: Ginny Carter, Donna Avery. Motion passes.

**k. Discussion and consideration of the March, 2005 Financial Report.**

**Discussion:** Mayor Weaver reviewed key items on the report.

**Motion:** To approve the March, 2005 Financial Report.

**Made by:** Ginny Carter                      **Second:** Brad Davis

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

**VII. Discussion Items:**

**a. Update from Terry Kinsworthy, Town Administrator;**

**Discussion:** Mr. Kinsworthy reported that the computers are all up and running. He stated he continues to work on collecting franchise fees. Mr. Kinsworthy is familiar with the secretary's responsibilities. He added that he has met with some developers and builders.

**b. Update from Dennis Wagner, Police Chief;**

**Discussion:** Chief Wagner reported that since he had returned in early March, there was:

- 1 Felony arrest**
- 3 Misdemeanor arrests**
- 70 Citations**
- 20 Warnings**
- 1 Accident**

Chief Wagner is organizing a community outreach program pertaining to auto theft and ways to prevent it.

**c. Update of mesquite ETJ release request;**

**Discussion:** None.

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

**Discussion:** Regarding the Langston Development – a grocer called Terry Kinsworthy.

Road repairs to 213 & 215: It was thought that the town could get PBS&J to investigate and possibly have a report next month.

**VIII. Adjourn**

**Discussion:** None

**Motion:** To adjourn.

**Made by:** Donna Avery

**Second:** Ginny Carter

**Vote:** All in favor. Motion passes. The meeting adjourned at 10:21 p.m.

**Minutes Approved on May 16, 2005.**

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**Allison Weaver, Mayor**