

MINUTES OF MAY 9, 2006
Town of Talty
Board of Aldermen

- I. Call to Order and announce a quorum.
Mayor Earl Carter called the meeting to order at 7:00 p.m. Board of Aldermen members present were Brad Davis, Todd Hutton, and Carla Milligan. Members absent were Donna Avery and Mark Graybill.
- II. Adjourn regular meeting and go into Public Hearing to consider the following:

Application from Whitney Properties, LLC to rezone property at I-20 and FM 1641, Talty, Texas, being all that certain tract or parcel of land in the S. White Survey, A-567, Kaufman County, Texas, and being a part of that called Tract 1 of 209.5 acres and a part of that called Tract 2 of 209.5 acres, as conveyed from Louis J. Maher et al. to Maher Properties One, as recorded in Volume 694, page 142, and being a part of that called 222.44 acre tract as conveyed from Louis J. Maher et al. to Maher Properties One, as recorded in Volume 694, page 162, of the Deed Records of Kaufman County, Texas.

Preston Ervin addressed the Board and the citizens on behalf of Whitney Properties. Mr. Ervin requested that the zoning be changed from agriculture to commercial property on these 293 acres to be developed so that they can pursue studies for traffic, and apply for water. Mr. Ervin presented a concept plan for the site at FM 1641 and I-20.

Joe Kordzi, who resides at 14033 Waterford Way (Shamrock) spoke regarding the rezoning of the property. He was concerned about the traffic congestion and the growth of Talty. He wants his quality of life to remain constant.

Preston Ervin again addressed the Board and reiterated that if the property would be rezoned, he would be able to move forward on studies for water, sewage and roads. These are very expensive studies and he wants the rezoning prior to incurring any costs for these studies. He will update the Board on the results of the traffic impact study with Texas Dept. of Transportation ("TXDOT") and the water concerns. He would like to meet with citizens and discuss any concerns they may have. He only wants to build what the citizens want for their town. He mentioned that he had been contacted by Forney I.S.D. to build a school on the site.

Eric Davis, an engineer in Forney, on behalf of Whitney Properties, was also present to answer any questions in connection with the

development. He mentioned that there is a wide range of possibilities that this property could be used for and they are here to explore what the citizens would like to come in. Because the Town has in place that every tenant must first go to the Board for a conditional use permit, and it must first be approved by the council, the Board still has full control of the development.

Allison Weaver, chairman of the P&Z, addressed the Board to state their recommendation was unanimous to approve the zoning change to commercial development.

Motion made to approve Whitney Properties application requesting a zoning change at the northwest corner of I-20 and FM 1641 from agriculture to commercial, contingent on individual permit requests.

Motion by: Carla Milligan Second: Brad Davis

Vote: All in favor, motion carried.

VI. Action Items:

1. Discussion and consideration of the April 11, 2006 Minutes.

Motion: To approve the Minutes of April 11, 2006.

Motion by: Carla Milligan

Vote: tabled, not three votes.

2. The Board reviewed Financial Reports of March 2006.

Motion by: Brad Davis Second: Todd Hutton

Vote: All in favor, Financial Reports were approved as submitted.

3. Eric Davis, an engineer in Forney, on behalf of Whitney Properties, was present to answer any questions in connection with the development. He mentioned that there is a wide range of possibilities that this property could be used for and they are here to explore what the citizens would like to see come in. Because the Town has ordinances in place that every tenant must first go to the Board for a conditional use permit, and first get approval by the council, the Board still has full control of the development.

Allison Weaver, chairman of the P&Z, addressed the Board to state their recommendation was unanimous to approve the zoning change to commercial development.

Motion made to approve Whitney Properties application requesting a zoning change at the northwest corner of I-20 and FM 1641 from agriculture to commercial, contingent on individual permit requests.

Motion by: Carla Milligan Second: Brad Davis

Vote: All in favor, motion carried.

4. The Board considered Ordinance No. 2006-005 denying Atmos Energy's request for rate increase. This increase amounts to 51 cents a month per residential customer, or \$6.00 a year. Atmos reviews the rate every five years. Larry Farthing, who works for Atmos Energy and lives in Shamrock, said that the Board can elect to not take any action. Possibly on May 30th the increase could be put into effect. The developer must pay to get the gas line into the subdivisions.

Motion made to deny Atmos Energy's rate increase adjustment.

Motion by: Brad Davis

Second: Todd Hutton

Vote: All in favor, motion carried.

VII. Reports

1. The Audit Report for the fiscal year October 1, 2004 through September 30, 2005 was presented by Gary Murrey of Murrey & Company, P.C. His assistant, Meredith Briggs, prepared the report.
2. Chief of Police Jason West gave a brief summary of his activities.
3. Town Administrator, Connie Goodwin, stated that the TCEQ responded to a letter written on behalf of Talty to them, and said that they will consider a public hearing. Senator Deuell requested a public hearing on our behalf as well.

Connie Goodwin stated that on Tuesday, May 16, 2006 a brief meeting at Town Hall to canvass the votes. Notice was published.

Connie Goodwin is working on a comprehensive plan format to present at the next meeting.

Connie Goodwin talked to Mike Tatari, owner of Exxon, who stated that he will begin the concrete work on May 10, 2006, and get the sewage out of Winner's Circle. His development has been delayed due to a fiber-optic cable running across his property, owned by AT&T that was not revealed to him. He plans to upgrade his plat at the next meeting.

- VIII. The Board convened into closed executive session at 8:20 p.m. for the purpose of confidential consideration and evaluation of Town Secretary, Sherry Bagby.

The Board reconvened into their regular meeting at 8:35 p.m. to take action, if any, regarding the Town Secretary.

Motion made to appointment Sherry Bagby as town secretary.

Motion by: Todd Hutton Second: Carla Milligan

Vote: All in favor, motion carried.

Motion made to increase Sherry Bagby's hourly rate to \$12.50 per hour.

Motion by: Brad Davis Second: Carla Milligan

Vote: Todd Hutton did not vote in favor. Motion passed.

Meeting was adjourned at 8:40 p.m.

Minutes approved on June 13, 2006.

Mayor Earl Carter