

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
August 11, 2009

The Farmersville City Council met in regular session on August 11, 2009 6:00 p.m. in the Council Chamber at City Hall with the following members present: Mayor Don Smith, Fred Langford, Paul Kelly, Billy Long, Bobby Bishop and Kevin Green. Staff members present were Interim City Manager Shirley Horton, Police Chief Phillip Pannell, Fire Chief Kim Morris, Finance Director Daphne Hamlin and City Secretary Edie Sims.

CALL TO ORDER, ROLL CALL

Mayor Smith called the meeting to order. Edie Sims called the roll and announced a quorum was present.

RECOGNITION OF CITIZENS/VISITORS

Mayor Smith welcomed our visitors who were Diane Piwko, Debi Jordan, Jeff Hurst, Stefanie Hurst and Lee Warren.

Lee Warren came to the Council and expressed his concern regarding a Letter to the Editor from Angie Rios. Mr. Warren also expressed his concern about other issues regarding responses to a developer about a proposed project and the method used in the hiring of a City Manager.

PUBLIC HEARING FOR THE COMMUNITY DEVELOPMENT CORPORATION  
PROPOSED PROJECTS FOR BUDGET YEAR 2009-2010

Mayor Smith opened the Public Hearing at 6:11pm for public comment on the Community Development Corporation's proposed projects for the upcoming budget year. No one spoke for or against the proposed projects and the public hearing was closed at 6:12pm.

FIRST PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED  
2009 PROPERTY TAX RATE FOR THE CITY OF FARMERSVILLE

Mayor Smith opened the Public Hearing at 6:12pm for public comment on the Proposed 2009 Property Tax Rate. No one spoke for or against the proposed tax rate and the public hearing was closed at 6:13pm.

CONSIDER ABANDONING ALLEYWAY BETWEEN TWO PROPERTIES BELONGING  
TO THOMAS MONK ON HOUSTON STREET

Mr. Monk requested the Council to consider abandoning the alleyway between his two properties on Houston Street. The alleyway runs North and South between Houston and College Streets. The City has not used this property in years. Per Alan Lathrom, City Attorney, the entire parcel will need to be replatted with the inclusion of the newly added property should the Council abandon the alleyway. Bobby Bishop moved to table this item for further notification to the adjacent property owners throughout the alleyway. Paul Kelly seconded the motion with motion carrying unanimously.

CONSIDER ACCEPTING RESIGNATION FROM BILL NERWICH FROM THE PLANNING & ZONING COMMISSION AND THE BUILDING & PROPERTY STANDARDS COMMISSION

Paul Kelly moved to accept Bill Nerwich's resignation since he no longer lives within the City of Farmersville. Bobby Bishop seconded the motion. Motion carried unanimously.

CONSIDER APPOINTING MEMBER FOR THE OPENING ON THE FOLLOWING BOARDS: a) PLANNING & ZONING COMMISSION AND b) BUILDING & PROPERTY STANDARDS COMMISSION

Bobby Bishop moved to table the item for naming a replacement for Bill Nerwich. Paul Kelly seconded the motion. Motion carried unanimously.

CONSIDER A REFUND TO ADVANCED FIXTURES FOR AN ALTERATION PERMIT

Advanced Fixtures acquired a permit for a Commercial Building Alteration during the time research was being done on our Commercial Alteration/Addition permit fees. Our permit fees were previously set on square footage and other cities based their fees on total valuation of the project. Advanced Fixtures paid \$6,058.13 for this permit for their permit and is asking the Council to reconsider the permit cost under the new permit fee schedule resulting in a refund of \$2,891.53.

Paul Kelly asked if any other Commercial Alteration/Addition permits were issued in the month of May, and if so to provide the same respect of a refund.

Billy Long moved to approve refunds for all Commercial Alteration/Addition permits issued in the month of May based on the new fee schedule. Kevin Green seconded the motion. Motion carried unanimously.

CONSIDER CHANGING THE AGENDA FORMAT

Paul Kelly requested the Council to consider changing the agenda format in the essence of time. At present the Police Chief, Fire Chief and Warrant Officer and City Manager have their written reports in the Council packets then give an oral presentation of the same data. Mr. Kelly requests to have the oral presentations eliminated, however, adding that if an issue or concern arises that the Council will open that to the Department Head for discussion. The reports are very thorough which eliminates the need for double reporting.

Mr. Kelly also asked the Council to consider having a Speaker Sign-Up sheet available for public hearings when the public wishes to express their concerns. This sign-in sheet will become part of the record of the city for the meeting. The Council gave their consensus to make the changes as stated.

ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

Paul Kelly requested to withdrawn Item N from the Consent Agenda. City Attorney Alan Lathrom asked the Council to consider withdrawing Item P.

CONSENT AGENDA

Paul Kelly moved to approve the Consent Agenda with the exception of Item N and Item P. Billy Long seconding the motion. Motion carried unanimously.

CONSIDER AND VOTE ON ITEMS WITHDRAWN FROM THE CONSENT AGENDA

Item N was withdrawn by Paul Kelly who asked for citizen input from Diane Piwko. Ms. Piwko stated her concerns about the downtown merchants not being informed of the Bugtussle Event. Ms. Piwko also requested a policy change from the City to include the downtown merchants involvement with activities that occur on the square.

Lee Warren spoke as a Chamber Member stating that only one-half of the square will be closed off for approximately 1 hour. Farmersville has welcomed the Bugtussle event for 6 years which brings exposure to Farmersville.

Debi Jordan, a Chamber Board Member, stated the Chamber is not sponsoring but hosting the Bugtussle event. The Chamber requested the square be closed from Johnson to Main Street. The Bugtussle event is a positive event for Farmersville. Our Main Street Director sends an email with upcoming activities to all the downtown merchants to plan for said events.

Paul Kelly moved to approve the resolution for partial closure of McKinney Street for the Bugtussle Antique Car Trek with Billy Long seconding the motion. Motion carried unanimously.

Item P was withdrawn by recommendation of City Attorney so that a proper ordinance can be prepared according to TCEQ's requirements.

EXECUTIVE SESSION – CONSULTATION WITH ATTORNEY TO DISCUSS THE COLLIN COLLEGE AGREEMENT AS PERMITTED BY TEXAS GOVERNMENT CODE § 551.071

Council exited to Executive Session at 6:48pm.

RECONVENE FROM EXECUTIVE SESSION

Council reconvened from Executive Session at 7:22pm.

DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

Mayor Smith announced that no action was to be taken from the Executive Session.

VOLUNTEER FIRE DEPARTMENT REPORT FOR JULY

Mayor Smith asked Fire Chief Kim Morris for other information other than the written report. Chief Morris stated that during the week of August 24<sup>th</sup>, the County will be conducting the Code Red Testing from 9am to 5pm to update their system and purge old information.

POLICE DEPARTMENT REPORT FOR THE MONTH OF JULY

Mayor Smith asked Police Chief Phillip Pannell for other information other than the written report. Chief Pannell had no other information to report.

WARRANT OFFICER REPORT FOR THE MONTH OF JULY

Mayor Smith asked Warrant Officer Greg Perkins for other information other than the written report. Officer Perkins had no other information to report.

STATUS OF THE CITY FOR THE MONTH OF JULY

Interim City Manager Shirley Horton reported that the Splash Pad is not in working condition. A major leak was found and the controls have been damaged due to water damage. The Splash Pad will be down for an undetermined period of time. The Police Department is open to the public at all times with a phone in the front lobby for callers to reach dispatch directly. The City Manager's contract has been approved with one exception from the last meeting. A paint contractor has been contacted to paint the graffiti on the buildings behind the East Side of the Square. We are attaining the property owners' permission before painting. A Budget Workshop will be held at the August 25<sup>th</sup> meeting. The Semi-Pro Football Team is researching insurance per the city's requirements. The Team has been talking with our High School Coach to see if they could play at the school's stadium. The Team will also need a contract with the Spain Complex for use of those facilities.

Lee Warren asked the Council if the Rotary Club could take the painting of the graffiti from the City and save city funds. This would be a Community Service project that would help Rotary as well as the property owners. Council agreed to let Rotary do this project.

ADJOURNMENT

On a motion by Billy Long and a second by Paul Kelly, Council adjourned the meeting at 7:31 p.m.

APPROVED

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Donald C. Smith, Mayor

ATTEST

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Edie Sims, City Secretary