

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
JANUARY 8, 2013

The Farmersville City Council met in a regularly called session on January 8, 2013 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, Pansy Hundley, Michael Carr, Billy Long, Russell Chandler and Jim Foy. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, Main Street Manager Adah Leah Wolf, Librarian Trisha Dowell, City Attorney Alan Lathrom and City Secretary Edie Sims. Councilman Russell Chandler departed the meeting at 7:43pm.

Item I) CALL MEETING TO ORDER, ROLL CALL

Mayor Helmberger called the meeting to order. Edie Sims called the roll and announced a quorum was present. Mayor Helmberger welcomed all guests and visitors. Pastor Levelle Cheatham of Gallaway Memorial Church Farmersville offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag.

Mayor Helmberger offered the guests and visitors to speak on a non-agenda item with no one coming forward.

During the announcement section, the Council did not have any announcements to proclaim; however City Manager Ben White asked Fire Chief Kim Morris to come forward to inform the audience of the news regarding the ISO Rating. Chief Morris stated that a recent ISO audit reflected a rating of 3 which is a great testament to the Volunteer Fire Department, the Public Works and all parties involved to make this rating. The change will reflect a decrease of the insurance rates on homeowners insurance.

Item II) CONSENT AGENDA

Mayor Helmberger asked the Council if any items were needed to be pulled for discussion. Jim Foy requested Item H – Public Works Report be pulled. Billy Long motioned to approve all other items with the exception of Item H on the Consent Agenda with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item H – Public Works Report: Jim Foy questioned the Street System section regarding the Main Street Bridge. City Manager Ben White indicated that this item will be discussed as an Agenda item later in the meeting. Jim Foy motioned to approve Item H with no changes or comments with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item III) INFORMATIONAL ITEMS

Council did not request further information or clarification regarding Informational Items.

PUBLIC HEARING SECTION:

Mayor Helmberger called for an Executive Session in accordance with Section 551.071 of the Texas Government Code for consultation with the City Attorney. The Council went into Executive Session at 6:09pm.

Council returned to Regular Session at 6:27pm.

Item IV – A) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A SPECIFIC USE PERMIT FOR AMERICAN GLORY GAME ROOM LOCATED AT 2202 WEST AUDIE MURPHY PARKWAY, FARMERSVILLE

Mayor Helmberger opened the Public Hearing at 6:28pm and asked for anyone who was FOR the Specific Use Permit to come forward. Chris Ball, owner/operator of American Glory Game Room came forward addressing the Council. Mr. Ball stated that the Planning and Zoning Commission denied the SUP and he requests the Council reconsider their decision. Mr. Ball stated that he has addressed all the issues from Police Chief Sullivan regarding the ownership and licensing of the gaming machines. Mr. Ball also informed the Council that he donates weekly to the Farmersville Fire Department, has a toy drive to assist with the Angel Tree and gives back to the community. Mr. Ball expressed that the Police Department has come to his establishment on one occasion which was for an alarm, but not for disruptions or disorderly conduct or other police issues. As an addition to Mr. Ball's statement, he has also indicated that he has hired an ex-law enforcement person for security.

Mayor Helmberger asked for anyone OPPOSING the Specific Use Permit to come forward. With no one coming forth, Mayor Helmberger closed the Public Hearing at 6:31pm.

The Council now discussed the matter with Jim Foy stating he does not like game rooms and even though gambling is illegal in Texas, the gaming industry has found a way to get around the system by using the Fuzzy Bear Act which was designed for games located at Chuck E. Cheese. However, due to the lack of enforcement by the District Attorney's Office, the City must find a different way to handle these types of businesses. Therefore, Jim Foy motioned to approve the SUP for American Glory Game Room, specifically for Chris Ball for six (6) months. This will allow the City time to review the issues. Russell Chandler seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item IV – B) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A SPECIFIC USE PERMIT FOR JOKER'S WILD GAME ROOM LOCATED AT 812 MCKINNEY STREET, FARMERSVILLE

Mayor Helmberger opened the Public Hearing at 6:33:30pm and asked for anyone who was FOR the Specific Use Permit to come forward. Helen Sears, owner/operator of Joker's Wild Game Room came forward and stated her business is strictly for entertainment with snacks and cold drinks served to the customers. Kay Forder, residing at 311 S. Washington, stated she has worked at the Game Room for 6 years. Occasionally, the Game Room cooks for the customers on the weekends. Ms. Forder stated it is a friendly environment and would like to see the Game Room continue. Melanie Dugger, residing at 572 CR 699, stated the Game Room has been good for her to get out of the house and she has made friends at the Game Room. This establishment is worth keeping dollars spent in Farmersville.

Mayor Helmberger asked for anyone OPPOSING the Specific Use Permit to come forward. With no one coming forth, Mayor Helmberger closed the Public Hearing at 6:37pm.

Jim Foy stated he would like to make the same motion as with the previous Game Room to allow this establishment to continue for 6 months and the SUP be specifically for David Sears. Mr. Foy also stated his comments were meant as a general statement from the previous Game Room discussion. Billy Long seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item IV – C) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A SPECIFIC USE PERMIT FOR PARADISE ISLE’S GAME ROOM LOCATED AT 1055 WEST AUDIE MURPHY PARKWAY, SUITE 103, FARMERSVILLE

Mayor Helmberger opened the Public Hearing at 6:38pm and asked for any who was FOR the Specific Use Permit to come forward. Don Dunavan, owner/operator of Paradise Isle’s Game Room came forward stating that he has been in business for 13 years. His employees, some of long standing, have been employed from Farmersville. When Mr. Dunavan first opened his Game Room he was allowed to operate for 6 months at a time. After a time when his Game Room proved to be in good standing, the permits were changed to yearly. Mr. Dunavan requested the Council give a continuance for another year to operate his business.

Mayor Helmberger asked for anyone OPPOSING the Specific Use Permit to come forward. With no one coming forth, Mayor Helmberger closed the Public Hearing at 6:39pm.

Jim Foy stated he would like to make the same motion as with the previous Game Rooms to allow this establishment to continue for 6 months and the SUP be specifically for Don Dunavan with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item IV – D) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A REQUEST FOR REPLAT IN THE ASTON ESTATES SUBDIVISION BY THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS CHURCH LOCATED AT 513 SYCAMORE WHICH IS AT THE CORNER OF JOUETTE AND SYCAMORE STREETS

Mayor Helmberger announced that there are minor issues with the replat to be presented for the Church of Jesus Christ of Latter Day Saints; however a Public Hearing will be opened for public comment. The Public Hearing was opened at 6:41pm with Mayor Helmberger asking for anyone FOR the replat to come forth. With no one coming forward, Mayor Helmberger asked for anyone OPPOSING the replat to come forth. With no one coming forward, Mayor Helmberger requested the Public Hearing be continued to February 12, 2013. The time was 6:41:30pm.

Item V – A) SECOND READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO AMEND THE MASTER FEE SCHEDULE REGARDING AN ELECTRICAL SURCHARGE RATE FOR THE CITY OF FARMERSVILLE’S ELECTRICAL SYSTEM

City Manager Ben White recognized the second reading of the ordinance to amend the Master Fee Schedule which allows an electrical surcharge rate to be added to customer’s billing. Mr. White indicated the importance of this funding to our electrical system. Jim Foy motioned to approve the second reading of the ordinance as presented with Michael Carr seconding the motion. Jim Foy expressed concern for the public to be aware that the fee will be collected and used for the maintenance of the electrical system. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

(Note: This item was discussed out of order from the agenda due to public interests in other topics. Councilman Chandler left the meeting prior to this item being discussed.)

Item V – B) FIRST READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE REGARDING THE TEMPORARY DECREASE IN PRIMA FACIA SPEED LIMIT ALONG A DESIGNATED SECTION OF HIGHWAY 380 WHILE HIGHWAY 380 UNDERGOES CONSTRUCTION

City Manager Ben White informed the Council that he and the Police Chief reviewed the cause and effect of lowering the speed limit along Highway 380 during the construction and felt the safety factor made the decrease appropriate. During other phases of construction, Chief Sullivan reported 6 fatalities on Highway 380 during 2010, 3 of which were associated with the construction. TxDOT may require a speed study before increasing the speed limit after construction has been completed. By the City being proactive, the hope to deter potential accidents during construction is the goal. Also, TxDOT must submit this request to Austin for approval; that is why the last request for a decrease in speed limit took so long.

Mayor Helmberger stated he wanted the public to be aware that this area is not a speed trap and the speed decrease will only be during the construction period.

Jim Foy motioned to approve the ordinance as presented with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, and Jim Foy yes. Motion passed with full Council approval.

(Note: This item was discussed out of order from the agenda due to public interests in other topics. Councilman Chandler left the meeting prior to this item being discussed.)

Item VI – A) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION TO CALL AN ELECTION ON MAY 11, 2013 TO ELECT THREE COUNCIL POSITIONS, PLACE 1, PLACE 3 AND PLACE 5

A resolution was presented to the Council to call the General Election for May 11, 2013. Billy Long motioned to approve the resolution as presented with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

(Note: This item was discussed out of order from the agenda due to public interests in other topics. Councilman Chandler left the meeting prior to this item being discussed.)

Item VI – B) CONSIDER, DISCUSS AND ACT UPON A LETTER OF AGREEMENT FOR THE TEXAS MAIN STREET PROGRAM

Adah Leah Wolf, Main Street Manager, stated the Letter of Agreement presented is an annual agreement and is appropriated through Main Street. This is a highly recommended program that allows access to the Main Street architect, training, and a great amount of information regarding downtowns. Billy Long motioned to approve the agreement as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

(Note: This item was discussed out of order from the agenda due to public interests in other topics. Councilman Chandler left the meeting prior to this item being discussed.)

ITEM VI – C) UPDATE ON COMPREHENSIVE PLAN

City Manager Ben White stated that the Plan was posted on the website and has had a few revisions, mostly typographical. For the next step, the Planning and Zoning Commission will hold a public hearing on January 24th and give recommendations for the Council who will meet on February 12th. The Council will have the first reading of an ordinance to adopt the Plan and final adoption is scheduled for February 26th. Mr. White encouraged everyone to read the

Plan in its entirety. Mayor Helmberger announced that the last Comprehensive Plan was completed in 1996. Mr. White stated he is already seeing benefits of this Plan. Collin County will be receiving a copy of the adopted Plan to help planning for County projections.

No action was taken by Council.

(Note: This item was discussed out of order from the agenda due to public interests in other topics. Councilman Chandler left the meeting prior to this item being discussed.)

ITEM VI – D) UPDATE ON THE ELECTRICAL SYSTEM

City Manager Ben White informed the Council that the electrical inventory is completed. An appraisal of the system is now underway. If any changes will impact the system model, adjustments will be made before presenting to the Council. Mayor Helmberger announced to the audience that the City of Farmersville owns the electric system and we must understand the capabilities and possibilities that owning this system could provide.

No action was taken by Council.

(Note: This item was discussed out of order from the agenda due to public interests in other topics. Councilman Chandler left the meeting prior to this item being discussed.)

ITEM VI – E) DETAILED UPDATE OF THE SIDEWALK GRANT

City Manager Ben White informed the Council of a plea made to the Texas Department of Agriculture to reinstate funding for lights to be installed on the square. Previously the Texas Department of Agriculture removed \$40,000 from the Sidewalk Grant on a technicality; however the funding has been reinstated. The old lights that will be replaced will be reutilized at the Bain-Honaker House. Mr. White indicated the sidewalks that were originally planned were under construction. Two of the sidewalks were terminated from the project to be converted to the lighting project downtown. One of the sidewalks that was terminated was along South Main in front of City Hall. Mr. Foy expressed concern that this sidewalk is raised. Mr. White indicated that in the future when this section of sidewalk is constructed, it will be at street level.

No action was taken by Council.

(Note: This item was discussed out of order from the agenda due to public interests in other topics. Councilman Chandler left the meeting prior to this item being discussed.)

ITEM VI – F) PRESENTATION REGARDING COLLIN COUNTY AREA REGIONAL TRANSIT (CCART) AND CONSIDER, DISCUSS AND ACT UPON AN INTERLOCAL AGREEMENT BETWEEN CCART AND THE CITY OF FARMERSVILLE FOR TRANSPORTATION SERVICES

Bill Whitfield and Julie Smith came before the Council as representatives for Collin County Committee on Aging's Area Transportation Board. Mr. Whitfield indicated that he is President of an up-and-coming board, presently, to help Collin County's Committee on Aging build on the needs of transportation. Presently, Farmersville has a driver that picks up patrons in this area and parks the vehicle at City Hall during off hours. The mission of the Collin County Rural and Small Urban Transit District is to take people where they need to go.

A transit board is necessary to help facilitate the direction of transit in Collin County. With population projections in Collin County being upwards of 2 million by 2045, we need to be prepared for needs that are present now and in the future. Public transit can be an economic tool that can be utilized by churches, hospitals, business and other needs of affordable transit. Mayor Helmberger requested the Council to take action in regard to the Interlocal Agreement by sending this document to the City Attorney for review. Once CCART has finalized the changes, the Agreement will be submitted to the Council for final approval. Billy Long made said motion with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy

Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM VI – G) CONSIDER, DISCUSS AND ACT UPON MAKING AN APPOINTMENT TO THE COLLIN COUNTY RURAL AND SMALL URBAN TRANSIT DISTRICT

Bill Whitfield, Chairman of the Collin County Rural and Small Urban Transit District, requested that Mayor Helmberger per appointed to this Board. Michael Carr motioned to approve the appointment of Mayor Helmberger to the Collin County Rural and Small Urban Transit District with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM VI – H) CONSIDER, DISCUSS AND ACT UPON INFORMATION PROVIDED REGARDING THE SEAWAY PIPELINE

Several representatives from Enterprise Products referencing the Seaway pipeline came before the Council. Mike Capello, representative of Morris P. Hebert, Inc., is responsible for regulatory permits, working in conjunction with Enterprise Products. Mr. Capello presented slides to show the existing pipeline location and the proposed pipeline location as it affects Farmersville and the surrounding areas. Mr. Capello informed the Council that the construction of this pipeline is 702 miles in length beginning in Cushing, Oklahoma and will end at Freeport, Texas. The new pipeline has had deviations from the existing line due to development and infrastructure needs that have changed for cities over the past several years. The existing pipeline has been in place for 30+ years. The only location where the pipeline will cross within the City Limits of Farmersville will be at CR 611 and State Highway 78 along the College property. A large effort has been expended to get out of the City's congested areas and be cognizant of North Texas Municipal Water District's pipeline that is being installed. Many of the property owners along the route are in various stages of negotiations. The route presented is preliminary; however construction is scheduled to start August 2013 and end February 2014. The City of Farmersville passed a Resolution in May of 2008 which Enterprise Products wished to address. Other representatives from Enterprise Products that spoke were Michael McLaughlin, David Buckles, Rick Rainey and Paul Goulesby.

A question from the Resolution was that Enbridge and Enterprise were repurposing the existing pipeline by reversing the flow, increasing the flow from 150,000 barrels per day of light crude to 400,000 barrels per day of mixed crude and diluted tar sands crude under dramatically higher pressure and increasing the flow further to 850,000 barrels per day by 2014. Seaway Crude Pipeline Company responded by stating the maximum operating pressure on the existing pipeline is limited to 700 psi, which is in accordance with the Department of Transportation requirements. The further response indicated that regardless of the type of crude oil being transported, the maximum operating pressure remains the same. It is true that there will be an increase in capacity from 150,000 barrels per day to 400,000 barrels per day in early 2013 due to lighter grades that can move faster than heavier grades at the same pressure. The increase also reflects the restart of existing pump stations and the addition of new pumping capacity at Cushing, Oklahoma. The new pipe will be designed with thicker pipe and will have the most advanced construction techniques. Mayor Helmberger questioned who determines the depth of the newly constructed pipeline? David Buckles came forward and stated the entity whose property is being involved makes those determinations, whether it be City, County or Texas Department of Transportation. City Manager stated the City will require a certain depth for the pipeline to cross within the City Limits.

Another question raised from the Resolution was the operating pressure on the Seaway Loop expansion pipeline. The maximum operating pressure on the proposed Seaway expansion pipeline is 1440 psi. The wall thickness of the proposed Seaway pipeline was expressed to be .429" with thickness at road crossings to be .618". The lines will be monitored remotely and can be closed remotely. Jim Foy reiterated that the Control Center in Houston is monitored 24/7/365 and the pressure is also monitored.

Jim Foy brought up the fact that Enbridge is involved with this pipeline. Rick Rainey informed the Council the Enbridge is 50% owner but not the operator. Enterprise Products will be the company who operates and maintains the pipeline. Enbridge is purely financial. Safety is priority one for the employees, the pipeline and the general public.

Jim Foy questioned the different products including tar sands crude which is highly toxic and has had reported spills in other areas of the country. Mr. Rainey stated Enterprise Products has a reported 5 gallon reported leak policy. Various products have been transported via the existing pipeline and Seaway realizes the spill factor. That is why Enterprise has their own policies and procedures in place such as reporting a leak/spill. The lighter crude is no more corrosive than what has already been piped through.

David Buckles explained that Venezuelan oil is piped through these same pipelines as well. Jim Foy stated he understood that Venezuelan oil is refined first and then pumped through which is not equivalent to the same products being described and is very misleading. Jim Foy also stated there are currently no standards for tar sands crude. The Seaway pipeline representatives all stated that Seaway uses their own internal standards and use the American Standard for Testing and Materials (ASTM) to protect their lines. Jim Foy expressed concerns that the Federal Government does have a study involved now to have standards for this type of material being transported throughout the United States.

There was also a question of corrosive monitoring including the monitoring of benzene. Mr. Buckles stated that monitoring is in place to protect the pipeline, the environment and the employees. Procedures are in affect to respond to issues regarding any leaks/spills. Per Mike McLaughlin, Seaway Pipeline works directly with local responders as well and has for the past 35 years that the existing pipeline has been in existence. Emergency Responders are invited to an annual meeting to learn about pipeline safety. Excavators are also invited for safe digging around the pipeline area. Mr. McLaughlin stated the cities and other entities were mailed a disc with their Safety Plan. Federal code requires all communication within 1/8 mile of the pipeline be disseminated to property owners. Enterprise exceeds the stakeholder outreach to communicate annually and to reach out to 1/4 mile on either side of the pipeline. Mr. McLaughlin stated that all calls are answered have a quick response time, while general questions have a response time of within 48 hours to include holidays and weekends. Enterprise has a website that allows any stakeholder to review data regarding the pipeline within 1 mile of the address and it also includes the type of product funneled through the pipeline. A copy of the encroachment guidelines is also provided for any project near the pipeline and right-of-way.

Jim Foy asked about a lawsuit that is being processed where a line had been hit due to non-properly marked areas. Mr. McLaughlin stated this issue is not to be discussed as it is in litigation.

Mayor Helmberger stated that there is not one piece of property that is more important than all of the properties. A facility is being affected which is very important to our City. There is great interest around the routing which would have a huge impact on the future of Farmersville. Per Mike Capello, the route is preliminary. The designed route was based on

other peoples projects and allowing room for negotiations. The route is not locked in. Mayor Helmberger exclaimed that Farmersville Parkway Phase 3 will have conflict on County Road 611 and asked if relocation is possible. Mr. Capello stated relocation is possible unless there are definite physical challenges which would prohibit the change.

Typically for streets, a bore is done and depth will be according to design specifications as well as requirements by TxDOT, Cities or other entities.

Jim Foy stated he has two major concerns: first, the safety of Farmersville citizens. Currently construction is slated to begin in August 2013. The National Science Foundation is trying to provide standards for pipelines. The second major concern is the safety of the pipe where tar sands crude is not pushed through. Mr. Foy expressed he hopes the construction and pumping of crude will wait until the standards are published.

David Buckles stated that another safety factor used by Enterprise Products is corrosion inhibitors. Mr. Buckles stated he shares Mr. Foy's concerns is is also concerned for the safety of their employees. Mr. Buckles added that corrosion inhibitors are used as another safety factor. When the pipe is joined together, it is fused with an epoxy coating. Mr. Buckles again shared the concerns of Mr. Foy and others. A spill can be very sobering but again Enterprise is very interested for the safety and welfare of the employees and the public. Drug and alcohol testing is also performed for all operators and contractors, even if outside vendors are used. As long as the highest possible standards are used, it lessens the dependency on our good friends across the ocean for crude.

Pansy Hundley questioned the safety of the old pipe in regards to the greater amount of pressure to be used. The maximum pressure allowed will be 700 psi which is for the old and new pipe. Pressures are set by the Federal Department of Transportation. The wall thickness is checked every 5 years and the calculations are compared to previous measurements. Many other monitoring tools are used as well including a cathodic protection measure which checks corrosion using electricity. No action was taken by Council.

ITEM VI – I) UPDATE REGARDING TXDOT US HIGHWAY 380 PHASE 3 PROJECT

City Manager Ben White informed the Council that the Highway 380 project has ramped up. The closure of Main Street Bridge has been the main topic between City officials and TxDOT. TxDOT will be building a railroad track across Highway 380 and when operational will destroying the old one. Per the schedule, the first railroad bridge is due for completion June 2013. The second railroad bridge which is the main track is scheduled to be complete February 2014. The eastbound lane of Highway 380 will be under construction from December 2013 thru July 2014. The westbound lane will be then constructed from July 2014 through October 2014. A meeting has been scheduled to discuss the Main Street Bridge on January 16.

Judy Brandon, residing on the South side of town, stated crossing Highway 380 is very dangerous as is; not having the bridge will be very dangerous to cross. All parties are concerned of the safety factor and hope to have a better resolution after this next meeting with TxDOT. The railroad bridges will be first, so Mayor Helmberger hopes to have the time to get this problem resolved. Michael Carr questioned if Orange Street would be an alternative. City Manager Ben White indicated the County would be making the upgrades in approximately one year but will work with the County to move forward with this project to help with the flow of traffic.

No action was taken by the Council.

(Note: This item was discussed out of order from the agenda due to public interests in other topics. Councilman Chandler left the meeting prior to this item being discussed.)

ITEM VI – J) CONSIDER, DISCUSS AND ACT UPON CURRENT CITY REGULATIONS REGARDING HOME BUSINESSES

Mayor Helmberger asked this item to be discussed and asked City Attorney Alan Lathrom to elaborate on the topic. Per Mr. Lathrom, the City presently has provisions and restrictions in place regarding home businesses. A home business does not employ additional people, does not advertise with signage on the property, does not use equipment other than what is customary in a household, no obnoxious noise or other conditions and not having a separate entrance for that occupational use. Mayor Helmberger stated he has been informed of three homes where retail sales are occurring. It was suggested Code Enforcement should be encouraged to reinforce the current regulations. If this topic were to be researched, Planning and Zoning Commission would have to hold public hearings for a change in the ordinance then recommended to Council for final approval. Pansy Hundley motioned to send this item to the Planning and Zoning Commission to research and make recommendations. The motion died for a lack of a second. Council concurred to leave the current regulations as is and encourage Code Enforcement to reinforce those regulations. No further action was taken by Council.

(Note: This item was discussed out of order from the agenda due to public interests in other topics. Councilman Chandler left the meeting prior to this item being discussed.)

ITEM VI – K) CONSIDER, DISCUSS AND ACT UPON THE PORTION OF THE SIGN ORDINANCE AS IT RELATES TO DIGITAL SIGNAGE

Jim Foy requested this item be discussed as the sign ordinance is out of date regarding the digital signage that is available today. The current sign ordinance requires that the electronic display be static for a minimum of 2 hours and not scroll, fade, blink, flash, or travel within the two hour time line. Several digital signs within the city are out of compliance according to the current ordinance. The current sign ordinance also prohibits a digital sign in front of City Hall. Jim Foy motioned to send this item for research and modifications to Planning and Zoning Commission with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

(Note: This item was discussed out of order from the agenda due to public interests in other topics. Councilman Chandler left the meeting prior to this item being discussed.)

ITEM VII) REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS


Jim Foy stated he would like a discussion regarding soil conditions of delinting property at the corner of Buckskin and Summit Street on the North East corner.

No one else requested items for future agendas.


ITEM VIII) ADJOURNMENT

Council adjourned at 8:21pm.

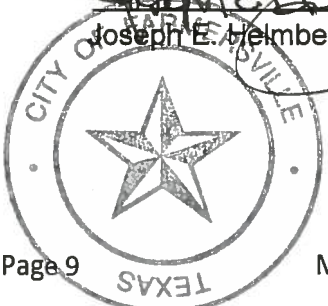
ATTEST



Edie Sims, City Secretary

APPROVED


Joseph E. Helmberger, P.E., Mayor



The seal of the City of Marble Falls, Texas, is circular with a five-pointed star in the center. The words "CITY OF MARBLE FALLS" are written around the top inner edge of the circle, and "TEXAS" is written at the bottom. There are two small dots on either side of the star.