

**MINUTES**  
**Town of Little Elm**  
**214-975-0404**  
<http://www.littleelm.org>

**WORKSHOP AND REGULAR TOWN COUNCIL MEETING**  
**Tuesday July 3, 2012**

**Present:** David Hillock Mayor, Curtis Cornelious Mayor Pro-tem, Council members Richard Stevens, Stephanie Shoemaker, Chip Norman, Katie Gipson, and Bill Roebken. **Staff:** Robert Brown, Doug Peach, Kathy Phillips, Alan Dickerson, Dianne Lawson, Dee Dee Hale, Jennette Killingsworth, Spencer Smith, Dusty McAfee, Tony Chrisman, Brian Roach, Mike Green, Leslie Smith, and Joe Florentino.

1. **Call to Order Council Work Shop at 6:00 p.m.**

- a. Items to be withdrawn from Consent Agenda. **None**
- b. Emergency Items if posted. **None**
- c. Request by the Town Council for items to be placed on the next regular council agenda for discussion, and recognition of excused absences. **Mayor Hillock** suggested we change the wording “to be placed on the next regular agenda to “placed on a future council agenda” in order to give more time to complete the agenda item prior to the next meeting. Other items for future discussion: (1) Spend time with all Board and Commissions to form a common vision. It would benefit the Council to meet with all together or individually to development that vision across the board. (2) Form a relationship with the LEISD, by possibility developing a mentoring program with the schools that would allow some level of town staff to participate in without using compensatory time, or vacation time. Would not be mandatory, but would encourage key staff to become involved. (3) Use of Communication tools, several years ago the town purchased equipment; the equipment is still there. We just need to utilize this means of communication. We would need to check to see if still have the right to use the Communication Channel “Informational Networks” with our franchise suppliers. With this tools and the upcoming improvement to the web site these are great ways to get the media to the public. (4) At the July 17<sup>th</sup> meeting would like to discuss the development of a partnering program with the council members. Every six (6) weeks two council members would be paired with one another; in a six (6) month time frame everyone would have had a chance to be paired with all members. This would be very beneficial for the new members to learn about council process and learn about one another. Council member Stevens asked about the Town preparedness regarding the West Nile Virus. Do we have steps in place to prevent? We need to use message boards, water bills, newsletters, etc. to get the word out regarding standing water; to have code enforcement, fire and police department report any areas found with standing water present. Would like to have a report at the July 17<sup>th</sup> meeting regarding

any preventative measures we have in place now and if council help may be needed to make sure we are pro-active.

- d. Discussion on agreement with Brown advertising regarding billboards on US 380 and FM 720. **Planning Manager Dusty McAfee** informed Council that in the past, on three (3) separate occasions, Town Council has entered into agreements with outdoor advertisement companies for a billboard exchange program that has resulted in the contracted elimination of seven (7) billboards along FM 423 and Eldorado Parkway at key intersections. Brown Outdoor Advertising's proposal includes the removal of two (2) billboard structures west of the Little Elm Bridge to allow for the conversion of one (1) side of a billboard structure on U.S. Highway 380. Staff believes the requested exchange rate is appropriate and that eliminating two (2) billboard structures is important for the image of the area west of the Little Elm Bridge as roads widen and it begin to develop. Planning staff has not received any negative feedback regarding the digital boards that have been ungraded, and State law requires outdoor advertising to provide free public service announcements on digital boards, in addition to requiring compliance with strict electronic regulations governing illumination, flashes, and display. Staff to asking for Council direction.
- e. Discussion regarding Site Plan for Johnny Joe's. **Planning Manager Dusty McAfee** addressed this item regarding Little Elm Policy-Ordinance No. 918 and Ordinance No. 954; properties that become non-compliant due to the ROW taking by TxDot. The subject property in addition to the non-conforming elements of this site, one (1) item was considered to constitute a life-safety hazard. The new right-of-way resulted in the existing fuel pumps being located in close proximity to future Eldorado Parkway, in the middle of the fire line and vehicular maneuverable area of the site, and created a traffic hazard for delivery by fuel trucks. The old fuel canopy structure was removed by TxDot because it was located in the expanded right-of-way. The fuel pumps barely escaped the new right-of-way line; however, their present location constitutes a life-safety hazard. TxDot damages in the amount of \$900,000 have been established in this case and are filed with Denton County for the 3,218 square feet of land the State condemned and for damages to the remainder. At a May meeting with this applicant, it was affirmed that the settlement included payment to terminate and remove the fuel storage and delivery system. Per Town Ordinance, the fuel pumps and storage tanks must abide by the TxDot settlement. Following this meeting the Fire Marshal mailed a certified letter to the applicant to provide notice that the fuel pumps would need to cease operation no later than August 1, 2012. The Fire Marshal has authority to shut down the fuel pumps through the 2009 International Fire Code in addition to Town ordinance. The subject property currently has two (2) independent and primary uses-convenience store and fuel sales. Being zoned Light Commercial district, the subject property is entitled to a wide variety of retail uses including restaurant, office, and services uses. If the life-safety hazard (fuel pumps and storage tanks) are cured by the applicant, then the existing convenience store may continue operation if the Town Council

approves the conceptual site plan, as conditioned by staff. If the applicant desires to expand the site and operation beyond the grandfathered convenience store, then the expansion would have to adhere to modern development regulations, which includes an SUP (Specific Use Permit) for fuel sales. It should be noted that approval of this conceptual site plan will not negate the requirement for completion of the building permit process upon reconstruction. In the past 30 months, Town Council has approved five (5) different conceptual site plans for properties impacted by TxDot right-of-way expansion and governed by Town policy. In none of the cases did Council waive standards or allow requests that were considered life-safety issues. Staff reviewed applicants request and approve the proposed conceptual site plan with the following conditions: (1) the applicant shall, per Fire Marshal's directive, terminate and removed the fuel delivery system in compliance with all applicable State and Town regulations and per the May letter, (2) the applicant shall revise the site plan to remove the proposed median cut of Lobo Lane. Right-of-way request are governed by a separate process, and those established polices govern here to prevent unsafe installations, (3) the applicant shall have all signage , civil, and building permit plans approved, subject to review and approval by the Building Official, Town Engineer, and Fire Marshal, (4) sidewalks, internal drive curbs, and landscaping shall be provided in compliance with Town ordinance, generally to conform with the conceptual site plan, (5) cross access to the east shall be stubbed out to the property line. An amending plat shall be submitted to dedicate the proposed fire lane and cross access route, (6) a site development permit of the approved improvements shall be applied for by October 1, 2012 and completed by March 1, 2013, and (7) failure to perform by the timeline established by the Fire Marshal's May letter and the condition stated in #6 above will result in revocation of the subject property's CO. The conceptual site plan, as approved conditionally, is a requirement for the site to continue operation.

- f. Discussion regarding Code of Ordinance Chapter 46 Article II Nuisance and Vegetation. **Fire Marshal Brian Roach** informed the Council that Ordinance No. 1106 is intended to repeal Ordinance 644, which was adopted by a previous council in 2004, and to make changes that are necessary due to the Town's growth, changes in state statutes, and certain court decisions. The amendments being made include the adding of definition that were not in the original ordinance, modifying definitions to be consistent with definitions in state statutes, re-wording of a certain section to provide clarity, deletion of text to property indicate assignment of responsibility of the ordinance, provide direction to the Town's code enforcement officers, strengthen the authority of the enforcement of the ordinance in the interest of public health and safety, allowing for the request of an administrative hearing through the municipal courts, and codifying the collection of administrative fees for the expenses incurred by the Town when filing a lien on properties subject to this ordinance.

- g. Information regarding budget procedures with Council. Finance Director Alan Dickerson gave a report on the Town of Little Elm Annual Budget: (1) What is required, (2) Who are the key players, and (3) What are the Components of a Budget. He presented a graph of the Budget Cycle from October 1<sup>st</sup> thru September 30<sup>th</sup>, starting with the forecast of expenditures and revenues, public input, preliminary budget, budget deliberations, and new fiscal year transparency and oversights. The Budget Prep Process includes a time line of important dates that must be met in order to adopt the budget and set the tax rate. Workshops are scheduled for the proposed budget and the proposed tax rate; public hearings are required before adoption. The budget is set up by funds, i.e. general fund revenues and expenditures, public safety, public works, park maintenance, recreation/culture, administration/finance and development services. Alan showed graphs showing where the revenues come from by percentages and expenditures by services.
- h. Discussion regarding Budget Calendar. **Finance Director Alan Dickerson** handed out new budget calendar to council with the important dates for the budget and tax rate process.
- i. Presentation of monthly updates from department heads: **Jennette Killingsworth EDC executive director** gave Council update: she reported that new businesses going in at Rosebriar are Asian Fusion and Centennial Internal Medicine. National Medical Company in Hobby Lobby Shopping Center under contract, Texas medical license is pending. In discussion with Texas Healthcare provider and private developer in regards to medical campus. The developer would assume 100% of the risk associated with development, construction, and financial. The healthcare provider would have the option to purchase the facility and the terms would be negotiable. Next meeting is July 16, 2012. In discussion with two different movie theaters; one is traditional theater and the other is a movie tavern. Next meeting is July 12, 2012. In discussion with landscape nursery, currently negotiating between two properties. Proposed sites are both on FM 423, one in the vicinity of Kroger and the other within vicinity of Quick Trip. Proposals have gone out to Belk, JC Penny, Outback, Texas Roadhouse, Kirkland's, Kohl's SteinMart, Benningan's, and Wingstop. The EDC have received CoServ grant for \$10,660.00 for aerial maps and aerial magnetic boards, the presentation of check will be made Monday July 9, 2012 at the EDC Board Meeting.
- j. Council to highlight items on the agenda needing further discussion or comments prior to the regular session. **None**

## 2. **Presentations and Announcements:**

- a. Friends of the Library Representative Karyn Hixson presented scholarship to this year recipient Rachel Allen.
- b. Mayor Hillock presented a Certificate of Recognition to Collyn Cornelious for being named No. 1 Reader in the Scholastic Reading Counts program at Zellars Elementary for 2012.

- c. Mayor Hillock gave recognition and presented Jennette Killingsworth EDC Executive Director the Industrial Asset Management Council FELLOW designation award for her strong commitment to Leadership within IAMC and the Corporate Community. Also a certificate from The Economic Development Institute; conducted by the University of Oklahoma for completing the prescribe course study of the Regents for Educational Programs.

3. **Roll Call/Call to Order Regular Town Council Immediately Following Council Workshop.**

4. **Opening Prayer:** Curtis Cornelious-Praise Fellowship Worship Center.

5. **Pledge to the Flags:**

- a. United States Flag
- b. Texas Flag

6. Public Comments: **None**

7. Upon motion by Council member Shoemaker and second by Council member Cornelious the members **voted 7-0** to approve the Consent Agenda as presented:

- a. **Minutes** of the June 19, 2012 Workshop, Public Hearing and Regular Meeting.
- b. **Minutes** of the June 26, 2012 Special Meeting.
- c. **Authorize** Change Order #1 and a final payment of \$47,276.20 to Central Texas Water Well of Bowie, Texas to close out the Main Street Irrigation Well Construction Contract and authorize the Town Manager to execute the same.

8. **Reports and requests for Town Council consideration and appropriate action:**

- a. Upon motion by Council member Cornelious and second by Council member Roebken the members **voted 7-0** to approve Resolution No. 07031201 a Resolution of the Town Council of the Town of Little Elm, Texas appointing Stephanie Shoemaker as Mayor Pro-tem for a one (1) year term of office, providing for an effective date.

9. **The Town Council held an Closed (executive) Session at 7:18 p.m.** meeting pursuant to Chapter 551, Texas Government Code, Vernon's Texas Code Annotated, in accordance with the authority contained in:

- a. **Section 551.074** Discussion and deliberation regarding the interviewing and appointments of applicant for Board of Adjustment vacancy.

10. **Reconvened into Open Session at 7:37 p.m.** Discussion and consideration to any action necessary as the result of the closed (executive) session :

**Section 551.074:** Upon motion by Council member Cornelious and second by Council member Roebken the members voted 7-0 to appoint Kirk Loerwald to the Board of Adjustment Board with an existing term ending 02-28-13.

11. Adjourned Work Shop and Regular Meeting at 7:38 p.m.

Respectfully,

  
Town Secretary

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2012.