

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

WORKSHOP, PUBLIC HEARING AND REGULAR TOWN COUNCIL MEETING
Tuesday May 17, 2016-6:00 p.m.

Present: David Hillock Mayor, Michael McClellan Mayor Pro-tem, Council members James Dominy, Neil Blais, Chip Norman, Nick Musteen, and Stephanie Shoemaker. **Absent:** Chip Norman. **Staff:** Robert Brown, Matt Mueller, Doug Peach, Kathy Phillips, Karla Stovall, Jason Laumer, Jennette Killingsworth, Lisa Reich, Kevin Mattingly, Chad Hyde, Rodney Harrison, Brian Roach, and Jeremy Wilson.

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

- a. Invocation:
- b. Items to be withdrawn from Consent Agenda. *None*
- c. Emergency Items if posted. *None*
- d. Request by the Town Council for items to be placed on a future agenda for discussion, and recognition of excused absences. **Council member Blais** stated he would be absent the 1st meeting in June.
- e. Discussion regarding the necessity of 380 Overlay District: **Town Planner Lisa Reich** stated that in order to promote economic development and regulate the character of growth along the US 380 corridor, the 380 Overlay District was created. The following summarizes the segments of the 380 Overlay District: (1) prohibited uses are listed to safeguard the Town's vision for US 380. All listed uses require an SUP or PD in other parts of Town, but specifying uses as prohibited provides an extra layer of protection for the Town and most inquiries don't advance to an application, (2) height restrictions are stricter in conjunction with proximity to residential uses. This is beneficial because uses along fast-moving US 380 are more likely to having buildings that are more than one story compared to other parts of the Town, (3) because of the speed of traffic on US 380, larger monument, multi-tenant, and walls signs are allowed along the corridor than the rest of Town. In addition, background color and electronic message boards have looser constraints, (4) landscaping requirements necessitate a larger landscape buffer and additional ornamental trees along US 380, and (5) off-site of exterior lighting is not curbed by different adjacent zoning districts the way it is throughout the rest of the Town. Staff looking for Council feedback on future of 380 Overlay District. Consensus was to leave 380 Overlay District as is; but to check to make sure the newly annexed areas fall under the District. If not, need to amend the 380 Overlay Boundaries.
- f. Discussion to amend Chapter 34 or the Code of Ordinances as it relates to the Teen Court Program, Juvenile Case Manager Fund and Building Security Fund expenditures: **Chief Financial Officer Karla Stovall** informed Council that the Town currently contracts with Collin County to provide Municipal Teen Court

Services through an inter-local agreement. The amendment for discussion to Chapter 34 will update the Code of Ordinances to reflect the inter-local agreement for teen court, in addition to providing for the jointly employed juvenile case manager with Collin County Teen Court. Furthermore, the building security fee section of Chapter 34 was amended to include additional fees allowed by Texas Code of Criminal Procedure Article 102.017. The Ordinance to adopt amendment to Chapter 34 is scheduled for the June 7th meeting for council consideration.

- g. Discussion regarding appointment of members to the Comprehensive Plan Committee: ***Town Manager Matt Mueller*** stated that on March 15, 2016, the Town Council authorized Town Staff to begin the Comprehensive Plan Update. As part of this process, a citizen advisory committee should be appointed to represent a diverse cross section of the Town. This citizen committee will be identified as the Comprehensive Plan Advisory Committee (CPAC). The CPAC will serve as the primary public interface with Freese and Nichols, Inc. (FNI) and will provide input in terms of visioning, proposed plan recommendation, and review the first drafts of the various Plan elements prior to their submittal for consideration to the general public, Planning & Zoning Commission, and Town Council. Staff is looking for appointment of members to the CPAC committee. Council and Staff discussed the members nominated to be placed on committee. Council to vote on the members for committee in regular meeting tonight.
- h. Presentation of monthly updates from department heads: ***Parks and Recreation Director Chad Hyde*** introduced Kali Flewellen who was recently hired for the Marketing/Communication Coordinator position for Parks & Recreation Department.
- i. Council to highlight items on the agenda needing further discussion or comments prior to the regular session. ***None***

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

3. **Pledge to the Flags:**

- a. United States Flag
- b. Texas Flag

4. **Announcements/Presentations:**

- a. Certificate of Election: Mayor executed and issued to elected (unopposed) Council member for Place 2.
- b. Statement of Elected Officer and Oath of Office: Town Secretary administered oath to Place 2 Council member James Dominy.
- c. Presentation to Mayor Hillock of grant in the amount of \$18,500 by Craig Chambers-Co-Serv to Town of Little Elm/Little Elm EDC for new aerial maps and marketing material.

- d. Presentation of Annual High School Scholarships by of Friends of the Library: \$1000 scholarship to Lisa Cifuentes and \$500 scholarships to Stephanie Lopez and Joynae Renter.

5. Public Comments: *None*

6. Upon motion by Council member McClellan and second by Council member Shoemaker the members **voted 6-0** to approve the Consent Agenda as presented:

- a. **Minutes** of the May 3, 2016 Workshop, Public Hearings and Regular Meeting.
- b. **Final Plat** Northlake Estates Phase 1 from Petitt Barraza, LLC, generally located at South Paloma Creek Boulevard and Lake Grove Drive, located within Little Elm's ETJ.
- c. **Agreement** between the Town of Little Elm and Patricia Adams for services as presiding Municipal Court Judge and Magistrate of the Little Elm Municipal Court for a period of two (2) years from May 17, 2016 to May 17, 2018.
- d. **Interlocal** Cooperation Agreement for Shared Governance Communication & Dispatch Services System by and between Denton County and Little Elm Police and Fire Department.
- e. **Final Acceptance** of Brentwood Phase 2.
- f. **Consent** to Amendment of Mustang Special Utility District's Sewer Certificate of Convenience and Necessity No. 20930.
- g. **Accept** Special Warranty Deed from Grande Communications for Tract 2X in Block 42 of Sunset Pointe Phase Eleven.

7. **Public Hearing:** on request to rezone approximately 4.986 acres of land from Light Commercial district (LC) to Planned Development – Light Commercial district (PD-LC) to allow for distillery manufacturing, generally located north of Old Hwy 24 and approximately 300 feet east of Oak Grove Parkway, within the Town limits of Little Elm.

- a. Staff Comments: **Town Planner Lisa Reich** informed Council that winery/brewery/distillery manufacturing uses are not permitted in Light Commercial District without being accessory to another commercial use. For this reason, a PD is requested to allow another unique use to develop, drawing people to Little Elm for something out of the ordinary. The Town strives to deliver distinctive commercial opportunities to its residents and guests, rather than focusing on traditional businesses. Construction of the lounge and distillery would mark the beginning of progress west of Little Elm Bridge. The applicant plans to not only distill liquor on the property, but also offer tours and tastings and provide a luxury lounge and beautiful outdoor getaway for guests. This business will be viewed as a destination in Little Elm that requires visiting. The subject property is located on approx. 4.986 acres currently zone Light Commercial (LC) and surrounded by vacant land. Access to the property is gained directly off old Hwy 24, which is slightly north of the intersection of Eldorado Parkway and Oak Grove Parkway. To screen the proposed use, evergreen trees will be installed along the

west, north, and east property lines, in addition to the 8' tall masonry wall to be built along the northern property line. Furthermore, a fruit tree orchard is planned for much of the front of the property and will be guarded by a 6' tall wrought iron fence and embellished gate. The distillery and lounge will be housed together in the main building. A warehouse to age the liquor and a caretaker's barn/shop will be built to the rear of the property. The architectural elevations of all buildings will comply with the 80% brick/stone requirement of the Code of Ordinances, as shown in the conceptual renderings. Staff feels that this use would be an asset for the area west of Little Elm Bridge, and residents and guests will be excited for the opportunity to experience more of what Little Elm has to offer. Staff recommends approval of the requested PD with the following ordinance provisions: (1) the subject property shall have a Light Commercial (LC) base zoning district that additionally allows for winery/brewery/distillery manufacturing use, (2) the attached exhibits are conceptual in nature and shall not over-ride the zoning ordinance at time of site plan and building plan review, (3) the subject property may be screened by large evergreen landscaping on the west, north, and east perimeters, rather than canopy trees, and (4) the subject property may allow a distillery, lounge, warehouse, outdoor grain silos, guard house, and a caretaker's barn/shop which has the option of being a residence for the property's caretaker. On May 5th the Planning and Zoning Commission unanimously recommended approval of the requested PD, subject to staff's recommended ordinance provisions.

- b. Opened Public Hearing *at 6:36 p.m.*
- c. Received Public Comments: *Ed and Dyan Belfour* were presented to answer any questions council may have. They thanked the Town and Staff for being so willing and easy to work with on the project.
- d. Closed Public Hearing *at 6:39 p.m.*
- e. Upon motion by Council member Blais and second by Council member Dominy the members *voted 6-0* to adopt Ordinance No. 1330 an Ordinance of the Town of Little Elm Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by changing the zoning on approximately 4.986 acres of land generally located north of Old Hwy 24 and approximately 300 feet east of Oak Grove Parkway, from Light Commercial (LC) to Planned Development-Light Commercial (PD-LC) in order to allow for winery/brewery/distillery manufacturing; providing a savings clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date.

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

- a. Upon motion by Council member Musteen and second by Council member McClellan the members *voted 6-0* to approve 380 Economic Development Program and Agreement between the Town of Little Elm and HEB Grocery Company, LP and authorize the Town Mayor to execute agreement for the same.

- b. Upon motion by Council member McClellan and second by Council member Blais the members ***voted 6-0*** to adopt Ordinance No. 1331 an Ordinance of the Town of Little Elm, Texas, providing for Residential, Irrigation, Wholesale, Well and Reuse, Commercial and Hydrant Meter Water and Wastewater Fees and Rates; providing for a repealing clause; providing for a severability clause; and providing an effective date.
 - c. Upon motion by Council member Shoemaker and second by Council member McClellan the members ***voted 6-0*** to adopt Ordinance No.1332 an Ordinance of the Town Council of the Town of Little Elm, Texas, approving a negotiated settlement between the ATMOS Cities Steering Committee (“ACSC”) and ATMOS Energy Corp., Mid-Tex Division regarding the Company’s 2016 Rate Review Mechanism Filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC’s reasonable ratemaking expenses; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meeting Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Ordinance to the Company and the ACSC’S Legal Counsel.
 - d. Upon motion by Council member McClellan and second by Council member Dominy the members ***voted 6-0*** to adopt Ordinance No. 1333 an Ordinance of the Town Council of the Town of Little Elm, Texas, abandoning and vacating certain prescriptive Right-Of-Way along Doe Creek Road; making findings, providing for conflicts; providing a severability; and establishing an effective date.
 - e. Upon motion by Council member Dominy and second by Council member Musteen the members ***voted 6-0*** to appoint the following as members to the Comprehensive Plan Advisory Committee (CPAC): ***Council members*** David Hillock, Neil Blais, and Michael McClellan, ***District 1 Representative*** Casey Russell, ***District 2 Representative*** Donavan Draayer, ***District 3 Representative*** Mustaali Carbaidwala, ***District 4 Representative*** Steve McGee, ***District 5 Representative*** Lauren Lindquist, ***District 6 Representative*** Jeff Jacobson, ***P&Z Representatives*** Brian Rawlins, Asher Bradshaw, and Charles (Rod) Luther, ***EDC Representative*** Will Gentry, and ***HOA Representative*** Erin Mudie.
9. **FYI:** (All matters are provided to the Town Council for informational purposes only)
- a. Town Secretary Monthly Report for April 2016.
 - b. Development Services Monthly Report for April 2016.
 - c. Public Works Monthly Report for April 2016.
 - d. Police Department Monthly Reports for April 2016.
 - e. Fire Department Monthly Reports for April 2016.
 - f. Parks, Recreation and Library Monthly Reports for April 2016.

10. Council will convened in Executive Session *at 7:16 p.m.* pursuant to Texas Government Code:

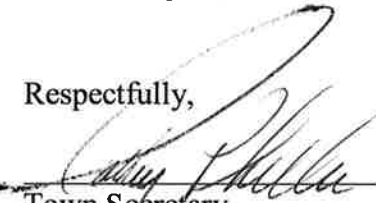
- Section 551.071 for private consultation with the Town Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.
- Section 551.072 to discuss certain matters regarding real property.
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

11. Reconvened into Open Session *at 8:05 p.m.* Discussion and consideration to take any action necessary as the result of the Executive Session.

- Section 551.071 for private consultation with the Town Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council. ***No Action Taken***
- Section 551.072 to discuss certain matters regarding real property. ***No Action Taken***
- Section 551.076 to discuss security matters. ***No Action Taken***
- Section 551.087 to discuss Economic Development. ***No Action Taken***

12. Adjourned Workshop and Regular Meeting *at 8:06 p.m.*

Respectfully,



Town Secretary

Passed and Approved this 7th day of June 2016.