Village of Salado, Texas
Board of Aldermen
Minutes
Special Called Meeting and Workshop Meeting
5:30 p.m. Thursday, August 11, 2016
Municipal Building, 301 N. Stagecoach Road
Salado, Texas

Present: Mayor Skip Blancett (arrived at 5:55 p.m.), Alderman Frank Coachman, Alderman Amber Preston Dankert, Alderman Michael McDougal, Alderman David Williams.

Absent: Mayor Pro Tempore Fred Brown.

Others Present: Kim Foutz, Village Administrator; Jack Hensley, Chief of Police; Mary Poché, Executive Director, Chamber of Commerce/Tourism Bureau; Larry Roberson, Ordinance Committee member; Susan Terry, Ordinance Committee member/Keep Salado Beautiful representative; Jill Shipman, Public Art League of Salado representative; Melanie Kirchmeier, chairman; Salado Chamber of Commerce; Dave Swarthout, incoming chairman, Salado Chamber of Commerce; Mary Ann Ray, Village Secretary.

I. Call to Order.

In the absence of the Mayor and the Mayor Pro Tempore, Alderman Michael McDougal called the meeting to order at 5:34 p.m. after ascertaining a quorum was present. He listed the order of items to be discussed until the Mayor arrives:

> **Item 7**, Discuss Section 2.2B(6) of the Zoning Ordinance, Planning Zoning Commission, meetings per month.
> **Item 5**, Discuss draft of Fence Ordinance.
> **Item 4**, Discuss draft of Landscape Ordinance.
> **Item 3**, Discuss revisions to the Economic Development Policy to include incentives for residential subdivision development and hotel incentives.

He opened the Workshop Agenda at 5:36 p.m.

II. Workshop Agenda.

1. Discuss Section 2.2B(6) of the Zoning Ordinance, Planning & Zoning Commission, meetings per month (Item 7).

   Administrator Foutz explained that the BOA has delegated some responsibility to the Planning & Zoning Commission, which has increased the workload of that body. State statues require specific timeframes for certain actions of the P&Z Commission, and one regular meeting per month often doesn't fit within the statutory requirements, necessitating special called meetings. In addition, it is sometimes difficult to attain a quorum with called meetings. Two regular meetings would enable the Commission to stay within statutory requirements and provide a more stable meeting schedule.

Consensus was to proceed with making this text amendment to the Zoning Ordinance. (Ordinance 2013.08).

2. Discuss draft of Fence Ordinance (Item 2).

   Larry Roberson of the Ordinance Committee reviewed the Committee's recommendations following its review of fence ordinances from several communities around Central Texas. There was discussion about fence requirements in Homeowners' Associations.

   Mayor Blancett arrived at 5:55 p.m.

   The consensus was to move forward with the recommendations and bring them to a future BOA meeting.

3. Discuss draft of Landscape Ordinance (Item 4).

   Susan Terry of the Ordinance Committee reviewed the Committee's recommendations. She said the essence of the plan is still in place, and that recommended changes apply to non-residential and multi-family apartments. There is a section that addressed the front yards of duplexes. Emphasis is on using native plants that are water-friendly. The consensus was to move forward to the P&Z Commission.

The Mayor closed Workshop Session and opened the Regular Session at 6:09 p.m.

III. Regular Session.

Proclamation – Salado Legends.

Mayor Blancett presented a proclamation to Jackie Mills in recognition of her tireless efforts with *Salado Legends* and the Tablerock Festival of Salado.

The Mayor closed the Regular Session and reopened the Workshop Session at 6:15 p.m.

IV. Workshop Session.

4. Discuss revisions to the Economic Development Policy to include incentives for residential subdivision development and hotel incentives.

   Alderman Coachman said the Economic Development Committee has been reviewing the policy for about three months and has created a plan to provide incentives to residential developers to come into the Village. Incentives will be based on the median value of homes in the Village and will offer a 60-percent rebate on the Maintenance and Operations taxes for a period of five years upon issuance of the certificate of occupancy of

the 10th residential unit in the subdivision. The rebate will be paid to the developer, not the homeowner. Developments must be eligible for annexation, and the developer must petition for annexation upon approval of Concept Plan. The consensus was to bring this amendment forward for action on the August 25, 2016, BOA meeting.

5. Discuss FY 2016-2017 Budget (Item 1; Item 2 was incorporated into this discussion).
   a. Discuss Hotel/Motel Fund.
   b. Outside agency presentations on budget requests.
   c. Discuss all other funds and other budget-related issues.

   a. Mary Poché, Executive Director of the Salado Chamber of Commerce/Tourism Bureau; Melanie Kirchmeier, chairman; and Dave Swarthout, incoming chairman, presented an amended budget forecast for the Chamber Fiduciary Fund. There was discussion about advertising and marketing expenses and the Hotel/Motel fund. There also was discussion about the contract between the Village and the Chamber and the Chamber's system of checks and balances. The consensus was to discuss potential amendments to the contract during workshop of the BOA meeting on September 18, 2016.

   b. Jill Shipman of PALS and Susan Terry of KSB presented their budget requests: PALS requested $6,850 and KSB requested $1,300. There was lengthy discussion about how the organizations would use the funds and the absolute bottom figure for each: PALS, $4,000; and KSB, $1,000.

      The Mayor called for a 5-minute recess at 8:13 p.m.; he reconvened the workshop at 8:18 p.m.

   c. There was general discussion about a variety of budget-related topics, including the Stagecoach Wastewater Treatment Plant; utilities; streetlights; Municipal Court; streets; police staffing; the Adaptive Management Coalition; the Salado Volunteer Fire Department; and possible fees.

6. Discuss issues at Salado Creek and springs.

   Alderman Dankert discussed a handout she prepared (see attached). She proposed reviving an ordinance to protect the critical habitat of the Salado Salamander that the BOA failed to pass in November 2014. Discussion centered on threatened species, litter, alcoholic beverages, water quality, grilling and use of open flame, fees, and parking. Chief Hensley said the Village could draft a resolution to the Texas Alcoholic Beverage Commission, which in turn could authorize the Village to pass an open container ordinance in the Central Business District, which includes the main areas of the creek where people gather. It was discussed that the Village does not need an ordinance to charge for parking. There as discussion about future committee action to move forward.

The Mayor closed the Workshop and opened the Regular Session at 10:08 p.m. He determined there was no need for an Executive Session (Item 8).

V. Regular Session.

7. Discussion and possible action on the evaluation of the Chief of Police (Item 9).

   There was discussion about the Chief's evaluation. Administrator Foutz said that a six-month evaluation could be performed even if the BOA voted to maintain the same evaluation schedule.

   Alderman Coachman made a motion to keep the Chief of Police on the standard evaluation cycle. Alderman McDougal seconded. The motion carried unanimously (4-0).

8. Discussion and possible action on Springs- and Salado Creek-related issues, including the following (Item 10):
   a. Water testing.
   b. Grilling/use of open flame.
   c. Litter.
   d. Charging fees.
   e. Parking in Village parking lot behind old Sugar Shack building.

   Alderman Coachman made a motion that the draft of the Salado Salamander Conservation Zone Ordinance be sent to the Ordinance and Trails/Parks Committees for immediate review. Alderman Williams seconded.

   After discussion about which committees should review the ordinance and signs prohibiting litter and open flame, Alderman Coachman withdrew the motion.

   Alderman Coachman made a motion to send the Salado Salamander Conservation Zone Ordinance to the Ordinance, Trails/Parks, and Environmental/Deer committees for immediate review. Alderman Williams seconded. The motion carried unanimously (4-0).

VI. Adjourn.

Alderman Coachman made a motion to adjourn. Alderman Dankert seconded.

The Mayor adjourned the meeting at 10:19 p.m.

Skip Blancett, Mayor

ATTEST

Mary Ann Ray, Village Secretary

Environmental Recommendations for Salado Creek

Amber Dankert, Alderman

The below recommendations have been expressed to the mayor, members of the Board of Alderman, and village staff over the course of several years. As activities increase in the critical habitat of the Salado Springs Salamander, and as these activities pose an increased risk to the health of the species and the health of the Salado Creek, it is my responsibility to add my concerns to the official meeting records.

1) Recommend implementing signage PROHIBITING the following: movement of rocks, gravel, or vegetation in the creek, including creating dams or other structures near the springs; littering; swimming, wading, or recreating within 10 meters of a spring; dogs or other pets entering the creek; barbeque pits, open fires, or other means of cooking; staking tents; and using alcohol or drugs; and

2) Closing all areas to swimming and recreation, with the exception of Pace Park; and

3) Sampling the Salado Creek at 2 locations a month to check e-coli levels to ensure the safety of swimmers; and

4) Implementing ordinances that includes fines for the above items; and

5) Implementing an environmental protection ordinance that protects the Salado Springs Salamander's critical habitat area, including, but not limited to, items that were presented in the proposed "Salado Critical Environmental Ordinance" 21 November 2014, which was subsequently denied by the BOA.

Ordinance No. ____
Village of Salado
County of Bell
State of Texas

SALADO SALAMANDER CONSERVATION ZONE ORDINANCE

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ADOPTING REGULATIONS TO PROTECT THE SURFACE HABITAT OF THE SALADO SPRINGS SALAMANDER AND ESTABLISHING CERTAIN LAND USES IN THE CONSERVATION ZONE; PROVIDING FOR ENFORCEMENT, INCLUDING CIVIL PENALTIES NOT TO EXCEED $200.00 PER OFFENSE; FINDINGS OF FACT; ENACTMENT; SEVERABILITY; REPEALER, CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the U.S. Fish and Wildlife Service designated the Salado Springs Salamander (*Eurycea chisholmensis)* as a threatened species; and

WHEREAS, the Village of Salado ("Village"), seeks to protect the surface habitat of the Salado Springs Salamander within the Village limits of the Village of Salado ("Village"); and

WHEREAS, the Village finds that land use regulations to permit and prohibit certain uses in or near the salamander's habitat are necessary to protect the salamander; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the Village has municipal zoning authority in the Village limits; and

WHEREAS, pursuant to Chapter 51 of the Texas Local Government Code, and the Village's inherent police powers, the Board of Aldermen finds it to be reasonable and necessary to adopt regulations providing for the welfare of the municipality.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Ordinance No. ____ is enacted so to read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication of caption.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the __ day of December 2014, by a vote of __ (*ayes*) to __ (*nays*) to __ (*abstentions*) of the Board of Aldermen of the Village of Salado, Texas.

THE VILLAGE OF SALADO, TEXAS:

by: _____
Mayor Skip Blancett

ATTEST:

_____
Randy Stoneroad, City Secretary

Attachment "A"

I. Intent and Purpose. It is the intent of this ordinance to help protect the surface habitat of the Salado Springs Salamander (*Eurycea chisholmensis*) within the Village limits of Salado by designating a land use regulation near the springs which feed into the creek and are the natural habitat of the species.

The purpose of this ordinance is to designate a conservation zone around the salamanders' known surface habitat within the Village of Salado, and to provide land use regulation therein in order to protect the surface aquatic habitat of the Salado Springs Salamander, and to complement existing state, local, and municipal initiatives.

II. Definitions.

Animals. This is defined as domesticated pets within 10 feet of the conservation zone. It does not include wildlife or stray animals. Stray animals will be removed and impounded at a local stray animal facility.

Conservation Zone. This is defined as a unique location that receives protection due to its ecological or natural value. The length of the conservation zone shall be located along the Salado Creek, bound by the Interstate 35 (I-35) access road bridge to the west, and 10 meters east of Anderson Spring to the east. The width of the conservation zone is ten (10) meters outside the ordinary high water mark of the Salado Creek. Other areas protected by this ordinance shall be the area within 300 meters of spring sites that are known to be connected to, or directly recharge, the Salado Creek.

Disturbing, Defacing, and/ or Destroying. This is defined as any activity that would be considered destructive to any Flora and/or Fauna within the Conservation Zone. Examples could be, but not limited to: (a) Cutting, harvesting and/or uprooting any vegetation either on land area or aquatic; (b) Disturbing, harassing, injuring or killing any animal life either on the land area or aquatic; or (c) the movement and/or removal of any rocks, gravel or other non-organic material from the Conservation Zone. This does not include projects that may be required to stabilize or improve habitat for the species. Any removal of material or vegetation must be coordinated with, and approved by, the Village of Salado.

Fauna. This is defined as any animal life, either on land or aquatic. This includes native, exotic, invasive, and harmful species. Determination of the value of the species to the environment will be decided by the Village of Salado, or its designated representative.

Flora. This is defined as any plant life, either on land area or aquatic. This includes native, exotic, invasive, and harmful species. Determination of the value of the species to the environment will be decided by the Village of Salado, or its designated representative.

III. Establishment of a Conservation Zone. The length of the Conservation Zone shall be located along the Salado Creek, bound by the Interstate 35 (I-35) access road bridge to the west, and 10 meters east of Anderson Spring to the east. The width of the conservation zone is ten (10) meters outside the ordinary high water mark of the Salado Creek. Other areas protected by this ordinance shall be spring sites that are known to be connected to, or directly recharge, the Salado Creek. Signage (defined in section 1.2) will indicate the boundaries of the conservation zone. A map is also attached to this ordinance as *Attachment "B"*. However, lack of signage does not absolve patrons to the adherence of this ordinance.

Signage designating the conservation zone area will be placed at, or near spring openings, conservation zone limits, and other areas deemed relevant with input from Texas Parks and Wildlife Department (TPWD), U.S. Fish and Wildlife Service (USFWS) and other entities as determined by the Village of Salado Board of Aldermen. Signs shall be 18 inches by 18 inches square and placed on vertical poles at a height of 5 feet. Signs shall read **"CONSERVATION ZONE. Up to $200 fine for disturbing, defacing and/or destroying any plants or wildlife in this area. No swimming or entering the creek. No pets allowed in the creek. No dumping. By Village Ordinance"**

IV. Permitted Activities within the Conservation Zone. The following activities are allowed to occur within the conservation zone of Salado Creek, unless it is determined by law enforcement or the Code Enforcement Officer, Village of Salado employees or Texas Commission on Environmental Quality (TCEQ) that such activities pose an immediate, long-term, or cumulative risk to the Salado Springs Salamander or its habitat.

a. Permitted construction activities are governed by the Texas Commission on Environmental Quality Construction General Permit for Construction Activities (General Permit Number TXR0150000), the National Flood Insurance Act of 1968, National Flood Insurance Reform Act of 1994, and 44 Code of Federal Regulations 60 along with the Texas Statutes - Article 8280-13 (also known as the Flood Control and Insurance Act).

b. Passive open space uses shall be permitted to occur along the banks of the Salado Creek above the ordinary high water mark, within the conservation zone, provided flora is preserved and is not disturbed or removed. This includes recreational activities such as fishing, hiking, picnicking, and other similar activities.

c. Crossings by roads, recreational trails, stormwater lines, sanitary sewer lines, water lines, public utility transmission lines are permitted, provided that the land disturbance is the minimum required to accomplish the permitted use, subject to the approval of the Code Enforcement Officer, Board of Aldermen, their designated representatives, or any applicable federal, state, or local permits.

d. Construction activities, as defined in **Section VI. Performance Standards for Construction in Conservation Zone.** Existing structures are exempt from these new standards, but additions to said existing structures must comply with the new standard.

e. Any activities that may result in the harm or take of the Salado Springs Salamander must be permitted under state and federal law. The responsible party must coordinate directly with US Fish and Wildlife Service to determine if a Research/Recovery Permit, Incidental Take Permit, or Enhancement of Survival Permit is required. The website is www.fws.gov.

V. Prohibited Activities within the Conservation Zone. The following activities are not allowed within the established conservation zone of Salado Creek:

a. Swimming, wading, or other human entrance into the Salado Creek within the conservation zone, unless permitted by the U.S. Fish and Wildlife Service.

b. Allowing animals to enter the creek within the conservation zone. All pets outside of the creek must be on a leash or in direct control of responsible person within the conservation zone. Pet droppings must be picked up and removed by the person accompanying the pet (owner, guardian, custodian, dog walker, etc.) upon leaving the area. Any domestic animal running loose within the conservation zone shall be subject to capture and impoundment by Village officials.

c. Harvesting or movement of creek rock, soil, or other materials within the streambed, unless it is determined by Village officials that this is in the best interest of the species.

d. Harvesting or cutting of any vegetation within the conservation zone, whether for consumption or other uses, unless it is determined by Village officials that this is in the best interest of the species.

e. Storage, use, or discharge of chemicals, including, but not limited to, pesticides, herbicides, or fertilizers, that is in excess of prescribed industry standards located on the product label.

f. Creation of dams, impoundments, or any other structure that obstructs spring or stream flow.

VI. Performance Standards for Construction in and Near the Conservation Zone.

a. All encroachment or construction activities within 100 meters of the ordinary high water mark of Salado Creek, or springs that are known to be connected to, adjacent to, or recharge the Salado Creek, is prohibited. Special construction activities, or temporary structures, may be permitted, by exception, by submitting a construction permit with a detailed explanation of the project and its necessity to be constructed within the prohibited area.

b. All new major and minor construction site plans within 300 meters of springs should be designed to limit excessive runoff into the Salado Creek, especially during the construction period. For construction over one acre, an Erosion and Sediment Control Plan must be included in the site construction plan. These plans must provide for vegetation or revegetation of any portions of the construction area that are disturbed, and provide pre- and post-runoff calculations. Said vegetation shall be comprised of native and non-invasive tree and plant species.

VII. Enforcement. A prompt investigation shall be made by the Village of Salado of any person or entity believed to be in violation of this ordinance. Upon determining a violation has occurred, or upon witnessing a violation of any part of this ordinance, any Village official shall be authorized to issue a citation against said violator. Violator will be required to appear before the Salado Municipal Court judge for determination of the severity of violation and amount of fine to be assessed. The fine shall not exceed $200.00, per person, per occurrence. Each day the violation occurs shall be deemed a separate offense.