

Village of Salado, TX
Regularly Scheduled Board of Aldermen
Meeting Minutes
Municipal Building, 301 N. Stagecoach Rd.
Thursday, February 19, 2015 6:30pm

Members present: Mayor Skip Blancett, Mayor Pro Tem Fred Brown, Alderman Michael McDougal, Alderman Amber Preston Dankert, Alderman Frank Coachman, Alderman Hans Fields

Members Absent: None.

Others Present: Kim Foutz - Village Administrator, Douglas Hansen – Village Secretary, Jack Hensley - Chief of Police, Debbie Charbonneau – Executive Director

I. Call To Order : Mayor Blancett called the meeting to order at 6:33pm, quorum present.

1. Mayor Blancett led the invocation.
2. Pledge of Allegiance and Texas Pledge of Allegiance were recited.

II. Reports:

Mayor's Report: The Mayor reviewed election dates.

Feb 27 – Last day to file an application for a place on the ballot (by 5:00 p.m.)

Feb 27 – Drawing for order of names on ballot (5:01 p.m.) – See note

Apr 9 – Last Day to register to vote

Apr 27 – First Day for Early Voting in Person

May 5 – Last Day for Early Voting in Person

May 9 – Election Day 7:00 a.m. – 7:00 p.m.

Location for Voting will be the Salado Civic Center, 601 North Main Street

Note – The drawing for order of names has been changed from what was previously posted on the bulletin board and included in candidate packets. It was moved from March 6th to February 27th in order to meet the legal deadline to submit candidate names to Bell County no later than March 2nd.

The Mayor went over the priorities for the Village of Salado:

1. Roads, including Interstate 35 concerns.
2. Sanctuary / Robertson. Next meeting for negotiations regarding Sanctuary is Tuesday Feb 24.
3. Water treatment and Sewer
4. Ordinance
5. Downtown
6. ETJ / Annexation
7. Environment – permits, deer, vultures
8. Settlements

Aldermen Updates:

Environmental Report/ETJ Alderman Dankert clarified that the goal of buzzard and deer population control was not to reduce populations to zero, but to get to manageable population levels. Texas Parks and Wildlife has said that we cannot start population surveys until August or September of 2015. The Village has an approved census route that will be examined three times to get an accurate count of the deer after babies are born. Parks and Wildlife will issue MLD (Managed Land Deer) Permits to individual land owners based on the census. Property owners within the Village may hunt with bows with these permits. Hunters may not keep the antlers or meat from takes on these permits.

Alderman McDougal said the ETJ committee will continue to meet and will be bringing recommendations to the Board as to the Village's possible courses to bring more parts of the ETJ into the Village.

Ordinance Committee Report Alderman Coachman deferred report until the Regular Agenda items involving two Ordinances, which will be summarized by Village Administrator Foutz.

Main Street Report Mayor Pro Tem Brown praised Village Administrator Foutz's success in reducing the price of the Texas A&M Main Street project by nearly \$2,500. The A&M students will be in the Village on Mar 27th & 28th. Citizens will be invited to make public comment on the project on one of those days. Alderman Coachman and Mayor Pro Tem Brown will have the lights on the bridge turned on some time in the next two weeks.

Street Improvement Committee Alderman McDougal said that warming weather will allow major construction to begin on Salado Plaza, Mill Creek Drive, and Thomas Arnold. Bids were opened last week. Bids will be considered by the Street Committee next Monday, which will then bring a recommendation to the Board at the first meeting in March. Total cost will be \$250,000-\$425,000, which funds are in the budget.

The Mayor thanked the Aldermen for their reports.

III. Proclamations: none

IV. Public Comments:

3. Two individuals made public comments, summarized below.

Linda Pehoski spoke about deer and buzzard population control. She asked if options other than bow-hunting had been considered for controlling deer populations. She said that Austin also has deer problems but uses other methods to control them. She questioned why the buzzard problem was viewed as such a problem this year as compared to last year.

Dave Herman, 101 North Main Street, thanked Mayor Blancett for his presentation at the Town Hall Meeting with Tx DOT on Tuesday, February 17th. He said that it showed clear, passionate leadership on behalf of Salado. Mr. Herman urged the Mayor to continue to press for results. He said that Village Administrator Foutz spoke at a Chamber & Tourism Board of Directors that morning and that there was debate over the best course of action for citizens to help press for results. He asked the Mayor to keep citizens informed about progress with Tx DOT.

The Mayor noted that three other Public Comments that were turned in would be made during the Agenda item they pertain to, the public hearing on the variance to be considered during the Regular Agenda.

V. Consent Agenda

4. Consider approving the Consent Agenda items:

(A) Minutes, Regular Meeting February 5, 2015

(B) Consider approval of Joint Resolution R-2015-111 calling for a Joint Election on May 9, 2015 with the Salado Independent School District (ISD) Board of Trustees and the Salado Public Library District for the Elections

(C) Consider approving an Order of Election for the Village of Salado for May 9, 2015

(D) Consider authorizing an award of bid to Rodney Schoolcraft dba Rodney's Roofing for roof replacement in an amount of \$10,920.00

(E) Consider approving a Memorandum of Agreement with Texas A&M University, Texas Target Communities (TTC) Program to provide planning services for Main Street in the amount of \$7,003.11

(F) Consider approving an Engagement Letter between the Village of Salado and Donald L. Allman, CPA, PC for the Annual Audit for the year ending September 30, 2014 for an amount not to exceed \$7,500.00

(G) Consider a contract for fire protection and emergency services with the Salado Volunteer Fire Department in an amount of \$36,000.00

(H) Consider 1) ratifying an Agreement for Control of Animal Damage with the United States Department of Agriculture - Animal and Plant Health Inspection Service in cooperation with Texas Wildlife Services; and 2) authorizing an exemption from Section 4 of Ordinance No. 2008.23 Fireworks, Restrictions on the Sale, Use and Possession or Discharge of Fireworks, to allow discharge of fireworks for the purpose of mitigating the buzzard problem

Alderman Coachman made a motion to accept all Consent Agenda items as presented, Alderman Fields seconded, and the motion passed unanimously.

VI. Regular Agenda:

Resolutions – none.

Public Hearings / Ordinances:

5. Hold a public hearing and consider adopting an ordinance authorizing amendment to Zoning Ordinance 2013.08, Section 2.4.C.1., Application and Appendix C, Zoning Fee Schedule, amending Zoning Fees.

Village Administrator Foutz said that the Ordinance Committee met in the last week following a considerable amount of research surveying the fee structures of other communities and how those fee structures would cover Village permitting costs. The committee included Alderman Coachman and Alderman Fields.

Village Administrator Foutz said that the Zoning Ordinance amendment adds several categories of fees that did not previously exist. They are cases that do not come up frequently but do need to be addressed in the Ordinance, including Abandonment Fees, Street Use License Fees, Licenses to Encroach into Right-of-Way, and Annexation Fees. The committee recommended that there be no fee for annexation.

The current trend among developers is that they do like to have development agreements with cities. The committee is recommending that the Village have fees for development agreements in the fee schedule to cover normal costs that come up during development negotiations, e.g. engineering and legal costs.

The Mayor asked Village Administrator Foutz to include her presentation on Agenda item 6 with this item.

Village Administrator Foutz said that the Village's Subdivision Ordinance – unlike some other cities – allow for the Construction Plat to be combined with the Final Plat in one stage for approval. The proposed Ordinance clarifies that, even though the stages are combined for approval efficiency, the Village still needs fees from both stages to cover Village expenses. The proposed Ordinance does not significantly change the base fees but does now charge by the number of lots as opposed to by acreage. The Ordinance also includes pass-through costs for the engineering review.

Alderman Coachman clarified that the old Ordinance used to have both an acreage fee and a lot fee, where the new Ordinance would only have a lot fee, so that this represented a reduction in fees, not an increase.

Alderman McDougal said that his understanding of the reason for the increase in the number of fees was that in the past the fees were not covering costs to the Village. He asked Village Administrator Foutz to clarify whether these proposed fees would at least cover the expenses to the Village. Village Administrator Foutz said that was correct.

The Mayor closed the Regular Session and opened a Public Hearing for Agenda items Five and Six at 7:05 p.m. With no comments, he closed the Public Hearing at 7:06 p.m.

Alderman Fields made a motion to adopt Ordinance 2015.04 amending Zoning Ordinance 2013.08, Section 2.4.C.1., Application and Appendix C, Zoning Fee Schedule, amending Zoning Fees. Alderman Coachman seconded, and the motion passed unanimously.

6. Hold a public hearing and consider adopting an ordinance authorizing amendment to Ordinance 2009.03, Subdivision Regulations, Section VII 7.1(d) Schedule of Fees and Re-Submission Requirements, amending Development Fees.

Alderman Fields made a motion to adopt Ordinance 2015.05 amending Ordinance 2009.03, Subdivision Regulations, Section VII 7.1(d) Schedule of Fees and Re-Submission Requirements, amending Development Fees. Alderman Coachman seconded, and the motion passed unanimously.

7. Hold a public hearing and consider a variance to Ordinance 2013.08, Section 4.1G1(a) for the location of an accessory building located at 400 Hay Meadow.

The Mayor noted that this Agenda item would be considered by the Board in its capacity as the Zoning Board of Adjustment as authorized by Ordinance 2014.09.

Village Administrator Foutz summarized the variance request. The applicants for the request are Curt and Laurie Doucet. The Village received a complaint on December 12 by a citizen about a portable building located in the front yard of a lot. The Village issued a stop work order that same day in accordance with Ordinance 2012.03, which requires accessory buildings to be located in a rear lot. The variance request under discussion was received January 8th.

Village Administrator Foutz showed a Power Point presentation that showed a view of the property prior to the accessory building being brought onto the property, a view of the portable building from the street, and a diagram depicting how a rear yard is defined in the Village Ordinance (everything behind an imaginary line drawn from the back of the primary structure). The diagram also depicted that the majority of the rear yard is in the flood plain, and showed the location of the septic field and the accessory building.

Village Administrator Foutz said that the applicant has applied for the variance with the understanding that it would be a conditional variance, the conditions being that the main residence would be expanded, a garage would be built, and rock and stone work would be added to the accessory building. The applicant proposes to complete the improvements within twelve months. The presentation next showed a hand-drawn picture from the applicant showing improvements to be made, including the rock work, landscaping, and a three-car garage.

Village Administrator Foutz explained the conditions to be met when requesting a variance to the Zoning Ordinance, including that there must be special circumstances or conditions, that the variance must be necessary to preserve enjoyment of property rights, that it must not be detrimental to health or safety, and that it must not be injurious to adjacent property owners. It must not harm development of surrounding properties. There are also conditions to be met regarding finding that there is an undue hardship, most important is that there must be harmony with the spirit of the Ordinance. Surrounding property owners were notified of the variance request in accordance with State Law. Nine property owners were notified within the 200 foot area. The Village received four responses; three were opposed to granting the variance, and one was in favor.

Village Administrator Foutz noted that if the variance is approved and improvements are not made within the specified time, the variance would be revoked. If the variance is not approved, the accessory building would have to be removed and/or relocated to the rear yard. A variance request must be approved by a four-fifths vote.

Mayor Blancett asked the Board for questions of clarification.

Alderman McDougal asked for the dimensions of the accessory building and asked how its size compared to others of its type in the Village. Village Administrator Foutz said that it was 14 feet by 24 feet, and that there are both larger and smaller accessory buildings in the Village.

Alderman Dankert and Alderman Fields asked to see previous slides, clarifying the proposed location of the building and whether there have been landscaping changes. Village Administrator Foutz also added that there was previously on the property an above-ground sewage line that had been approved by the Public Health Department. She said that she had requested that the applicants bury the line and that they had done so.

Alderman McDougal asked the Village Administrator to clarify whether the request was to move the accessory building after the main building renovations were completed, or if they were requesting to leave it in place and brick it up in place. Village Administrator Foutz said that the request was to leave the building in place.

Alderman Dankert asked if renovating the main building as proposed would redefine the rear yard of the property. Village Administrator Foutz explained that, because the rear yard is defined from the rear line of the house and given how the property is angled, that would only move the building to the side yard.

The Mayor closed the Regular Session and opened a Public Hearing for Agenda Item Seven at 7:20 p.m. He called for the speakers who turned in speaker registration forms to speak first, in the order in which the Mayor received them.

Curt Doucet, 400 Hay Meadow, spoke as the variance request applicant. He said that prior to their purchasing it, the property had been vacant for ten-plus years, and that they had very little information about the property from the former owners. He said that their intent is to make the property like in kind to his neighbors, and that they requested

the variance because there was no room to place the building behind the house. He said that the house will become L-shaped and face the creek. He said that their timeline is 12 months and that they want to move forward now.

Village Administrator Foutz asked the applicant to indicate on the map where the accessory building would ultimately be located. Mrs. Doucet indicated where the home renovations, breezeway, and accessory building would be located.

Laurie Doucet, 400 Hay Meadow, spoke as the variance request applicant. She said that they bought that home intending to improve it, and wanting to live in the kind of subdivision in which it is located. She said that they should not be held accountable for the former property owners. It was the former property owners who various promises and put the above-ground sewer pipe in place. She said that their objective with the property is to make it the same quality as the neighborhood, and asked for the opportunity to be a part of the community.

Alderman Dankert asked if there was any way to shorten the one year timeline. Mrs. Doucet said that the timeline could be shortened; she said that they are not living in the home currently and are instead living in a hotel.

Chris Seaton, 509 Indian Trail, said that he believes he speaks for many property owners and residents of Salado Creek Place in being opposed to the variance. He said that the deed restrictions are rules that everyone agrees to when they purchase their property and are there to protect property values. He said that what has been done on this property in the past flies in the face of the deed restrictions. He said that the new owner is adding to the problems, that nothing about the structure meets the deed restrictions, and urged the Board to deny the variance.

Alderman Dankert asked the Village Administrator which came first, the deed restrictions or the house being moved onto the property.

Village Administrator Foutz noted that the Village code does not reference the deed restrictions. She said that when the Village receives a permit request, for example, the Village only references code in force and does not look at the HOA or deed restrictions. If plans meet Village code, the Village has an obligation to approve those plans. She said that it is important to be aware of the separation; the Village enforces Village code, and the HOA enforces their restrictions.

Caroline Markham, 408 Hay Meadow, said that she met extensively with the Doucets prior to their purchase of the property and made them aware of the issues, including that there had been flooding under the house and that action had been taken against the former owners. She said that that property was listed as and sold as land only. She said there have been discrepancies in what the Doucets have said, giving rise to questions about their future plans. She said that all plans need to be turned in to the Architectural Control Committee, which has not yet been done.

Tony Fertitta, 300 Salado Creek Place, adjoining the Markhams, said that Mr. Doucet came to his home months ago and asked about the property. He told Mr. Doucet that that property had many problems. He said that the buildings on the property do not comply with the deed restrictions. He said that Mr. Doucet has signed a document acknowledging that he is aware of the deed restrictions.

Will Morris, 316 Salado Creek Place, agreed that there is a mix of issues in this case between the HOA and city ordinances. He said that the property does not fit in with the neighborhood; it is a 'fixer-upper,' and that neighborhood is not an area for a 'fixer-upper.' He said the structures need to be torn down and that the owners should start over to conform with the deed restrictions. He said that he and his neighbors are prepared to take legal action to compel action on this property.

Stuart Sequin, 3700 Chisolm Trail, owner of 409 Hay Meadow, spoke in opposition to the variance. He said the property is not in harmony with the ordinances in place for the neighborhood. He said he considers the need for a variance is 'self-imposed' given the ordinance in place at the time of the property purchase. He said that the impact on his property is that he will be looking directly out on to accessory buildings, as the effect of the plans will be to turn the current front yard into the back yard of the property.

Alderman McDougal asked Mr. Sequin to clarify which property he owned, and Mr. Sequin indicated the property on the slide.

Mary Fertitta, 300 Salado Creek Place, said that she is happy someone bought the property so that someone could do something to improve it. She said that she has been in the house and that it is not stable. She said that the

proposed plan for the property will not work. She invited the Board to walk the property and see the problems for themselves.

Drayton McLane, 628 Center Circle, said that he was in agreement with those speaking against the variance request and noted that he thought what was going to be a temporary structure now looks like it is part of the plan and is intended to be permanent.

Laurie Doucet, 400 Hay Meadow, spoke as the variance request applicant. She that they as the purchasers did not know the extent of the problems with the property, and do intend to fix the problems. She said they did not know who the planning committee was, and that the realtor and some neighbors said that the committee was not in existence. She said that when they know who the committee is, they will give that committee the designs from the architect as soon as they are done. She added that their intent is to move the building to where it will work.

Mayor Blancett announced that the Board would hear two more public comments.

Keith Markham, 408 Hay Meadow, said that the property owners did sign a document saying they knew about the committee. He said that it was important to understand that the property was sold as land and not as a house.

Mayor Blancett closed the Public Hearing and opened the Regular Session at 7:53 p.m.

Mayor Pro Tem Brown made a motion to approve the variance to Ordinance 2013.08, Section 4.1G1(a) for the location of an accessory building located at 400 Hay Meadow, subject to a 45-day temporary variance for the neighborhood Architectural Control Committee to approve the plans for the total project. Alderman Fields seconded the motion, and Mayor Blancett called for discussion.

Mayor Pro Tem Brown commented that he knows the lot personally as he bought the lot 20 years ago, intending to build on it but did not. He said that he knows that when the current house was brought over from Center Circle the intent was that it be an artist's studio and that the owners at the time intended to build a house in front of that. He commented that the owners have a lot of work ahead of them.

Alderman Fields commented that he has looked at the land and does know where the various buildings are located. He said that he likes the motion made by Mayor Pro Tem Brown, but voiced the concern that the Architectural Control Committee and the Village are two separate entities, and that the Village does not have authority over that Committee. He said that 45 days gives the owners enough time to come up with the plans, and that if the Architectural Control Committee approves it, then he would assume the owner's neighbors should not have a problem.

Alderman McDougal asked if the Architectural Control Committee currently exists. Several citizens in attendance spoke out, saying that it does exist. Alderman McDougal said that he appreciated the spirited discussion, and that an energetic, courteous, and professional discussion is good for the Village of Salado.

Bell County Commissioner Tim Brown asked if he could speak on this issue; Mayor Blancett noted that it would be out of order because the Public Hearing was closed. Mayor Blancett canvassed the Aldermen by voice and they agreed to give Commissioner Brown one minute to speak.

Commissioner Brown said that he just learned this week that he 'is' the Architectural Control Committee. He said the two other original members, Sam Piester and Jack McCammon, acted as the committee. Jack McCammon is deceased and Commissioner Brown has been trying to get in contact with Sam Piester. Because the committee has been inactive for a number of years, the community may need to go through a formal process to reactivate the Architectural Control Committee.

Mayor Pro Tem Brown asked Commissioner Brown if he could put a committee together within 45 days. Commissioner Brown said that it may be up to the landowners to elect a new committee. Alderman McDougal thanked Commissioner Brown for his input.

Alderman Coachman asked Mayor Pro Tem Brown if he would accept an amendment to his motion, increasing the time period to 60 days. Mayor Pro Tem Brown said that he chose 45 days because the property owner said he would have plans back in 30 days, giving him 15 days to ask for approval. Alderman Coachman withdrew his proposal.

Alderman McDougal called the question. Mayor Blancett called for Mayor Pro Tem Brown to re-read the motion, viz: a motion to approve the variance to Ordinance 2013.08, Section 4.1G1(a) for the location of an accessory building located at 400 Hay Meadow, subject to a 45-day temporary variance for the neighborhood Architectural Control Committee to approve the plans for the total project. Mayor Blancett reminded the Board that a four of five vote was required for the motion to pass and called for the vote. The motion passed unanimously.

Mayor Blancett closed the Regular Session at 8:05 p.m. and directed that the building be cleared and the Executive Session open at 8:10 p.m.

VII. Executive Session:

The Board addressed two Agenda items in Executive Session.

8. *Discuss the Sanctuary project as authorized by Texas Government Code 551.087, Economic Development.*

9. *Discuss the Robertson Tract project as authorized by Texas Government Code 551.087, Economic Development.*

VIII. Regular Session

The Mayor re-opened the Regular Meeting at 8:42 p.m.

Announcements:

Next Scheduled Board of Aldermen Meeting will be at the Municipal Building on Thursday, March 5th, 2015 at 6:30 p.m.

Alderman Coachman made a motion to adjourn the meeting, Mayor Pro Tem Brown seconded, and the motion passed unanimously.

There being no further business, the meeting was adjourned at 8:45 p.m.

APPROVED:

SKIP BLANCETT, Mayor of the Village of Salado, Texas

ATTEST:

DOUGLAS A. HANSEN, Village Secretary