

Village of Salado
Salado Municipal Building
301 North Stagecoach Road
Salado, Texas
Minutes of Regular Meeting of Board of Aldermen
December 3, 2020 at 6:30 p.m.

The Board of Aldermen meeting was called to order at 6:30 p.m. by Mayor Michael Coggin. The meeting was conducted via videoconference.

Mayor Coggin gave the Invocation and the Board of Aldermen led the Pledge of Allegiance to the United States and Texas flags.

Board Members Present: Mayor Michael Coggin, Mayor Pro-tem Rodney Bell, Aldermen Amber Preston Dankert, John Cole, Paul Cox, and Jason Howard.

Staff Present: Village Administrator Don Ferguson

Proclamation

Mayor Coggin read a proclamation honoring Letta Meinen for her servant leadership and recognizing her talents as an artist, author, golfer, and community service volunteer.

1. Zoning Board of Adjustment

Hold a public hearing and consider action regarding a request for a variance from Section 5.3.B.2 of the Village of Salado Zoning Ordinance which prohibits fences in the front yard of any non-residential use for a property located at 861 N. Main Street, Salado, Bell County, Texas. (*June Ritterbusch & Sheldon Vickers, Applicants*)

Mayor Coggin convened as the Zoning Board of Adjustment at 6:35 p.m.

Village Administrator Ferguson reviewed the applicants' request to build an 8-foot tall wooden privacy fence along the southwest property line that would extend into the front yard of their property, which is prohibited by Code. He noted that the proposed fence would be tied into an existing fence, which is also located in the front yard of the subject property. He advised that notices were published and sent to surrounding property owners, with 3 responses received. Two respondents were in favor of the variance and one respondent was in favor provided the proposed fence would not block the front view of the Axis Winery. He noted that the Board must affirmatively find the following conditions must exist for a variance to be approved:

- That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land;
- That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

- That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- And that the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.

Applicant June Ritterbusch explained her reasons for requesting the variance, including liability concerns relating to alcohol consumption on her property and unleashed dogs.

Discussion among the applicants, Board members, and staff addressed length of the fence; building setback; fence as distinguishing boundary between Salado Winery and Axis Winery; applicant's request for privacy fence to meet up with existing split rail fence; whether an 8-foot fence would impact views; ability of ZBOA to specify fence height; wood as a compatible fencing material; reasoning for 8-foot fence height to abate sound, discourage littering, and trespassing from neighboring property; and effect of noise from live music on applicants' business and tenants.

Mayor Coggin opened the public hearing. Hearing no comments, Mayor Coggin closed the public hearing.

Discussion continued regarding ongoing issues between Salado Winery and Axis Winery relating to noise complaints; calls for service to Salado Police Department regarding noise; complaints from the applicants' renters about noise; noise ordinance enforcement issues; fence as physical barrier for sound abatement, and trespassing/littering from neighboring property by people who consumed alcohol at neighboring business; Alderman Cole's question regarding the fence variance as a resolution versus civil legal action between property owners to resolve noise, littering, and liability concerns; Alderman Cox's suggested compromise to approve a variance for a 6-foot fence, except for the back fence, which could be 8-feet tall; Alderman Howard's statement for the record that he has met with both the applicants and neighboring property representative(s), and read written comments from the neighboring property owner; and Mayor Coggin's confirmation that it is well within ZBOA protocol to visit the site of the proposed fence.

Mayor Coggin entertained a motion. Village Administrator Ferguson reminded that all ZBOA members must include affirmative findings on all previously stated conditions in motion language. He stated that four (4) votes would be needed in order to approve the variance, which includes Mayor Coggin as a voting member.

Alderman Cox moved to approve the variance, subject to changing the "east-west" fence going toward Main Street to a height of 6 feet and leaving the back fence at a height of 8 feet, including affirmative findings on all required conditions. Motion died for lack of a second.

At Alderman Dankert's request, Village Administrator Ferguson reviewed the conditions required to be considered when granting a variance.

Alderman Dankert moved to approve the variance request for an 8-foot front yard fence, as presented, including affirmative findings on all required conditions. Alderman Cox seconded.

Mayor Coggin requested a vote as follows: Mayor Pro-tem Bell, aye; Alderman Cole, nay; Alderman Cox, aye; Alderman Dankert, aye; Alderman Howard, aye; and Mayor Coggin, aye. Motion carried on a vote of 5-1.

Mayor Coggin adjourned as Zoning Board of Adjustment and reconvened as Board of Aldermen at 7:11 p.m.

2. Citizens Communications

No citizen comments were heard.

3. Consent Agenda

Approval of minutes of the Regular Board of Aldermen meeting of November 19, 2020.

Village Administrator Ferguson requested approval with the following spelling correction for a name listed on page 1: ~~Jacqueline~~ *Jacelyn* Howard led the Pledge of Allegiance. . .”

Mayor Pro-tem Bell moved to approve the Consent Agenda, as presented, including the abovementioned spelling correction. Alderman Cox seconded. Motion carried on a vote of 5-0.

4. Status Reports

A. Village Administrator’s Status Report

- **Wastewater Project Update**

Village Administrator Ferguson reported that 8 property owners have been mailed enforcement notices advising that connection must be made by December 24th or the Village will take action to connect those properties. He advised that at least 2 owners have moved quickly to secure contractors and are close to making final connections. He said remaining unconnected property owners have been in communication with the Village. He said the Village’s renewal of its wastewater permit is in the review process.

- **Lift Station Odor Control Project**

Village Administrator Ferguson reported that careful monitoring during the trial period for the odor control system has shown a significant improvement, but he cautioned that winter months are typically less problematic than spring or summer months. He advised that monitoring of the system and updates will continue, with a report to the Board at the end of the demonstration period.

- **Main Street Improvement Project**

Village Administrator Ferguson reported that 95 percent of the railings have been installed, with a couple of sections being refabricated and reshipped by the manufacturer. He said cones and barriers will be placed in unrailed areas for safety reasons until the railing work is completed. He

noted the lighting contractor will be performing some daytime wiring work next week. He said staff is working with ONCOR to turn off the remaining orange streetlights by the end of the month. He spoke of progress with TxDOT on sidewalk/crosswalk issues that were not in the original project scope.

- Main Street Parking Education Project

Village Administrator Ferguson reported on Citizens on Patrol (COP) education efforts, including distribution of handouts to be placed on improperly parked vehicles.

- Salado Stroll

Village Administrator Ferguson reported on difficulties businesses have encountered enforcing Governor Abbott's face covering mandate. He said extra law enforcement will be in place the next two weekends to help with pedestrian crossings.

In addition, Village Administrator Ferguson provided current COVID-19 statistics showing an upward trend, including a limited number of available hospital beds and adequate ventilator availability. He noted that if certain thresholds are met, State-mandated capacity percentages will be reduced. He reported on vaccine delivery date, distribution and administering of vaccines, and need for 2 injections of the vaccine. He also reported contractors are waiting for the railing manufacturer to deliver the Thomas Arnold railings.

Discussion addressed the final cost of the trial odor control system estimated to be around \$15,000; possible extension of the 3-month demonstration period to gauge odor issues in warmer weather; observation of unsafe golf cart driving; anticipated salary survey; funding for low water crossing repairs; and awaiting new State golf cart/ATV regulations before reviewing the Village's local ordinance.

B. Salado Police Chief Status Report

- Calls for Service
- House Watch Project
- Holiday Crime Prevention
- Citizens on Patrol

Salado Police Chief Patrick Boone reported on November's decreased number of calls for service, number of offense/supplemental/crash reports, arrest warrants, citations/warnings issued, response times, 169 house watches, COP assistance during Stroll; and use of the Department's Facebook page and other media outlets to promote holiday safety. Discussion addressed number of applications received for an officer vacancy; police report information published in the local newspaper; and community notifications to inform citizens of public safety issues.

C. Salado Fire Chief Status Report

- Calls for Service

Salado Fire Chief Shane Berrier reported on the number of EMS, fire, and motor vehicle accident calls responded to within the Village of Salado and in Bell County for the month of November. He provided response times for Priority I, II, and III calls. Discussion addressed types of fire calls received and the status of ESD Board applications and appointments.

5. Discussion and Possible Action

- A. Discuss and consider possible action regarding a proposal to reconsider the previously approved stop signs at the intersection of Hester Way and Winners Circle. (*Alderman Paul Cox*)

Alderman Cox spoke of the Board's previous decision to install stop signs at the subject intersection and of his conversations with area residents questioning the need for the signs. He said to his knowledge there is not a line of sight hazard or accident history and felt there is not a need to spend \$1,500 on the signs. He stated that his observation of the intersection from his own residence does not show high speed vehicle traffic or close calls.

Village Administrator Ferguson said that there are some limited sight distance issues for traffic on Winners Circle looking westbound, but there is not an extensive accident history. He explained traffic control measures such as stop signs, speed limits/speed humps, and intersection design.

Alderman Cole moved to reverse the Board's previous decision to put up stop signs at the subject intersection. Village Administrator Ferguson explained that should the Board proceed, an ordinance repealing the previous ordinance will be presented to the Board on December 17, 2020. Alderman Cox seconded.

Alderman Dankert stated that she was not aware that the signs have not been installed and said the original vote in favor was not based on use of the signs for speed control. She said because there has not been a wreck there yet does not mean there are not safety issues. She stated that area is very prone to potential accidents, even with a slow speed limit. She was concerned about the golf cart traffic in the area. She stressed the original discussion had nothing to do with speed control. Alderman Dankert pointed out there will be increased traffic with growth.

Alderman Cox spoke of the intersection of Chisholm Trail and Smith Bluff having much shorter sight distance than the Hester Way and Winners Circle intersection, where he felt there was not an issue with views.

Mayor Coggin called for a vote as follows: Mayor Pro-tem Bell, aye; Alderman Cole, aye; Alderman Cox, aye; Alderman Dankert, nay; and Alderman Howard, aye. Motion carried on a vote of 4-1.

- B. Discuss and consider possible action regarding the selection of a location in downtown Salado for the Village of Salado's new restroom trailer. (*Village Administrator*)

Village Administrator Ferguson requested that this item be continued until the Board's meeting on December 17, 2020. No action was taken.

C. Discuss and consider possible action approving a member to the Salado Economic Development Advisory Board (EDAB). (*Village Administrator*)

Village Administrator Ferguson advised that Thomas Nessler submitted an application to serve on EDAB. Discussion addressed quorum requirements; majority vote for approval of items; number of vacancies to fill; informing and encouraging the public of opportunities to serve on Village boards and committees; and delay of action on this item until the applicant can be present.

Alderman Cox moved to continue this item until the Board meets in January 2021. Alderman Cole seconded. Mayor Coggin favored action on this item, as the applicant's resume shows impressive qualifications, and there will be other vacancies that will also need to be filled. Alderman Cole agreed with Mayor Coggin and withdrew his second. Alderman Cox said that the applicant is a very qualified individual and acknowledged there are two more vacancies to fill. Alderman Cox withdrew his motion.

Mayor Pro-tem Bell moved to approve the appointment of Thomas Nessler to the EDAB. Alderman Cole seconded. Motion carried on a vote of 5-0.

D. Discuss and consider possible action appointing a regular member to the Salado Planning and Zoning Commission. (*Village Administrator*)

Village Administrator Ferguson advised that the current alternate member, Don Hogue, has expressed interest in being appointed as a regular member of the Commission. Mr. Hogue provided information on his personal, professional, and educational background. He spoke of his working knowledge of the Code and ability to make objective decisions. Alderman Cole spoke highly of Mr. Hogue and fully supported him.

Alderman Cole moved to approve the appointment of current alternate Don Hogue as a regular member of the Planning and Zoning Commission. Alderman Cox seconded. Motion carried on a vote of 5-0.

Adjournment


Alderman Cox moved to adjourn. Alderwoman Dankert seconded. Mayor Coggin called the meeting adjourned at 8:08 p.m.

Recorded by:

Don Ferguson

These minutes approved on the 17th of December, 2020.

APPROVED:



Michael Coggin, Mayor

ATTEST:



Cara McPartland, City Secretary