

March 29, 2012

The Graham City Council met in REGULAR SESSION in the Council Chambers at City Hall at 9:30 a.m. on Thursday, March 29, 2012 with the following members present:

MEMBERS: Mayor: Barry White  
Mayor Pro-Tem: Jack Graham  
Council Member: Spencer Street III  
Pam Scott  
Greg Montgomery  
City Manager: Larry Fields  
City Secretary: David Maddy  
Public Works Director: David Casteel  
Police Chief: Tony Widner  
Assistant Police Chief: Brent Bullock  
Fire Chief: Dennie Covey

VISITORS: Sandra Helvey, Jessica James, Neal Blanton, Monica Johnston, Jason Cottongame and Cherry Rushin.

ORDER: Mayor Barry White called the meeting to order and opened with prayer.

PUBLIC FORUM:  
None

MINUTES APPROVED:

Minutes from the March 15, 2012 regular meeting were approved 5-0 on a motion from Greg Montgomery and a second from Jack Graham.

CONSIDER VFW APPLICATION FOR BUILDING PERMIT IN P. D. #4:

The present VFW Hall has been purchased for demolition through the Salt Creek Flood Buyout. The VFW has purchased a one acre tract of land on Hwy. 380 abutting the Holiday Inn to the west. The property is in P. D. #4 and must get approval for the use of the property. P & Z approved the use on a 4-2 vote. The other action was to require that no metal exterior, other than the roof could be visible. This action passed on a 6-0 vote. Because of the potential for the area and because it is a Planned Development Zone, two members of Planning & Zoning did not feel it met the best intended use of the zone. Today's Council consideration is about the usage of the property only. The building and site plan will be submitted at a later date. As the VFW is a private organization serving alcohol, the building must not be within 500' of a residential area. The building needs to be offset another 150' to keep it the proper distance from the Candlestick Addition. Spencer Street made the motion to approve the use of the property, Pam Scott made the second and motion passed 5-0. Greg Montgomery made the motion to support P&Z's requirement for no visible metal exterior, Jack Graham made the second and motion passed 5-0.

CONSIDER VARIANCE FROM MINIMUM TOWER SETBACK REGULATIONS:

Doyle's Construction & Manufacturing Inc. at 624-6<sup>th</sup> Street has proposed to erect a wind turbine pedestal on the property for the purpose of installing wind turbines for testing. Mr. Doyle meets the City's regulations governing location of towers, except for the minimum setback of fifty feet from the Plum Street public right-of-way. P & Z approved the variance on a 6-0 vote. The location is zoned manufacturing. Installation of a personal or permanent structure will be considered as another issue. Greg Montgomery made the motion to approve, Pam Scott made the second and motion passed 5-0.

CONSIDER REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 11, SHAWNEE SPRINGS:

Larry Fields owns these four lots and proposed to re plat into two lots in order to take fifteen feet from Lot 2 and add it to Lot 3. The P & Z approved the re plat on a 6-0 vote. His mother's house sits on Lots 1 and 2 and will be sold. Jack Graham made the motion to approve the re plat, Greg Montgomery made the second and motion passed 5-0.

CONSIDER APPROVAL OF "SCHOOL FUND RUN":

The Christian Motorcycle Association requested the use of the Square on July 21<sup>st</sup> from 8:30 a.m. to 2:30 p.m. for a bike run and other activities to raise money for GISD school supplies. The Police Department has approved the plans. Pam Scott made the motion to approve the request, Greg Montgomery made the second and motion passed 5-0.

CONSIDER ADOPTION OF ORDINANCE #982 ADOPTING THE INTERNATIONAL ENERGY CODE:

Jason Cottongame reported that the City is not in compliance with State law requiring all municipalities adopt the International Energy Code. Ordinance #982 adopts this code with the North Central Texas Council of Governments recommended amendments. It addresses residential, commercial and industrial conservation. This constituted the third and final reading. Greg Montgomery made the motion to approve the ordinance, Spencer Street made the second and motion passed 5-0.

CONSIDER ADOPTION OF ORDINANCE #983 ESTABLISHING PERMIT FEES:

The current permit fees were adopted by Council in 2009 and were to be reviewed every two years. Jason Cottongame discussed the new schedule noting that while the base building permit fees were reduced, new fees were added for items that have not been assessed fees in the past such as roofing, fences and signs. This constituted the third and final reading. Pam Scott made the motion to approve the ordinance, Greg Montgomery made the second and motion passed 5-0.

CONSIDER ORDINANCE #984 PROVIDING FOR A FEE TO DEFRAY COSTS OF COLLECTING DELINQUENT FINES, FEES, COURT COSTS AND OTHER DEBTS.

Council approved the contract with Perdue, Brandon, LLC to collect Municipal Court delinquent fines and this ordinance allows Perdue, Brandon, LLC to collect an additional thirty percent from the individual to cover collection costs. This was the second and final reading. Jack Graham made the motion to approve the ordinance, Spencer Street made the second and motion passed 5-0.

CONSIDER ORDINANCE #985 ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE:

The following AMENDMENTS have been proposed:

1. All language in Section 305 that authorizes a building official to enter a house and inspect housekeeping, interior paint and doors **has been omitted.**
2. Section 304.14 concerning insect screens; Section 304.15 concerning exterior doors; Section 307.2.1 concerning rubbish storage containers, and Section 37.3.1 concerning food grinders and incinerators **have been omitted.**
3. All of Chapter 7 Fire safety Requirements **has been omitted.**
4. Language has been added to Section 106.4 requiring violations to be filed in Municipal Court. Section 107.3 now requires notices, not associated with removal of grass and weeds; that are undeliverable or returned, to be published in the local newspaper for three consecutive editions. Section 302.8 prohibits the parking of an inoperable, unlicensed motor vehicle, or any motor home, recreational vehicle, travel trailer, trailer or boat in a public right of way or the temporary parking of an operating motor vehicle in such a way as to impede traffic or violate existing laws and regulations. A new Section 309 was added requiring that recreational vehicles and travel trailers shall not be used for occupancy in a residentially zoned area without a special permit approved by the City Council.
5. Language in Section 104.2 discussing the code official's authority to "adopt and promulgate rules" **has been omitted.**
6. All language referring to the Code Official has been changed to Building Official.
7. Section 111 language referencing the board of appeals has been eliminated and replaced with the City Council; Section 111.2 through 111.2.5 **has been omitted.**

Larry and Jason feel the adoption of this code with the recommended amendments will enhance the City's ability to provide improved code enforcement to the benefit of the citizens. As with all code enforcement the key issue is, how it will be interpreted and implemented by staff. We must enforce this code with good judgment, consistency and fairness for it to be to the community's benefit. The City Council will always have the authority to determine if the community's best interest is being met and take appropriate action if it is not. Mayor White said he was still not comfortable with all the provisions and wanted to table any action to get feedback from the citizens. Council agreed.

CONSIDER ORDINANCE #986 CREATING THE MAIN STREET ENHANCEMENT DISTRICT AND REGULATING METAL BUILDINGS:

This ordinance was presented on the majority vote of downtown Square property owners' recommendation. It will prohibit the exterior of buildings being of barren and unfinished cinder block or unfinished or finished corrugated material and/or sheet metal being visible from any adjoining property or public right of way, except for commercial grade metal roofs and metal awnings for buildings located in the six blocks of the 80 lots located in the Downtown Square. It also creates the Main Street Enhancement District that will allow for free architectural design assistance to property and business owners within the district boundaries. This recommended ordinance is the product of a lengthy discussion of proposed rules and regulations designed to preserve and protect the existing aesthetics of the downtown square properties. In meetings with property and business owners a proposed "overlay" district was rejected by vote. Pam Scott made the motion to approve the ordinance, Jack Graham made the second and motion passed 5-0.

REPORTS:

Chief Widner reported that the Police Department is rotating schedules, has made several promotions and received private donations of \$36,000 for the crime prevention robot and \$10,595 from GCPA for computers and head sets. Chief Covey submitted the February Fire Rescue report saying that personnel are pre-planning for apartment complex fires and the department has applied to TFS for Wild land and structure gear in the amount of \$9,218. David Casteel said that crews are catching up on mowing, have filled 90 potholes, are reconstructing Ball Park Rd and patched the 24" water line. New taps are being installed on the water line on Calaveras and the Ball Park restrooms are restored. Those in Fireman's Park are the next to be done and guard posts will be installed to keep drivers off the grass. Twenty one code enforcement compliance complaints were followed up on and eight were self corrected. Larry reported the lake level at 1075.04' or 100% capacity. 1075' is full.

ADJOURNMENT:

On a motion by Greg Montgomery, a second from Jack Graham and a vote of 5-0 the Council meeting was adjourned.

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Barry White, Mayor

ATTEST:

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David Maddy, City Secretary