

**MINUTES  
JULY 21, 2009  
HEATH CITY COUNCIL  
200 LAURENCE DRIVE - HEATH, TEXAS  
WORK SESSION – PUBLIC HEARINGS - STATED MEETING**

ATTENDING: JOHN RATCLIFFE, MAYOR  
JULIANNA ZUREK, MAYOR PRO TEM  
ROBERT HILLE  
RICHARD KRAUSE  
KAREN LEWIS  
LORNE LIECHTY  
STEVE McKIMMEY

**WORK SESSION**

**Presentation and Discussion Regarding Annual Budget for Fiscal Year October 1, 2009 through September 30, 2010.**

The Mayor convened the work session at 6:30 p.m. City Manager Ed Thatcher presented the proposed budget for October 1, 2009 through September 30, 2010. Thatcher noted that the proposed budget had no new programs, included cost containment measures and was prepared assuming the current ad valorem tax rate of \$.3433 per \$100 valuation. The Mayor noted that the tax rate has remained unchanged for the eighteenth consecutive year. Thatcher expressed appreciation to staff for their efforts during the budget preparation. Director of Finance Laurie Mays provided an overview of and answered questions regarding the proposed budget. Hille noted, for future consideration, that in order to meet debt service requirements and provide services of the desired level, consideration of a property tax rate increase for the fiscal year starting October 1, 2010 would be necessary.

Mayor Ratcliffe adjourned to work session, called the stated meeting to order and delivered the invocation at 7:11 p.m.

**STATED MEETING**

**Department and Committee Reports** – The reports were included in the Council packets. Assistant City Manager Kim Dobbs stated that the Annual Independence Day Parade was a great success and expressed appreciation to Bob Quimby and John Homesley who provide, set up and drive a truck and trailer for the “Heath Honors Its Veterans” float every July 4. Hille noted that several World War II veterans had participated for the first time and been very gratified by the event.

Dobbs reported that the first building permit application for a boathouse had been received.

Director of Public Safety Terry Garrett provided information regarding the August 8 Rockwall Noon Rotary Hot Rocks cycling event.

Thatcher provided an update regarding projected schedule for the Texas Department of Transportation FM 740 Improvements Phase I project.

Director of Finance ~~Public Works~~ Pedram Farahnak provided updates regarding ongoing improvements to White Road and to Terry Park.

**Approval of the Minutes of July 7, 2009.**

**MOTION: APPROVE THE MINUTES OF JULY 7, 2009.**

MOTION MADE: HILLE  
SECONDED: LIECHTY  
APPROVED: UNANIMOUS

**Discussion and Action Regarding a Request to Amend the Plat of Lot 1 and Lot 2 (1 and 2 Darr Road) in Block A of the Meadowview Farms Estates First Installment Addition in Order to Adjust the Lot Line Between Two Adjacent Lots – Requested by Joe Chamberlain on Behalf of Shayne Phillips.**

Joe Chamberlain presented the request and provided history regarding the subject property. Staff noted that an amended plat was considered and approved in 1994; however it could not be found where the final documents had been provided, executed or filed with the office of the Rockwall County Clerk.

**MOTION: APPROVE THE AMENDED PLAT OF LOT 1 AND LOT 2 (1 AND 2 DARR ROAD) IN BLOCK A OF THE MEADOWVIEW FARMS ESTATES FIRST INSTALLMENT ADDITION IN ORDER TO ADJUST THE LOT LINE BETWEEN TWO ADJACENT LOTS SUBJECT TO THE REQUIREMENTS SPECIFIED IN THE JULY 21, 2009 STAFF REVIEW NOTES FROM THE DEPARTMENT OF PUBLIC WORKS.**

MOTION MADE: LEWIS  
SECONDED: KRAUSE  
APPROVED: UNANIMOUS

Liechty requested that staff prepare an ordinance authorizing staff administrative approval of certain plats including amended plats for consideration at the August 4 meeting.

**Discussion and Action Regarding Resolution 090721A Approving a Change in the Tariffs of Atmos Energy Corporation, Mid-Tex Division (“Atmos”) as a Result of a Settlement between Atmos and the Atmos Texas Municipalities (“ATM”); finding that the Rates Set by the Attached Tariffs to be Just and Reasonable; finding that the Meeting Complied with the Open Meetings Act; Declaring an Effective Date; and Requiring Delivery of the Resolution to the Company and Legal Counsel.**

**MOTION: APPROVE RESOLUTION 090721A APPROVING A CHANGE IN THE TARIFFS OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION (“ATMOS”) AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES (“ATM”); FINDING THAT THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

MOTION MADE: HILLE  
SECONDED: LIECHTY  
APPROVED: UNANIMOUS

**PUBLIC HEARING – Request for a Conditional Use Permit for a Detached Accessory Structure (Garage/Hobby Room), 947 sq. ft. in Area and 22’8” ft. in Height that will be Built of Like Materials and Design as the Residence on Lot 1 in Block A of the Meadowlake Farms Estates First Installment Addition (1 Darr Road) - Requested by Joe Chamberlain on Behalf of Shayne Phillips.**

Ratcliffe opened the public hearing at 7:30 p.m. and invited comments in support of the request. Joe Chamberlain, builder presented and answered questions regarding the proposed detached garage that will match the residence in architectural design and building materials. The Mayor invited comments in opposition to the request. There being none, Ratcliffe closed the public hearing at 7:32 p.m.

**Discussion and Action Regarding Ordinance 090721A Granting a Request for a Conditional Use Permit for a Detached Accessory Structure (Garage/Hobby Room), 947 sq. ft. in Area and 22’8” ft. in Height that will be Built of Like Materials and Design as the Residence on Lot 1 in Block A of the Meadowlake Farms Estates First Installment Addition (1 Darr Road).**

The ordinance granting a conditional use permit was corrected to delete “guesthouse” and insert “Detached Accessory Structure (Garage/Hobby Room)” in Item 2 of Exhibit B.

**MOTION: APPROVE ORDINANCE 090721A GRANTING A REQUEST FOR A CONDITIONAL USE PERMIT FOR A DETACHED ACCESSORY STRUCTURE (GARAGE/HOBBY ROOM), 947 SQ. FT. IN AREA AND 22’8” FT. IN HEIGHT THAT WILL BE BUILT OF LIKE MATERIALS AND DESIGN AS THE RESIDENCE ON LOT 1 IN BLOCK A OF THE MEADOWLAKE FARMS ESTATES FIRST INSTALLMENT ADDITION (1 DARR ROAD) AS AMENDED.**

MOTION MADE: McKIMMEY  
SECONDED: LEWIS  
APPROVED: UNANIMOUS

**PUBLIC HEARING – Proposed Amendment to Chapter 159 (Zoning Code) of the Heath Code of Ordinances Pertaining to the Take Area, Amending the ordinance to include an Allowance for and Illustration of an Alternative Design for the Construction of Pilings for Boat-Related Uses - Proposed the City of Heath.**

Ratcliffe opened the public hearing at 7:37 p.m. and invited comments regarding the proposed amendment to the Lake Edge Zoning Regulations. Chris Cuny, Chairman of the Take Area Appeals Panel presented and answered questions regarding the proposed alternative design for pilings. Joe Chamberlain, recent appointee to the Panel and Sam Jones provided input and participated in the discussion. There being no further comments in support of or in opposition to the proposed amendment, Ratcliffe closed the public hearing at 7:48 p.m.

**Discussion and Action Regarding Ordinance 090721B Amending Chapter 159 (Zoning Code) of the Heath Code of Ordinances Pertaining to the Take Area to Include an Allowance for and Illustration of an Alternative Design for the Construction of Pilings for Boat-Related Uses.**

The Council reviewed the recommendations from the Planning and Zoning Commission. There was discussion regarding concrete and PVC specifications. It was noted that any design must be stamped by a registered engineer.

**MOTION: APPROVE ORDINANCE 090721B AMENDING CHAPTER 159 (ZONING CODE) OF THE HEATH CODE OF ORDINANCES PERTAINING TO THE TAKE AREA TO INCLUDE AN ALLOWANCE FOR AND ILLUSTRATION OF AN ALTERNATIVE DESIGN FOR THE CONSTRUCTION OF PILINGS FOR BOAT-RELATED USES AS REVISED IN EXHIBIT "B" TO INCLUDE REQUIREMENTS FOR:**

- 1. 3,000 PSI CONCRETE AND**
- 2. CONCRETE COLOR COMPATIBLE SCHEDULE 40 PVC.**

MOTION MADE: ZUREK  
SECONDED: KRAUSE  
APPROVED: UNANIMOUS

**Discussion and Action Regarding Tax Rate for Annual Budget for Fiscal Year October 1, 2009 through September 30, 2010.**

**MOTION: STAFF TO PLACE A PROPOSAL TO ADOPT A TAX RATE OF \$.3433 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2009 ON THE SEPTEMBER 15, 2009 CITY COUNCIL AGENDA.**

MOTION MADE: LEWIS  
SECONDED: LIECHTY  
APPROVED: UNANIMOUS

**Discussion and Action Regarding Appointments to the Special Events Board.**

**MOTION: MAKE THE FOLLOWING APPOINTMENTS SPECIAL EVENTS BOARD;**

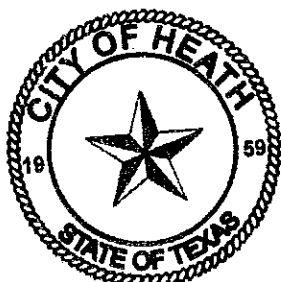
- 1. APPOINT BRIAN BERRY FOR A TERM THAT EXPIRES ON JULY 31, 2011 AND**
- 2. APPOINT PAMELA MILEY FOR A TERM THAT EXPIRES ON JULY 31, 2010.**

MOTION MADE: ZUREK  
SECONDED: McKIMMEY  
APPROVED: UNANIMOUS

Ratcliffe adjourned the stated meeting at 7:56 p.m.

APPROVED:

  
JOHN RATCLIFFE  
MAYOR



ATTEST:

  
STEPHANIE GALANIDES  
CITY SECRETARY