

**MINUTES
OCTOBER 14, 2014
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TEXAS
REGULAR MEETING - PUBLIC HEARINGS - EXECUTIVE SESSION**

ATTENDING: LORNE LIECHTY, MAYOR
JUSTIN HOLLAND, MAYOR PRO TEM
BRIAN BERRY
BARRY BROOKS

JOE CHAMBERLAIN
RICHARD KRAUSE
KEVIN LAMBERTH

Mayor Liechty called the meeting to order and delivered the invocation at 6:30 p.m. Liechty recognized and welcomed former Mayor Charlie Pratt.

Discussion and action regarding the Minutes of September 23, 2014.

Revised minutes were distributed prior to the meeting.

MOTION: APPROVE THE MINUTES OF SEPTEMBER 23, 2014 AS AMENDED.

MOTION MADE: KRAUSE
SECONDED: LAMBERTH
APPROVED: UNANIMOUS

Presentation to introduce the Rockwall County Open Space Alliance - Nell Wellborn, Alliance member.

Nell Wellborn, Bob DeJean and Charlie Pratt presented background and an overview of the Rockwall County Open Space Alliance (OSA) which promotes the protection and conservation of the natural valley storage areas formed by hills and creeks and open space of natural, historic or geological significance. Pratt expressed appreciation for the City's attendance at board meetings and participation in OSA activities.

Application for an amendment to Ordinance 000803A that granted a conditional use permit for an accessory building for use as a garage on Lot 19, Block A of the Windward Slope Addition (19 Lakeway Drive) to convert the structure to a pool house - requested by Brad Dovin;

Presentation of request.

Brooks Graves, owner of the property situated at 19 Lakeway Drive presented and answered questions regarding the request to convert an accessory building permitted by Ordinance 000803A from a garage to a pool house. Chairman John Main stated that the Planning and Zoning Commission voted (5/2) to recommend approval of the request provided that the existing storage shed is removed.

PUBLIC HEARING to receive comments regarding the request.

The Mayor reopened the public hearing that was opened and continued from September 2, 2014 at 6:48 p.m. Graves expressed support for the request. There being no others present to speak in support of or in opposition to the request, Liechty closed the public hearing at 6:49 p.m.

Discussion and action regarding the request.

MOTION: APPROVE ORDINANCE 141014 GRANTING A CONDITIONAL USE PERMIT FOR CONVERSION OF AN EXISTING ACCESSORY BUILDING (GARAGE) PERMITTED BY ORDINANCE 000803 GARAGE TO A POOL HOUSE ON LOT 19, BLOCK A OF THE WINDWARD SLOPE ADDITION (19 LAKEWAY DRIVE) PROVIDED THAT THE EXISTING STORAGE SHED IS REMOVED.

MOTION MADE: CHAMBERLAIN
SECONDED: BERRY

Discussion of the request confirmed that a conditional use permit was required because the structure was permitted specifically as a garage in 2000.

APPROVED: UNANIMOUS

Application for 1) a variance to §157.02 (C) of the Code that limits fences in the front yard to a maximum height of 4' to allow a fence of 5' in height; 2) a variance to §157.02 (J) of the Code that limits front gates to a maximum height of 7' in order to allow a front gate of 8' in height; and 3) a variance to §157.06 (K) of the Code that limits stone or masonry columns to exceed the permitted fence height by 6" to allow the columns to exceed the permitted fence height by 1' on Lot 6, Block A of the Shores at Cedar Glen Addition (921 Cedar Shores Drive) - requested by Tim Seymore.

Presentation of request.

Tim Seymore presented and answered questions regarding the request. Seymore clarified that although the application and subsequent notices referenced a 5' fence, due to the varying topography of the lot, the fence may reach 5'6" in some areas.

PUBLIC HEARING to receive comments regarding the request.

The Mayor opened the public hearing at 6:59 p.m. Seymore and Jan Poole, 814 Twin View expressed support for the requested variances. There being no others present to speak in support of or in opposition to the request, Liechty closed the public hearing at 7:02 p.m.

Discussion and action regarding the request.

MOTION: APPROVE RESOLUTION 141014A GRANTING THE VARIANCES SPECIFIED HEREIN TO THE CODE OF ORDINANCES ON LOT 6, BLOCK A OF THE SHORES AT CEDAR GLEN ADDITION (921 CEDAR SHORES DRIVE):

- 1) §157.02 (C) TO ALLOW A FRONT YARD FENCE OF 5'6" IN HEIGHT;
- 2) §157.02 (J) TO ALLOW A FRONT GATE OF 8' IN HEIGHT; AND
- 3) §157.06 (K) TO ALLOW COLUMNS 6'6" IN HEIGHT.

MOTION MADE: BERRY
SECONDED: CHAMBERLAIN

There was discussion regarding the request and notice requirements.

APPROVED: UNANIMOUS

Application for 1) a variance to §157.02 (C) of the Code that limits fences in the front yard to a maximum height of 4' to allow a fence of 5' in height; 2) a variance to §157.02 (J) of the Code that limits front gates to a maximum height of 7' in order to allow a front gate of 8' in height; and 3) a variance to §157.06 (K) of the Code that limits stone or masonry columns to exceed the permitted fence height by 6" to allow the columns to exceed the permitted fence height by 1' Lot 5, Block A of the Shores at Cedar Glen Addition (916 Cedar Shores Drive).

Presentation of request.

Tim Seymore presented the request and stated that it was on the adjacent property and the same as the one just considered and granted for the property at 921 Cedar Shores Drive.

PUBLIC HEARING to receive comments regarding the request.

The Mayor opened the public hearing at 7:07 p.m. Seymore and Jan Poole, 814 Twin View expressed support for the requested variances. There being no others present to speak in support of or in opposition to the request, Liechty closed the public hearing at 7:08 p.m.

Discussion and action regarding the request.

MOTION: APPROVE RESOLUTION 141014B GRANTING THE VARIANCES SPECIFIED HEREIN TO THE CODE OF ORDINANCES ON LOT 5, BLOCK A OF THE SHORES AT CEDAR GLEN ADDITION (916 CEDAR SHORES DRIVE):

- 1) §157.02 (C) TO ALLOW A FRONT YARD FENCE OF 5'6" IN HEIGHT;
- 2) §157.02 (J) TO ALLOW A FRONT GATE OF 8' IN HEIGHT; AND
- 3) §157.06 (K) TO ALLOW COLUMNS 6'6" IN HEIGHT.

MOTION MADE: BERRY
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS

Discussion and action regarding an application for a variance to §157.02 (C) of the Code of Ordinances (Code) that limits fences in the side and rear yard abutting a street to a maximum height of 4' to allow a fence in the side yard of 6' in height on Lot 9, Block C of Wellington Ridge (153 Huntington Ct.) - requested by Beatrice Hill.

Presentation of request.

Beatrice Hill presented and answered questions regarding the request.

PUBLIC HEARING to receive comments regarding the request.

The Mayor opened the public hearing at 7:10 p.m. Hill and James Bryant, 137 Wellington Lane expressed support for the requested variance. There being no others present to speak in support of or in opposition to the request, Liechty closed the public hearing at 7:11 p.m.

Discussion and action regarding the request.

MOTION: APPROVE RESOLUTION 141014C GRANTING A VARIANCE TO §157.02 (C) OF THE CODE THAT LIMITS FENCES IN THE SIDE AND REAR YARD ABUTTING A STREET TO A MAXIMUM HEIGHT OF 4' TO ALLOW A FENCE IN THE SIDE YARD OF 6' IN HEIGHT ON LOT 9, BLOCK C OF WELLINGTON RIDGE (153 HUNTINGTON CT.).

MOTION MADE: CHAMBERLAIN
SECONDED: KRAUSE
APPROVED: UNANIMOUS

Discussion and action regarding Replat of Lot 1A and Lot 1B, Block K/21, K & K No. 2 Addition (200 Hubbard Drive) - requested by the City of Heath.

Director of Community and Economic Development Kim Dobbs stated that the replat specified increased right-of-way in preparation for future improvements to Hubbard Drive.

MOTION: APPROVE REPLAT OF LOT 1A AND LOT 1B, BLOCK K/21, K & K NO. 2 ADDITION (200 HUBBARD DRIVE).

MOTION MADE: KRAUSE
SECONDED: LAMBERTH
APPROVED: UNANIMOUS

Discussion and action regarding Agreement with Progressive Waste Solutions Company pertaining to collection of excess brush and limbs.

Dick Demien, Municipal Marketing Manager for Progressive Waste Solutions, presented and answered questions regarding a proposal to accelerate the collection of brush and limbs that resulted from the October 2 storm by routing additional trucks to the City at a cost of \$200 per hour.

MOTION: AUTHORIZE EXPENDITURE NOT TO EXCEED \$15,000 FOR ROUTING ADDITIONAL TRUCKS AT A COST OF \$200 PER HOUR FOR BRUSH AND LIMB COLLECTION AS OUTLINED BY PROGRESSIVE WASTE SOLUTIONS.

MOTION MADE: HOLLAND
SECONDED: LAMBERTH

There was discussion regarding the proposal and calculation of the amount of time spent on the extra collection.

APPROVED: FOR: BERRY, BROOKS, HOLLAND, KRAUSE, LAMBERTH, LIECHTY
 OPPOSED: CHAMBERLAIN

Discussion and action regarding Ordinance Revising, Amending, Restating, Codifying and Compiling the existing Code of Ordinances.

MOTION: APPROVE ORDINANCE 141014B ADOPTING AND APPROVING THE 2014 S-2 SUPPLEMENT TO THE CODE OF ORDINANCES WHICH REVISES, AMENDS, RESTATES AND CODIFIES THE EXISTING CODE OF ORDINANCES AND CERTAIN ORDINANCES APPROVED SINCE THE JANUARY 2009 PRINTING OF SAID CODE.

MOTION MADE: KRAUSE
SECONDED: CHAMBERLAIN

APPROVED: UNANIMOUS

Discussion and Action regarding the Preliminary Plat of the Ellis Addition consisting of 2 Lots on 13.101 Acres described as Tract 86-1 in the E. Teal Survey Abstract No. 0207 (7980 S. FM 549; RCAD ID #12751).

MOTION: APPROVE THE PRELIMINARY PLAT OF THE ELLIS ADDITION CONSISTING OF 2 LOTS ON 13.101 ACRES DESCRIBED AS TRACT 86-1 IN THE E. TEAL SURVEY ABSTRACT NO. 0207.

MOTION MADE: KRAUSE
SECONDED: BERRY
APPROVED: UNANIMOUS

Discussion and Action regarding the Final Plat of Ellis Addition consisting of 2 Lots on 13.101 Acres described as Tract 86-1 in the E. Teal Survey Abstract No. 0207 (7980 S. FM 549; RCAD ID #12751).

MOTION: APPROVE THE FINAL PLAT OF THE ELLIS ADDITION CONSISTING OF 2 LOTS ON 13.101 ACRES DESCRIBED AS TRACT 86-1 IN THE E. TEAL SURVEY ABSTRACT NO. 0207.

MOTION MADE: KRAUSE
SECONDED: BERRY
APPROVED: UNANIMOUS

Discussion and action regarding the Development Agreement for the Heath Crossing Addition.

The Council discussed a draft development agreement for the Heath Crossing Addition. Garon Horton, attending on behalf of the developer and the city attorney participated in the discussion. Resident Al Lowrance, 137 Manor Drive inquired regarding costs the City would incur associated with the development. Joe Ruskiewicz, 744 Wilford Way stated that he wanted to make sure the concept plan for the development respects the City's density goals.

EXECUTIVE SESSION - The Mayor recessed the meeting to go into Executive Session (Closed Meeting) in accordance with Government Code: §551.071: Consultation with city attorney regarding economic development laws, projects and incentives; §551.072: Deliberations regarding the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiation with a third party; and §551.074, Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties or dismissal of a public officer or employee (City Manager) at 7:51 p.m. Liechty reconvened the meeting at 8:59 p.m. and stated that no action was taken in executive session.

MOTION: APPROVE THE DEVELOPMENT AGREEMENT FOR THE HEATH CROSSING ADDITION AS DRAFTED BY THE CITY ATTORNEY WITH THE ADDITION OF THE FOLLOWING LANGUAGE TO ARTICLE III, SECTION 10: "THE CITY MAY CONSIDER AND GRANT IN ITS DISCRETION, A WAIVER OF THIS SUBPART (A) PROVISION ON A CASE-BY-CASE BASIS FOR AN INDIVIDUAL WHO HAS PURCHASED A LOT FOR THE PURPOSE OF CONSTRUCTING A SINGLE FAMILY RESIDENCE TO BE OCCUPIED BY SUCH INDIVIDUAL."

MOTION MADE: BROOKS
SECONDED: BERRY
APPROVED: UNANIMOUS

Liechty adjourned the meeting at 9:05 p.m.

APPROVED:

LORNE O. LIECHTY
MAYOR



ATTEST:

STEPHANIE GALANIDES
CITY SECRETARY