

**Town Council minutes
May 14, 2012**

STATE OF TEXAS §

COUNTY OF TARRANT §

TOWN OF PANTEGO §

The Town Council of the Town of Pantego, Texas, met in regular session at 7:30 p.m. in the Council Chamber of Town Hall, 1614 South Bowen Road, Pantego, on the 14th day of May 2012 with the following members present:

Melody Paradise	Mayor
Don Surratt	Mayor Pro Tem
Jane Barrett	Council Members
Russell Brewster	
Don Funderlic	
Duane Smith	

constituting a quorum. The following staff members were present:

Sean Fox	City Manager
Lindsay Wells	City Secretary
Jim Jeffrey	City Attorney
Fitzhugh Newsome	Finance Director
Joel McKinney	Police Chief
Tom Griffith	Fire Chief
Ron Edwards	Public Works Director
Chad Joyce	Community Development Director

WORK SESSION 6:30 P.M.

Mayor Pro Tem Surratt called the work session into order at 6:32 p.m.

1. City Manager Report

- Town Celebration on May 21st – The Town will hold a celebration on May 21, 2012 at 6:30 p.m. to honor fallen police officer Joseph Scottino and rename Pantego Drive to Scottino Drive in his memory. After the ceremony, the Town will celebrate Police Chief Joel McKinney's retirement and honor and recognize the newly sworn-in Council members. A barbeque dinner will be provided by Coker's Barbeque and Wal-Mart.

2. Monthly Staff Reports

Council discussed the financial statements presented by Finance Director Fitzhugh Newsome and received clarification on dedicated funds, investments, and revenues. Fire Chief Tom Griffith discussed information presented in the fire department reports. Public Works Director Ron Edwards discussed the closure of the Farmers Market at Bicentennial Park and Council congratulated the Municipal Court for their continued hard work.

3. Approval of Bills Payable and Purchase Orders in Excess of \$1,000

Council discussed purchase orders presented including invoices for attorney services and fire hydrant replacement.

- 4. Minutes:**
- Planning & Zoning-March 5, 2012
 - CRB-April 3, 2012
 - PEDC-March 28, 2012 and April 11, 2012
 - Town Council-April 23, 2012 and May 7, 2012

**Town Council minutes
May 14, 2012**

5. Discuss and approve rescheduling the May 28, 2012 Town Council meeting to May 21, 2012.

Council next discussed agenda item #9 with Community Development Director Chad Joyce regarding convenience sales and rezoning certain sections of town from C2 to C3. Council discussed Special Use Permits for liquor stores. Mr. Joyce stated that Special Use Permits are allowed if several different types of businesses are grouped together including liquor stores, convenience stores, and gas stations.

City Attorney Jim Jeffrey clarified that the proposed ordinance clarified current wording in the ordinances regarding convenience stores, convenience grocery stores, and liquor stores.

Council next discussed agenda item #10 regarding a smoking ordinance. Community Development Director Chad Joyce stated that this issue has been discussed with previous Councils and has been brought for further discussion. The proposed ordinance would limit smoking to adult-only establishments as well as no smoking within 50 feet of entrances or outdoor areas. Council discussed issues including smoking in the park, defined the term 'tavern' and hookah lounges. Council stated that they do not want to overburden current establishments. City Attorney Jim Jeffrey recommended staff gather ordinances from several cities and present a revised ordinance at a future Council meeting.

Mayor Paradise adjourned the work session at 7:27 p.m.

REGULAR SESSION 7:30 P.M.
CALL TO ORDER/WELCOME

Mayor Paradise called the regular session to order at 7:36 p.m.

INVOCATION BY:

Chad Joyce, Community Development Director

PLEDGE OF ALLEGIANCE

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Mayor Pro Tem Surratt thanked the staff for their hard work and stated that he appreciates seeing the thank you letters received by the police and fire departments. Councilmember Funderlic thanked Police Chief Joel McKinney for his tenure and thanked the assembled audience for their attendance. Councilmember Barrett thanked the police and fire departments for the Shattered Dreams presentation at Pantego Christian Academy on April 25, 2012 and stated that her grandson was greatly moved.

Councilmember Smith mentioned that he was glad to hear that City Manager Sean Fox's daughter was in good health after a major car accident. Councilmember Brewster thanked Town staff for their continued hard work and welcomed those in the audience. Mayor Paradise thanked Chief McKinney for his years of service and invited everyone in attendance to join a celebration on Monday, May 21, 2012.

Mayor Paradise also encouraged everyone to 'like' the Town on Facebook for updates on events and other information.

COUNCIL LIAISON TO BOARD REPORT

• **Community Relations Board**

Mayor Pro Tem Surratt stated that the last meeting was held on Thursday, May 3, 2012 and he was unable to attend. City Manager Sean Fox was in attendance and stated that the Easter event was discussed and Tracy Fox discussed the upcoming Memorial Day event scheduled for Monday, May 28, 2012 at 6:30 p.m. at Bicentennial Park.

**Town Council minutes
May 14, 2012**

- **Pantego Youth Leadership Council**

Mayor Paradise stated that PYLC will meet for the final time this school year tomorrow, May 15, 2012 for the culmination of their year-long program where they will hold a mock trial. Mayor Paradise also thanked City Secretary Lindsay Wells for obtaining Texas Rangers baseball tickets from the Texas Rangers Foundation for PYLC students and their guests.

PEDC REPORTS

City Manager Sean Fox informed Council that PEDC met on Wednesday, May 9, 2012 where they discussed and approved their Strategic Plan. The next monthly Meet & Greet event scheduled for Thursday, May 17, 2012 at 5:30 p.m. at It's All Good was also discussed.

CITIZENS OPEN FORUM

Kim Feil, 409 N. Elm Arlington, TX 76011 – Ms. Feil informed Council that she recently ran for Arlington City Council and came to discuss the dangers of gas drilling. Ms. Feil stated that currently natural gas prices are low but the companies will be back to continue drilling when prices go up. She mentioned her blog, <http://barnettshalehell.wordpress.com/>, and encouraged people to view the collected articles. In March 2011, Ms. Feil informed Council that she requisitioned information related to Pantego's gas drilling site from the TCEQ and stated that TCEQ isn't protecting the citizens.

Faith Chatham, 803 N. Mesquite St. Arlington, TX 76011 – Ms. Chatham stated she also recently ran for Arlington City Council and came to discuss use of the Shamburger Fund. Ms. Chatham was informed that the City Secretary had been tasked with researching other uses for the Shamburger Fund and is worried that the use of the trust will be sullied. She stated that if the Town starts considering using the trust for anything other than its intended use, the money should be given back to the Shamburger estate.

Harriet Irby, 3400 Peachtree Pantego, TX 76013 – Ms. Irby informed Council that she worked with Ms. Hilda Shamburger in rescuing animals. Ms. Irby stated that former Mayor Wayne Rohne was the executor of Ms. Shamburger's estate and helped establish the Shamburger Fund as it exists today. She is concerned that there has been discussion to use the fund for other means and would like to ensure that the fund remains restricted as dictated in the will of Ms. Shamburger.

Terry Meza, 1807-C Park Row Dr. Arlington, TX 76013 – Ms. Meza informed Council that she is an attorney representing Betty Clark and Harriett Irby regarding the recently passed animal control ordinance. She stated that she and her clients met with City Manager Sean Fox regarding the ordinance and discussed issues including a noise ordinance related to roosters, grandfather clauses, variances, and distance requirements. Ms. Meza stated that there were unintended consequences to residents due to the distance requirements. She stated that many residents treat their chickens as pets and these chickens are very well treated. Ms. Meza thanked Mr. Fox for meeting with them.

APPROVAL OF CONSENT AGENDA ITEMS

Mayor Pro Tem Surratt moved to approve Agenda Items 1, 2, 3, 4, and 5 on consent. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

NEW BUSINESS FOR DISCUSSION, REVIEW, APPROVAL AND / OR DIRECT STAFF

Town Council minutes
May 14, 2012

PUBLIC HEARINGS

6. **Public Hearing and consider any action on zoning case Z-162, a proposed Special Use Permit, as requested by New Testament Baptist Church, for the establishment of a church in a portion of 2203 Smith Barry Road, Lots 6R & 7A of the Lanes Industrial Park Addition, Pantego, Tarrant County, Texas. The property is generally located on Smith Barry Road between W Pioneer Pkwy and San Ramon Drive.**

Mayor Paradise opened the floor for a public hearing at 8:07 p.m. and the following citizens and business owners came before Council regarding the Special Use Permit for New Testament Baptist Church.

David Closton, Jr., 2715 Westridge Dr. Arlington, TX 76012 – Mr. Closton is a representative for New Testament Baptist Church and stated that additional space is needed. The church currently supports 27 missionaries around the world and would like to expand to allow for more.

David Bryant, 3402 Lynnwood Ct. Arlington, TX 76013 – Mr. Bryant stated that he is the pastor of New Testament Baptist Church. He is requesting their Special Use Permit be approved to include their current spaces plus 2209 Smith Barry Rd.

Council asked Mr. Bryant if they plan to make this property their permanent home. Mr. Bryant stated that he was not sure but was happy to be in Pantego.

Mayor Paradise closed the Public Hearing at 8:12 and gave Council the opportunity to discuss the issues brought by the citizens.

Council discussed a stipulation in the ordinance allowing the Special Use Permit to remain in place as long as the lessee remained the same.

Councilmember Funderlic moved to approve zoning case Z-162, a proposed Special Use Permit, as requested by New Testament Baptist Church at 2203-2209 Smith Barry Road. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

7. **Public Hearing and consider any action on zoning case Z-163, a proposed Special Use Permit, as requested by John B's F & B, LLC, for permission to establish a restaurant bar located at 2005 West Arkansas Lane, Lot 7AR of the Fuller's Subdivision, Pantego, Tarrant County, Texas. The property is generally located on the north side of West Arkansas Lane between Duluth Drive and Fielder Road.**

Community Development Director Chad Joyce explained that the Special Use Permit application for both zoning case Z-163 and zoning case Z-164 are due to a change in ownership.

Mayor Paradise opened the Public Hearing for zoning case Z-163 and zoning case Z-164 at 8:17 p.m. and the following citizens and business owners came before Council regarding the Special Use Permits for John B's.

WT Skip Leake, 3019 Pitkin Dr. Arlington, TX 76006 – Mr. Leake informed Council that he is an attorney in Arlington and is purchasing the business from the previous owner. Mr. Leake thanked Mr. Joyce for his help in the permitting process and is asking Council to approve Z-163 and Z-164. He stated that he will be upgrading the exterior of the building and bringing in strong management as well as

**Town Council minutes
May 14, 2012**

creating 20 jobs, all licensed by the Texas Alcoholic Beverage Commission. Mr. Leake stated that considerable sales tax revenue is collected and his goal is to increase tax revenues.

Melissa Younger, 9409 Merganser Dr. Fort Worth, TX 76118 – Ms. Younger informed Council that her mother lives across the street from John B's and she grew up near the business. She stated that she likes that it is a nice, unassuming place.

Maurice Blackman, 5911 Melstone Dr. Arlington, TX 76016 – Mr. Blackman stated that he and his wife are in the entertainment industry and have been associated with John B's for 20 years. He has made many friends at John B's and hopes it stays in business for many years.

Mayor Paradise closed the public hearing at 8:23 p.m. and gave Council the opportunity to discuss the issues brought by the citizens.

Council discussed application fees and ownership.

Councilmember Smith moved to approve zoning case Z-163, a proposed Special Use Permit, as requested by John B's F & B, LLC. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

- 8. Public Hearing and consider any action on zoning case Z-164, a proposed Special Use Permit, as requested by John B's F & B, LLC, for permission to sell alcohol (mixed beverage-late hours) for on-premise consumption at an existing restaurant bar located at 2005 West Arkansas Lane, Lot 7AR of the Fuller's Subdivision, Pantego, Tarrant County, Texas. The property is generally located on the north side of West Arkansas Lane between Duluth Drive and Fielder Road.**

The public hearing for zoning case Z-164 was held concurrently with zoning case Z-163 during agenda item #7.

Councilmember Brewster moved to approve zoning case Z-164, a proposed Special Use Permit, as requested by John B's F & B, LLC. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

ORDINANCES

- 9. Discuss and consider any action on a proposed ordinance changing the commercial district regulations of the Zoning Ordinance for placement of convenience food, off-premise alcohol, and drug sales.**

This item was discussed during work session.

**Town Council minutes
May 14, 2012**

Community Development Director Chad Joyce explained that a set of uses, convenience sales, liquor sales. C3 through Light Industrial would be allowed with a Special Use Permit.

Mayor Pro Tem Surratt moved to approve an ordinance changing the commercial district regulations for placement of convenience food, off-premise alcohol, and drug sales. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

10. Discuss and consider the possibility of adopting regulations regarding smoking within the Town limits, what those regulations might be, and direct staff.

This item was discussed during work session.

Rita Favila, 1549 S. Bowen Rd. Pantego, TX 76013 – Ms. Favila informed Council that she has worked for El Chico for approximately 20 years and that El Chico now employs 45 people. Ms. Favila explained that the restaurant allows smoking in the bar and one-third of their business comes from the smoking area in the bar. She also informed Council that the smoking area does have a small separate ventilation system. Ms. Favila requested that Council continue to allow smoking in Pantego. She stated that many customers come from all over the metroplex specifically because they are allowed to smoke and she would be disappointed if the restaurant were to close due to smoking regulations.

Faith Chatham, 803 N. Mesquite St. Arlington, TX 76011 – Ms. Chatham stated that she dined at El Chico this evening and is extremely allergic to smoke but is able to eat at El Chico with no problems. She is glad to be able to eat at an establishment that allows smoking but does not make her ill.

Council discussed issues including the awareness of business needs and directed staff to research ordinances in other cities and bring the issue before Council for further discussion.

COUNCIL INQUIRY

None at this time.

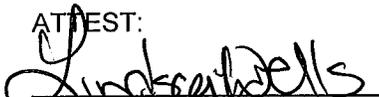
ADJOURNMENT

Mayor Paradise adjourned the regular session at 8:37 p.m.

APPROVED:


Melody Paradise, Mayor

ATTEST:


Lindsay Wells, City Secretary

