

**Town Council minutes
July 9, 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 9th day of July 2012 with the following members present:

Melody Paradise	Mayor
Don Surratt	Mayor Pro Tem
Jane Barrett	Council Members
Russell Brewster	
Don Funderlic	
Charlie Price	

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
Tom Griffith	Chief of Public Safety
Barry Reeves	Police Lieutenant
Chad Joyce	Community Development Director

Also in attendance:

Fred Adair	Planning & Zoning Commissioner
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WORK SESSION 6:30 P.M.

Mayor Paradise called the work session to order at 6:32 p.m.

1. Monthly Staff Reports

Council discussed ambulance revenues and police policies with Public Safety Chief Tom Griffith. Council received clarification on revenues from Finance Director Fitzhugh Newsome and clarified zoning issues with Community Development Director Chad Joyce.

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

3. Minutes: **Planning & Zoning – May 7, 2012
 Town Council – June 25, 2012**

Council discussed the minutes presented and directed staff to make changes and clarifications to the Town Council minutes from June 25, 2012.

4. Discuss and receive update on PantegoFEST.

City Manager Sean Fox updated Council on the status of PantegoFEST planning and clarified the overall theme. Mr. Fox detailed a map of the festival and explained issues including parking, entry fees, security, and sales of the PantegoFEST winning homebrew.

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5. Discuss and consider any action on the allowance of food trucks/trailers for temporary sales on a trial basis.

Community Development Director Chad Joyce informed Council that he is contacted occasionally regarding allowing food trucks in the Town. Currently, the Town Code of Ordinances allows food trucks with a two week temporary Certificate of Occupancy and a \$500 Special Use Permit application fee. Mr. Joyce stated that Economic Development Coordinator Pam Mundo would like to see an expansion on what is currently allowed.

Council discussed the proposal, the Special Use Permit process, and food truck quality.

Annie Farrell, 2304 W. Park Row Drive, Pantego, TX 76013 – Ms. Farrell stated that food trucks are very trendy and would like an opportunity to have a food truck or snow cone stand on her property. She does not feel a two week period of time is enough to accurately test a market and recoup expenses. Ms. Farrell informed Council that she would like a full 90 days in order to recoup her investment and be allowed to return next summer.

Mayor Paradise adjourned the work session at 7:41 p.m.

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

Mayor Paradise called the regular session to order at 7:54 p.m.

INVOCATION BY:

Mayor Pro Tem Don Surratt

PLEDGE OF ALLEGIANCE

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Mayor Pro Tem Surratt thanked Mayor Paradise, Public Safety Chief Tom Griffith and City Manager Sean Fox for the opportunity to ride in the Arlington 4th of July parade. He stated that it is always fun to get to see the citizens in that venue.

Councilmember Brewster echoed Mayor Pro Tem Surratt's comments. He stated that this was the first year he was able to participate and was glad to be able to bring his son along to enjoy the parade.

Mayor Paradise also was proud to have the opportunity to participate in the parade. She stated that City Manager Sean Fox is researching the option for a Town of Pantego float in next year's parade. Mayor Paradise next mentioned a fundraiser for renovations to the Woodland West library in the City of Arlington. Several Pantego businesses are participating in the fundraiser throughout the month of July and encouraged everyone to support the library.

COUNCIL LIAISON TO BOARD REPORT

- **Community Relations Board**

Councilmember Barrett informed Council that the Community Relations Board will meet again on Tuesday, July 10, 2012.

- **Pantego Youth Leadership Council**

Mayor Paradise stated that PYLC is currently on summer hiatus. The 2011/2012 students will be honored and recognized at the next Council meeting on July 23, 2012 and will reconvene in the coming weeks to plan a back to school youth event.

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PEDC REPORTS

City Manager Sean Fox informed Council that new PEDC members were sworn-in at their last meeting held on June 27, 2012. They will meet next on Wednesday, July 11, 2012 where new officers will be elected.

Mayor Paradise thanked Mayor Pro Tem Surratt for serving on PEDC. She also stated that she is encouraged by the diverse backgrounds and excitement of the new members of PEDC and looks forward to great accomplishments in the next year.

CITIZENS OPEN FORUM

Harriet Irby, 3400 Peachtree Ln. Pantego, TX 76013 – Ms. Irby stated that she attended an estate sale on Country Club with an above ground pool which was full of stagnant, green water. She feels this is inappropriate for the Town to allow due to the possibility of a mosquito infestation. She mentioned that she cleaned the JD Hollis cemetery. Ms. Irby is concerned about the trash created from food trucks and inquired about the procedure for installing new trash cans. She mentioned the 4th of July event the City of Arlington held at the Levitt Pavilion and again discussed her concern regarding mosquitoes.

APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Price moved to approve Agenda Items 1, 2, 3, 4, and 5 on consent with changes as discussed. No second.

Motion failed due to lack of a second.

Mayor Pro Tem Surratt moved to approve Agenda Items 1, 2, 3, and 4 pulling Agenda Item 5 to be discussed at the end of the meeting. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Price

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

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

6. Discuss and consider a proposed ordinance amending Chapter 2 “Animal Control,” of the Code of Ordinances of the Town of Pantego, Texas.

Community development Director Chad Joyce informed Council of the changes that were discussed at the previous Council meeting including the number of chickens allowed as well as allowing a zoning board to decide variances.

Council discussed the variance requirements and ordinance language with City Attorney Jim Jeffrey.

Betty Clark, 3406 Country Club Ct. Pantego, TX 76013 – Ms. Clark informed Council that she has reviewed information from the City of Irving’s website about a green initiative and feels that many communities are shifting their policy on chickens. She feels chickens are not a nuisance since they do not carry diseases such as west Nile or rabies. The only vaccination chickens receive is to protect against Merrick’s disease which affects chickens but not people. Ms. Clark is asking Council for additional time to build her coop as well as the opportunity to keep her rooster. She feels he is no more a nuisance than barking dogs.

Council discussed issues regarding Ms. Clark's chickens including size and roosters.

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Harriet Irby, 3400 Peachtree Ln. Pantego, TX 76013 – Ms. Irby stated that chickens come in many different sizes. She stated that she and Ms. Clark would most likely request variances depending on what Council chooses. She stated that a neighbor couldn't believe she was in trouble for chickens.

Council discussed the options presented and agreed choice 2 or 3 as written by City Attorney Jim Jeffrey was most appropriate.

Mayor Pro Tem Surratt made a motion to accept choice 2 as written by City Attorney Jim Jeffrey to only allow 5 fowl regardless of acreage. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt and Brewster

Nays: Barrett, Funderlic, and Price

Abstentions:

Mayor Paradise declared the motion failed.

Councilmember Price made a motion to accept choice 3 as written by City Attorney Jim Jeffrey to allow 5 fowl on up to ½ acre of land and up to 10 fowl on greater than ½ acre. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Barret, Funderlic, and Price

Nays: Surratt and Brewster

Abstentions:

Mayor Paradise declared the motion passed 3-2.

- 7. Public Hearing and consider any action on zoning case Z-165, a proposed Special Use Permit as requested by Mark Burkhart, of Lake House Church, for the use of 2304 W. Park Row Drive, Suite 24, TR 1A3 of the W.J. Barry Survey, Pantego, Tarrant County Texas, as a church activity center. The property is generally located on W. Park Row Drive between S. Bowen Rd. and Milby Rd.**

Community Development Director Chad Joyce explained that Lake House Church has been in their present location for three years and representatives informed the Planning & Zoning Commission that they had been looking for a more permanent location but the economy has delayed those plans.

Mayor Paradise opened the floor for a Public Hearing at 8:31 p.m. and the following citizens and business owners came before Council regarding the Special Use Permit for Lake House Church.

Annie Farrell, 2304 W. Park Row Drive, Pantego, TX 76013 – Ms. Farrell stated that she hopes Council approves the Special Use Permit. She reported that Lake House Church has been looking for a long term solution and due to the economy, they have needed additional time. Ms. Farrell feels they are good tenants and they contribute a lot to the Town.

Mayor Paradise closed the Public Hearing at 8:34 and gave Council the opportunity to discuss the issues brought by the citizens.

Council discussed a long term solution, Park Row redevelopment, and waiving fees.

Councilmember Brewster moved to approve zoning case Z-165, a proposed Special Use Permit, as requested by Lake House Church at 2304 W. Park Row Drive for a one year extension as approved by the Planning & Zoning Commission. Councilmember Funderlic seconded the motion.

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The vote was as follows:

Ayes: Surratt, Barrett, Brewster, and Funderlic

Nays: Price

Abstentions:

Mayor Paradise declared the motion passed 4-1.

- 8. Public Hearing and consider any action on zoning case Z-166, a proposed Special Use Permit as requested by 303 Liquor Depot for the use of 2400 W. Pioneer Pkwy, Suite 200, Block 1 Lot 1A of the Three O Three Square Addition, Pantego, Tarrant County Texas, for the sale of alcohol for off-premise consumption (package liquor store). The property is generally located on W. Pioneer Pkwy between S. Bowen Rd. and Duluth Dr.**

Community Development Director Chad Joyce stated that the Planning & Zoning Commission recommended 5-1 to approve this Special Use Permit with a one year term. Mr. Joyce stated that staff is recommending approval of a longer term based on Special Use Permits approved for businesses allowing on-premise consumption. Mr. Joyce said that the Planning & Zoning Commission was concerned about lighting issues in the shopping center and recommended including a stipulation for lighting. Mr. Joyce also recommended approving a longer term limit to include change of occupancy or ownership.

Mayor Paradise opened the floor for a Public Hearing at 8:40 p.m. and the following citizens and business owners came before Council regarding the Special Use Permit for 303 Liquor Depot.

Kareem Hakemy, 1120 Arbor Haven, Southlake, TX 76092 – Mr. Hakemy thanked Council for their time. He is representing the Hakemy family in their desire to open their 19th liquor store. They have been in business for over 25 years in the Dallas/Fort Worth area. He stated that his company produces \$25 million-\$30 million a year and expect the Pantego store to be a flagship store. Mr. Hakemy informed Council that they plan to hire 10 employees and have an initial inventory of \$750,000-\$1 million with liquor, wines, ales, and a humidor. His only concern is that they must renew the Special Use Permit annually and would appreciate having that stipulation taken out. Mr. Hakemy stated that they are excited to join the community.

Council inquired about projected sales revenues and square footage and confirmed that it is an 18,000 square foot space with 15,000 in retail space. Mr. Hakemy stated that they are projecting \$3-\$4 million in annual sales.

William Roth, 11551 Forest Central Dr, Dallas, TX 75243 – Mr. Roth informed Council that he is the property manager of the Three O Three Addition property. Mr. Roth thanked the Town for passing the election and stated that he is excited that such a large space will be rented after being vacant for so long. The property owners will be committing \$50,000-\$100,000 in funds to renovate this space and reported that with this lease, the property will be approximately 95% leased. He would like to increase the value of the property as well as increase sales tax. Mr. Roth encouraged the Council not to include the one year stipulation set by the Planning & Zoning Commission and include a change of ownership clause.

Council inquired about revitalization of the entire property and Mr. Roth confirmed that there is a plan to improve the look of the property. Council also discussed issues including trash removal and monument signage. Mr. Roth confirmed that the property owners are responsible for trash removal and he will see that it is increased as well as verified that signage is being discussed.

Gary Moore, 5915 Lorenzo Dr. Grand Prairie, TX 75052 – Mr. Moore is a business owner within the shopping center and he is here in support of the liquor store. He owns Gem Salon and feels the store would greatly help the shopping center as a whole.

Mayor Paradise recognized Jim and Sherri Crumby as owners of Sign O Rama.

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Mayor Paradise closed the Public Hearing at 9:01 and gave Council the opportunity to discuss the issues brought by the citizens.

Council discussed issues including a distance variance near Gail's Academy Childcare Center.

Mayor Pro Tem Surratt moved to approve zoning case Z-166, a proposed Special Use Permit, as requested by 303 Liquor Depot at 2400 W. Pioneer Parkway with the stipulation that the SUP is approved until change of ownership or change of occupancy and acknowledging the distance variance requirements. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Price

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

- 9. Public Hearing and consider any action on zoning case Z-168, a proposed Special Use Permit as requested by Patrick N. Myers for the use of 2408 and 2420 W. Park Row Drive, Tracts 1A5, 1A5B, and 1A5C of the William J. Barry Survey, Pantego, Tarrant County Texas, for the sale of alcohol for off-premise and on-premise consumption (package liquor store). The property is generally located on W. Park Row Drive between S. Bowen Rd. and Milby Rd.**

Community Development Director Chad Joyce informed Council that the property being considered is two suites within the same property with an expansion of existing business, Dr. Jeckyll's, and a second space for a liquor store. Mr. Joyce stated that the Planning & Zoning Commission recommended a one year Special Use Permit and staff recommends a longer term to acknowledge the financial investment from both the tenant and PEDC.

Council discussed the Planning & Zoning Commission's recommendation.

City Manager Sean Fox informed Council of recently discovered TABC regulations and explained that Mr. Myers will have to alter his original plans for the suites requested.

Mayor Paradise opened the floor for a Public Hearing at 9:13 p.m. and having no citizens or business owners coming to speak before Council, closed the Public Hearing at 9:13 p.m.

Council discussed PEDC funds as well as the information brought by Mr. Fox.

Mayor Pro Tem Surratt moved to approve zoning case Z-168, a proposed Special Use Permit, as requested by Patrick N. Myers at 2408 W. Park Row Drive for off premise consumption with the stipulation that the SUP is approved until change of ownership or change of occupancy and acknowledging the distance variance requirements. Councilmember Price seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Price

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

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10. Public Hearing and consider any action on zoning case Z-169, a proposed Special Use Permit as requested by Irving Hall, of House of Restoration Church, for the use of 2221 W. Arkansas Lane, Suite 101, Block 3, Lot D1 of the Three O Three Square Addition, Pantego, Tarrant County Texas, as a church. The property is generally located on the northeast corner of W. Arkansas Lane and Duluth Drive.

Community Development Director Chad Joyce stated that House of Restoration Church is applying for a renewal of their Special Use Permit which expired in October 2011. Mr. Joyce explained that the Planning & Zoning Commission voted unanimously to approve the request with the added stipulation that the SUP would remain in place until change of ownership or occupancy.

Mayor Paradise opened the floor for a Public Hearing at 9:30 p.m. and having no citizens or business owners coming to speak before Council, closed the Public Hearing at 9:30 p.m.

P&Z Commissioner Fred Adair confirmed to Council that the Commission approved the request with the stipulation regarding change of ownership or occupancy due to the fact that the church location is not in a prime retail location.

Council discussed issues including the Planning & Zoning Commission's recommendations.

Councilmember Brewster moved to approve zoning case Z-169, a proposed Special Use Permit, as requested by House of Restoration Church at 2221 W. Arkansas Lane with the stipulation set out by the Planning & Zoning Commission that the SUP is approved until change of ownership or change of occupancy and waiving of fee. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Surratt, Brewster, and Funderlic

Nays: Barrett and Price

Abstentions:

Mayor Paradise declared the motion passed 3-2.

Council next brought back agenda item #5 from work session for discussion. Council discussed issues including sales tax collection and City Manager Sean Fox clarified issues including types of trucks, length of time for trial period, and the SUP process.

Council directed staff to bring more information regarding sales tax information.

COUNCIL INQUIRY

Mayor Pro Tem Surratt asked Community Development Director Chad Joyce about barrier requirements concerning above ground pools and stated that the Town's ordinances could be interpreted in different ways.

Mr. Joyce said he would research the topic and bring his findings to Council.

Next, Mayor Pro Tem Surratt stated that approximately 40 years ago, the Town used to spray for mosquitoes and asked staff to research how expensive this option would be.

City Manager Sean Fox stated that this option is being investigated and it is expensive for staff members to become certified as well as to acquire the equipment.

Councilmember Funderlic inquired about the snow cone stand that was recently purchased by the Pantego Lions Club. Mayor Paradise stated that the snow cone stand is open for business and volunteers are needed.

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Councilmember Barrett stated that it was difficult for her to find the addresses for the properties that were discussed tonight during the public hearings as she was driving around town because many properties and suites aren't properly labeled.

ADJOURNMENT

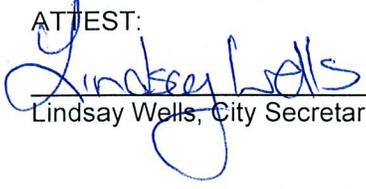
Mayor Paradise adjourned the regular session at 9:56 p.m.

APPROVED:



Melody Paradise, Mayor

ATTEST:



Lindsay Wells, City Secretary

