



CITY COUNCIL
City of McLendon-Chisholm, Texas
Meeting Minutes
August 6, 2018

The City Council of the City of McLendon-Chisholm convened in Regular Session on Monday, August 6, 2018, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

Keith Short	Mayor
Adrienne Balkum	Council Member
Herman Larkin	Council Member
Scott Turnbull	Mayor Pro Tem
Jim Bloom	Council Member
James Herren	Council Member

Staff Present:	David Butler	City Administrator
	Lisa Palomba	City Secretary
	Jim Simmons	Fire Chief/Fire Marshal

1. Mayor Short called the meeting to order at 6:30 p.m.
2. Mayor Short delivered the Invocation and led the Pledge of Allegiance to the U.S. and Texas Flags.
3. Mayor Short announced the Rules of Decorum are in place and are to be observed throughout the meeting.

4. Citizen Comments. The following Citizens spoke:

P&Z Chairman Robert Rohde, 13 Dancing Waters, informed Council that the P&Z Commission held a public hearing on May 13, 2018 regarding the proposed change to zoning regulations allowing an exception for metal municipal owned buildings. Three citizens spoke in opposition to the proposed change at the P&Z hearing. P&Z ultimately voted to recommend that Council not approve the proposed zoning change regulations citing concerns regarding reduced property values and ordinance language "or any other approved material". Rohde asked Council to reject the item.

Mark Kipphut, 31 Fireside Drive, commented on the following: kudos to staff for SAFER Grant award; Fire Department can now move forward; Rockwall County growing and demand for services will only increase; City should concern itself with Hwy 205 expansion; and managing smart growth in consideration of area home prices and demographics.

Gary Nickel, 612 Kentwood, commented that he is unhappy with the Fire Department situation; the goal should not have been difficult to attain and should have been a determination of needs and costs; Nickel wrote emails to Council Members but did not hear back from some members; questioned why the ESAC Committee was not involved in Fire Dept. decisions and expressed concern over lack of disclosure of Fire Dept. plans; public

should have been informed; what happened to the public meeting planned for citizen input and why make exceptions for municipal building materials.

Troy Reich, 441 Briar Glen Lane, commented, "I don't understand the urgency of forming a City Department for a small community as ours when we already have the perfect fire department that we have. You went ahead and passed a budget for the existing volunteer fire department for this year. Why not go ahead and let them continue what they are doing for an already approved budget and then take a year if you need to and figure out how to put together, if needed, a city owned fire department which is going to cost the citizens of this community considerable. Turnbull and Balkum, you can't say that it would cheaper. There has been a lot of facts laid out to you that prove it is not. For you to ignore those and the citizens - it is disappointing. In the past, when we had such important things to discuss we communicated it to the community. We had open house meetings. When the citizens have an opportunity to present this type of program, to voice their questions to you which you have to answer them and I can think the reason why you haven't done this at this point is because you do not want to answer the citizens what I consider stupidity on your part and I'm very disappointed being a small community, which has been for so many years a very close community. Former city councils had the Springfest, Christmas gatherings, those are things that we did as a community that brought our citizens together and it helped to support our volunteer fire department. I just need someone to give me some answers to what the urgency in was starting a city owned fire department. We were properly cared for with what we had."

5. Larkin, seconded by Turnbull, moved to approve the July 16, 2018 City Council Minutes. A vote was cast and the motion carried with 4 in favor, 1 abstention (Balkum).

6. Resolution Accepting Staffing for Adequate Fire and Emergency Response (SAFER) Grant Award in the amount of \$621,600.00. Mayor Pro Tem Turnbull offered praise and congratulations to City Secretary Lisa Palomba and Fire Chief Jim Simmons for their hard work on the SAFER Grant application and award. **Turnbull, seconded by Bloom, moved to postpone acceptance of the Grant until August 13th or 21st in order for Council to fully understand City financial commitments and responsibilities associated with grant acceptance. A vote was cast and the motion carried with 4 in favor, 1 against (Larkin).**

7. Public Hearing Regarding Amending Code of Ordinances Chapter 14 Zoning. Mayor Short opened the Public Hearing to receive public input regarding a proposed amendment to Chapter 14, Zoning of the McLendon-Chisholm Code of Ordinance, Section 6-9, Construction Materials, Subsection B, Exterior construction of main buildings in non-residential districts, adding: "Exception: Municipal government buildings housing municipal government operations may be constructed of metal or any other approved material, and consideration of an ordinance adopting the amendment." This Public Hearing was originally scheduled for May 29, 2018 and July 10, 2018.

The following people spoke during the Public Hearing:

Mark Kipphut, 31 Fireside Drive, commented, "I have spoken to three separate municipal attorneys, I asked them a fundamental question, could that be challenged? The answer is always the same. Yes. And we have been through this time and time again. The only reason why you want to build a metal building for its expedience of what I'm not supposed to talk

about which is a fire department and that's it. I don't understand Mr. Mayor. I will refrain from commenting on that subject. I will note that the city budget is growing exponentially, 66% now, in growth since 2016. Again, I understand, I should discuss about a metal building, but at the end of the day, the metal building will carve out an exemption. You represent us, we are in a representative democracy, a republic, you sit in those seats because we allow you to sit in those seats, and I have yet to talk to anybody in this city and I suspect that there is no one in this room that thinks building a metal building is a good idea changing the code for the city the people who work for us, if you can change it then why can't we change it? There you have it, your basic legal argument. It's going to be challenged by a developer with money. And we are going to be sitting in another lawsuit. So, don't do it. There is no need for this ordinance. Absolutely unneeded."

Troy Reich, 441 Briar Glen Lane, commented, "I served on the Planning and Zoning for 17 years. I was the one involved in establishing the building codes for the City of McLendon-Chisholm. Lots of discussion and time was spent advice from a city planner, multiple city planners, in regard to the ordinance of 80/20 masonry buildings. One of the purposes for that was for property values. Once you start lowering the property values it starts to affect the rest of the community in McLendon-Chisholm. Seems to me it doesn't set a good example of the City Hall. Now for whatever reason you want to change the code to meet what they want to do. I would highly recommend from the experiences from our former Planning and Zoning Commission and the present Planning and Zoning Commission that the citizens who were at that meeting for P&Z that spoke out against this. Again, listen to the citizens that is what you were elected to do and we do not want metal buildings in McLendon-Chisholm."

Robert Quinn, 1401 Corrara, commented, "I don't think we should build a metal building. I don't think we should build a metal building with a stone face. Keep what we have today. Adrienne I'm sure is aware of some glasshouse in the back of their...sorry, my brain has gone blank. They have a vegetable house in the back. Greenhouse. Glass greenhouse that was built in someone's backyard in our neighborhood. And it caused quite a fuss without HOA management company, because it is against the HOA rules. Yet it somehow was not enforced nor is it being enforced. You are opening yourself up to that same situation on a city scale so that if someone wants to build a glass greenhouse, three stories tall, a football field wide - I see a lot of areas around here turning into greenhouses. Although those are nonresidential areas. Do you want big glass greenhouses? Do you want big plastic greenhouses? Well you know it would be nice if you guys, if we had the option of being able to get in on that certain thing. You are opening yourself up. You are opening us up to that possibility."

Mayor Short closed the Public Hearing as there were no further comments.

8. Ordinance Amending Chapter 14 Zoning. Mayor Pro Tem Turnbull, seconded by Council Member Balkum, moved to approve an Ordinance amending Chapter 14, Zoning of the McLendon-Chisholm Code of Ordinance, Section 6-9, Construction Materials, Subsection B, Exterior construction of main buildings in non-residential districts, adding: "Exception: Municipal government buildings housing municipal government operations may be constructed of metal or any other approved material,

and consideration of an ordinance adopting the amendment.” Mayor Short called for a motion. Turnbull, seconded by Balkum, moved to approve the item.

The floor was opened for discussion. Turnbull made the following statement, “The 2017 TML Mayor and Council Members Handbook page 41, paragraph 4, one cardinal rule to remember about public meetings is that numbers don’t always count. There are some topics that naturally draw large highly bias crowds. Vocal minorities often swamp public hearings to show that their side has widespread support. Such items as little league baseball parks, school crosswalks, water rights and taxes can attract crowds but the size of the turnout does not necessarily indicate their cause is just. The Council is elected to serve all citizens and the Council Member must look to the overall picture and not just the view presented by one partisan group. In regard to using the metal, the proposed amendment allows for buildings housing municipal operations to be constructed of metal or other approved materials which are already listed in section 6-9 or a combination of those materials. The proposed amendment does not require that municipal buildings have metal exteriors. It only provides that option for metal to be an exterior component of the construction. This proposed amendment makes it clear the government building may be constructed of metal or a combination of other approved materials and does not require the consideration of a Specific Use Permit but rather provides the option for Council to approve exterior materials for building housing governmental operations consistent with this amendment and construction requirements and codes. A lot has been said about the work “exception”. Currently in the City’s Code of Ordinances, the word “exception” appears 20 times most notably in the L1 Zoning District which is included in the area where this amendment will go. Exception: Metal buildings are permitted in the L1, Light Industrial or Planned Development Districts upon review of the P&Z Commission and approval by City Council subject to five conditions. So, the exemption already exists, putting this in there does not mean we are going to build a metal building but it gives us the opportunity to. The other thing I heard is why give the City the ability to do things that the public can’t. To those people who say that, my question is, are you aware the exception the Council already has but the public can’t do? Does anyone know what that is? You can’t tax your neighbor to build your building. We can tax you and you elected us to spend your money wisely so if we can save a substantial amount than that is something we should be able to consider. As far as P&Z, we hired and paid for a City Planner that advised you and recommended approval so which consultant should be listen to?”

Council discussion continued. Council Member Bloom commented that it is frustrating when government assumes people are stupid. Bloom is against the proposed ordinance and cited concern over possible decline in property values, concern over potential lawsuits and concern that developers may also want metal buildings in the City. Larkin concurred with Bloom and is against the proposed ordinance. Larkin has not spoken to anyone in favor of the proposed ordinance and indicated too much risk in approving such an ordinance; concern over eyesores throughout the City; there are metal buildings in town already that are falling apart and Council represents citizens and citizens said they do not want metal buildings. Herren indicated that Rockwall has the same standards and that the current City Hall type building is too expensive as an option. Herren also posed a question about the type of building that may be used to store public works type of equipment such as lawn mowers in the future. Herren indicated that anyone can challenge a use and that cities can

do things individuals cannot and eventually the City will have to face the issue again. Bloom questioned the rush to approve the proposed ordinance. Turnbull reiterated his earlier comments that the proposed ordinance provides the City an option to have a metal building to save costs and that it does not necessarily indicate the City will build a metal building. **A vote was cast on the motion to approve the ordinance. The motion failed with 2 voting in favor, 2 against (Larkin, Bloom) and one abstention (Herren).**

9. Executive Session. Mayor Short recessed the meeting into Executive Session (Closed Meeting) at 7:22 p.m. in accordance with Section 551.074 of the Texas Government Code, Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Administrator, Assistant City Administrator, City Secretary/Treasurer; Fire Chief/Fire Marshal and Administrative Assistant.

10. Mayor Short reconvened the regular meeting at 8:26. p.m.

11. Mayor Short announced that no action was taken in Executive Session.

12. Amazon Web Services. This item was postponed.

13. iCompass Agenda Management, Records, Audio, Video and Related Software. City Secretary Lisa Palomba presented information related to a proposal from iCompass for agenda management, records management, audio/visual and related software. Palomba will schedule a demonstration by the iCompass representative at the next meeting.

14. Fiscal Year 2018 – 2019 Budget Discussion. Brief discussion was held among Council Members regarding the budget including: using the 2017-2018 beginning revenue numbers for this year's revenue projections; projected legal fees; presenting development fund amounts separately; adding City Planner expenses; taxation worksheet; schedule Municipal for review and approval of the Sonoma PID Service and Assessment Plan; and Palomba will schedule the Sanitarian and IT vendors for Council interviews. No further action was taken.

15. Updates, Discussion and Direction to Staff:

a. Employee Policies. Palomba will send existing policies and the new model personnel policies to Council Members.

b. Fire Station Site Plan, Platting and Permitting. Items are moving forward.

c. Veterans Memorial Brick Campaign Fundraiser. Mayor and Council Members will reach out to various organizations to promote the campaign and attempt to locate area veterans to honor with a brick donation.

d. Council Member Photos. Photos are scheduled for August 21.

e. Code of Ordinance Updates. No updates at this time.

f. City Council Member Requests for Future Agenda Items. Mayor Short requested to limit the number of items on the next agenda so Council may focus on budget preparations. Bloom suggested a Town Hall meeting should be held soon to address Fire Dept. related

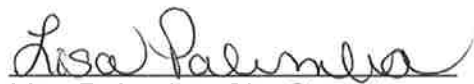
issues. Balkum indicated she needed more time to prepare and suggested the Town Hall meeting should be held in mid-September. A Town Hall meeting was scheduled for August 28, 2018 at 8:00 p.m. to focus on public safety including the pros and cons of establishing an independent Fire Department and a Fire Department merger with MCVFD. Staff will provide only a short presentation to allow ample time for public input.

16. Council Member Reports and Announcements

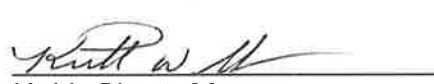
- a. **Mayor's Report.** Mayor Short reminded residents that school begins August 20.
- b. **Council Member Larkin.** No Comments.
- c. **Council Member Turnbull.** Turnbull commented on the possibility of reducing bond debt as part of the budget process.
- d. **Council Member Herren.** Herren commented on a recent accident at Sonoma Verde entrance and Hwy. 205.
- e. **Council Member Bloom.** Bloom commented regarding encouraging economic development efforts in the City.
- f. **Council Member Balkum.** An ESAC Committee Meeting will be scheduled soon.

17. Mayor Short adjourned the meeting at 9:20.

ATTEST:


Lisa Palomba, City Secretary

APPROVED:


Keith Short, Mayor

