

## **Regular Meeting of the Board of Alderman For the City of Valley View, Texas 12/10/2020**

**Call meeting to order** – Mayor Fortenberry called the meeting to order at 6:00pm. Alderman holder and Alderman Sandmann attended via telephone.

**Pledge of Allegiance & Invocation** Mayor Fortenberry led the pledge and prayer.

### **Mayor Comments**

#### **Item 4 Public Comments**

None.

#### **Item 5 CONSENT ITEMS:**

- a. All items on the consent agenda are considered routine by the Board of Alderman and will be enacted with one motion, unless a member of the Board or a citizen request separate discussion of one or more items. In such event, the item(s) will be removed from the consent agenda and considered in sequence as listed.
- a. Approve budget report for General, Disposal and Police/Municipal Department
- b. Water/Sewer
- c. Maintenance
- d. Police
- e. Fire
- f. Approve check register
- g. Approve minutes from Regular Meeting held on **November 12, 2020** and the Special Meeting held on **November 19, 2020**.

**Alderman Holder made a motion to accept the Consent Items. Mayor Pro Tem Spears seconded the motion and the motion passed 5-0.**

**Item 6.** Proclamation naming Norman Newton as Honorary City Historian for the City of Valley View.

Mayor Fortenberry gave a brief summary of Mr. Newton's time in Valley View and all the efforts he has made to preserve Valley View's history. Mayor Fortenberry then read the proclamation and presented it to Mr. Newton.

**Item 7.** Conduct a Public Hearing and take action on the request from Gary Bentley for a Specific Use Permit for property located at 110 McCubbin (Cooke CAD 111835)

- a. Presentation of request.

Gary Bentley stated that he was looking to open a music venue for local musicians in the old Masonic lodge. He stated he had access to a lot of musicians, as he has been in the business for 40 years. Mr. Bentley said it would be bring your own food and drinks in an effort to support he businesses around the square. He estimates he would be open in 30-60 days and would need a few renovations to the building including painting the front and back. Mr. Bentley said the building would be open during the events on the square to provide a place for people to sit in the air conditioning.

**b. PUBLIC HEARING** to receive comments regarding the request.  
**PUBLIC HEARING OPENED AT 6:10PM.**

Jack Medcalf said that as an owner of 3 buildings downtown, he thinks it's a good idea.

Mayor Fortenberry stated that he owns the alley behind what used to be the grocery store.

**PUBLIC HEARING CLOSED AT 6:12PM.**

**c. Discussion and action regarding the request.**

Alderman Wilkerson asked if the building currently had an ac. Mr. Bentley stated that it needed to be updated and brought up to code. Alderman Wilkerson asked if the building had restrooms and stuff. Mr. Bentley said it had a bathroom, but the soap dispenser and sink needed to be hooked up. He also said there was a step that he was building a ramp for.

Alderman Wilkerson said that he sees nothing about food or drinks, but it is on Mr. Bentley's card. He asked if that was something he was thinking about down the road. Mr. Bentley said maybe eventually, but for now, food is a way into events for him to do the entertainment for.

Mayor Fortenberry said he didn't know the legality of bottles and alcohol and advised the City needed to check on that. He said the general plan sounded good and he liked it.

**Alderman Holder made a motion to approve the request from Gary Bentley for a Specific Use Permit for property located at 110 McCubbin (Cooke CAD 111835). Alderman Sandmann seconded the motion and the motion passed 3-1, with Alderman Scoggin opposed and Mayor Pro Tem Spears abstaining.**

Item 8. Conduct a Public Hearing and take action on the request from Joel Wisian, Bywater LLC, request for a Variance for property located at TBD S. Pecan Creek Trail. (Formerly Lonestar Addition - Cooke CAD 56417)

a. Presentation of request.

Joel Wisian apologized for not being able to be present for the last meeting and gave kudos for the Board continuing to open meetings with the pledge and a prayer. Mr. Wisian stated he was under contract to purchase 37 acres of land on S. Pecan Creek Trail. He said it was the land that was formerly Lonestar Addition. Mr. Wisian said that after talking with the City Secretary, Lynn Hillis, and the Mayor, that he is aware of the sewer issue and thinks ½ acre lots would be beneficial to all. He presented a prototype plot showing 57 lots, but stated it was all very basic and could change with possibly up to 60 homes.

Mr. Wisian said he is asking for confidence that there is water capacity to service the homes, asking for agreement to allow septic systems on the ½ lots, and to install chip seal roads with ditches instead of curbs and gutters.

b. **PUBLIC HEARING** to receive comments regarding the request.

**PUBLIC HEARING OPENED AT 6:21PM**

Jack Medcalf said the septic all depends on the permeability of the soils in the area. Mr. Wisian stated there are two types of septic systems, aerobic and nonaerobic and permeability isn't a factor for aerobic systems.

Kevin Kemplin asked for confirmation of the location and Alderman Wilkerson clarified it for him. Mr. K. Kemplin asked if it was for 60 homes. Mr. Wisian stated 60 would be the maximum number of homes.

Carl Kemplin asked if the City had the capacity to service the homes. Ms. Hillis stated there was a water line brought to the start of that property years ago.

Mr. Kevin Kemplin asked if there would be a smell associated with the aerobic system and Mr. Medcalf stated he had one and it does not.

Kevin Ware, City Engineer, said that one thing the Board can consider is to require, per the deed restrictions, homeowners to have maintenance contract on the septic systems.

**PUBLIC HEARING CLOSED AT 6:28PM**

c. Discussion and action regarding the request.

Alderman Scoggin stated she feels it still needs to be concrete streets. Mr. Wisian said it's a good, better, best situation for about 1 mile of road. He stated concrete is an upfront cost to developers and at this low lot density, concrete streets and curbs and gutters are just not feasible. Mr. Wisian stated that putting in 150 lots is where economy comes in to be able to spread that high upfront cost out. He asked if Valley View wanted sensible growth. He said it may be advantageous to control growth now. He add that although concrete streets are a better option, chip seal roads are good and with 60 houses or less, chip seal is designed to handle that.

Mayor Fortenberry said that his problem is finding out there are numerous possible processes and making sure we find the right one and follow it. Mr. Wisian stated that he feels the same. He said he did not want to put in a road that would be failing while he was trying to sell homes. He added that one way to mitigate that would be to do geotechnical analyzation and to follow the stabilization program based on that data.

Mr. Ware stated the Board can require more information. He said he can't advise to rule out the option of chip seal roads, because it may work. He also added that Mr. Wisian is correct in the cost differences between concrete and chip seal. Mr. Ware stated he thinks it's still in the fact finding stage. Mr. Wisian said that soil can be mitigated to where chip seal is stabile and sufficient, but that geotechnical analysis is expensive and if everyone's not aligned in principle now, he doesn't want the unnecessary cost. Mr. Wisian said he wants to make everyone, the City, the engineer and the development, happy. He added that the Ordinances say "residential estates" and those do not require curb and gutter,

Alderman Wilkerson asked if the driveways would be concrete. Mr. Wisian said probably not, but would be a hard surface.

Alderman Wilkerson said that curb and gutter there is less wear and tear on the streets from water damage. He asked how that is fixed with no curbs. Mr. Wisian stated it is mitigated with sod and requiring fully sodded front yards. Mr. Ware added that the further you go down a ditch, the deeper they get. He advised they would have to be designed for safety and maintaining drainage. Mr. Wisian said those are typical obstacles in their business and they do not want deeper ditches, as that is more earthwork. Mr. Ware advised the City ordinances do not allow for lot to lot drainage.

Mayor Fortenberry asked that what Mr. Wisian was seeking was approval of chip seal road. Mr. Wisian confirmed. Mr. Ware advised that the Board can make chip seal approval based Engineer approval of the design.

Alderman Wilkerson confirmed ½ acre lot sizes. Mr. Wisian said at a minimum, as that is what is required for the septic system.

Mr. Ware added the low impact from reduced houses, could make chip seal a factor. Alderman Wilkerson asked how one researches chip seal roads, due to all the different types. Mr. Wisian said the process is all the same, but the differences are in tonnage and subgrade preparations. Mr. Ware said the geotech will review the soils and require geotech specifics on subgrades. Alderman Wilkerson added that he thinks a lot of the chip seal in town was done over existing gravel so it was never prepped correctly.

Mr. Medcalf asked if that property was already in the City water CCN. Ms. Hillis confirmed that it is.

Ms. Hillis stated the ½ acre lot size isn't an issue, as the property is currently zoned SF-1 and that more than meets those requirements.

Mayor Pro Tem made a motion to follow the advice of City Engineer, Kevin Ware and approve chip seal roads if the design is approved by the City Engineer upon completion of geotechnical analysis and design. Alderman Holder seconded the motion and the motion passed 3-0 with Alderman Scoggin and Alderman Sandmann abstaining.

**Item 9.** Discuss and consider presentation from Navaneeth Sai (Nash) regarding property located at 103 Wilson Street (Cooke CAD 6767), possible action.

Mr. Nash said he would like to develop the property, but would need a change from the current residential zoning to commercial zoning. He said his vision is for a garden style restaurant and a multiuse facility.

Mayor Fortenberry asked for clarification on the location and he was advised it's Wilbur Barthold's place on Frontage Road and Wilson Street. Mr. Nash said he would like to catch the Winstar traffic, as there is not another similar restaurant between Dallas and the casino. Mayor Fortenberry asked if he was aware of the I-35 plans and Mr. Nash said he was and they were not a problem.

Alderman Scoggin said she thinks it needs to remain residential.

Alderman Sandmann said she liked the idea of the restaurant, but not the location of it.

Alderman Holder stated he does not see anyone wanting to build a house on the property.

Alderman Scoggin said that with the expansion of I-35, it is not a good location.

Alderman Wilkerson said that he would like to see more details as to what is planned and then he asked how big the property was. Mr. Nash said it's 2.3 acres. Alderman Holder added that it is wide and narrows as it goes north.

**No Action.**

**Item 10.** Discuss and consider naming representative for Lake Ray Roberts Planning and Zoning Committee seat, possible action.

Mayor Fortenberry stated he would like to see Alderman Scoggin fill that seat.

**Mayor Pro Tem Spears made a motion to name Alderman Scoggin as the City representative on the Lake Ray Roberts Planning and Zoning Committee. Alderman Wilkerson seconded the motion and the motion passed 4-0 with Alderman Scoggin abstaining**

**Item 11.** Discuss and consider creating workshops for Ordinance review, possible action.

Mr. Ware stated that the Board needed to set some times to start looking at and updating the Ordinances. Mayor Fortenberry asked what the time frame looked like. Mr. Ware said a couple hours each month. Ms. Hillis stated a workshop can be held which would provide adequate time to draft the Ordinances and get them published in time for a vote at the next month's meeting.

**Workshop set for January 14, 2021 at 5:00pm.**

**Item 12.** Discuss and consider Alderman Liaison divisions and assignments, possible action.

Alderman Wilkerson stated the he doesn't think the Liaison is a bad idea, but is concerned over the Board being busy with the Ordinances. Mayor Fortenberry stated it was not a time consuming deal.

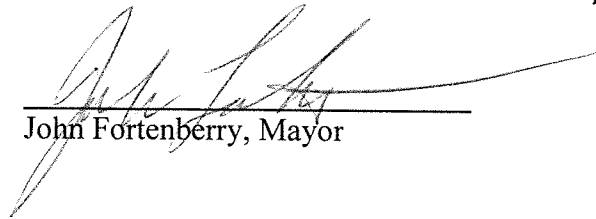
Mayor Fortenberry suggested Alderman Holder for Police Department, Mayor Pro Tem Spears for Water/Wastewater, Alderman Sandmann for the Parks Board, Alderman Wilkerson for TxDot and County Commissioner, and Alderman Scoggin for equipment and buildings.

**Alderman Scoggin made a motion to approve Mayor Fortenberry's suggestions of Liaison placements. Mayor Pro Tem Spears seconded the motion and the motion passed 5-0.**

**Item 13. Adjourn.**

**Alderman Holder made a motion to adjourn at 7:16 PM. Alderman Spears seconded the motion and the motion passed 5-0.**

**Minutes of the Board of Aldermen were approved this 14<sup>th</sup> day of January, 2021.**



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John Fortenberry, Mayor