



Minutes of Regular Meeting of the Board of Alderman

For the City of Valley View, Texas 05/11/2023

1. **Call meeting to order** – Mayor Chalk

2. **Pledge of Allegiance & Invocation** - Mayor Chalk led the Pledge and Mayor Pro Tem Wilkerson gave the Invocation .

3. **Mayor Comments**

Mayor Chalk thanked everyone for attending and thanked to Board and citizens for their time while he has been Mayor.

4. **Public Comments**

Laura McMullen thanked Mayor Chalk and Mayor Elect Bewley, as well as the rest of the Board for volunteering their time and stated she looked forward to working with everyone. She stated that parking on the square is critical and needs to be addressed.

5. **CONSENT ITEMS:**

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 requests 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 April 2023 budget report for General, Disposal and Police/Municipal Departments
- b. Water/Sewer
- c. Maintenance
- d. Police
- e. Fire
- f. Approve April 2023 check register
- g. Approve minutes from the Special Meeting held April 5, 2023 and Regular Meeting held April 13, 2023.

Mayor Pro Tem Wilkerson inquired about payments showing unreconciled and Lynn Morgan, City Secretary, stated they were coded wrong and she was waiting for the CPA to correct the entries.

Mayor Chalk asked about the status of the police radios and Chief Justin Stamps stated they had been received in Oklahoma City to begin programming.

Alderman Scoggin made a motion to approve the Consent Items and Alderman Griffith seconded the motion. The motion passed 3-0.

6. Proclamation naming May as Motorcycle Safety Awareness Month in Valley View.

Mayor Chalk read the proclamation.

7. Presentation of Scholarship from Republic Services.

Cheryl Brock, Republic Services, presented Valley View High School Senior Dalan Smith with a scholarship.

8. Conduct a Public Hearing and take action to consider O Media Group's request for a Variance on 4.03.011(9) Off-Premises Billboard Signs for property located at 740 S. Frontage Road, Valley View, TX 76272 (CAD 17549)

a. Presentation of request;

Josh Tompkins, O Media Group, stated they had submitted a permit application on April 10, 2023 and it was denied because the City was adding words to the billboard ordinances. He stated the ordinances do not provide for radius details and that no billboards would be in town if radius was applied to the ordinance. Mr. Tompkins stated that the City of Valley View has confirmed this by allowing the existing billboards.

Mr. Tompkins stated that Mr. Ritchey owns the land and has worked with them to allow the billboard to be built there. He stated that Mr. Ritchey has been a faithful taxpaying Valley View business. He stated there are other landowners that have allowed billboards that do not conform to the ordinances, no matter what method was used to determine the distances, and for a word that isn't in the ordinances.

Mr. Tompkins reiterated that there should be no SUP or Variance required for a word that isn't there.

Deborah Norwood, Alan Ritchey, stated the proposed billboard was on their property and they are looking to utilize it as well to advertise for jobs. She stated they are willing to put things up for the city such as advertising for events.

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

Public Hearing OPENED at 6:18 PM

Chris McIntosh stated he was in support of the billboard as it's a way to advertise special events and it gives a more feasible way for local businesses to advertise where a permanent billboard isn't always feasible.

David Duncan said he has been in business for over 15 years and has been confronted with billboard programs in the past that cost \$3,500-\$5,000 per month and he can't afford that, but that he could afford occasional ads to bring in additional business.

Public Hearing CLOSED at 6:20 PM

c. Discussion and action regarding the request.

Pam Liston, City Attorney, stated the ordinances do not need to say “radius” for “as the crow flies” to apply. She added that in fact, Item 1 of the ordinance specifically states “same side of the roadway” while the others do not contain that limitation. She stated, therefore, the other distances in question are not limited to the same side of the roadway.

Alderman Scoggin asked if this was a digital billboard and Mr. Tompkins confirmed it was.

Mayor Chalk asked how many ads would run and for how long. Mr. Tompkins said there would be up to 16 ads running for 8 seconds.

Alderman Griffith asked what the average pricing would be for ads. Mr. Tompkins said it would range from \$1,500-\$2,000 depending on the demand. Mayor Pro Tem Wilkerson asked what that duration would be and Mr. Tompkins said that was per month.

Alderman Griffith asked how often an ad would be seen. Mayor Pro Tem Wilkerson said it would be every couple minutes if 16 ads at 8 seconds each.

Mr. Tompkins stated they would be willing to offer a discount to local businesses. Alderman Griffith asked if that was initially or into perpetuity. Mr. Tompkins said it would be as they had space available. Mayor Pro Tem Wilkerson confirmed that as the demand increased, there would not be a discount. Mr. Tompkins added that they would be willing to dedicate one space as always discounted for a local business.

Mayor Pro Tem Wilkerson expressed his concern over the proximity to the helipad. Mr. Tompkins said the billboard would not cause problems with the helipad because to get TxDot permit, they have to clear aviation standards.

Mayor Pro Tem Wilkerson asked Mrs. Morgan about the reference map submitted showing existing billboards and lack of compliance. Mrs. Morgan stated her map was significantly different and that several of the billboards were indeed in compliance with the ordinance. Alderman Scoggin pointed out a billboard that had been there since before the current ordinance.

Alderman Griffith asked Mrs. Morgan if the ones depicted as nonconforming had an SUP and Mrs. Morgan stated she did not know, as they had been there before she came to the City, but that the zoning ordinances specifically state that an SUP is required for all billboards.

Mayor Pro Tem Wilkerson clarified that the issue was distance to school and Mrs. Morgan stated that it was.

Mayor Pro Tem Wilkerson asked that once they are established how full are they. Joseph O, O Media, stated that to get to 80% capacity is good.

Mayor Pro Tem Wilkerson asked that if it's full and local business is asking to advertise, which one gets priority and who decides it. Mr. Tompkins said it would rotate monthly.

Mr. Tompkins stated the City would have space available to advertise. Mayor Pro Tem Wilkerson asked Mrs. Morgan what she's paid in the past and Mrs. Morgan said \$1,000 for the digital board in Lake Dallas.

Alderman Griffith asked if they had any idea of pricing for local businesses and Mr. O said they hadn't discussed it, but that it would be affordable.

Mayor Pro Tem Wilkerson said he didn't really have an opinion. Alderman Griffith said there had only been people in support of it, but he thinks the Board should know the rate for the locals. Mr. Tompkins said it would be \$250.

Alderman Griffith made a motion to approve consider O Media Group's request for a Variance on 4.03.011(9) Off-Premises Billboard Signs for property located at 740 S. Frontage Road, Valley View, TX 76272 (CAD 17549). Alderman Scoggin seconded the motion and the motion passed 2-1 with Mayor Pro Tem Wilkerson opposed.

9. Conduct a Public Hearing and take action to consider O Media Group's request for a Specific Use Permit for a portion of property located at 740 S. Frontage Road, Valley View, TX 76272 (CAD 17549)
 - a. Presentation of request;
 - b. **PUBLIC HEARING** to receive comments regarding the request;

Public Hearing OPENED at 6:43 PM

Ms. McMullen stated that as a business owner for 25 years, billboards are the number one method of advertising. She added there are no houses that the lights would affect.

Jason Grounds stated the City cannot dictate costs between businesses and suggested a contract between the group and the Chamber of Commerce.

Public Hearing CLOSED at 6:45 PM

- c. Discussion and action regarding the request.

Alderman Griffith asked if the Contract should be in place first. Mrs. Morgan advised the City cannot tell private businesses how to do their business.

Mayor Pro Tem Wilkerson asked what happens if they sell the billboard. Mr. O said everything would transfer, including any agreements in place. Mrs. Morgan stated that SUP do not convey.

Mayor Pro Tem Wilkerson asked if they were leasing the spot. Mr. Tompkins confirmed they had a ground lease from Mr. Ritchey.

Mayor Pro Tem Wilkerson expressed concern over the amount of light pollution and if it and flashing has any effect on traffic.

Alderman Scoggin asked how many and which direction it would face. Mr. O said it would be one and face south.

Mr. O stated the billboard dims at night to conserve energy.

Alderman Griffith made a motion to approve O Media Group's request for a Specific Use Permit for a portion of property located at 740 S. Frontage Road, Valley View, TX 76272 (CAD 17549) for a single sign. Alderman Scoggin seconded the motion and the motion passed 3-0.

10. Conduct a Public Hearing and take action to consider Valley View Capital Partner's request for a Zoning Change from SF-2 to MF - Multifamily for TBD Armstrong Street, 1.43 acres (CAD 8394);
 - a. Presentation of request;

Kumar Mainali stated he already owns this property and the adjacent one which is zoned multifamily. He stated in his research, there are no places to rent in Valley View. Mr. Mainali advised this property was directly across from the approved hotel and would act as a buffer to residents.

- b. **PUBLIC HEARING** to receive comments regarding the request; and

Public Hearing OPENED at 6:54pm

Mitchell Hayes said he would like to know what's going on and he doesn't want any change. He said it would be in his backdoor and he doesn't want it. Mr. Hayes said for the right price he would sale his place.

Evelyn Hayes said she doesn't even know what the request is for.

Perry Patrick said this was an opportunity for communication for things such as infrastructure. He also asked what kind of multifamily. He said he would like more information before making a decision.

Public Hearing CLOSED at 6:57pm.

- c. Discussion and action regarding the request.

Alderman Scoggin confirmed that the lot at Cross and Armstrong Streets was already multifamily and Mr. Mainali said it was. Alderman Scoggin confirmed that the request is to change the other two lots to multifamily and Mr. Mainali stated it was.

Alderman Griffith stated he liked single family, as he doesn't want multifamily or duplexes with people coming in and out.

Mayor Pro Tem Wilkerson asked when the zoning was changed on the other lot and Mrs. Morgan advised it was 2017 or 2018. He stated he agreed with Alderman Griffith, but he wasn't sure how many people would want to build a single family home by the highway.

Mayor Chalk advised that due to the nature of his job, he knows there is no land to be found.

Alderman Griffith stated that a zoning change meant anything could be built there and Mayor Chalk stated that it would likely have to come back before the Board for approval.

Alderman Griffith asked for clarification on what multifamily zoning was. Mrs. Morgan stated that there is a classification for two-family zoning, so multifamily would be 3 or more.

Mayor Pro Tem Wilkerson said maybe two family would be better there. Alderman Griffith said that if it's rezoned to multifamily, anyone could put whatever they want there. Mayor Pro Tem Wilkerson added that the tax base would be good though.

Mayor Chalk asked Kevin Ware, City Engineer, if he had any opinion. Mr. Ware said he had nothing on the zoning, but that there was capacity in water and sewer.

Mayor Pro Tem Wilkerson said he was worried about multifamily and would like to research more what that entails. Alderman Griffith agreed.

Alderman Scoggin made a motion to deny Valley View Capital Partner's request for a Zoning Change from SF-2 to MF - Multifamily for TBD Armstrong Street, 1.43 acres (CAD 8394). Mayor Pro Tem Wilkerson seconded the motion and the motion passed 3-0.

11. Conduct a Public Hearing and take action to consider Valley View Capital Partner's request for a Zoning Change from SF-2 to MF - Multifamily for TBD Armstrong Street, 1.69 acres (CAD 319457);
 - a. Presentation of request;
 - b. **PUBLIC HEARING** to receive comments regarding the request; and
 - c. Discussion and action regarding the request.

Request withdrawn by Mr. Mainali.

12. Update from Shelly Baccus, Valley View Area Chamber of Commerce President.

Shelly Baccus, Chamber President, thanked Alderman Scoggin and Mayor Chalk for their service to the community and congratulated the newly elected members. Ms. Baccus said she would be presenting a Chamber update at each meeting. She said the Citywide Garage Sale was the upcoming Saturday and would be the last year as a Chamber event. Ms. Baccus advised that on May 20, there would be a ribbon cutting for Old Timer's Music Hall followed by a day of music there. A ribbon cutting for Bluebonnet Café is scheduled for Tuesday, May 23 from 5pm-7pm followed by a Chamber Mixer. Ms. Baccus said there would be food and drinks. She said the next general chamber meeting would be at Firelight at 6pm on June 30th. Ms. Baccus stated the Wine Walk event was growing fast and they had several sponsors already.

13. Discuss and consider request from Meredith Eaton, Valley View Area Chamber, for \$5,000 for advertising for the Wine Walk event, possible action.

Meredith Eaton said the Wine Walk is scheduled for October 14th around the square and is looking to be bigger and better than in the past. She stated the Chamber does this event because the Texas wine industry is booming and growing with over 800 wineries now in Texas. Mrs. Eaton said the 2022 Texas Economic Business Study showed massive revenue in the state for wineries, which meant additional taxes and tourism. She said the event is not a simple square event, but draws tourists for businesses on and off the square, as the guests increase foot traffic throughout. Ms. Eaton said Wine Walk guests spend money here. She stated that past event guests have attended and ended up moving to the area because they fell in love with it while at the event. Ms. Eaton said that's the caliber of attendees.

Ms. Eaton referred to the Granbury wine event, in which there are booth sales of over \$10,000, increasing taxes to the city in addition to the increased lodging and food revenue.

Ms. Eaton stated Gainesville has asked why they do the event in Valley View and they wanted something similar. She said Gainesville gave them \$15,000 for an event there and the first year was a sell out, therefore they want support from their own city.

Ms. Eaton said that Granbury is hosting 2,000 people in 2 days and are pushing to make it a 3 day event now.

Ms. Eaton stated the north Texas wine industry had been a hidden secret for a while, but that the cat's out of the bag now and is going to continue growing. She said they have a slogan of "North Texas – drive one hour north instead of 4 hours south."

Ms. Eaton said the Chamber is asking for \$5,000 to be used for marketing of the Wine Walk event. She said the event costs a lot, and while they have the other things covered, they don't have the marketing covered. She said they are looking at 2 billboards for 3 months, as well as radio and printed ads.

Mayor Pro Tem Wilkerson asked the expected attendance and Ms. Eaton said they are hoping for 500 as they've had 300 in the past.

Alderman Scoggin stated the Chamber was allotted \$3,500 last year and asked why the increase this year. Ms. Eaton said that costs have increased, but they are increasing the number and duration of billboard ads and looking into other avenues such as radio ads.

Mayor Pro Tem Wilkerson asked how long the billboard ran last year and Mrs. Morgan advised it was about 17 days for \$600-700.

Chris McIntosh, Edge of the Lake Vineyard, said the ask is for the bare minimum as they were given \$30,000 at another local event. He stated 90 days is the time needed to promote festivals and events and that this event brings in tons of revenue.

Laura McMullen added that the Gainesville Downtown Association had given them \$15,000 for a similar event.

Mayor Pro Tem Wilkerson stated the request was over half the Special Events budget for a single event. Ms. Eaton said it was a very big money generating event.

Mayor Pro Tem Wilkerson said it was a great event and is growing, but admitted to not being a wine walk guy. He said it's a good event, but that \$5,000 sounds like a lot, as that equates to \$10 per person to come. Ms. Eaton said that is why she wanted to give background information and to step up the event for guests. Mr. McIntosh said the biggest factor is an event not being successful and the wineries don't come back. He said key wineries will not come back if the Chamber does not make it a successful event. Ms. Eaton added that these high caliber wineries do bring a draw.

Mayor Pro Tem Wilkerson asked what the biggest one had been and Ms. Eaton advised about 360 guests.

Alderman Griffith asked if there was a questionnaire or something for guests to say where they found out about the event. Ms. Baccus said they had created something that gets sent out to guests. Ms. Eaton said that she promotes it throughout the year and at the Grapevine event, she sold more Wine Walk tickets than wine. Mr. McIntosh stated the ticket sales website tracks where the tickets are sold. Ms. McMullen stated that previous sales have been throughout DFW, some from Wichita Falls, some from Oklahoma and one from Florida.

Ms. McMullen stated they have turned away three wineries so the others get good numbers.

Mayor Pro Tem Wilkerson asked for the cost breakdown of the \$5,000 and Ms. Eaton explained her estimated figures.

Mayor Pro Tem Wilkerson asked what they thought they needed to have and Ms. Eaton said they would work hard no matter what.

Alderman Scoggin suggested \$4,000 and Mayor Pro Tem Wilkerson said he was good with that amount.

Mayor Pro Tem Wilkerson made a motion for the City to spend up to \$4,000 directly to the vendors on behalf of the Valley View Area Chamber of Commerce for Wine Walk advertising. Alderman Scoggin seconded the motion and the motion passed 3-0.

14. Canvass of election returns for the City of Valley View General Election.

Mayor Chalk read the results of the Election.

Mayor Pro Tem Wilkerson made a motion to approve the election returns of the City of Valley View General Election. Alderman Griffith seconded the motion and the motion passed 3-0.

15. Discuss and consider Ordinance 05112023-01 an Ordinance of the City of Valley View, Texas Fee Schedule; providing assessed fees and effective dates, possible action.

Mrs. Morgan stated this was updated to include the fees for the rental of the consider John Fortenberry Community Center.

Mayor Pro Tem Wilkerson made a motion to approve Ordinance 05112023-01 an Ordinance of the City of Valley View, Texas Fee Schedule; providing assessed fees and effective dates. Alderman Scoggin seconded the motion and the motion passed 3-0.

16. Discuss and consider John Fortenberry Community Center Rental Agreement, possible action.

17. Discuss and consider options for parking area of John Fortenberry Community Center, possible action.

Mr. Ware explained the bids received and gave his recommendation for Quick Set Concrete as it includes preparation of the sub-base which would slow the deterioration of the surface.

Mayor Pro Tem Wilkerson asked about location and Mrs. Morgan stated it was just the North and East sides.

Mayor Pro Tem Wilkerson said one quote had two different materials. Mrs. Morgan stated that was the one from Quick Set concrete as it has a hot mix for the ADA spaces. Mayor Pro Tem Wilkerson confirmed that flexbase makes it easier to upgrade later and Mr. Ware agreed.

Alderman Scoggin made a motion to approve the quote from Quick Set Concrete for the parking area of John Fortenberry Community Center. Mayor Pro Tem Wilkerson seconded the motion and the motion passed 3-0.

18. Discuss and consider proposal from Wilhite Land Surveying for mapping City easements, roads, and right-of-ways, possible action.

Mrs. Morgan stated this is needed in order to determine what's in place as it should be, what's not, where rights of ways are. Mr. Ware stated that the deliniation of the Rights of Ways will be base for anything regarding utility or drainage improvements.

Mayor Pro Tem Wilkerson made a motion to approve the proposal from Wilhite Land Surveying for mapping City easements, roads, and right-of-way. Alderman Scoggin seconded the motion and the motion passed 3-0.

19. Discuss and consider bids as received for the Request For Proposals for Remodel & Renovation of 308 W. O'Buch St., possible action.

Mrs. Morgan read the bid as received.

Alderman Scoggin asked about the stuff in the building and Mrs. Morgan stated the stuff was being cleaned out and disposed of as needed.

Mayor Pro Tem Wilkerson asked about the funds and Mrs. Morgan stated the capital improvements account had \$131,315.71 in it and the Vertical Bridge sale would add another \$100,000.

Jason Grounds asked if the building would be big enough in ten years and would it be better to take that money to invest in land to build. Mrs. Morgan explained that the plans actually allows for expansion in the future.

Alderman Griffith asked the square footage and Mayor Pro Tem Wilkerson said it was 2320 square feet.

Alderman Griffith stated he wished there were more than one bid. Mayor Pro Tem Wilkerson agreed but said that there had been issues with getting bids in the past.

Mayor Pro Tem Wilkerson made a motion to approve spending an amount not to exceed \$190,340.00 with H. E. Solutions. Alderman Griffith seconded the motion and the motion passed 3-0.

20. Discussion with Valley View Senior Citizens regarding use of John Fortenberry Community Center, possible action.

Donna Samuk, spokesperson for the Valley View Senior Citizens club said that with the sale of the building on 01/30/2019 they were promised use of the building for 2 days a week for 99 years. She said it has now been 4 years and 4 months and they still do not have access. Ms. Samuk said they are also asking to use the storage area for a refrigerator and their supplies. She says she realizes this should have been addressed at the time of the Contract and she is proud of the City for making the building pretty.

Mayor Pro Tem Wilkerson asked what days they would be using it. Ms. Samuk said Tuesdays and Thursdays. Alderman Scoggin asked the times and Ms. Samuk replied 10am to 2pm.

Mayor Pro Tem Wilkerson read the section of the Contract for Sale of the building that stated use of a 25' x 10' on Tuesdays and Thursdays from 10am to 2pm and that a formal lease agreement would be completed at closing.

Mrs. Morgan stated that the City Attorney had been working on making the formal agreement as she was sure they wanted more than just the 25' x 10' space. She said that once the agreement was finalized, it would be brought before the Board for approval and then given to the Valley View Senior Citizens for acceptance.

No action.

21. EXECUTIVE SESSION – In accordance with Texas Government Code, Section 551.001, et seq., the Board of Aldermen will recess into Executive Session (closed meeting) to discuss the following:

- a. §551.071: Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: to receive legal advice regarding the Roles of Mayor, Aldermen, and City Staff.

22. RECONVENE INTO OPEN SESSION – In accordance with Texas Government Code Chapter 551, the Board of Aldermen will reconvene into regular session to consider action, if any, on matters discussed in executive session.

Mayor Pro Tem Wilkerson made a motion to have the City Attorney clean up the job titles, job descriptions and committees and functions to comply with State law for Type A General Law Cities. Alderman Scoggin seconded the motion and the motion passed 3-0.

23. Adjourn.

Alderman Scoggin made a motion to adjourn at 9:35pm. Mayor Pro Tem Wilkerson seconded the motion and the motion passed 3-0.

NOTE: The Board of Aldermen reserves the right to meet in Executive Session, closed to the public, at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Signed and posted on this the ____ day of _____, 2023 at _____ m on the front of the City Hall, 101 S. Frontage Rd., Valley View, TX 76272.

Lynn Morgan, City Secretary