

**MINUTES OF THE
TOWN COUNCIL
August 24, 2009**

ITEM 1 CALL TO ORDER

Mayor Pro-Tem Gorman called the regular session to order at 6:00 p.m. on Monday, August 24, 2009, in the Vivian Cockburn Municipal Building located at 405 Shaffner Street.

ITEM 2 ROLL CALL

Those present were Council Member Ashman, Council Member Crider, Council Member Wilkinson, Council Member Rouse, Mayor Pro-Tem Gorman and Mayor Vardell.

ITEM 3 INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Police Chief Steve Grube led the invocation and pledge of allegiance to the flag.

ITEM 4 MAYOR'S REPORT

ITEM 5 CITIZEN INPUT

No one signed up to speak.

ITEM 6 CONSENT AGENDA

Council Member Wilkinson moved to approve the August 10, 2009 minutes. Motion seconded by Council Member Crider. Ayes: Council Member Wilkinson, Council Member Crider, Council Member Rouse, Council Member Ashman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 7 CONSIDER AND ACT ON APPROVAL OF ORDINANCE 09-03,
APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS STEERING
COMMITTEE AND ATMOS ENERGY MID-TEX DIVISION.**

Mayor Pro-Tem Gorman moved to approve Ordinance 09-03. Motion seconded by Council Member Wilkinson. Ayes: Council Member Wilkinson, Council Member Crider, Council Member Rouse, Council Member Ashman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

**ITEM 8 PUBLIC HEARING FOR A REQUEST TO AMEND THE PLANNED
DEVELOPMENT DISTRICT ZONING BY CHANGING THE LIST OF PERMITTED
USES TO ALLOW FOR LIGHT MANUFACTURING OF PROTOTYPE MACHINES,
OUTDOOR STORAGE, AND WAREHOUSING AND PROVIDING A DETAILED SITE
PLAN ON A 1.52 ACRE TRACT OF LAND KNOWN AS LOT 1R-4, BLOCK 3,
TIESZEN ESTATES SITUATED IN THE FIELDS DAVIS SURVEY ABSTRACT
NUMBER 371 IN THE TOWN OF PONDER.**

Council Member Wilkinson moved to open the public hearing at 6:10 p.m. Motion seconded by Council Member Crider. Ayes: Council Member Wilkinson, Council Member Crider, Council Member Rouse, Council Member Ashman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

Mayor Vardell asked if there was anyone there to speak for or against the public hearing.

Karen Mitchell, Planner for the Town of Ponder went over the current Planned Development and informed the Council that there would be a second step that would include a detailed site plan. Ms. Mitchell stated that the applicant is complying with everything the ordinance is asking of them. This property is adjacent to single family residential and they are proposing an eight foot masonry wall which exceeds the town's requirements. There will be a large outdoor storage area that will be in public view unless required to meet landscape ordinance by placing shrubs around it. Ms. Mitchell recommended street frontage trees, 3 inches in size, every 50 feet; this would consist of about 7 along Robinson Road and 5 along 2449. Should this be approved, Ms. Mitchell is recommending that this requirement be met.

Mike Bates, with Bates Architecture reported that there will be three cargo vans and some crate boxes that will be stored in the outdoor storage area and also stated that the applicant would be fine with placing a screen or shrubs around this area. Mr. Bates stated that this location will be for research and will also have a machine shop to develop the prototype but will not be manufactured at this location. Once manufactured, the prototype will be shipped back to this location for testing. There will also be office space.

George Belcheff, Town Engineer stated that he sees a site plan that has certain issues that are not acceptable. Mr. Belcheff went over comments that were submitted to the applicant, including the driveway not being approved by TXDot, no water or sewer on site, suggested that the Fire Marshall look at this site plan, needs a traffic study and drainage issues.

Ronnie Phillips, Attorney for the applicant stated the problem is that Planned Developments only have a few uses and that the applicant is complying with staff to have sensible changes made to the ordinance. Mr. Phillips stated that the applicant is willing to comply with all Town regulations, but needs the staff to make an amendment to this PD in order to be able to address the site plan. Mr. Phillips also stated that the contract on this property will fail if this change does not happen. CBS Arcsafe likes Ponder and wants to do business here.

Mayor Pro-Tem Gorman replied that his point was well taken and he understood that we were here to allow another use in the PD.

Council Member Wilkinson asked when does the Council stop making changes to a PD and with this, what uses are going to potentially be let in the PD.

Council Member Ashman moved to close the public hearing at 6:30 p.m. Motion seconded by Council Member Crider. Ayes: Council Member Wilkinson, Council Member Crider, Council Member Rouse, Council Member Ashman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 9 CONSIDERATION OF A REQUEST TO AMEND THE PLANNED DEVELOPMENT DISTRICT ZONING BY CHANGING THE LIST OF PERMITTED USES TO ALLOW FOR LIGHT MANUFACTURING OF PROTOTYPE MACHINES, OUTDOOR STORAGE, AND WAREHOUSING AND PROVIDING A DETAILED SITE PLAN ON A 1.52 ACRE TRACT OF LAND KNOWN AS LOT 1R-4, BLOCK 3, TIESZEN ESTATES SITUATED IN THE FIELDS DAVIS SURVEY ABSTRACT NUMBER 371 IN THE TOWN OF PONDER.

The Town of Ponder Planning and Zoning Commission recommended approval of the request to amend the list of permitted usages on lot 1R-4 Tieszen Business Park Addition to allow for a

research, development, and testing facility for robotic safety apparatus used in circuit breaker technology and to approve the detailed site plan with the following conditions:

- Plant an evergreen shrub in front of the outdoor storage facility a minimum of three feet in height at time of planting capable of reaching six feet in height in one year of planting to completely screen the outdoor storage area;
- Allow barbed wire fence topper along the western fence.

Mayor Pro-Tem Gorman moved to not go with the P&Z recommendation and deny the added use to the Planned Development. Motion seconded by Council Member Wilkinson. Ayes: Council Member Wilkinson, Council Member Crider, Council Member Rouse, Council Member Ashman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

Council adjourned at 6:45 p.m. for a break while P&Z finished their meeting. Regular session reconvened at 6:55 p.m.

ITEM 10 CONSIDER AND ACT ON APPROVAL OF PLACING A STREETLIGHT AT 108 FREDERICK STREET.

Council Member Wilkinson moved to deny the request for a streetlight at 108 Frederick Street. Motion seconded by Mayor Pro-Tem Gorman. Ayes: Council Member Wilkinson, Council Member Crider, Council Member Rouse, Council Member Ashman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 1 nays and 0 abstentions.

ITEM 11 DISCUSSION REGARDING THE FUTURE OF A DRAINAGE PROJECT, LAND PURCHASE FOR WALKING TRAILS, BALL FIELDS AND A TOWN HALL BUILDING.

Council Member Wilkinson moved to adjourn to executive session for item #11 and item #12 at 7:30 p.m. Motion seconded by Council Member Ashman. Ayes: Council Member Wilkinson, Council Member Crider, Council Member Rouse, Council Member Ashman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

Council reconvened in regular session at 8:00 p.m.

No action taken.

ITEM 12 DISCUSSION AND POSSIBLE ACTION REGARDING LAND ACQUISITION FOR AN ELEVATED WATER TANK.

Discussed in executive session.

No action taken.

ITEM 13 BUDGET WORKSHOP

Council reviewed the General Fund Budget that Sheri Clearman submitted. Mayor Vardell questioned Police Chief Steve Grube about the large amount of fuel budget requested. Sheri Clearman noted some of the changes in budget as follows:

- 4% increase in salaries paid from the General Fund
- Tax rate set below the rollback rate at \$0.360640/\$100 valuation

- The addition of dispatch service fee to Denton County of \$6326
- The addition of an annual allocation to the Children’s Advocacy Center of \$2882
- An increase in the Parks & Recreation budget to cover maintenance cost to the new park

ITEM 14 ITEMS TO BE PLACED ON THE NEXT AGENDA.

Budget
Tax Rate

ITEM 15 ADJOURN.

Council Member Wilkinson moved to adjourn at 8:20 p.m. Motion seconded by Council Member Crider. Ayes: Council Member Wilkinson, Council Member Crider, Council Member Rouse, Council Member Ashman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

APPROVED:

Jeff Vardell, Mayor

Date

ATTEST:

Sheri N. Clearman, City Secretary