

Minutes

March 21st, 2019 @ 6:00pm
Regular Council Meeting

1. Call to Order @ 6:01 pm
2. Roll Call: Council Members Whitfill, McDonald, Austin, Napoles and Sestito were present, Council Member Whitehurst was absent.
 - a. Establish Quorum – Mayor Austin Presiding.
3. Invocation and Pledge of Allegiance led by, Mayor Austin
4. Open public hearing to receive public testimony on a request to rezone a 26.627 tract of land from a multi-zoned B-1 Business, R-1 Residential tract to a MF-1 Multi-Family tract for purposes of a proposed affordable senior housing development, contingent on the application award by the Texas Department of Housing and Community Affairs. Public Hearing was opened at 6:02 pm.
 - a. Mitchell Pinkard of 211 W. Will White Rd asked Council what value the development would bring to the City and what additional costs if any would there be for maintaining the donated land? Mayor Austin informed Mr. Pinkard that the City had done their homework and although the development would be receiving a tax break on the appraised value of the property, the ad valorem tax collection post development would be a significant increase from the tax revenues generated in its current state. Mayor Austin stated that the City's intent for the donated portion of land would be to pursue grants to aid in funding that development.
 - b. Michael Fladmark of 600 Winding Shores spoke in favor of the development and encourage Council to continue to support both proposals.
5. Close public hearing and take action on the request to rezone. City Secretary Lyons stated that official had to be taken by the adoption of an Ordinance at least 30 days after publication notice of the hearing date and that it would be prepared and ready for approval at next month's meeting; no action was taken. Public Hearing was closed @ 6:20 pm.
6. Approve Minutes: February 21st 2019. Motion to approve was made by Council Member Napoles, second by Council Member Whitfill. Motion passed 4/0.
7. Approve Consent Agenda Items "A" thru "G"; Monthly Activity Reports for February 2019 as presented: (A) Municipal Court; (B) Police; (C) Financial and Expenditure; (D) Maintenance; (E) Building (F) Code Enforcement and; (G) Animal Control. Motion to approve was made by Council Member Napoles second by Council Member Sestito. Passed 4/0
8. Action on a request by Thomas Grugle of 913 Keoki Ct. to appeal the denial of a building permit for non-compliance with City Ordinance. Mr. Grugle petitioned Council to reverse the denial of the building permit and allow him to rebuild his recently demolished non-conforming use on the basis that he was unaware of the permitting requirements or the ordinance provisions for non-conforming uses. Mr. Grugle also argued that denial based on the location being in his front yard was not correct and stated that the front of his home faced the water and the garage location would be in the back yard. He went on to say that the only legal way (according to City Ordinance) to re-construct the garage would be to attach it to the primary structure and in his opinion was not cost effective. Code Enforcement Officer Jeremy Lyons informed Council that the Ordinances defines the front yard as it related to public city streets and not water front and because of this, the proposed location was in the front yard of the property and was not allowed by Ordinance. Mr. Grugle petitioned Council to allow enforcement of the ordinance retrospectively and give him an opportunity to determine value. Council Member Napoles stated that it has been the intent on the Council for the past several years to enforce the ordinance as they were written and that he did not support permitting the construction retroactively. Council Member McDonald added that he saw the property when the tree was on the previous structure and that he has looked at the survey with Jeremy (Code Enforcement). He added that the new structure is well within the build lines and looks better than the structure that was there before and expressed his support of approval. Council Member Napoles reiterated that the structure is in violation of City Ordinances because of its location and due to failure of the property owner to obtain the proper permits. Council Member Sestito asked how much of the previous structure was damaged to which the property owner replied approximately one third. Mr. Grugle added that although only 1/3 was damaged he elected to demo the entire thing due to the low cost of building materials at the time. Council Member McDonald argued that Council had just approved a variance in Red Sails and although it is legal it is ugly and suggested that this structure would look better than the one previously approved in Red Sails. City Secretary Lyons explained that the situation with Mr. Grugle was not eligible for a variance because of the non-conforming use status and the restrictions of the use. Council Member Whitfill cautioned Council stating that approval of this request would set a precedent for future request and made the recommendation that Council proceed with revisions to the ordinances and make amendments for the community as a whole and not on an individual basis. Motion to



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approve a request by Thomas Grugle of 913 Keoki Ct. to reverse the denial of a building permit for the reconstruction of a non-conforming use was made by Council Member McDonald, second by Council Member Sestito. The motion failed with a vote of 3/2 with Council Members McDonald and Sestito in favor and Council Napoles and Whitfill opposed; Mayor Austin broke the tie.

9. Action on a request by the Code Enforcement Officer to schedule a public hearing for determination of an unsafe building and abatement recommendations on a property located at 1909 Deer Trail. Motion to schedule a public hearing at the next regularly scheduled Council Meeting for determination of an unsafe building and abatement recommendations on a property located at 1909 Deer Trail was made by Council Member Napoles, second by Council Member Whitfill. Motion passed 4/0.
10. Action on a request by Robert Maston of 2008 Jefferson Downs to approve a compliance replat of the McClatchey Subdivision to combine a 0.87 acre tract of land located in the Thomas Mitchell Survey, A-488 in Henderson County Texas with a portion of lot 19 of the same Thomas Mitchell Survey, thereby creating lot 19R and incorporating the 0.87 acre tract into the McClatchey subdivision. Motion to approve was made by Council Member Napoles, second by Council Member McDonald. Motion passed 4/0.
11. Action on a request by Robert Maston of 2008 Jefferson Downs to approve a compliance replat of the McClatchey Subdivision to combine a portion of lot 19 located in the Thomas Mitchell Survey, A-488 in Henderson County Texas with lot 18 thereby creating lot 18R. Motion to approve was made by Council Member Whitfill, second by Council Member McDonald. Motion passed 4/0.
12. Action on a request by Robert Maston of 2008 Jefferson Downs to document "Legal Nonconforming Use" on lot 19R of the Thomas Mitchell Survey, A-488 in Henderson County Texas, McClatchey subdivision to allow continued residential use of a commercially zoned property as well as nonconformance with city under the ordinance guidelines for nonconforming uses. City Secretary Lyons informed Council that this item did not require Council action; no action taken.
13. Action to set a date for a public hearing to receive public testimony and take action on proposed rezones for future development of the City of Tool. Motion to schedule a public hearing for May 16th, 2019, the regularly scheduled Council Meeting, was made by Council Member Napoles, second by Council Member Sestito. Motion passed 4/0.
14. Action to confirm the appointment of new hire Robert M. McCumsey as a full time Police Officer. Motion to confirm the appointment of new hire Robert M. McCumsey as a full time Police Officer was made by Council Member Whitfill, second by Council Member Napoles. Motion passed 4/0.
15. Staff
 - a. Council Member Napoles announced April 27th as the City's Annual Trash Off Day beginning at 8:00 am and ending at noon
 - b. City Secretary Lyons announced May 18th as the date for the "Tool Turns 50" celebration

Closing

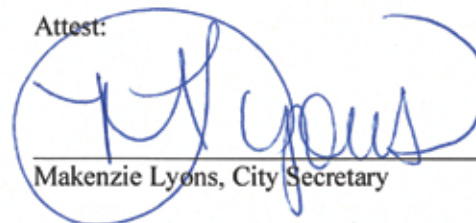
16. Next Meeting: April 18th 2019 at 6:00 pm
17. Adjourn @ 7:02 pm

Passed and approved this 18th day of April, 2019.


Tawnya Austin, Mayor



Attest:


Makenzie Lyons, City Secretary