



**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD
MAY 8, 2023
6:30 PM**

CALL TO ORDER

Mayor Arthur L. Miner called the meeting to order at 6:30 p.m.

ROLL CALL

The meeting convened with the following members present:

Arthur L. Miner
Lovie Downey
Pat Shelbourne
Tom Snyder
Andrew Neal
Malissa Minucci
Mark Taylor
Jan Hill

Mayor
Mayor Pro Tem/Council Member Place 3
Council Member Place 1
Council Member Place 2
Council Member Place 4
Council Member Place 5
Council Member Place 6
Council Member Place 7

and

Joshua Jones
Linda Proskey
David Berman
Sandra Gibson
Deby Woodard
Randy Richards
Jeannette Garcia
Timothy Hamilton
Lana Ewell

City Manager
City Secretary
City Attorney
Director of Finance
Assistant Director of Finance
Assistant Director of Public Works
Planning and Zoning Coordinator
Director of Parks and Community Services
Director of Library Services

INVOCATION

Paster Lynn Nichols of Northside Nazarene provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Miner led the pledge to the flags. He then recognized the veterans in the chambers attending the meeting.

ANNOUNCEMENTS

Councilmember Neal announced Watauga Fest is May 18-21. He also congratulated the Mayor on winning the Mayor's Cup.

Councilmember Taylor to sent condolences to Allen for the shooting incident that week and reminded people that if they see or say something, it could stop an incident like this.

Mayor Miner thanked the Parks Department for the season opening of the Splashpad.

PRESENTATIONS

Presentation of Service Awards for the City of Watauga Employees Celebrating a Milestone Anniversary during the month of May.

Joshua Jones, City Manager presented service awards to Dana Harper 10 years, Tommy Sanders 10 years.

PUBLIC COMMENT

There was no public comment.

PUBLIC TESTIMONY FOR ACTION ITEMS

Jeff Richie, 7333 Bennington Drive, Watauga, spoke against the Townhouses at Capp Smith Park. He is concerned for the safety and the rise in crime this may bring.

Will Trudgen, 7313 Bennington Drive, Watauga, spoke against the Townhouses at Capp Smith Park. He wants the city to buy the land and add to the park.

Cristi McCauley-Blackburn 6320 Hunters Glen, Watauga. She spoke about the zoning that needs to be changed for the property at Capp Smith Park. She said she favors the Townhouses but does not like that the Townhomes look like all the others in the area.

Robert McKinney, 7120 Shady Grove, Keller, is the CEO at Lifestyle. He is looking at selling the 10 acres. He said he offered it to the city and was turned down. He feels that the Townhouses would be a good addition and use for the land and that the builders have a beautiful concept. He also stated that a charter school had been agreed to by the school at the church.

CONSENT AGENDA

Mayor Miner read the following consent addenda items:

- 1. Consider approval of the Monthly Financial Report for the period ending March 31, 2023.**
- 2. Consider approval of the April 10, 2023, Regular City Council meeting minutes.**
- 3. Consider approval of the meeting minutes from December 12, 2022. January 9 and**

February 13, 2023, City Council Workshops.

Mayor Miner called for a Motion. Councilmember Hill made a motion to accept the consent agenda as presented. Councilmember Minucci seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

Ayes, Shelbourne, Snyder, Downey, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: None

PUBLIC HEARINGS/ACTION

1. ORD. 23-03: Public hearing to receive comments concerning approval of an amendment to the 2016 Comprehensive Plan, commonly known as "One Watauga", amending the future land use types, adding definition for "Retail Transitional Mixed-Use" (RTMU); amending the future land use map as recommended by the Planning and Zoning Commission; and consider action to approve the amendments to ordinance as proposed.

Randy Richards, CFM, Assistant Director of Public Works, gave the presentation.

Mayor Miner opened the public hearing at 6:58 PM

Received no request to speak from the public.

Mayor Miner closed the public hearing at 6:58 PM.

Mayor Miner called for a Motion. Councilmember Neal made a motion to accept the item as presented. Councilmember Hill seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

Ayes, Shelbourne, Snyder, Downey, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: None

2. Z.23-01 wSUP: Public hearing to receive comments for or against a request for a zoning change from General Business (GB) to Commercial (C) with a specific use permit (SUP), for property commonly known as 6601 Watauga Road, being a portion of Lot 25 Block 3, of the Singing Hills Addition; and consider action on the final report to allow for a water ice vending station in the Woodcrest Marketplace Shopping Center. The subject property is located on the north side of Watauga Road and west of Rufe Snow Drive. Owner: Woodcrest Marketplace LP. Applicant Agent: Rick Kelly, Watermill Express.

Randy Richards, Assistant Director of Public Works, presented the item. Public Hearing notices Since there is a similar business in the area the development review team does not recommend the change. Owner Rick Kelly is present.

Councilmember Neal asked Mr. Kelly if it was usual that there were ice machines close to each other. He asked about the size of the pad. He also wanted to know what could be done for Greenspace.

Mr. Kelly said it is common for businesses to be close to each other, but it depends on the area and the market. The size of the pad is 15'.1' x 15'.2". What they can do about Greenspace is limited since they are usually in a small section of a parking lot and because of the Texas heat.

Councilmember Taylor stated that the pictures presented didn't show any trash containers. He is concerned that the ice bags will be thrown on the ground. I wanted to know why they don't look at areas around Denton Highway without ice vending machines.

Mr. Kelly said that the facility offers bulk and bag ice with the intent that people take the bagged ice with them or, if they are filling a cooler, will use the bulk so there is no bag. Mr. Kelly said they are open to adding a trash container that can be picked up regularly if requested. He said they didn't feel Denton Highway had as strong of a market.

Mayor Miner opened the public hearing at 7:06 PM

Received no request to speak from the public.

Mayor Miner closed the public hearing at 7:07 PM.

Councilmember Hill asked Mr. Richards why the staff was not recommending the change.

Randy Richards, Assistant Director of Public Works, said that it is because of the proximity of the two others.

Mayor Miner called for a Motion. Councilmember Hill made a motion to deny the request. Councilmember Minucci seconded the motion.

Mayor Miner called for a vote. He also reiterated that the motion is to deny the request.

Motion carried 4-3-0-0.

Ayes, Shelbourne, Downey, Taylor, Hill

Nays: Neal, Snyder, Minucci

Abstain: None

Absent: None

- 3. P.23-01: Public hearing to receive comments for or against a request for a re-plat at the location commonly known as 5932 Denton Highway, Lot A-R-1 Block 7 of the Watauga Addition; and consider action to approve the replat to allow for development of a restaurant establishment. The subject property, which will be subdivided into two (2) lots, is located east of Denton Highway, south of Bowie Street and north of Shipp Drive. Owner: SP WA Development LLC. Applicant: The Hicks Six LLC, Scott Hicks. Mr. Hicks in attendance.**

Jeannette Garcia, Planning and Zoning Coordinator, gave the presentation.

Councilmember Taylor clarified that all this is changing the ownership of who the restaurant and owners of the liqueur store and nothing else.

Jeannette Gacia, Planning and Zoning Coordinator, said he was correct.

Paul Hackleman stated that each time a developer asks for a report, the city can come in and ask for things we need. They did not plat the first time it was the liqueur store, so we didn't have that option. Since they are asking for it to be divided into two lots, we have asked for a corner clip for a future handicap ramp, sidewalks, and traffic signal.

Mayor Miner opened the public hearing at 7:13 PM.

Cristi McCauley-Blackburn, 6320 Hunters Glen, Watauga, stated that when this went to P & Z, she made a motion to approve this. She felt that when it went to the board, questions were asked that did not pertain to the item or were inappropriate. She thinks that the P&Z board needs more training.

Mayor Miner said that some of the issues from that meeting have been addressed and that there will be training soon for all boards and extra training for P&Z.

Mayor Miner closed the public hearing at 7:17 PM.

Mayor Miner called for a Motion. Councilmember Shelbourne made a motion to approve the item as presented. Councilmember Snyder seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

Ayes, Shelbourne, Snyder, Downey, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: None

4. ORD.23-01: Public hearing to receive comments for or against a request concerning text amendments to the City of Watauga Code of Ordinances, Chapter 115, Article V. - Development Controls, Sec. 115-117. - Landscape regulations. (e) Screening requirements; and consider action to approve the amendments as noted.

Randy Richards, Assistant Director of Public Works, presented the item. He said this is to adjust the fence regulations for the corner lot from a set back of 15 feet back of the curb to 13 feet back of the curb or three and half feet back from the property line when there is no curb. This regulation will allow more uniform consistency and enforcement in future fence projects. Subsection 12 (iii) would revise retaining walls in front yards and only allow when grading exceeds a five to one or 20% slope ratio. Retaining walls shall be set back at least 1 foot from property lines, and no portion of the wall or additional structures shall extend higher than six inches above the top wall ground elevation. Additionally, subsection 12 (e) would allow the repair or maintenance of a fence that does not exceed 16 linear feet without a permit.

Councilmember Hill asked if this would pertain to fences between neighbors.

Mr. Richards said that it would be a civil matter between neighbors. Anything that is in public view from the adjacent street is what code enforcement enforces on the section of code.

Councilmember Neal asked if there was a time limit for replacing the fence. What stops people from doing sections at a time to avoid getting a permit? Also, the fine is not to exceed two thousand dollars. Where did that amount come from?

Mr. Richards said he does not have a proposed time limit but doesn't think this would be an issue. Most of the time, this comes into play after a storm, knocking a portion of a fence down.

Attorney David Berman said that the state law allows municipalities to impose penalties of up to two thousand dollars. He believes our charter, as a general rule, has every zoning violation up to two thousand dollars.

Councilmember Shelbourne wanted clarification on the term slop ratio. He also wants to know if this will help with the railroad ties falling into the sidewalk.

Mr. Richards said it is the yard's grade from the front of the house towards the right-of-way line. It was explained that there had been properties with flat yards that put in retaining walls that acted more like a fence instead of a retaining wall. This regulation also requires the retaining wall to be set back from the sidewalk or property line, so if the city must come in and work on the sidewalk, they can.

Councilmember Hill wants to know if this ordinance will affect the existing retaining walls.

Mr. Richards said no, it will only once they apply for a permit to do some work on it, then they would need to bring it into compliance.

Mayor Miner opened the public hearing at 7:27 PM

Received no request to speak from the public.

Mayor Miner closed the public hearing at 7:28 PM

Mayor Miner called for a Motion. Councilmember Hill made a motion to approve the item as presented. Councilmember Shelbourne seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

Ayes, Shelbourne, Snyder, Downey, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: None

5. ORD. 23-02: Public hearing to receive comments for or against a request concerning text amendments to include a definition of Smoke Lounge and Smoke Shop in the City of Watauga Code of Ordinances, Chapter 115 Zoning - Article I. Sec.115-6 In General. Permitted principal, accessory and specific use permit uses

and to authorize Smoke Lounge and Smoke Shop as a permissible use requiring specific use permits in designated zoning districts in Article IV. Sec. 115-85 Table of Uses; and consider action to approve the amendments as proposed.

Jeannette Garcia, Planning & Zoning Coordinator, presented the item.

Councilmember Neal asked how many smoke shops, rooms, and lounges are in the city.

Ms. Garcia said she ran a comptroller's report, and the city has fifty-seven licenses. Some of these are convenience stores that have an e-cig or tobacco permit. The vape and smoke shops are the same. She would say about 15 are smoke/vape shops. We have two Hookah lounges. Smoke shops are about 15-20.

Councilmember Shelbourne asked if this would require anyone coming in with this type of business to have the council approve a specific use permit.

Ms. Garcia said that it would.

Mayor Miner opened the public hearing at 7:36 PM

Received no request to speak from the public.

Mayor Miner closed the public hearing at 7:37 PM

Mayor Miner called for a Motion. Councilmember Neal made a motion to approve the item as presented. Councilmember Shelbourne seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

Ayes, Shelbourne, Snyder, Downey, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: None

RECESS

Mayor Miner recessed the meeting at 7:39 PM

RECONVENE

Mayor Miner reconvened the meeting at 7:50 PM

6. Z.23-02: Public hearing to receive comments for or against a request for a zoning change from Community Facilities (CF) and General Business (GB) to Planned Development (PD), for property commonly known as Pheasant Run 65 Lot H1B Portion without Exemption; and consider action to allow for single family residential townhomes. The Planned Development (PD) is proposed to be platted

into one hundred thirty-two lots. Owner: Lifestyle Christianity. Applicant/Agent: Olivet Capital, Michael Lynch

Paul Hackleman, Director of Public Works, Presented the item. He spoke about the different types of density, the benefits of the development to the city, and the attraction it would mean for new businesses, the engineering report, and the effects on the pond and channel. Also, there is currently erosion on the channel, but the developer will fix that, and the HOA will maintain it. He said the HOA would cover everything, including the streets, sewers, water, etc.

Mayor Miner said he was approached by a citizen who asked about putting single-family homes boarding up to the trail up front, and he said he asked Mr. Hackleman earlier to talk with the developer to see if this could be considered any word on it.

Mr. Hackleman said he spoke with the developer, who cannot do this as it would not be economically and financially possible. Mr. Hackleman noted that there were three developers, and two backed out because the project was too risky. This option will kill the development.

Councilmember Shelbourne asked about the police and fire departments and how much extra load it will put on them.

Mr. Hackleman said there wouldn't be for the fire department because they will have sprinklers and firewalls to put the fires out, so it will only be medical and investigations. He believes it will be the same for the police.

Councilmember Hill asked about erosion and the size of the fences, and the plans are calling for a 4-foot fence. Could it be raised to 6 feet?

Mr. Hackleman said he wouldn't put a fence, he wants the park to feel and the community feels, but we can ask the developer for whatever size fence the council would want.

Councilmember Minucci stated she is worried about the citizens around that park and the view. She asked about the chemicals people will put in their lawns and their effect on the pond.

Mr. Hackleman said it won't have any more impact than the neighborhoods around the pond currently. There is nothing the city can do to stop people from treating their yards. Anything people put in their yards impacts all the city's creeks, ponds, and waterways.

Councilmember Taylor wanted to clarify that the vote tonight is only to approve a planned development but not a design, and the council still has an opportunity to go back and ask for things.

Mr. Hackleman said that this will only come back when they have a plat. The general design will not. So, it is important that what the council wants is in the ordinance. So, if there is something that the council wants to be changed, it must be done tonight in the PD ordinance.

Councilmember Neal asked how the trash will be handled. He also stated that if they are individual containers, where will they be stored, and can an area be built in the garage? Also, if the HOA controls infrastructure, how do we ensure they do the maintenance? He

asked how many homes have fire suppression systems. He also asked about the landscape plan and what is in the ordinances. He would rather see some more native to the area plantings.

Mr. Hackleman said that it would be individual containers for trash. It will be in the HOA documents about the storage of the trash cans. He said there is a provision in the ordinance that the city can come in and do the replacement, and then they are charged the cost-plus 10 percent. HOA must keep funds in a maintenance account to maintain the property. He said there are no other homes except for the Bursey townhomes with fire suppression systems. Mr. Hackleman noted that he would look at what they are putting in and make sure it is appropriate for the size of the area. They also can look at updating the list of trees and plants.

Councilmember Downey asked who would facilitate the maintenance until the HOA board is created. She also asked about the mutual access roads and wanted to know if the four spaces for parking would be part of the development. She wondered about the marking of the fire lanes. Also, I wanted to verify that there will be three spots to park. She said that she would rather have fences.

Mr. Hackleman said that the developer will be doing the maintenance, and he will be the one to form the board. He believes that the spots will be just for that subdivision. He only wants to put signs out on the parking spots if necessary. He said the developer would stripe the fire lane if needed. Two of the three parking spots are in the garage, and one can be parked diagonally in the driveway.

Michael Lynch, developer for Olivet Capital, Spoke about why he wants to bring the project to Watauga and introduced Curtis Young from the Sage Group.

Curtis Young with Sage Group architecture firm for the development went over the plans they are considering. There will be 132 homes at approx. Four hundred thousand. The target market is approximately One hundred sixty thousand per household.

Councilmember Hill asked about the fire lanes and went over needing fences.

Mr. Young said he agreed about the fence portion. The access easement is 26' wide, which exceeds the minimum requirements.

Mayor Miner asked if the parking behind the restaurant and if anyone spoke to them about it.

Paul Hackleman said no, but that is a fire lane, so people should not be parking there currently, even though they have been.

Mr. Young said there will be inset parking that will help with that, but also, the residents of the townhomes can walk to the restaurants, so that should cut down on the amount of parking needed.

Councilmember asked about the maintenance of the access road and who is responsible for it.

Paul Hackleman said it is the church's responsibility if they maintain ownership of the road.

Councilmember Neal asked how much of an impact it would be to add two to four feet to the garages to get the trashcans in the garage. What would be the planned height of the garage?

Mr. Young said they don't think it will be necessary that there will be room for trashcans and additional items. They said the height would be ten feet.

Councilmember Shelbourne asked what the reaction is from people that live in the other developments they have done with the exact sizes of these garages and the space for trash cans.

Mr. Young said that there had not been any complaints.

Mayor Miner opened the public hearing at 9:29 PM.

Mayor Miner received two requests to speak from the public. One spoke during public comment.

Jillian Giles 6605 Sunny Hill Dr. Watauga. She said she had questions about the zoning and noted that Mr. Hackleman answered. But she doesn't have a problem with the development. She has a problem with the density. She would like to see the traffic study that was not attached. She said when residents pull out of the development, an unprotected left turn will be dangerous. She also asked the City Attorney whether the HOA can restrict rentals. According to her findings, it is legal.

David Berman, City Attorney, said it is not advisable for the city to ask the HOA to restrict rentals.

Mayor Miner closed the public hearing at 9:35 PM

Mayor Miner called for a Motion. Councilmember Taylor made a motion to approve the PD as presented. Councilmember Snyder seconded the motion. Mayor Miner called for a vote.

Councilmember Neal wanted to make an amendment to add hurricane straps to the buildings.

Paul Hackleman said according to the building official, it is already required by code.

Councilmember Neal withdrew his amendment.

Mayor Miner called for a vote.

Motion carried 5-2-0-0.

Ayes, Shelbourne, Snyder, Downey, Neal, Taylor

Nays: Minucci, Hill

Abstain: None

Absent: None

RECESS

Mayor Miner recessed the meeting at 9:40 PM

RECONVENE

Mayor Miner reconvened the meeting at 9:45 PM

ACTION ITEMS

1. Discuss and consider action on appointing a Mayor Pro Tem

Mayor Miner opened nominations,

Councilmember Downey nominated Councilmember Hill

Hearing no other nominations, Mayor Miner asked for a motion.

Councilmember Neal made a motion to appoint Councilmember Hill as the Mayor Pro Tem. Councilmember Minucci seconded the motion.

Mayor Miner called for a vote.

Motion carried 7-0-0-0.

Ayes, Shelbourne, Downey, Taylor, Hill, Snyder, Neal, Minucci

Nays: None

Abstain: None

Absent: None

2. Discuss and consider a recommendation for an honoree(s) for the Chambers Hometown Heroes.

Mayor Miner said he is recommending Mr. Kip Woodruff, who has lived in the city for 34 years, is active in the church and is a music minister, served in the army for three years, and was in Vietnam, driving force behind BISD been on their bond committees, and boundaries committee. He is on the city's library board and the Charter Review as chairperson and a big supporter of the Fire, Police, and Public Works departments.

Councilmember Neal said he also supported Mr. Woodruff for the Hometown Hero.

Mayor Pro Tem Hill agreed and wanted to see Chief Shawn Fannan as a second nominee. Saying that the incident at the nursing home fire because of the training he insists on his staff having; they were able to get there quickly, and there were no serious injuries to any of the residents.

Councilmember Downey agrees with Councilmember Hill about Shawn Fannan.

Mayor Miner called for a vote on both nominations.

Councilmember Downey made a motion to take the nominations from Mayor Pro Tem Hill for Shawn Fannan and Mayor Miner for Kip Woodruff for Hometown Heroes.

Mayor Miner called for a vote.

Motion carried 7-0-0-0.

Ayes, Shelbourne, Downey, Taylor, Hill, Snyder, Neal, Minucci
Nays: None
Abstain: None
Absent: None

ITEMS FOR FUTURE AGENDAS

Councilmember Neal want to visit the approved shrubbery list.

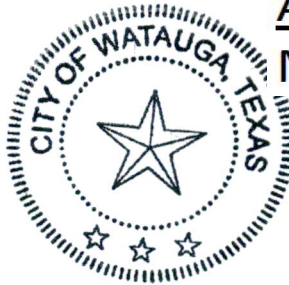
ADJOURNMENT

Mayor Miner adjourned the meeting at 9:55 pm

Approved: this 28 day of August, 2023

Signed: this 29 day of August, 2023

ATTEST 
Linda Proskey /s/
Linda Proskey, City Secretary



APPROVED:

Arthur L. Miner /s/
Mayor

NOTE: Original Audio and Video Recording of this meeting is preserved and maintained by the City Secretary's Office