

THE STATE OF TEXAS
CITY OF NOLANVILLE

Minutes for THURSDAY, FEBRUARY 7, 2013

To consider and to act on the following Agenda:

Call to Order and Announce a Quorum is Present. **Mayor Rosenthal called the meeting to order at 7:00 p.m. and announced that a quorum was present. Mayor Rosenthal, Councilmember's Dennis Biggs, Sherri Morales, Sherese Karlsson, Duane Hampton, & Lacie Hicks.**

1. **INVOCATION:** Given by Council Member Hampton
2. **PLEDGE TO THE FLAGS:** Lead by Mayor Rosenthal
3. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

This is an opportunity for members of the public to suggest the addition of topics for the discussion or to address topics of interest, with presentation limited to three (3) minutes. All speakers will conduct themselves in an orderly and lawful manner. No profane or threatening language will be tolerated. All speakers will be recognized prior to speaking and will announce their name and address for the minute purpose.

There were no citizens to speak

4. **REPORTS:**

- **Public Works, Animal Control, Ordinance Enforcement** –Monthly Status Report (Building Permits, Inspections, Ordinance Violations and Animal Control) (Bob Pena)
Bob gave the Public Works report stating that it had been another slow month but there were 5 permits for new builds which was good for the month of January. On the report given is shows the Ordinance Enforcement of 5 letters and 7 notices and 32 door hangers and animal control there was 22 impounds, 6 returned with fines, 5 registrations, 2 citations, 4 adoptions, 3 rescued and 1 bite.
- **Police Department** –Monthly Report (Chief Kent)
Chief Kent gave handouts to the council of his monthly report for January with a showing of 21 arrests and 2167 total calls for service and 258 total violations.
- **Central Bell County Fire & Rescue** – Monthly Service Reports and Training and Educational Activities (Chief Worsdale)
Assistant Chief Wright stood in for Chief Worsdale and gave the monthly report for the Central Bell County Fire and Rescue showing 19 EMS calls within the City and 12 Central Bell County Fire and Rescue calls.

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5. PUBLIC HEARING:

- A. The City of Nolanville will hold a public hearing for the purpose of receiving public comments on the proposed zoning ordinance amendment to remove the permitted use of Single Family Dwelling, Detached from B-2: Neighborhood, Community Retail Business District, B-3: Secondary and Highway Business District and B-4: General Business District.

Mayor Rosenthal opened the Public Hearing at 7:08 p.m. for the purpose of receiving public comments on the proposed zoning ordinance amendment to remove the permitted use of Single Family Dwelling, Detached from B-2: Neighborhood, Community Retail Business District, B-3: Secondary and Highway Business District and B-4: General Business District:

Trae Sutton – 8508 Oak Crossing, Temple, TX came before the Council to speak on behalf of his family. He stated that they were against the rezoning of B-3 and had informed the city that they would be for the B-2 zoning without any exceptions and was under the impression when they met with the Planning and Zoning that was how it would be presented when it came before the city council and with good faith that this had been discussed and then find that there is a second public hearing for the removal of Single Family Dwelling, detached from B-2. He states that they understand that this may not be something that the city wants and that there is nothing that they can actually do to prevent the change but felt they were working with the city in good faith that it was going to forward with the B-2 without any exceptions. He again states that he and his family are against the rezoning of B-3.

Don Sutton – 1408 Warriors Path, Harker Heights, TX stating that he has about a half mile of frontage property that joins Warriors Path on the west side. Over the past 20+ years they have developed about 85 acres into a Subdivision called The Sutton Place on the west side of Warriors Path, being an upscale neighborhood with homes running in the range from \$200,000.00 to \$400,000.00. Mr. Sutton states that he is opposed to the commercial property that wants to go in across the way. He feels that he owes the families that have already built a home a protective area to live. He is also concerned what putting in commercial buildings may do to the area and who will be maintaining the area over the next several years. He says that if it were single family dwelling that was to be going in, which he would probably donate some half mile to upgrade the road that goes down Warriors Path. Mr. Sutton stated again that he is against the rezoning for commercial.

Patricia Carver – 2007 Deer Field Way, Harker Heights, TX, she states that she was at the last meeting and gave her opinion about the land on Warriors Path being used for businesses. She states that she does have a problem with the commercial zoning saying that when she purchased her home she did so to have a nice neighborhood to raise her grandchildren and always thought that the land across the road would be used for single family homes and never thought there would be businesses. She chose the area that she did for

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the safety and had she known at the time of purchase that there would have been businesses going in, she would have stayed in Killeen and many of her neighbors feel the same way. She feels that the area residents should have their voices heard and consider that there are so many against this decision.

Charlie Davis – 2012 Deer Field Way, Harker Heights, TX, he also strongly disagrees with the zoning change. He states that he and his wife chose the area to live because of the area and the neighbors. It is quiet and safe. He feels that if there is commercial brought into the area, it is going to make him and his wife as well as some of the others to want to move out because of the disruption that the commercial traffic can bring in.

Elizabeth Orozco – 2010 Deer Field Way, Harker Heights, TX, she states that when her and husband starting looking around in different areas to build a home that The Sutton Place became the place because of the small, quiet area that it displayed. She would like to see sidewalks and street lights to go in instead of the commercial zoning. She says that they are looking at having a bigger family and just feels that it would be unsafe for children to have commercial buildings that close.

Wayne Butler – Harker Heights, next to The Sutton Place where it divides and says that he and his wife have been there since 2000, long before The Sutton Place started the subdivisions. He says that he and his wife watched the development of the road get straightened out, allowed watched the area upgrade the water and sewer system which took part of their property. He is opposed of the zoning and feels that if commercial is allowed to move in they will soon take advantage of the area and the neighborhood will eventually go down. He feels that by rezoning there would be no control.

Mayor Rosenthal closed the Public Hearing at 7:25 p.m.

- B.** The City Council of the City of Nolanville will hold a public hearing for the purpose of receiving public comments on the proposed rezoning of a five-hundred (500) foot wide area of land parallel and adjacent to Warriors Path, further described below, from R-1S: Single Family Suburban District to B-3: Secondary and Highway Business District.

A five-hundred (500) foot wide area of land parallel and adjacent to Warriors Path further described as:

- Consisting of a portion of the 12.581 parcel of land on Warriors Path A 0177BC E Berry 2 five hundred (500) feet deep parallel and adjacent to Warriors Path Road perpendicular to the entire western boundary; and
- Consisting of a portion of the 33.436 parcel of land on Warriors Path A 0177BC E Berry 1-1 five hundred (500) feet deep parallel and adjacent to Warriors Path Road perpendicular to the entire western boundary of the 12.581 acre parcel described above; and

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- Consisting of a portion of the 82.14 parcel of land on Warriors Path A 0401BC U Hunt 2 five hundred (500) feet deep parallel and adjacent to Warriors Path Road perpendicular to the entire western boundary.
Mayor Rosenthal opened the Public Hearing at 7:25 p.m.

Trae Sutton - 8508 Oak Crossing, Temple, TX again came before the council and states that him and his family were against the B-3, but in speaking with the City Manager would agree to the B-2 with no exceptions and also agree to the 400 feet that had been discussed in the Planning and Zoning meeting.

There were no other comments.

Mayor Rosenthal closed this portion of the Public Hearing at 7:28 p.m.

- C. The City Council of the City of Nolanville will conduct a Public Hearing to grant or refuse a Petition Requesting Annexation by Area Landowners. A 15.045 acre tract located in the S. G. Cox Survey, Abstract 1068 in the City of Nolanville, Bell County, Texas, being a portion of the remainder of a called 228.080 acre tract of land described in a deed to John V. Blankenship and Wife, Patricia L. Blankenship recorded in volume 3212, page 460 of the official public records of Bell County, Texas.

**Mayor Rosenthal opened the Public Hearing for the Petition Requesting Annexation by Area Landowners at 7:28 p.m. there were no speakers.
Mayor Rosenthal closed the Public Hearing at 7:29 p.m.**

6. ITEMS TO BE REMOVED FROM THE CONSENT AGENDA:

If discussion is desired by the council, any item may be removed from the consent agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

There were no items to be removed.

7. CONSENT AGENDA:

- A. Consider approval of minutes for regular council meeting on January 17, 2013.
(City Secretary)
- B. Consider approval of City of Nolanville Investment Report for October 1, 2012 – December 31, 2012
**Motion was made Councilmember Hicks to approve the consent agenda.
Motion was seconded by Councilmember Biggs. Motion carried 5-0**

8. NEW BUSINESS AND ACTION ITEMS:

- A. Receive report from the Planning and Zoning Commission on the zoning ordinance amendment to remove the permitted use of Single Family Dwelling, Detached from B-2: Neighborhood, Community Retail Business District, B-3: Secondary and Highway Business District and B-4: General Business District

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Candace Landis, secretary of the Planning and Zoning gave the report from the Planning and Zoning Commission that on February 4, 2013 in a Regular Meeting there had been a Public Hearing for citizens to give public comment on the proposed zoning ordinance amendment to remove the permitted use of Single Family Dwelling, Detached from B-2; Neighborhood, Community Retail Business District, B-3; Secondary and Highway Business District and B-4; General Business District. There was no comment from the public. It was stated that Jerry Whittkop approved the proposed amendment and Arthur Simmons seconded the motion

The Planning and Zoning Commission recommends to approve the proposed zoning ordinance amendment to remove the permitted use of Single Family Dwelling, detached from B-2; Neighborhood, Community Retail Business District, B-3; Secondary and Highway Business District and B-4; General Business District.

- B. Discussion and possible action to approve the zoning ordinance amendment to remove the permitted use of Single Family Dwelling, Detached from B-2: Neighborhood, Community Retail Business District, B-3: Secondary and Highway Business District and B-4: General Business District
- Sally Burchett a Professional Land Planner with the Bojorquez Law Firm, came before the council to speak to them from a Land Planning perspective why it is a good idea to rezone property commercial and commercial zoning in general for a city. The rezoning is consistent with the comprehensive plan, which is the foundation for all zoning decisions, the business practices and is the law. Commercial should be on a transportation thorough fare which is what Warriors Path is earmarked in the plan for this growth in the major North/South Corridor. Commercial's especially in a lower incentive is a compatible use in the thorough fare and the residential area and can have some reevaluation in those instances. Also, it is a good idea to be a proactive in the rezoning due to fact that when more houses are closer, there will be more resistance in the change. In addition, there needs to be a balance between residential and commercial. Ms. Burchett also spoke on the positive side to having the commercial buildings to gain the sidewalks that were spoken of and also the lighting can be managed on what goes in on the sites.

Motion was made by Councilmember Hampton to approve the zoning ordinance amendment to remove the permitted use of Single Family Dwelling, Detached from B-2: Neighborhood, Community Retail Business District, B-3: Secondary and Highway Business District and B-4: General Business District

Motion was seconded by Councilmember Biggs. Motion failed to 2-3.

- C. Discussion and possible action to approve the rezoning of a five-hundred (500) foot wide area of land parallel and adjacent to Warriors Path, further described below, from R-1S: Single Family Suburban District to B-3: Secondary and Highway Business District.

A five-hundred (500) foot wide area of land parallel and adjacent to Warriors Path further described as:

- Consisting of a portion of the 12.581 parcel of land on Warriors Path A 0177BC E Berry 2 five hundred (500) feet deep parallel and adjacent to Warriors Path Road perpendicular to the entire western boundary; and
- Consisting of a portion of the 33.436 parcel of land on Warriors Path A 0177BC E Berry 1-1 five hundred (500) feet deep parallel and adjacent to Warriors Path Road perpendicular to the entire western boundary of the 12.581 acre parcel described above; and

- Consisting of a portion of the 82.14 parcel of land on Warriors Path A 0401BC U Hunt 2 five hundred (500) feet deep parallel and adjacent to Warriors Path Road perpendicular to the entire western boundary.
Motion was made by Councilmember Biggs to approve the rezoning of a four-hundred (400) foot wide area of land parallel and adjacent to Warriors Path, further described below, from R-1S: Single Family Suburban District to B-2: Secondary and Highway Business District. A four-hundred (400) foot wide area of land parallel and adjacent to Warriors Path:

- **Consisting of a portion of the 12.581 parcel of land on Warriors Path A 0177BC E Berry 2 four hundred (400) feet deep parallel and adjacent to Warriors Path Road perpendicular to the entire western boundary; and**
- **Consisting of a portion of the 33.436 parcel of land on Warriors Path A 0177BC E Berry 1-1 four hundred (400) feet deep parallel and adjacent to Warriors Path Road perpendicular to the entire western boundary of the 12.581 acre parcel described above; and**

**Consisting of a portion of the 82.14 parcel of land on Warriors Path A 0401BC U Hunt 2 four hundred (400) feet deep parallel and adjacent to Warriors Path Road perpendicular to the entire western boundary.
Motion was seconded by Councilmember Morales. Motion carried 5-0.**

- D. Discussion and possible action to approve to grant or refuse a Petition Requesting Annexation by Area Landowners. A 15.045 acre tract located in the S. G. Cox Survey, Abstract 1068 in the City of Nolanville, Bell County, Texas, being a portion of the remainder of a called 228.080 acre tract of land described in a deed to John V. Blankenship and Wife, Patricia L. Blankenship recorded in volume 3212, page 460 of the official public records of Bell County, Texas.
Motion was made by Councilmember Biggs to approve to grant or refuse a Petition Requesting Annexation by Area Landowners. A 15.045 acre tract located in the S. G. Cox Survey, Abstract 1068 in the City of Nolanville, Bell County, Texas, being a portion of the remainder of a called 228.080 acre tract of land described in a deed to John V. Blankenship and Wife, Patricia L.**

Blankenship recorded in volume 3212, page 460 of the official public records of Bell County, Texas.

Motion was seconded by Councilmember Morales. Motion carried 5-0.

E. Discussion and possible action to approve Resolution No. 2013-02-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS IN SUPPORT OF THE PROPOSED OAK RIDGE APARTMENTS, APPROVING AN APPLICATION TO TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

Sally Burchett, Land Planner, spoke briefly on the next two possible Resolutions stating that these items had been asked to be tabled since the agenda had been posted. There were some general details that needed clarified before passing and so therefore has asked that they be tabled until a Special Called Meeting to be held on Monday, February 11, 2013.

Motion was made by Councilmember Morales to table the Resolution No. 2013-02-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS IN SUPPORT OF THE PROPOSED OAK RIDGE APARTMENTS, APPROVING AN APPLICATION TO TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

Motion was seconded by Councilmember Biggs. Motion carried 5-0.

F. Discussion and possible action to approve Resolution No. 2013-02-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS IN SUPPORT OF THE PROPOSED OAK RIDGE APARTMENTS, APPROVING A COMMITMENT OF FUNDS IN THE FORM OF A RESOLUTION FROM THE UNIT OF GENERAL LOCAL GOVERNMENT; PROVIDING AN EFFECTIVE DATE.

Motion was made by Councilmember Morales to table the Resolution No. 2013-02-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS IN SUPPORT OF THE PROPOSED OAK RIDGE APARTMENTS, APPROVING A COMMITMENT OF FUNDS IN THE FORM OF A RESOLUTION FROM THE UNIT OF GENERAL LOCAL GOVERNMENT; PROVIDING AN EFFECTIVE DATE.

Motion was seconded by Councilmember Biggs. Motion carried 5-0.

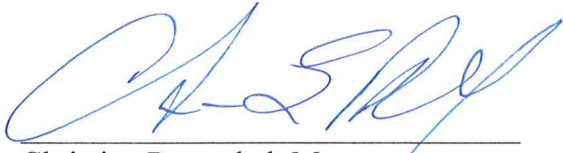
G. Discussion on possible use of the JW Sims Community Center for Senior Citizens.


Councilmember Biggs brought this before the council for the use of the Community Center to be used as a Center for Senior Citizens and also for a Youth Center. Asking that volunteers would be encouraged to help out with both scenarios. Councilmember's stated that they thought it was a good idea but there needed to be more thought put into it and maybe during a workshop could bring more information and ideas to the table.

9. ADJOURNMENT

Motion was made by Councilmember Hampton to adjourn at 8:04 p.m.
Motion was seconded by Councilmember Hicks. Motion carried 5-0.

Date Minutes Approved by Council: February 21, 2013


Christina Rosenthal, Mayor


Ginger Metcalf, City Secretary

