

THE STATE OF TEXAS
CITY OF NOLANVILLE

Minutes for THURSDAY, MARCH 15, 2012

To consider and to act on the following Agenda:

Call to Order and Announce a Quorum is Present. **Mayor-Absent, Councilmember Morales-Absent, 4 Councilmember's Present**

1. **INVOCATION:** Given by Councilmember Hampton
2. **PLEDGE TO THE FLAGS:** Lead by Mayor Pro-Tem Huckaba
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.

Debra Kirwan, 7009 Palisades Pt, Belton, TX – Ms. Kirwan spoke to the council about her recent resignation with Central Bell County Fire & Rescue, stating that she had been with the department for about 1 year, being President of the CBCFR for about 100 days and that she had accomplished a lot while there and enjoyed her time for the most part while there. She felt that out of respect to the council members that she needed to read her resignation. Her resignation was effective as of March 1, 2012. Within leaving the CBCFR she commends the Line Firefighters for their dedication to the service.

REPORTS:

- **Fire Department – Financial Report, Bi Monthly Status Report**
Chief Smith approached the council stating that he had several items to bring before them. First being that he has a Bi-Weekly City Run Report with there being 21 calls within the City of Nolanville from Feb. 27 – March 10, 2012. February 28, Chief Smith stated that he met with County Commissioners and they had asked him what help and assistance that CBCFR needed. He said that after discussion the Commissioner's offered the assistance of a County Accountant/Treasurer to help the contract bookkeeper, Belinda Landtrip in preparing and setting the budget for the CBCFR. Attorney Rick Miller is going to review the Bi-Laws for the Department once they are re-written and give his suggestions to make sure they are correct and in order. Chief Smith made mention of the Secretary that had been voted into office in January had resigned due to personal reasons. The Fill-the-Helmet Fund Raiser brought in \$ 4,497.15 after expenses were taken from this amount; a deposit of \$ 4,378.85 was made.

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The two Chevy Tahoe's for the Department were delivered March 6, one Tahoe is designated as Rescue One, and Lt. Worsdale's Tahoe in which he will be making monthly donation payments on is designated as Command One; once the Tahoe's are fully equipped Rescue One will be used in place of the Engine 12 to go on the EMS calls, therefore not blocking and damaging the streets. Chief Smith spoke on grants that have been applied for and issued, one is the Maintenance Reimbursement Grant from the Texas Forrest Service for \$ 10,000.00, with this grant the repairs to the brush truck were done for \$500.00, the remainder \$ 9,500.00 will be used to pay the majority of the \$ 9,823.73 invoice for engine repairs and lighting upgrades to Engine 21 to bring it up to compliance status. They were also awarded a Wild Land Fire Fighting Gear Grant; this is for 30 sets of gear including tops, pants, goggles and helmets and is only for the use of grass fire for wild lands. Grants have been submitted for 10 sets of Bunker Gear from Fire House Subs in Killeen, Texas, 12 sets of Bunker Gear from Globe Bunker Gear for their 125th Anniversary, the last grant that has been submitted is for the Safer Grant this is a fully funded grant for a firefighters position for 2 years; salary, vacation, insurance, sick leave; this has been submitted to bring on 7 full time firefighters' and 1 recruitment and retention officer. Chief Smith stated that the financial report was in the council packet and asked if this was suffice for what the council wanted and the council stated that it was a start of what they were looking for. He also let the council know that they were in the process of doing an eternal audit going back 2 years and until this was done they won't be able to give detail information. Councilmember Hampton asked about the Bi-Laws, Chief Smith let him know that a Bi-Law committee has been appointed of 4 personnel and they have 30 days to revise the Bi-Laws, the draft is to be reviewed and then it will be taken to the County Attorney for his recommendation. Councilmember Hampton also asked the fail safe check writing procedure, Chief Smith stated that there would be 2 signatures needed to sign the checks, his signature and that of the bookkeeper/treasurer.

4. ANNOUNCEMENTS :

None

5. 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.

None

6. CONSENT AGENDA:

- A. Consider approval of minutes for regular council meeting on March 1, 2012. (City Secretary)
- B. Consider approval of Scott & White Health Care Plan Effective March 1, 2012 – February 28, 2013

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Motion was made by Councilmember Hicks to approve the consent agenda.
Motion seconded by Councilmember Matthews. Motion carried 4-0.

7. OLD BUSINESS AND ACTION ITEMS:

A. None

8. NEW BUSINESS AND ACTION ITEMS:

A. Discussion and possible action for Friends of Nolanville City Park Committee requesting to have the Deposit and Fee waived for the use of the J. W. Sims Community Center to enable them to hold their meetings. (Pearlie Williams)
This was put back on the agenda due to the lack of information from the previous meeting. Ms. Williams came before the council with the intentions that this had been taken care of, due to the fact that the Community Center had already been used. It was explained to her that the minutes of the previous meeting did not have the correct information and was put back on the agenda. Motion was made by Councilmember Matthews to waive the Deposit and Fee for the use of the J. W. Sims Community Center for the Friends of Nolanville Park Committee for 3 months upon the end of the time, Ms. Williams will need to come before the council again asking for the waivers to take place again. Motion was seconded by Councilmember Hampton. Motion carried 4-0.

B. Discussion and possible action for First Baptist Church requesting to have the Special Events Permits Fee waived for the **Movies in the Yard** to be held at the First Baptist Church, 200 E Ave. H, on April 28 and June 8, 2012.
(Brisco Ray Sumrall)
Mr. Sumrall came before the council to ask that the Special Events Permit Fee be waived for the “Movies in the Yard” to be held at the First Baptist Church, 200 E Ave. H, on April 28 and June 8, 2012, stating that they would set up a blowup projector screen, it would be a practice run in April to see how well it does, then for Vacation Bible School will be the registration time on June 8. Mayor Pro-Tem Huckaba stated that the First Baptist Church has been very supportive of the city with the carwashes that have been held in the past.
Councilmember Hampton made the motion to waive the Special Events Fee for the First Baptist Church, 200 E Ave. H to hold their “Movies in the Yard” on April 28 and June 8, 2012.
Motion was seconded by Councilmember Matthews. Motion carried 4-0.

C. Discussion and Possible Action to receive Planning and Zoning Recommendation on plat of the 16.935 acres that makes up Phase III of Bella Charca. (Michael Lathan)
Mr. Lathan was not available to speak to the Council. City Manager, Stephen Pearl, let the council know that there was a letter in their packet of

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the recommendation that the plat of the 16.935 acres that makes up the Phase III of Bella Charca had been approved by the Planning and Zoning Committee at their meeting.

Motion was made by Councilmember Hicks to approve the Planning and Zoning Recommendation on the plat of the 16.935 acres that makes up the Phase III of Bella Charca.

Motion was seconded by Councilmember Matthews. Motion carried 4-0.

- D. Discussion and Possible action to approve subdivision plat of the 16.935 acres that makes up Phase III of Bella Charca. (Gary Freytag)**

Mr. Freytag came before the council stating that he was available for any questions that may need to be answered about the final plat. Councilmember Hampton asked Mr. Freytag if this had anything to do with the way the houses would be built or the types of houses. Mr. Freytag stated that it did not.

Motion was made by Councilmember Hampton to approve the subdivision plat of the 16.935 acres that makes up Phase III of Bella Charca.

Motion was seconded by Councilmember Matthews. Motion carried 4-0.

- E. Discussion and possible action to approve Parkland Dedications Ordinance No. 2012-03-15 #7044**

AN ORDINANCE FOR THE CITY OF NOLANVILLE (“CITY”), TEXAS ESTABLISHING REQUIREMENTS AND PROCEDURES REGARDING RESIDENTIAL DEVELOPMENT ENTITIES PROVIDING PARKLAND DEDICATIONS, OR CASH-IN-LIEU OF, ETC., TO THE CITY; AND PROVIDING FOR THE FOLLOWING: ENACTMENTS; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE & HEARING.

City Manager presented the council with a quick overview of what this consisted of. For new parks in the future, for new subdivisions coming in to get approved of their master plans they will be required to set aside a certain amount of land for park land dedications, letting the council know that there are couple of options that can be done, such as lieu of cash instead of land that can be used toward other parks.

Motion was made by Councilmember Hampton to approve the PARKLAND DEDICATIONS ORDINANCE NO. 2012-03-15 #7044. AN ORDINANCE FOR THE CITY OF NOLANVILLE (“CITY”), TEXAS ESTABLISHING REQUIREMENTS AND PROCEDURES REGARDING RESIDENTIAL DEVELOPMENT ENTITIES PROVIDING PARKLAND DEDICATIONS, OR CASH-IN-LIEU OF, ETC., TO THE CITY; AND PROVIDING FOR THE FOLLOWING: ENACTMENTS; REPEALER; SEVERABILITY;

Motion was seconded by Councilmember Matthews. Motion carried 4-0. Passed on 1st reading.

- F. Discussion and possible action to approve the Nolanville Fee Schedule Ordinance #2012-03-15 #321**

AN ORDINANCE FOR THE CITY OF NOLANVILLE, TEXAS, ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS WITHIN THE CITY LIMITS OF NOLANVILLE, PROVIDING FOR PUBLICATION BY CAPTION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

City Manager brought this before the council with changes on certain items, beginning on page 3 of 5, the Grandfather Status Application Review Fee and the

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Grandfather Status Reconsideration Fee. This is in connection with the next Ordinance and sets procedures since the zoning is being redone, certain citizens will fall under this category of being grandfathered in. The Government Code of 245 already gives the outline and then the city gives the procedures to make sure the Government Code is followed.

The next change is the surrendering of an animal because the maintenance, feed and adoption, that Bob has to go through to make sure that the costs are covered. Another change was the Impound Care, this is to cover the time that animal is impounded and after the owner is notified.

Motion was made by Councilmember Hicks to approve the
ORDINANCE #2012-03-15 #321

AN ORDINANCE FOR THE CITY OF NOLANVILLE, TEXAS, ADOPTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS SERVICES, LICENSES AND PERMITS WITHIN THE CITY LIMITS OF NOLANVILLE, PROVIDING FOR PUBLICATION BY CAPTION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Motion was seconded by Councilmember Matthews. Motion carried 4-0.
Passed on 1st reading.

G. Discussion and possible action to approve the Grandfathered Development Status Ordinance No. 2012-03-15 #8080

AN ORDINANCE ESTABLISHING STANDARDS AND PROCEDURES FOR ASSERTION, ESTABLISHMENT, DETERMINATION, AND RECOGNITION OF POTENTIAL GRANDFATHERED DEVELOPMENT STATUS CLAIMS; AND PROVIDING FOR THE FOLLOWING: ENACTMENT PROVISIONS; DEFINITIONS; ADMINISTRATION; APPEALS; EXTENSIONS; JUDICIAL REVIEW; BINDING NATURE; EXPIRATIONS; TRANSFERIBILITY; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE & HEARING.

City Manager explained this Ordinance said that the Government Code 245, sets the procedures for the development that may be grandfathered in and allows the city to set the outlines and guidelines to make that decision. This ordinance lays out the steps, the citizen will submit certain documents to the city to review and then the city will let the citizen know whether the documentation is enough to pass and if not then gives them certain steps to take and if that doesn't pass then give final steps to take action. This is part of the procedure since the zoning is being revised.

Motion was made by Councilmember Hampton to approve the
**Grandfathered Development Status on the First and Second Reading
ORDINANCE NO. 2012-03-15 #8080**

AN ORDINANCE ESTABLISHING STANDARDS AND PROCEDURES FOR ASSERTION, ESTABLISHMENT, DETERMINATION, AND RECOGNITION OF POTENTIAL GRANDFATHERED DEVELOPMENT STATUS CLAIMS; AND PROVIDING FOR THE FOLLOWING: ENACTMENT PROVISIONS; DEFINITIONS; ADMINISTRATION; APPEALS; EXTENSIONS; JUDICIAL REVIEW; BINDING NATURE; EXPIRATIONS; TRANSFERIBILITY; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE & HEARING.

Motion was seconded by Councilmember Matthews. Motion carried 4-0.

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9. ADJOURNMENT

**Motion was made to adjourn by Councilmember Matthews at 7:40 p.m.
Motion was seconded by Councilmember Hampton. Motion carried 4-0.**

Date Minutes Approved by Council: April 5, 2012



Charlie Stewart Sr., Mayor



Ginger Metcalf, City Secretary

