

**THE STATE OF TEXAS
CITY OF NOLANVILLE**

Minutes for THURSDAY, April 19, 2012

To consider and to act on the following Agenda:

Call to Order and Announce a Quorum is Present. **Mayor Stewart called the meeting to order at 7:00 p.m., announcing that a quorum was present. All Council present.**

1. **INVOCATION: Given by Mayor Stewart**
2. **PLEDGE TO THE FLAGS: Lead by Mayor Stewart**
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.

Al Erdman of 1030 Bald Eagle, Nolanville, TX, lives in Phase II of the Bella Charca Subdivision. Mr. Erdman approached the council but stated that he would speak during the Public Hearing on Annexation Petition of property located in the Bella Charca Phase III area.

4. **REPORTS:**
No reports

5. **ANNOUNCEMENTS :**
No announcements

6. **PUBLIC HEARING:**

- A. Second Public Hearing on Annexation Petition of property located in the Bella Charca Phase III, within the City of Nolanville ETJ, 16.935 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 42.610 acre tract of land and 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.

Mayor opened the Public Hearing at 7:08 p.m.

Al Erdman of 1030 Bald Eagle, Nolanville, TX, lives in Phase II of the Bella Charca Subdivision. Mr. Erdman approached the council again stating his concerns on the Voluntary Annexation of Bella Charca Phase III, again with the developer's inability or unwillingness to enforce the current deed

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restrictions in the area and the concerns to take care of the Subdivision of this new phased in area. He is asking that the council look into this before approving the final decision on the annexation plan.

Gary Freytag, with Bare Land Development, commented on Mr. Erdman's remarks on the developer's and the area of Bella Charca, stating that all state, city and federal codes are being followed, but it's not the responsibility of the developer to sales the lots. The lots are owned by individuals and the builders. Grass and weeds have been a problem due to the heavy rains. HOA has to follow certain guidelines for the subdivisions.
Mayor closed the Public Hearing at 7:13 p.m.

B. Public Hearing to receive comments and to gather input on the adoption of a new Zoning Ordinance, giving all interested persons the right to appear and be heard regarding the following items:

- 1) Adoption of new Zoning Ordinance establishing comprehensive zoning regulations for the City of Nolanville, Texas.

Mayor opened Public Hearing at 7:15 p.m.

Butch Reis, 202 N 5th Street, Nolanville, approached the council with comments on the Zoning Ordinance stating that he has looked at the plan and would like to commend all that has worked on the ordinance and likes the way that it is planning for more in the future and not just for present purposes.

Max Ferrell, 103 W Norton, Nolanville, concerned with the Zoning Ordinance stating he understands that only one trailer can be allowed in the residential area. Asked that the Council look further into this matter and see about making a change. City Manager stated that a resident could have more than one trailer but only one could be parked in the front. Mr. Ferrell appreciated the clarification, but stated that the length of the trailer should be looked at due to most trailers are longer than the recommended 28 foot that is stated in the ordinance.

Jack Lawder, states he owns property at 101 S Dr., Nolanville, he is not understanding the coding on the zoning and was wanting to be educated on the Zoning Codes, states that on the map the zoning where his property is being zoned as Multiple Family and does not understand what this means. Councilmember Morales let him know that is was for duplexes or apartment buildings. Mr. Lawder told the council that he was not in favor of apartments going in on the property.

Michael Lackmeyer, 105 acres next to Wild Wood Estates, there are 33 acres that have 85 lots, lot sizes are 80x125, the houses that are there range from 1800-2200 stating that is the market for that particular subdivision. Mr. Lackmeyer, discussed with the council the

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sizing of the houses on the lots. Stated he has closed on 10 lots within the last 6 months. He says that the city will legislate themselves out of any builders coming in to build. Mr. Lackmeyer says that no one will want to come in to build, with these restrictions, they will go back to Harker Heights or Killeen. He has stated that the market place industry will take care of itself but that it should not have restrictions on the lot size and house size. City Manager stated that Nolanville wants to set standards of it's own to be Nolanville. Mr. Lackmeyer states that Nolanville will be keeping the ability to continue on building homes because of the regulations.

Gary Freytag, with Bare Land Development, stated that he seconded everything that Mr. Lackmeyer had said, saying that the market place industry would take care of itself. City Manager ask Mr. Freytag what they would recommend, Mr. Freytag stated that he would like to see him and Mr. Lackmeyer sit down with Mr. Pearl and go over the ordinance and look at what can be agreed upon.

Mr. Freytag made mention of the side garages stating that they do look nice but you have added an extra \$15,000 - \$18,000. Says that this would cause a buyer to turn away because of the cost, and then you have the issue of a smaller drives and not having enough room to park making parking out into the street area.

Mr. Lackmeyer spoke on the side entry garages stating that they were physically impossible to put these on the size of recommended lots stating they would have to run them through the front yard putting the garage beginning at the 25' setback and then with this the house has been pushed back another 25' so therefore you have a 50' setback from the property line before the house actually starts this also gives less back yard. Mr. Lackmeyer has offered to volunteer his services to help with some criteria with builders and developers to see what can be done.

Rudolph Garza, Executive Vice President for Texas Masonry Council told the council know that Layla Worst had spoke at the Planning and Zoning meeting on Wednesday night but due to her fixing to get married he took her place at the council meeting. He believes that the city is doing right and that the ordinance is being done in a proper manner. He states that it is his job to see that buildings and homes are being built with the proper materials and can be maintained and with stand the legacy at the level that they should.

- 2) Adoption of new Zoning Map establishing the location of Zoning Districts for the City of Nolanville, Texas.

Jay Glazener, 2004 Old Nolanville Rd, Nolanville, let the council know that his property is inside the city limits and that he doesn't get services from Nolanville, he also told the council that half of his property was in the flood zone and that it would be difficult for

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anyone to purchase, he also does not want his taxes going up. City Manager let Mr. Glazener know that he has spoken with the Tax Appraisal District and that as far as the taxes are assessed that if the property is homesteaded whether it is in a commercial district or not the taxes should remain the same. The taxes will not see an impact unless the land uses change or the property sales. Mr. Glazener states that the land is in the family and that he owns half of the property and he is speaking on behalf of the other family members. Mr. Pearl suggested that he speak to Roger, the Chief Deputy Appraiser at the Tax Appraisal District. Mr. Glazener is asking that the council take a look at his property on the zoning.

There were no more comments.

Mayor closed the Public Hearing for the New Zoning Ordinance at 7:59 p.m.

7. **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.

8. **CONSENT AGENDA:**

- A. Consider approval of minutes for regular council meeting on April 5, 2011. (City Secretary)
- B. Consider approval of the Quarterly Investment Report from January 1, 2012- March 31, 2012
- C. Consider approval of the Bella Charca Phase III Amendment to the number of Lots

Motion was made by Councilmember Hicks to approve the Consent Agenda. Motion was seconded by Councilmember Matthews. Motion carried 5-0.

9. **OLD BUSINESS AND ACTION ITEMS:**

- A. Discussion and possible action to approve the Nolanville Fee Schedule Ordinance #2012-03-15 #321 – Second Reading
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 let the council know that there were 3 additional fees that were added to the Fee Schedule, those being Temporary Use Permit Fee, Outdoor Sales Permit Fee and Special Use Application Permit Fee.
Motion was made by Councilmember Hampton to approve the Nolanville Fee Schedule Ordinance #2012-03-15 #321 on Second Reading 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

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OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

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

10. NEW BUSINESS AND ACTION ITEMS:

- A. Discussion and possible action for Recommendations from Planning and Zoning regarding New Zoning Ordinance
Michael Lathan, Chairperson for Planning and Zoning Commission in Nolanville, TX came before the council stating that they are asking for the council to approve the recommendations regarding the New Zoning Ordinance. After many hours the Planning & Zoning ask that Division 1-R-1E, Single Family Estate District-Garage entrance will not face the street but will be made to the side, Division 2-R-1S Single Family Suburban District-Garage entrance will not face the street but will be made to the side, and Division 3-R-1, Single Family Standard District-Garages may face the street but must have a setback from the front foundation of the home. Motion was made by Councilmember Hicks to accept the Recommendations regarding the New Zoning Ordinance without the change. Motion was seconded by Councilmember Morales. Motion carried 4-1
- B. Discussion and possible action for Recommendations from Planning and Zoning regarding New Zoning Map
**Michael Lathan, Chairperson for Planning and Zoning ask for approval of the Zoning Map as illustrated with land usage for the City of Nolanville, Texas
Motion was made by Councilmember Huckaba to accept the Recommendations from Planning and Zoning regarding the New Zoning Map.
Motion was seconded by Councilmember Matthews. Motion carried 5-0.**
- C. Discussion and possible action for Council approval of Ordinance No. 6051-12
First Reading:
**AN ORDINANCE REPEALING ORDINANCE NO. 6051-08 IN ITS ENTIRETY, CHANGING AND UPDATING ALL ARTICLES THEREIN, ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF NOLANVILLE, TEXAS, AND PROVIDING FOR THE USES AND REGULATIONS, ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND FOR THE REPEAL OF ALL PRIOR ZONING ORDINANCES AND ALL ORDINANCES IN CONFLICT HEREWITH:
Motion was made by Councilmember Hicks to review the square footage of requirements for the homes on the lots of R-1S and R-1E.
Motion was seconded by Councilmember Hampton. Motion carried 5-0.
Motion was made by Councilmember Hicks to table the First Reading of Ordinance No. 6051-12 First Reading:
AN ORDINANCE REPEALING ORDINANCE NO. 6051-08 IN ITS ENTIRETY, CHANGING AND UPDATING ALL ARTICLES THEREIN,**

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ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF NOLANVILLE, TEXAS, AND PROVIDING FOR THE USES AND REGULATIONS, ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND FOR THE REPEAL OF ALL PRIOR ZONING ORDINANCES AND ALL ORDINANCES IN CONFLICT HEREWITH:

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

- D.** Discussion and possible action for Council approval of Resolution No. 2012-04-19-01; A RESOLUTION OF THE CITY OF NOLANVILLE DESIGNATING PERSONS WITH SIGNING AUTHORITY ON CITY BANK ACCOUNTS

Motion was made by Councilmember Hampton to approve Resolution No. 2012-04-19-01; A RESOLUTION OF THE CITY OF NOLANVILLE DESIGNATING PERSONS WITH SIGNING AUTHORITY ON CITY BANK ACCOUNTS.

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

- E.** Discussion and possible action for Council approval of Resolution No. 2012-04-19-02; A RESOLUTION OF THE CITY OF NOLANVILLE TO OPEN A CERTIFICATE OF DEPOSIT ACCOUNT AT THE FIRST STATE BANK; AUTHORIZING THE CITY TREASURER TO ESTABLISH THE ACCOUNTS; AND DESIGNATING PERSONS WITH SIGNING AUTHORITY

Motion was made by Councilmember Morales to approve Resolution No. 2012-04-19-02; A RESOLUTION OF THE CITY OF NOLANVILLE TO OPEN A CERTIFICATE OF DEPOSIT ACCOUNT AT THE FIRST STATE BANK; AUTHORIZING THE CITY TREASURER TO ESTABLISH THE ACCOUNTS; AND DESIGNATING PERSONS WITH SIGNING AUTHORITY

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

- F.** Discussion and possible action for Council approval of Resolution No. 2012-04-19-03; A RESOLUTION OF THE CITY OF NOLANVILLE TO OPEN A CERTIFICATE OF DEPOSIT ACCOUNT AT THE EXTRACO BANK; AUTHORIZING THE CITY TREASURER TO ESTABLISH THE ACCOUNTS; AND DESIGNATING PERSONS WITH SIGNING AUTHORITY

Motion was made by Councilmember Huckaba to approve Resolution No. 2012-04-19-03; A RESOLUTION OF THE CITY OF NOLANVILLE TO OPEN A CERTIFICATE OF DEPOSIT ACCOUNT AT THE EXTRACO BANK; AUTHORIZING THE CITY TREASURER TO ESTABLISH THE ACCOUNTS; AND DESIGNATING PERSONS WITH SIGNING AUTHORITY

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

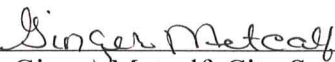
11. ADJOURNMENT

**Motion was made by Councilmember Matthews to adjourn at 8:26 p.m.
Motion was seconded by Councilmember Hampton. Motion carried 5-0.**

Date Minutes Approved by Council: May 3, 2012



Charlie Stewart Sr., Mayor



Ginger Metcalf, City Secretary

