

THE STATE OF TEXAS
CITY OF NOLANVILLE

Minutes for THURSDAY, MAY 17, 2012

To consider and to act on the following Agenda:

Call to Order and Announce a Quorum is Present. **Mayor Charlie Stewart called the meeting to order at 7:00 P.M. and announced that a quorum was present. Mayor Charlie Stewart, Donald Matthews, Sherri Morales, Brenda Huckaba, and Lacie Hicks was present. Councilmember Duane Hampton was not present.**

1. **INVOCATION:** Given by the 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.

Fred Turner, 107 South Drive, Nolanville – Mr. Turner spoke to the council about the Nolanville Cowboys Youth Football and Cheer 2012 Community Sponsorship Program, stating that this was a non-profit organization to help the youth develop physically and mentally and to learn team leadership as they compete as a team. Also had an interest in building a football/soccer field at the City Park.

4. **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 from the consent agenda.

5. **ANNOUNCEMENTS:**

- A. **Bob Pena** – Presentation of Certificate to awarding Participant – Ty W. Bodenbach
Bob Pena presented Ty Bodenbach, a young man, with a Certificate of Gratitude for his volunteer work at the Animal Shot Clinic that was held on April 28, 2012.
- B. **Mayor** - Mayor Stewart to Present Proclamation for “National Police Week” for May 13 – 19, 2012.
Mayor Stewart presented a Proclamation to Sergeant Dave LaCroix of the Nolanville Police Department dedicating May 13 – 19, 2012 as “National Police Week.”

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6. CONSENT AGENDA:

- A. Consider approval of minutes for regular council meeting on May 3, 2012.
(City Secretary)
Motion was made by Councilmember Hicks to approve the consent agenda.
Motion was seconded by Councilmember Matthews. Motion carried 4-0.

7. NEW BUSINESS AND ACTION ITEMS:

- A. Discussion and possible action for Council approval of the Zoning Ordinance No. 6051-12-SECOND 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:

There were several comments made for the Zoning Ordinance, those being;

Gary Freytag-7353 W Adams Ave, Temple,-Bare Land Development spoke to the council about the ordinance being changed from 100% to 80% use of the hardy board versus masonry but is asking that the council reconsider the 80% usage. Stating that the hardy board is just as durable and weather sustainable but for the lower cost than the masonry.

Alex Ulrich-1315 Grand, Cleburne,-James Hardy Building Products, stating that there were 2 of their companies Texas based and then passed around samples of the company product of the hardy board and let the council know that there were references to the product warranty. He then asked the council if there were any questions and there were none.

Meg Belmontes-406 Heidrich, Houston,-Texas Masonry Council and wanted to let the council know that she felt the ordinance was very well done, stated that the definition for the term masonry that is in the ordinance is right in line with the International Building Code and the International Residence Code. She explained what the masonry units were defined as.

Nita Sims-207 N Main, Nolanville,-Planning and Zoning, stated that she was wanting to speak on the Zoning Ordinance and apologized for not making the last meeting and stated that there seemed to be some confusion on the recommendations that were made by the Planning and Zoning Commission for the side entry garages. Ms. Sims says this only applies to the larger lots and not to the smaller homes and lots. These are minimum guidelines and that these recommendations were worked on extensively by the Planning and Zoning. These recommendations are to make the residents look better and

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more acceptable to the public as they drive by these homes.

Councilmember Hicks stated that the side entry recommendations were in letter form and had not been presented to the council the way that Ms. Sims had just demonstrated. Councilmember Hicks told Ms. Sims that the R-1E District had been diminished and that the R-1 and R-1S was what would be in effect. The recommendations for these districts did not have the side entry garages but that with the front entry would have a 25' setback and that this was done due to the way the lots are laid out.

Leila Siqueiros-1104 Fossil Cave, Round Rock,-Community Planner with Texas Masonry Council, states that with the masonry, there is less maintenance and it is more susceptible to the high winds and storm damage that can play a role in the Central Texas Area and ask that the council consider the masonry product for the homes. Due to the fact that it last much longer, more durable, less maintenance, withstands the weather and for the safety issues of the product.

Mayor Stewart spoke to the council on his behalf about the projected population growth and states that in Nolanville the population is also growing. He told the council that he makes over \$100,000/year and that he lives in a 2400 sq. ft. manufactured home and has lived in it for 14 years. His home does not have brick on the outside and he has to do minimal maintenance on his home. Mayor Stewart spoke on the affordability of the homes that is needed in Nolanville and states that if the restrictions are set too high or are too restricted then homes either won't be built or sold due to the fact that there are many that can't or won't be able to afford the homes.

Councilmember Hicks mentioned to the council and the citizens that she feels that with the changes that had been made to the zoning ordinance on the homes and the division areas that the ordinance is satisfactory and has been very well written and does not recommend any further changes to the way the draft reads now.

Tallbear Montez, spoke to the council about a concern with the senior citizens and the help that they may need help in making home repairs, asking if there were any programs to help the senior citizens out. Sally Burchett mentioned that there were some grants available and that the Meals on Wheels were sometimes willing to help.

Councilmember Hicks ask the Council to look at SECTION 551.9 of the new draft change the wording in (1) from SPACE to BUILDING, to read, performed in an enclosed building.

Motion was made by Councilmember Hicks to change the wording from SPACE to BUILDING in SECTION 551.9 to read, performed in an enclosed building.

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

Motion was made by Councilmember Hicks to approve Zoning Ordinance No. 6051-12 on 2nd reading with the previous changes that were made: 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 seconded by Councilmember Huckaba. Motion carried 4-0.

B. Discussion and possible action for Council approval of the Voluntary Annexation Ordinance No.5792 Bella Charca Phase III – SECOND READING

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED PROPERTY TO THE CITY OF NOLANVILLE, BELL COUNTY, TEXAS, EXTENDING THE CITY LIMITS SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, BINDING SAID INHABITANTS TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

Motion was made by Councilmember Hicks to approve upon second reading of Ordinance No 5792 Bella Charca Phase III -

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED PROPERTY TO THE CITY OF NOLANVILLE, BELL COUNTY, TEXAS, EXTENDING THE CITY LIMITS SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, BINDING SAID INHABITANTS TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

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

C. Discussion and possible action for Council approval of Resolution No. 05-17-2012 of Atmos Energy to deny the rate case prior to the June 11, 2012 statutory deadline in order to avoid the rates being approved as filed by operation of law pursuant to the Texas Utilities Code.

A RESOLUTION DENYING THE MID-TEX DIVISION OF ATMOS ENERGY CORPORATION'S STATEMENT OF INTENT TO CHANGE THE GAS UTILITY RATES IN THE MUNICIPALITY, SO THAT THE COMPANY MAY PURSUE A SYSTEM-WIDE RATE CASE WITH THE RAILROAD COMMISSION OF TEXAS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR NOTICE HEREOF TO THE MID-TEX DIVISION OF ATMOS ENERGY CORPORATION; AND FINDING AND

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DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Councilmember Huckaba to approve Resolution No. 05-17-2012 of Atmos Energy to deny the rate case prior to the June 11, 2012 statutory deadline in order to avoid the rates being approved as filed by operation of law pursuant to the Texas Utilities Code.

A RESOLUTION DENYING THE MID-TEX DIVISION OF ATMOS ENERGY CORPORATION'S STATEMENT OF INTENT TO CHANGE THE GAS UTILITY RATES IN THE MUNICIPALITY, SO THAT THE COMPANY MAY PURSUE A SYSTEM-WIDE RATE CASE WITH THE RAILROAD COMMISSION OF TEXAS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR NOTICE HEREOF TO THE MID-TEX DIVISION OF ATMOS ENERGY CORPORATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

- D. Discussion and possible action for Council approval on the Special Event Permit Fee to be waived for Central Bell Fire and Rescue to "Fill the Boot" for the Muscular Dystrophy Foundation which is to take place on Saturday, June 16, 2012 and Sunday, June 17, 2012 beginning at 8:00 a.m. until 5:00 p.m. each day.**
(Fire Dept)

Captain Tony Wright came before the council asking that the Special Event Permit Fee be waived for Central Bell Fire and Rescue to "Fill the Boot" for the Muscular Dystrophy Foundation which is to take place on Saturday, June 16, 2012 and Sunday, June 17, 2012 beginning at 8:00 a.m. until 5:00 p.m. each day.

Motion was made by Councilmember Morales for the approval of the Special Event Permit Fee to be waived for Central Bell Fire and Rescue to "Fill the Boot" for the Muscular Dystrophy Foundation which is to take place on Saturday, June 16, 2012 and Sunday, June 17, 2012 beginning at 8:00 a.m. until 5:00 p.m. each day.

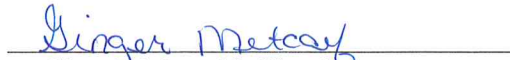
Motion was seconded by Councilmember Matthews. Motion carried 4-0.

8. ADJOURNMENT

Motion was made by Councilmember Matthews to adjourn at 8:00 p.m.
Motion was seconded by Councilmember Hicks. Motion carried 4-0.

Date Minutes Approved by Council: June 7, 2012


Charlie Stewart Sr., Mayor


Ginger Metcalf, City Secretary

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