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JULY 16, 2012

TOWN COUNCIL MEETING

TOWN OF CROSS ROADS

COUNTY OF DENTON, TEXAS

A regularly scheduled Town Council meeting was held in the Town Hall Council Chamber, located at 1401 FM 424 Cross Roads, Texas. The meeting was open to the public with the following business.

1. MAYOR SMITH CALLED A REGULAR TOWN COUNCIL MEETING TO ORDER AT 7:03 PM

2. ROLL CALL

	PRESENT	ABSENT
MAYOR SMITH	X	
COUNCILMEMBER DICKEY		X
COUNCILMEMBER FISHER	X	
COUNCILMEMBER RUSSO	X	
COUNCILMEMBER KILLE	X	

3. MAYOR'S UPDATE

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Mayor Steve Smith reported that the plans for Wal Mart were received on July 3, 2012, and are in the process of being reviewed by the town's plan reviewer. They will then be taken to the Planning and Zoning Committee and then to council for approval.

4. COUNCILMEMBERS' ANNOUNCEMENTS

No announcements made.

5. OATH OF OFFICE FOR APPOINTED COUNCILMEMBER BRUCE BIRDSONG

Town Secretary Katherine Ritchie administered the oath of office to Bruce Birdsong.

6. VISITORS'/CITIZENS' FORUM INPUT FOR ITEMS ON THE AGENDA.

Property owners Scott Rustan and Dan Flagg spoke against the \$30,000 PID payments for each lot in Village at Cross Roads subdivision.

7. DISCUSS, CONSIDER, AND ACT ON FINANCIAL REPORTS - Reporting Officer Mayor Steve Smith

A. Discuss, consider, and approve the list of bills for June 2012.

MOTION - Councilmember Russo made a motion seconded by Councilmember Kille to approve the list of bills for June 2012.

MOTION PASSED UNANIMOUSLY

B. Discuss, consider, and approve the financial reports for June 2012.

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MOTION –Councilmember Fisher made a motion seconded by Councilmember Russo to approve the financial reports for June 2012.

MOTION PASSED UNANIMOUSLY

8. DISCUSS, CONSIDER, AND APPROVE JUNE 18, 2012 MEETING MINUTES.

MOTION – Councilmember Fisher made a motion seconded by Councilmember Russo to approve the June 18, 2012, meeting minutes.

9. DISCUSS, CONSIDER, AND ACT ON ADMINISTRATIVE, SELECT COMMISSIONS, COMMITTEES, BOARDS, AND TASKFORCES REPORTS

A. ADMINISTRATIVE UPDATE – Reporting Official Town Secretary Katherine M. Ritchie reported on the current budget calendar and upcoming budget meetings.

B. BUDGET COMMITTEE UPDATE – Committee Chairwoman Carol Roberts updated Town Council on the preliminary 2012 – 2013 budget development cycle.

C. COMPREHENSIVE PLANNING UPDATE – Committee Chairman Virden Seybold reported on the July 11th meeting; the committee is working on the Town's mission statement.

D. ECONOMIC DEVELOPMENT UPDATE – Committee Chairman Bill Bacon reported on the meeting held on July 19th; there was a presentation by Civic Plus. The next EDC meeting will be on July 30th.

E. PARK BOARD UPDATE – Committee Chairwoman Gale Bacon reported on the July 10th Park Board meeting. She also reported on the progress of the Farmers' Market – the two major

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produce vendors have been selling out by 11:00. They are making plans for next summer. The committee is working on plans for fencing for the park.

F. PLANNING & ZONING UPDATE - Commission Chair Wesley Moore reported on July 3rd Planning & Zoning Commission meeting. The commission discussed final plat from CVS Pharmacy, recommended turn lanes on Naylor be build when CVS is built – not waiting for later time. Commission recommended that the re-plat requested on Bridle Ridge Ranch Road be allowed. They discussion on the potential future ordinance on grease traps for restaurants be discussed at a workshop to be held at a later date.

10. DISCUSS, CONSIDER, AND APPROVE THE APPOINTMENTS AND RE-APPOINTMENTS OF THE COMMISSIONS, COMMITTEES, BOARDS, AND TASKFORCE MEMBERS.

MOTION – Councilmember Russo made a motion seconded by Councilmember Kille to table this item.

MOTION PASSED UNANIMOUSLY

11. DISCUSS, CONSIDER, AND ADOPT ORDINANCE #2012-0716-01

ORDINANCE NO. 2012-0716-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CROSS ROADS, TEXAS, ADOPTING A THOROUGHFARE PLAN; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION – Councilmember Russo made a motion seconded by Councilmember Fisher to adopt Ordinance No. 2012-0716-01. An ordinance of the Town Council of the Town of Cross Roads, Texas, adopting a thoroughfare plan; providing for a repealing clause; and providing for an effective date.

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MOTION PASSED UNANIMOUSLY

- 12. DISCUSS, CONSIDER AND ADOPT ORDINANCE #2012-0716-02 AMENDING PLANNED DEVELOPMENT ORDINANCE # 2005-0912-01**

ORDINANCE NO. 2012-0716-02

AN ORDINANCE OF THE TOWN OF CROSS ROADS, TEXAS, AMENDING ORDINANCE NO. 2005-0912-01, ADOPTED ON SEPTEMBER 19, 2005, TO AMEND THE SIGNAGE PROVISIONS OF THE GENERAL PLANNED DEVELOPMENT STANDARDS APPLICABLE TO A PLANNED DEVELOPMENT FOR 215 ACRES OF LAND SITUATED ON THE NORTH SIDE OF US HIGHWAY 380, ON THE EAST SIDE OF FM 424, AND ON THE SOUTH SIDE OF FISHTRAP ROAD, AND GENERALLY DESCRIBED AS A TRACT OF LAND OUT OF THE MARSELLA JONES SURVEY, ABSTRACT NO. 662, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", IN THE TOWN OF CROSS ROADS, DENTON COUNTY, TEXAS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION – Councilmember Fisher made a motion seconded by Councilmember Russo to adopt Ordinance #2012-0716-02. An ordinance of the Town of Cross Roads, Texas, amending Ordinance No. 2005-0912-01, adopted on September 19, 2005, to amend the signage provisions of the general planned development standards applicable to a planned development for 215 acres of land situated on the north side of US Highway 380, on the east side of FM 424, and on the south side of Fishtrap Road, and generally described as a tract of land out of the Marsella Jones survey, abstract #662, and more particularly described in exhibit "A", in the Town of Cross Roads, Denton County, Texas; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand (\$2,000) dollars for each offense; and providing an effective date.

MOTION PASSED UNANIMOUSLY

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- 13. DISCUSS, CONSIDER, AND ACT ON ADOPTING PROPOSED ORDINANCE # 2012-0716-03 APPROVING A FRANCHISE TO ATMOS ENERGY CORPORATION.**

ORDINANCE # 2012-0716-03

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION , A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE TOWN OF CROSS ROADS, DENTON COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID TOWN FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

MOTION – Councilmember Fisher made a motion seconded by Councilmember Kille to adopt Ordinance #2012-0716-03. An Ordinance granting to Atmos Energy Corporation, a Texas and Virginia corporation, its successors and assigns a franchise to construct, maintain, and operate pipelines and equipment in the Town of Cross Roads, Denton County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said town for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous gas franchise ordinances.

MOTION PASSED UNANIMOUSLY

- 14. RECESS REGULAR COUNCIL MEETING AND CONVENE PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING THE FOLLOWING ITEMS.**

- A.** Proposed Final Plat application #2012-0604-01FP. Application submitted by Michael Doggett of Winkelmann & Associates, Inc. on behalf of Orange Development Inc. Subject property is located at the Southeast quadrant of F 424 and Highway 380. The

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request is to divide the 4.040 acres into 2 lots. Lot 1 - 1.500 acres, and Lot 2 to comprise the balance of the acreage.

- B.** Proposed Re-plat application #2012-0612-01RP. Application submitted by property owners Robert and Nellie Nelson request to adjust the property line between Lot 4 and Lot 5 located at 1001 Bridle Ridge Ranch Road to better conform to a natural division between the lots based on the terrain and the large Post Oaks on the property.

- C.** Amending Ordinance No. 2007-0611-01, Resolution Nos. 2007-0424-01 and 2007-0514-01 (to the extent of any conflict), and the Service and Assessment Plan for the Cross Roads Public Improvement District No. 1, adopting an assessment roll, delaying the commencement of the imposition and collection of special assessments, and restating the terms and conditions of the payment of assessments;

Regular Council meeting recessed at 7:36 PM.

15. ADJOURN PUBLIC HEARING AND RECONVENE THE REGULAR COUNCIL MEETING.

Public Hearing convened at 7:36 PM. No one requested to speak on any items.
Regular Council meeting re-convened at 7:38 PM.

16. DISCUSS, CONSIDER, AND ACT ON FINAL PLAT APPLICATION #2012-0604-01FP SUBMITTED BY WINKELMANN & ASSOCIATES, ON BEHALF OF PROPERTY OWNER ORANGE DEVELOPMENT INC.

MOTION – Councilmember Russo made a motion seconded by Councilmember Fisher to accept final plat application #2012-0604-01FP submitted by Winkelmann & Associates, on behalf of property owner Orange Development Inc.

MOTION PASSED UNANIMOUSLY

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- 17. DISCUSS, CONSIDER, AND ACT ON RE-PLAT APPLICATION #2012-0612-01RP SUBMITTED BY PROPERTY OWNER ROBERT AND NELLIE NELSON.**

MOTION – Councilmember Russo made a motion seconded by Councilmember Kille to accept the re-plat application #2012-0612-01RP submitted by property owner Robert and Nellie Nelson.

MOTION PASSED UNANIMOUSLY

- 18. DISCUSS, CONSIDER AND ACT ON ADOPTING PROPOSED ORDINANCE NO. 2012-0716-04**

ORDINANCE NO. 2012-0716-04

AN ORDINANCE OF THE TOWN OF CROSS ROADS, TEXAS, AMENDING ORDINANCE NO. 2007-0611-01, RESOLUTION NOS. 2007-0424-01 AND 2007-0514-01 (TO THE EXTENT OF ANY CONFLICT), AND THE SERVICE AND ASSESSMENT PLAN FOR THE CROSS ROADS PUBLIC IMPROVEMENT DISTRICT NO.1, ADOPTING AN ASSESSMENT ROLL, DELAYING THE COMMENCEMENT OF THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS, AND RESTATING THE TERMS AND CONDITIONS OF THE PAYMENT OF ASSESSMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

MOTION – Councilmember Russo made a motion seconded by Councilmember Fisher to adopt proposed Ordinance #2012-0716-04, an Ordinance of the Town of Cross Roads, Texas, amending Ordinance #2007-0611-01, Resolutions # 2007-0424-01 and 2007-0514-01 (to the extent of any conflict), and the service and assessment plan for the Cross Roads Public Improvement District No. 1, adopting an assessment roll, delaying the commencement of the imposition and collection of special assessments, and restating the terms and conditions of the payment of assessments; providing a repealing clause; providing a severability clause; providing an effective date.

MOTION PASSED UNANIMOUSLY

- 19. DISCUSS, CONSIDER AND ACT ON ADOPTING TABLED AGENDA ITEM - PROPOSED ORDINANCE NO. 2011-1219-01**

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ORDINANCE NO. 2011-1219-01

AN ORDINANCE OF THE TOWN OF CROSS ROADS, TEXAS, AMENDING ORDINANCE NO. 2007-0611-01, RESOLUTION NOS. 2007-0424-01 AND 2007-0514-01 (TO THE EXTENT OF ANY CONFLICT), AND THE SERVICE AND ASSESSMENT PLAN FOR THE CROSS ROADS PUBLIC IMPROVEMENT DISTRICT NO. 1, DELAYING THE COMMENCEMENT OF COLLECTIONS OF SPECIAL ASSESSMENTS FOR A PERIOD NOT TO EXCEED TWO YEARS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

MOTION – Councilmember Russo made a motion seconded by Councilmember Fisher to deny adopting Ordinance #2011-1219-01, an Ordinance of the Town of Cross Roads, Texas, amending Ordinance #2007-0611-01, Resolutions #2007-0424-01 and 2007-0514-01 (to the extent of any conflict), and the service and assessment plan for the Cross Roads Public Improvement District No. 1, delaying the commencement of collections of special assessments for a period not to exceed two years; providing a repealing clause; providing a severability clause; and, providing an effective date.

MOTION PASSED UNANIMOUSLY

- 20. DISCUSS, CONSIDER, AND ACT ON COMMERCIAL BUILDING APPLICATION # 2012-0605-01C FOR THE NEW CONSTRUCTION FOR RETAIL PHARMACY WITH DRIVE-THRU, BRICK, CAST STONE, AND STEEL FRAME CONSTRUCTION.**

MOTION – Councilmember Fisher made a motion seconded by Councilmember Russo to approve as presented the commercial building application #2012-0605-01C for the new construction for retail pharmacy with drive-thru, brick, cast stone, and steel frame construction.

MOTION PASSED UNANIMOUSLY

- 21. RECESS REGULAR TOWN COUNCIL MEETING AND CONVENE A BOARD OF ADJUSTMENT HEARING ON THE FOLLOWING REQUEST.**

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Regular Town Council meeting recessed at 8:01 PM

Board of Adjustment hearing convened at 8:01 PM

22. DISCUSS, CONSIDER, AND ACT ON PROPERTY OWNER AND APPLICANT STEPHEN L. ROBERTS REQUEST #2012-0702-01B0A TO REMOVE A TREE THAT IS GREATER THAN 18" IN DIAMETER WITHIN THE BUILDABLE AREA OF 109 LAS COLINAS.

Viriden Seybold addressed council in opposition to removal of tree.

MOTION – Councilmember Russo made a motion to table this item. No second – motion died due to lack of 2nd.

MOTION – Councilmember Fisher made a motion seconded by Councilmember Russo to table item until a meeting could be held with property owners to discuss this issue in greater detail.

MOTION PASSED UNANIMOUSLY

23. ADJOURN THE BOARD OF ADJUSTMENT MEETING AND RECONVENE THE REGULAR TOWN COUNCIL MEETING.

Adjourn Board of Adjustment meeting and reconvene the regular Town Council meeting at 8:26 PM.

24. VISITORS'/CITIZENS' FORUM INPUT FOR ITEMS NOT ON THE AGENDA.

Ross Schraeder addressed the council on the need to have citizens understand the fireworks ordinance.

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25. TOWN COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS.

No one requested to speak.

26. TIME, DATE, AND LOCATION OF NEXT MEETINGS - All citizens are invited to participate.

Administrative Staff Meeting – 3:00 PM Monday, August 6, 2012, Conference Room

Planning & Zoning Commission Meeting – 7:00 PM, August 7, 2012, Council Chambers

Economic Development Meeting – 7:00 PM, Monday, August 19 and August 30, 2012, Conference Room

Road Repair Committee Meeting - 7:00 PM, Thursday, August 16, 2012, Conference Room

Town Council Meeting – 7:00 PM, Monday, August 20, 2012, Council Chamber

27. MOTION TO ADJOURN

MOTION – Councilmember Fisher made a motion seconded by Councilmember Russo to adjourn the meeting at 8:30 PM.

MOTION PASSED UNANIMOUSLY

Mayor Steve Smith

Date

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I, Judy Moudy, Administrative Assistant of, Town of Cross Roads, Denton County, Texas, do hereby certify that the following Council Meeting Minutes are a true and correct record of the proceedings from the Town Council Meeting.

Administrative Assistant Judy Moudy Date