



**MINUTES  
JANUARY 21, 2013  
TOWN COUNCIL MEETING**

**TOWN OF CROSS ROADS  
COUNTY OF DENTON, TEXAS**

The Town Council of Cross Roads convened a regular Council meeting at 7:00 pm. The meeting was held at Town Hall, 1401 FM 424, Cross Roads, Texas. The meeting was open to the public with the following business. Agenda items on the regular Council meeting are subject to action: *(The order of items on the agenda may change in the interest of time)*

**1. MAYOR SMITH CALLED THE MEETING TO ORDER AT 7:00 PM.**

**2. ROLL CALL**

	<b>Present</b>	<b>Absent</b>
<b>Mayor Smith</b>	<b>X</b>	
<b>Councilmember Birdsong</b>	<b>X</b>	
<b>Councilmember Fisher</b>	<b>X</b>	
<b>Councilmember Kille</b>	<b>X</b>	
<b>Councilmember Russo</b>	<b>X</b>	
<b>Councilmember Dickey</b>	<b>X</b>	

**3. MAYOR'S UPDATE**

Administrative Assistant Judy Moudy retiring January 31<sup>st</sup> after being with the city for 7 years.

Lovett Commercial has Whataburger under contract, and letters of intent for 17 others businesses for the Village at Cross Roads commercial development.

**4. COUNCILMEMBERS' ANNOUNCEMENTS**

**No citizen requested to speak.**

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

**Ross Schraeder** – Stated that the proposed Municipal Development District tax is not necessary at this time, and he wanted to thank Ms. Judy Moudy for her service to the town over the past 7 years.

**Virden Seybold** – Addressed the council regarding sign variance application #2012-1205-01SV and his opposition to granting sign variance for off premise signs.

**Randy Wicker** – Addressed the council regarding his disagreement with the town's requirements for roofing permits, ordinances, fees and the pace of development and change within the town.

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

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

**MOTION** - Councilmember Russo made a motion seconded by Councilmember Dickey to approve the list of bills for December 2012.

**MOTION PASSED UNANIMOUSLY**

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

**MOTION** - Councilmember Fisher made a motion seconded by Councilmember Birdsong to approve the financial reports for December 2012.

**MOTION PASSED UNANIMOUSLY**

7. **DISCUSS, CONSIDER, AND APPROVE DECEMBER 17, 2012 COUNCIL MEETING MINUTES.**

**MOTION** - Councilmember Russo made a motion seconded by Councilmember Kille to approve December 17, 2012 council meeting minutes.

**ABSTAIN** – Councilmember Dickey

**APPROVE** – Councilmembers Birdsong, Fisher, Kille, and Russo

**MOTION PASSED**

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

- A. **ADMINISTRATIVE UPDATE** – Reporting Official Town Secretary Katherine M. Ritchie Announced that Administrative Assistant Judy Moudy will be retiring as of January 31, 2013.

- B. **COMPREHENSIVE PLANNING UPDATE** – Reporting Official Committee Chairman Virden Seybold updated council regarding January 9, 2013 committee meeting discussion. The committee discussion topics are as follows; improvements to residential waterlines, proposal to hire a grant writer, announcement of a wild flower seminar March 16, 2013 8:30 am – 11:00 am at town hall.

- C. **ECONOMIC DEVELOPMENT UPDATE** – Reporting Official Committee Chairman Bill Sheehy updated council regarding January 7, 2013 Economic Development meeting discussion topics are as follows; U.S. Highway 380 right of way acquisition, recommendation to not renew Buxton Service agreement, discussion on the value of the Municipal Development District citizen informational meetings, and the development of a business directory.

- D. **PARK BOARD UPDATE** – Reporting Official Board Chairman Gale Bacon updated council regarding January 8, 2013 Park Board meeting discussion topics as follows; Farmer's market will commence Saturday, May 4<sup>th</sup> and continue each Saturday until July 20<sup>th</sup>. Advertising for vendors in the Pilot Point Signal. Boy Scout project to install pavers under BBQ. Installation of 3 more picnic benches on the north side of the town park.

- E. **PLANNING & ZONING UPDATE** - Reporting Official Commission Chair Wesley Moore updated council regarding January 8, 2013 Planning & Zoning meeting discussion and actions. Commission recommends approval preliminary plat #2012-1203-01FP and proposed Architecture Guidelines and Point System Ordinance #2013-0121-01.

**F. ROAD REPAIR UPDATE** – Reporting Official Committee Chairman Bill Roberson – updated council regarding January 18, 2013 committee meeting discussion. The committee recommends necessary pot holes repairs on Fishtrap Road from Highway 377 to Highway 380. Also chairman Roberson discussed the need to consider widen Fishtrap Road east of Highway 377 due to increase in traffic from the Village at Cross Roads commercial development.

**9. MAYOR SMITH RECESSED THE REGULAR COUNCIL MEETING AT 7:50 PM AND CONVENED A PUBLIC HEARING TO RECEIVE PUBLIC INPUT ON THE FOLLOWING TOPICS:**

**A. PROPOSED AMENDMENTS TO THE ARCHITECTURAL REGULATIONS AND POINT SYSTEM.**

No citizen requested to speak.

**B. FINAL PLAT APPLICATION #2012-1203-01FP. SUBJECT LOCATION 8600 & 8700 U.S. HIGHWAY 380. APPLICANT SHARI TRUSTY’S REQUEST TO COMBINE TWO PARCELS INTO ONE.**

No citizen requested to speak.

**10. MAYOR SMITH RECESSED PUBLIC HEARING AND RECONVENED THE REGULAR COUNCIL MEETING AT 7:51 PM.**

**11. DISCUSS, CONSIDER, AND ACT ON AMENDING ARCHITECTURAL REGULATIONS AND POINT SYSTEM.**

**MOTION** - Councilmember Russo made a motion seconded by Councilmember Fisher to approve proposed Ordinance # 2013-0121-01 with the following changes in Section 14.03.008 (b) (4) “All builds shall be constructed with a minimum 85% masonry, exclusive of doors and windows.”..... “The Architectural Review Committee may favorably recommend and town council may approve facades with less than 85% masonry on a case-by-case basis to accommodate special design considerations.” Also in Section 14.03.008 (c) (1) “Each building or development, as a condition of the issuance of a building permit or the approval of a site plan, must rate a minimum of 15 points if the building (or combination of buildings) is less than 10,000 square feet; and 25 points for buildings 10,000 square feet and larger.”

**MOTION PASSED UNANIMOUSLY**

**12. DISCUSS, CONSIDER, AND ADOPT ORDINANCE #2013-0121-01.**

**TOWN OF CROSS ROADS  
ORDINANCE NO. 2013-0121-01**

**AN ORDINANCE OF THE TOWN OF CROSS ROADS, TEXAS, AMENDING DIVISION 1 (“IN GENERAL”) OF ARTICLE 14.03 (“COMPREHENSIVE ZONING ORDINANCE”) OF CHAPTER 14 (“ZONING”) OF THE CODE OF ORDINANCES OF THE TOWN OF CROSS ROADS, TEXAS, AS HERETOFORE AMENDED, TO REPLACE SECTION 14.03.008 TO REVISE**

**ARCHITECTURAL GUIDELINES AND THE “TEXAS COUNTRY” THEME FOR NON-RESIDENTIAL STRUCTURES AND DEVELOPMENTS; AMENDING SUBPART (1) OF SUBSECTION (c) OF SECTION 14.03.076 (“C – COMMERCIAL DISTRICT”) AND SUBPART (1) OF SUBSECTION (c) OF SECTION 14.03.077 (“LI - LIGHT INDUSTRIAL DISTRICT”) OF DIVISION 3 (“DISTRICTS”) OF ARTICLE 14.03 (“COMPREHENSIVE ZONING ORDINANCE”) OF CHAPTER 14 (“ZONING”) OF THE CODE OF ORDINANCES OF THE TOWN OF CROSS ROADS, 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.**

**POINT OF ORDER – On the opinion of the town attorney action on agenda item is not necessary due to approval of agenda item #11.**

**13. DISCUSS, CONSIDER, AND ACT ON FINAL PLAT APPLICATION #2012-1203-01FP. SUBJECT LOCATION 8600 & 8700 U.S. HIGHWAY 380.**

**MOTION -** Councilmember Russo made a motion seconded by Councilmember Kille to approve final plat application # 2012-1203-01 FP based on Planning & Zoning Commission recommendation and the tree mitigation recommendation of the Town Engineer.

**MOTION PASSED UNANIMOUSLY**

**14. DISCUSS, CONSIDER, AND ACT ON AUTHORIZING THE MAYOR TO SIGN GROUP MEMBERSHIP AGREEMENT EXTENSION BETWEEN THE TOWN OF CROSS ROADS AND CAREFLITE, A 501(c)3 NON-PROFIT TEXAS CORPORATION FOR AIR AMBULANCE MEMBERSHIP FOR EACH OF ITS HOUSEHOLDS AND PERSONNEL AT A COST OF \$11 EACH FOR THE 2013 PLAN YEAR.**

**MOTION -** Councilmember Kille made a motion seconded by Councilmember Fisher to authorizing the Mayor to sign a group membership agreement extension between the Town of Cross Roads and Carefite, A501 (c) 3 Non-Profit Texas Corporation for air ambulance membership for each of its household and personnel at cost of \$11 each for the 2013 plan year.

**MOTION PASSED UNANIMOUSLY**

**POINT OF ORDER – Agenda item #15 was mistakenly included on the agenda.**

**15. DISCUSS, CONSIDER, AND ACT ON SIGN VARIANCE APPLICATION #2012-1205-01SV. APPLICATION SUBMITTED BY HISTORY MAKER HOMES. SUBJECT LOCATION NORTHEAST CORNER OF US HIGHWAY 380 AND FISHTRAP ROAD. APPLICANT REQUESTS TO PLACE A 4’ x 8’ POLE SIGN ON US HIGHWAY 380 FOR VISIBILITY PURPOSES.**

**No action necessary or taken on this agenda item.**

**16. DISCUSS, CONSIDER, AND ACT ON SIGN VARIANCE APPLICATION #2012-1227-01SV. APPLICATION SUBMITTED BY R. WALH ON BEHALF OF FIRST TEXAS HOMES. SUBJECT LOCATION 182 LAS COLINAS TRAIL IN THE VILLAGE AT**

**CROSS ROADS SUBDIVISION. APPLICANT REQUESTS TO PLACE A 50' FLAG POLE ON SUBJECT LOT FOR VISIBILITY PURPOSES.**

**MOTION** - Councilmember Fisher made a motion seconded by Councilmember Dickey to approve sign variance application # 2012-1227-01SV.

**NAY** – Council members, Birdsong, Fisher, Kille, Russo and Dickey

**MOTION FAILED**

**17. DISCUSS, CONSIDER, AND ACT ON TREE REMOVAL APPLICATION #2013-0115-01TR. APPLICANT MS. SHARI TRUSTY PROPERTY OWNER. SUBJECT PROPERTY 8600 & 8700 US HIGHWAY 380.**

**MOTION** – Councilmember Russo made a motion seconded by Councilmember Dickey to approve tree removal application # 2013-015-01TR including a pine tree not detailed on the application site plan.

**MOTION PASSED UNANIMOUSLY**

**POINT OF ORDER – Mayor Smith recessed meeting for 5 minutes.**

**18. MAYOR SMITH RECESSED REGULAR COUNCIL MEETING AND CONVENE BOARD OF ADJUSTMENT HEARING ON THE FOLLOW ITEM 8:45 PM.**

**A.** Discuss, consider and act on variance application # 2013-0117-01VA filed by Rustic Furniture owner, located 11901 U.S. Highway 380, Cross Roads, Texas 76227. Applicant requests a variance to the Code of Ordinance Section 14.03.076 (c) (3) requires refuse collection to be screened from the public view, and (c) (5) "refuse collection areas shall be screened from public view".

**MOTION** – Board of Adjustment member Fisher made a motion seconded by Board Member Dickey to approve variance application # 2013-0117-01VA to allow a chain link and fabric mesh rolling gate to screen refuse collection from the public view.

**MOTION PASSED UNANIMOUSLY**

**B.** Discuss, consider and act on variance application # 2013-0117-01VB filed by Rustic Furniture owner, located 11901 U.S. Highway 380, Cross Roads, Texas 76227. Applicant requests a variance to the Code of Ordinance Section 14.03.076 (b) (2) (ccc) "one accessory building, customarily associated with any of the above establishments to which they refer, except they shall not be place within any required setbacks".

**MOTION** – Board of Adjustment member Fisher made a motion seconded by Board Member Kille to approve variance application # 2013-0117-01VB to allow the 46 storage containers currently in place to be allowed to remain.

**MOTION PASSED UNANIMOUSLY**

**19. RECESS BOARD OF ADJUSTMENT AND RECONVENED REGULAR COUNCIL MEETING AT 8:50 PM.**

**20. VISITORS'/CITIZENS' FORUM INPUT FOR ITEMS NOT ON THE AGENDA. NO DELIBERATION OR DISCUSSION MAY TAKE PLACE BY THE TOWN COUNCIL DURING THIS AGENDA ITEM.**

**Pete Carothers** – Addressed council regarding pole sign inside the gate of Forest Hills residential subdivision and its compliance to the Code of Ordinances.

**Alan Hauf** - Announced that the Spring Roadside Cleanup will be April 20<sup>th</sup>.

21. **TOWN COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS - NO DELIBERATION OR DISCUSSION MAY TAKE PLACE BY THE TOWN COUNCIL DURING THIS AGENDA ITEM.**

No one suggested any new agenda items.

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

Administrative Staff Meeting – 3:00 PM Monday, February 4, 2013, Conference Room

4<sup>th</sup> Municipal Development District Public Input Meeting – 6:00 PM Monday, February 4, 2013, Council Chamber

Economic Development Committee Meeting - 7:00 PM, Monday, February 4, 2013, Conference Room

Planning & Zoning Commission Meeting – 7:00 PM, Tuesday, February 5, 2013, Council Chambers

Park Board Meeting – 7:00 PM, Tuesday, February 12, 2013, Conference Room

Comprehensive Planning Committee – 7:00 PM, Wednesday, February 13, 2013, Council Chambers

Road Repair Committee Meeting – 7:00 PM, Thursday, February 14, 2013, Conference Room

5<sup>th</sup> Municipal Development District Public Input Meeting – 6:00 PM Monday, February 18, 2013, Council Chamber

Council Meeting - 7:00 PM, Tuesday, February 18, 2013, Council Chambers

20. **MAYOR SMITH RECESSED THE REGULAR COUNCIL MEETING AND CONVENEED A CLOSED DOOR EXECUTIVE SESSION AT 8:57 PM.** - Council may convene into a closed session in accordance with Texas Government Code Section 551.071 (Consultation with Attorney) to seek legal advice from the Town Attorney regarding Municipal Development Districts and Annexation, and 551.074 Personnel Matters.

21. **MAYOR RECESSED EXECUTIVE SESSION AND RECONVENED REGULAR COUNCIL MEETING AT 10:16 PM.**

22. **MOTION TO ADJOURN.**

**MOTION** - Councilmember Fisher made a motion seconded by Councilmember Birdsong to adjourn.

**MOTION PASSED UNANIMOUSLY.**

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Mayor Steve Smith

Date

I do hereby certify that the following Council Meeting Minutes are a true and correct record of the proceedings from the Town Council Meeting.

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Town Secretary Katherine M. Ritchie

Date