

**STATE OF TEXAS  
COUNTY OF DENTON  
CITY OF CORINTH**

On this the 18<sup>th</sup> day of February 2016 the City Council of the City of Corinth, Texas met in a Regular Session at 7:00 pm at the Corinth City Hall, located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

**Members Present:**

Bill Heidemann, Mayor  
Joe Harrison, Mayor Pro-Tem  
Scott Garber  
Don Glockel  
Sam Burke

**Members Absent:**

Lowell Johnson

**Staff Members Present:**

Lee Ann Bunselmeyer, Acting City Manager  
Fred Gibbs, Director of Planning and Development Services  
Jason Alexander, Economic Development Director  
Kim Pence, City Secretary  
Debra Drayovitch, City Attorney  
Debra Walthall, Chief of Police  
Curtis Birt, Fire Chief  
Brenton Copeland, Technology Services Asst. Manager

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE:**

Mayor Heidemann called the meeting or order at 7:00 P.M., Pastor Rodney Whitfield, Faith United Methodist Church delivered the invocation and led in the Pledge of Allegiance.

**CONSENT AGENDA**

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

1. Consider and act on Minutes from the January 7, 2016 Workshop Session.
2. Consider and act on Minutes from the January 7, 2016 Regular Session.
3. Consider and act on Minutes from the January 14, 2016 Workshop Session.
4. Consider and act on Minutes from the January 21, 2016 Workshop Session.
5. Consider and act on Minutes from the January 21, 2016 Regular Session.

**MOTION** made by Councilmember Harrison to approve the Consent Agenda as presented. Seconded by Councilmember Burke.

**AYES:** Burke, Garber, Harrison, Glockel  
**NOES:** None  
**ABSENT:** Johnson

## **MOTION CARRIED**

### **CITIZENS COMMENTS**

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof.\* Section 30.041B Code of Ordinance of the City of Corinth.

**Jim Wallace, 1404 Park Place** – I have noticed a dramatic increase in our street traffic and the speed of traffic on our street over the course of the last couple of months. Since Shady Rest is finishing up the traffic would subside but it has not. I drove Shady Rest the other day and I noticed the speed is the same as the speed on Park Place. The homes are set back several feet more from the street on Shady Rest as opposed to Park Place. I believe people do not want to travel down Shady Rest because of the speed bumps so the traffic has moved over to Park Place which is a narrower street and I can tell you someone is going to get hurt. Some of the people are traveling 40 and 45 mph down our street. I don't think patrolling our street will do any good it may for a while but then when the police are not there it will go back to the same thing again. I really need help here and my children do not feel safe playing outside anymore.

**Lisa Clawson, 1411 Park Place** – our board reached out to the City Manager's office and one of the board members and myself went on the website and filed a report of concern. Basically the traffic issue was sent to Sergeant Tepfer and he said all they could do was put a patrol out and that is it that we would have to come back to the City Manager's office for any kind of help with speed bumps, stop signs, or no truck signs which brings me to another point, we have the Parkside Farms going in and they came to Council to ask for a variance to place more houses behind us and we came to Council and expressed concern regarding fences for the people that butt up to the property and you have to get that in writing to get them to honor their word because they get what they want and then they disappear which is exactly what has happened to us. After they got their variance he has not returned one phone call to any member of the board or home owner and now it has gone to the homebuilder and they know nothing about an agreement for them to build fences so they said originally that they would defer their big construction trucks to Fritz and Saturday I saw about 20 trucks that came down our street. Once again the only thing we can do is park on the road so we need some kind of help. There is a ton of kids that live on that street and I am here to ask for help before someone gets hurt.

**Jim Wallace, 1404 Park Place** – in the beginning we were told that the developer that moved behind our subdivision would help pay for a deteriorating retaining walls that were in front of Parks of Corinth and that did not happen. We were told that any construction traffic would need to use Shady Rest and Fritz Lane for access to the development and that is not happening. We have had construction trucks, sod trucks and recently about 20 concrete trucks down and back on our street. We were told fences would be installed along the perimeter of the development and that has not happened. Several weeks ago lights were installed in the new development and one was installed approximately 8-10 feet from the back of our fences and our bedroom is in the back of our house and the light is so bright we are having a hard time sleeping at night.

I am wondering if the UDC Corinth adopted a year or so ago includes for cut of lighting or dark skies compliant lighting and if so, I am wondering how or why this made it through the city without any red flags. I can sit in my living room and not have a single light on in my house and literally see everything. I am asking for help to get the

fence built behind my house and others that are in our development and also asking for an alternative location for the light pole from my house and other people's homes in the neighborhood.

**BUSINESS AGENDA**

- 6. Consider and act on an ordinance amending Article 4 of the Unified Development Code, Sign and Fence/Screening Regulations in order to amend various sections of the Sign Ordinance.

**Fred Gibbs, Planning and Development Director** – On October 1, 2015, during the City Council Workshop, the Council authorized City staff to amend the Sign Ordinance. The ordinance includes amendments to various definitions, provides additional definitions, revises the requirements for applications, revises regulations for monument signs, multi-tenant signs, electronic message center signs, wall signs, window signs, and provides design guidelines that includes performance based enhancements for monument signs.

Since the Council Workshop, staff revised the maximum allowable height of monument signs that are required to go to Council for consideration along I-35E for signs over 15' up to a maximum height of 20' with performance based enhancements to a maximum height of 30' with performance based enhancements in order to provide greater visibility and flexibility for commercial businesses along the freeway.

We had a workshop previous to this meeting regarding the window signage which we will strike and come back to discuss that at a future date as well.

**MOTION** made by Councilmember Harrison to approve the Ordinance amending Article 4 of the Unified Development Code, Sign and Fence/Screening Regulations in order to amend various sections of the Sign Ordinance. Seconded by Councilmember Burke.

**AYES:** Burke, Garber, Harrison, Glockel  
**NOES:** None  
**ABSENT:** Johnson

**MOTION CARRIED AS AMENDED**

**Councilmember Garber made a Friendly Amendment in Section 4.01.15 Item D Window Signs to strike that from the Ordinance. Seconded by Councilmember Glockel.**

**AYES:** Burke, Garber, Harrison, Glockel  
**NOES:** None  
**ABSENT:** Johnson

**MOTION CARRIED**

**Debra Drayovitch, City Attorney** – it would be also appropriate to amend Section 4.01.23 to delete Exhibit 2, Which is the picture of the 7-11 that was discussed in the Workshop.

**Councilmember Burke made a Friendly Amendment to delete Section 4.01.23 Exhibit 2. Seconded by Councilmember Harrison.**

**AYES:** Burke, Garber, Harrison, Glockel  
**NOES:** None  
**ABSENT:** Johnson

**MOTION CARRIED**

**Mayor Heidemann recused himself from discussing item #7.**

7. Consider and act on an Ordinance of the City of Corinth, Texas approving an amendment to the Fiscal Year 2015-16 City of Corinth Budget and Annual Program of Services to provide for the expenditure of funds from the Economic Development Corporation Fund for the performance agreement for (DATCU).

**Jason Alexander, Director of Economic Development** - the request for the Ordinance to amend the budget is to assure that we have \$150,000 to provide DATCU for the performance agreement. We do have funds in the Economic Development Corporation but as budgeted we did not budget for that performance bond and this ordinance will allow for the Economic Development Corporation to have the appropriate funds to make sure that we can provide you incentive from the Economic Development Corporation for DATCU and to make sure that we are still able to carry out our duties and responsibilities as the EDC to go ahead and attract and recruit businesses.

**MOTION** made by Councilmember Garber to approve the Ordinance of the City of Corinth, Texas approving an amendment to the Fiscal Year 2015-16 City of Corinth Budget and Annual Program of Services to provide for the expenditure of funds from the Economic Development Corporation Fund for the performance agreement for (DATCU).

**AYES:** Burke, Garber, Harrison, Glockel

**NOES:** None

**ABSENT:** Johnson

**MOTION CARRIED**

8. Consider an ordinance ordering a special election to submit amendments to the City Charter.

**Debra Drayovitch, City Attorney** – in January you asked to discuss proposed housekeeping amendments to the City Charter and that took place at the February 4<sup>th</sup> Council meeting. During that meeting Council directed staff to proceed with an Ordinance calling a Special Election to amend the City Charter. The amendments are primarily housekeeping in nature, there are 7 amendments

**Section 2.03 EMINENT DOMAIN**

The City shall have the full power, authority, and rights to exercise the power of eminent domain when necessary to carry out any of the powers conferred upon it by this Charter, or by the Constitution and laws of the State of Texas. Neither the Council nor the City Administration shall participate in any form for the purpose of exercising eminent domain on behalf of private development.

**Section 3.01.C. NUMBER, SELECTION AND TERM**

- C. The Mayor shall:
1. Be elected at large:
  2. Be presiding officer of the council:
  3. Vote only in the cases of ties:

4. Require a vote of a majority of all members of the Council if the Mayor objects to a proposed ordinance;
5. Recommend appointments to boards and commissions if desired; and
6. Represent the City in ceremonial functions.

### **Section 3.03 QUALIFICATIONS**

Each candidate for an elective office shall meet the following qualifications:

- A. Shall be a qualified voter;
- B. Shall be at least twenty-one (21) years old;
- C. Shall have resided in the City for 12 months immediately one (1) year preceding the election;
- D. Shall not be employed by the City: and
- E. Shall meet all other eligibility requirements of the Texas Election Code.

### **Section 3.06 QUORUM**

At all meetings, three (3) Councilmembers shall constitute a quorum for the purpose of transaction of business. The Mayor shall not be counted in the determination of a quorum.

### **Section 6.03 DUTIES (OF THE CITY ATTORNEY)**

The City Attorney shall be the legal advisor of, and attorney for, all of the offices and departments of the City, and shall represent the City in any and all litigation and legal proceedings, provided however, that the Council may retain special counsel at any time it deems appropriate and necessary, and that the City Manager may appoint the prosecutor for Municipal Court.

### **Section 9.04B. CITY COUNCIL ACTION**

#### **B. ADOPTION OF THE BUDGET**

The budget and tax rate may be adopted at any regular or special meeting of the Council prior to the beginning of the budgeted fiscal year by a vote of three Councilmembers, or such number of votes as is required by state law. The council may amend the proposed budget by increasing, decreasing, or removing any programs or amounts for expenditures required by law, for debt service or for estimated cash deficit. No amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated income plus funds available from prior years.

### **Section 12.09 PUBLIC MEETINGS AND RECORDS**

All meetings of the Council and all boards appointed by the Council shall be governed by the provisions of the Texas Government Code and any amendments thereto with regard to the posting of the agenda and the holding of public meetings. All public records and information of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable business hours, provided that records excerpted from public disclosure by state or federal law shall be closed to the public and not considered public records for the purpose of this section.

The Special Election will be conducted simultaneously with the General Election and the voters will have the opportunity to vote on these propositions. If you decide not to call a Special Election then there would be no motion to adopt the ordinance.

**Councilmember Garber** – how is that we communicate this to our citizens so they can see what the charter said prior and what the revised amendments are?

**Debra Drayovitch, City Attorney** – the law prohibits spending city funds for political propositions and we want to be careful not to violate that. We can provide information to the voters and it is not for or against the change but merely an explanation of the change.

**Lee Ann Bunselmeyer, Acting City Manager** – we would post it on our website and have that information approved by the City Attorney.

**MOTION** made by Councilmember Garber to call a Special Election to submit amendments to the City Charter. Seconded by Councilmember Glockel

**AYES:** Burke, Garber, Harrison, Glockel

**NOES:** None

**ABSENT:** Johnson

### **MOTION CARRIED**

#### **COUNCIL COMMENTS & FUTURE AGENDA ITEMS**

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

**Councilmember Burke** – staff to provide us some information regarding the uses by the developer of Park Place and or the overflow of traffic as described by Lisa Clawson and Jim Wallace.

**Councilmember Glockel** – we talked about stripping Shady Rest and I see that is going to be done but I took pictures to the City Manager where I sat and watched traffic the other day and the speed bump from the south to the north go by rapidly up that hill to the north and just as go over the hill you stop to 15 mile per hour and there was nearly an accident as I watched and these pictures will depict that so I think we need to re-think the position of the speed bump to close to the crest of the hill.

**Mayor recessed the Regular meeting at 7:37 P.M.**

#### **EXECUTIVE SESSION**

If, during the course of the meeting, any discussion of any item on the agenda should need to be held in executive or closed session for the City Council to seek advice from the City Attorney as to the posted subject matter of this

City Council Meeting, the City Council will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D Chapter 551, to consider one or more matters pursuant to the following:

**Section 551.071.** Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

**\*Council met in Executive Session from 6:05 P.M. until 6:45 P.M. \*See Workshop Agenda.**

- **First Glendora Partners, Ltd. dba Impact Outdoor Advertising Co. v. City of Corinth.**
- **Marcus Mote v. City**
- **City v. Attorney General**

Consultation with the City Attorney regarding legal issues associated with the matter listed under Section 551.072.

**Council met in Executive Session from 7:40 p.m. until 8:45 p.m.**

- **Receive information and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property located in Corinth along the west side of I-35 on FM 2181.**
- **Receive legal advice regarding various claims of Rick Chaffin related to his employment.**

**Section 551.072.** To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

**Section 551.074.** To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

- **Consider appointment, duties, employment, evaluation, reassignment, discipline, or dismissal of the City Manager.**
- **Consider appointment, duties, employment, evaluation, reassignment, discipline, or dismissal of the City Attorney.**

**Section 551.087.** To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in executive session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.

**RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON EXECUTIVE SESSION ITEMS.**

**\*Council convened into Regular Session at 7:00 P.M. to vote on Executive Session item from the Workshop Session.**

**MOTION** made by Councilmember Burke that we affirm the filing of the lawsuit against the Attorney General regarding the Livingston Open Records Request. Seconded by Councilmember Harrison.

**AYES:** Burke, Garber, Harrison, Glockel

**NOES:** None

**ABSENT:** Johnson

**MOTION CARRIED**

**ADJOURN:**

**Mayor Heidemann adjourned the meeting at 8:47 P.M.**

Kimberly Pence

Kimberly Pence, City Secretary  
City of Corinth, Texas

Approved by Council on the 17 day of March, 2016