

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

On this the 6th day of December 2018 the City Council of the City of Corinth, Texas met in Workshop Session at the Corinth City Hall at 5:30 P.M., 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
Lowell Johnson, Council Member
Scott Garber, Council Member
Tina Henderson, Council Member
Don Glockel, Council Member

Members Absent:

Sam Burke, Mayor Pro-Tem

Others Present

Brian Rush, P & Z Chairman

Staff Members Present

Bob Hart, City Manager
Kimberly Pence, City Secretary
Melissa Cranford, Messer, Rockefeller, & Fort
Patricia Adams, Messer, Rockefeller, & Fort
Helen-Eve Liebman, Planning and Development Director
Cody Collier, Public Works Director
George Marshall, City Engineer
Lori Levy, Senior Planner
Shea Rodgers, Technology Services Manager
Ben Rodriguez, Planning and Development Manager
Patrick Hubbard, Development Coordinator

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:30 p.m.

WORKSHOP BUSINESS AGENDA:

1. Planning and Zoning Commission Annual Report for Fiscal Year 2017-18.

Helen-Eve Liebman, Planning & Development Director – introduced Brian Rush, Commission Chair for the Planning & Zoning Commission (P & Z) to present the Annual Report for Fiscal Year 2018 of all items Planning & Zoning took action on.

Brian Rush, Chairman Planning & Zoning Commission – presented the Planning and Zoning Commission Annual Report to Council. He informed Council the Commission has one open seat, outlined their functions as a board and presented an overview of the work performed for Fiscal Year 2018 by the Commission. He notified Council that Commissioners Mills, Powell and Zinn are no longer on the board. The P & Z Commission functions to conduct the public hearings, discuss

and approve or make recommendations to Council regarding planned development amendments, plat approvals, rezoning requests, comprehensive plan amendments, subdivision ordinance amendments, thoroughfare plan amendments, and zoning ordinance amendments. The commission heard 26 cases. He listed the different cases that were approved and the number of ordinances that were updated.

Council - inquired on any actions from Council that may assist the Commissioners in their duties.

Brian Rush, Chairman Planning & Zoning Commission - stated the Commission strictly uses the Zoning ordinance and appreciates the division of information between Council and P & Z and believes that is a benefit to their decisions. He advised staff was efficient with their knowledge and information provided to the Commission.

Council - expressed their appreciation for the P & Z Commission and Helen-Eve for her forward thinking in presenting to Council an annual review of the work done by the P & Z Commission.

2. **Planning and Development update for Fiscal Year 2017-18**

Helen-Eve Liebman, Planning & Development Director – presented an overview of the Planning and Development Department and the work completed for Fiscal Year 2017-18. She discussed how her department is organized, the goals and services of the department, and an overview of the work performed in 2018 by the department. She explained the department has the responsibility of approving some cases without P & Z approval. The goal of the Planning & Development department is to improve the quality of life in Corinth by encouraging property maintenance, establishing and implementing high standards for new development, and preservation and reinvestment in the older parts of the city. She explained the changes in the site plan approvals to expedite the process for development. The department has approved 6 total cases. A list of approved plats, the number and type of permits issued, new construction permits, code enforcement cases, Board of Adjustment cases, capital improvement plan activity, long range planning activity, awards and designations received was presented to Council.

3. **University of Texas at Arlington Capstone Project on Zoning Notifications.**

Bob Hart, City Manager – Reminded Council there was a question about 6 months ago regarding notification distances and reminded them Helen-Eve discussed this and informed Council that would take some research. There was a class at the University of Texas at Arlington (UTA) that was looking for a research project.

Helen-Eve Liebman, Planning & Development Director – agreed with Mr. Hart and stated she was tasked with the challenge of finding out if the zoning notification procedures were adequate. The City's requirements were found to be within the State requirements but Council wanted to investigate if there was anything else the City could do for the community to get more notification and the best way to improve for the citizens to be more informed. She engaged the Capstone Project to investigate. It was fortunate the team provided has some real planners on it and they understood the importance and the legal requirements of the research.

Suzanne Porter, Capstone Team Representative – presented their research findings and recommendations. The report outlined survey results from Corinth and six other Texas cities and nine cities from other states identifying the best communication methods. The team verified Corinth meets the state requirements. A sign on the property notifying passerby's of a zoning case is not required by State law, but all 15 cities surveyed perform this type notification along with their other

notifications, including Corinth. The survey results were discussed showing website and signage notification as the most common.

Mayor Heidemann – verified the website and signage does not overrule the state requirements of newspaper publications and letter notifications of property owners within 200 feet. Suzanne Porter agreed.

Suzanne Porter, Capstone Team Representative – Austin does a 500 foot notification and Frisco does a 225 foot notification. The team recommends Corinth continue with their 200 foot requirement. She explained courtesy notices have become popular for property owners farther than 200 feet; such as a letter to the HOA's within 1000 feet. She discussed the team's recommendations for an e-newsletter, web blast, utility bills, social media postings, etc. for notification mediums; maintaining the 200 foot distance letter notifications or mail outs; signage 24 inches by 36 inches with fewer words and a larger texts; give a longer notice than 10 days, 15 days is typical for most cities with letters and signage. The group suggested a copy of the 200 foot map showing why the property owner is included and showed a sample of the signage and postcard suggested.

Bob Hart, City Manager – made the recommendation to extend the notification to 400 – 500 feet, formalizing the notion of contacting the HOA's, and website postings. He reminded Council the 200 foot notification is what legally triggers the activity.

Council - inquired on the signage replacement and if it would be a large undertaking to replace the existing signs.

Helen-Eve Liebman, Planning & Development Director - pointed out the research showed some communities have the applicant print the signs and install them. Other cities utilize Public Works to install the signs for them. There was an issue last month where Corinth did not have enough signs and Public Works helped by creating more signs, so that all the properties were posted at the same time. If the number of mailers is increased the costs for notifications will increase. Typically, the 200 foot notification is used as the written opposition that staff keeps up with and tracks with GIS up to the very last minute. An additional notification as discussed will need to be different and separated by staff.

Suzanne Porter, Capstone Team Representative - some cities post signs one on each street for a corner or in footage intervals. The group recommendation is one per 200 feet with a max of 3 on any street frontage. This could increase the signage. If applicants post the signage the staff will supply a map showing where the sign needs to be placed.

Council – is the postage something we can recoup from the applicant?

Helen-Eve Liebman, Planning & Development Director – some cities do require the applicant pay by the number of labels sometimes that takes more time to keep up with. Staff is currently revisiting the development fees; as well as permit fees, with benchmarked communities to make sure the fees are in line with other cities; as well as recovering our costs.

Council - disagrees with using post cards, a florescent orange or green postcard regarding platting had been used in the past and residents thought it was trash and threw it away without reading it, looked like junk mail.

Mayor Heidemann – thanked the group for their work.

Bob Hart, City Manager – staff will go to P & Z for a recommendation and bring it back to Council around February or March.

4. **Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.**

Consent Item #7 Discussion:

7. **Conduct a Public Hearing and consider testimony and act upon a rezoning request for an approximate 26.39 acre tract of land from SF-2, Single Family Residential (Detached) to a PD, Planned Development zoning district with a base zoning designation of SF-4, Single Family Residential (Detached). The property is situated in the J. Walton Survey, Abstract Number 1389, City of Corinth, Denton County, Texas and generally located north of Walton Drive, south of Black Jack Lane, east of North Corinth Street, and west of Shady Rest Lane. (Trails at Shady Rest Rezoning)**

Council - inquired if details would be provided during the meeting prior to the public hearing.

Bob Hart – Yes.

Business Item #9 Discussion:

9. **Consider and act on Legislation Resolution establishing guidelines for the 2019 legislative session.**

Council – is this the legislative session recommendations from TML?

Bob Hart, City Manager – it is a combination of TML and the North Texas Commission merged as they pertain to Corinth. The Fire Bill has been through the Legislative Council but waiting on our representatives to file them bill and give it a number.

Business Item #11 Discussion:

11. **Consider and act on a Resolution calling a public hearing on January 10, 2019 relative to the City's intent to establish the City of Corinth Property Assessed Clean Energy Program ("City of Corinth PACE") and finding that financing qualified projects through contractual assessments pursuant to the PACE Act is a valid public purpose.**

Bob Hart, City Manager – you sat through this session at the TML Conference and the PACE program is one that the legislature set up a couple of years ago where a business can use its land values as part of the equity to do water conservation improvement and energy conservation improvements. It is set up through the state law there is no exposure or liability for the city, it just makes it available. This is a finding of facts, then calls the public hearing for January 10th and a resolution for adoption of the program. It is geared towards businesses; such as high energy efficient lighting or low flow toilet retrofitting. It may help with Economic Development.

Council - inquired on the transferability

Bob Hart, City Manager – informed them the loan is transferrable with the land.

Mayor Heidemann recessed the Work Session at 6:14 p.m.

Mayor Heidemann convened into executive session at 6:14 p.m.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer:

Council met in closed session from 6:15 p.m. to 6:50 p.m.

A. Marcus Mote v. Debra Walthall, Case No. 4:16-CV-0020-RC, United States District Court for the Eastern District of Texas.

B. Todd Anthony Foust vs. City of Corinth and the Lake Cities Fire Department, Cause No: 18-8885-431, Denton County Texas

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

Council met in closed session from 6:15 p.m. to 6:50 p.m.

A. MCM Contract for Lake Sharon Roadway Extension.

After discussion of any matters in closed 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 Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

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

ADJOURN:

Mayor Heidemann adjourned the meeting at 6:51 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the 10th day of January 2019.

Kimberly Pence

Kimberly Pence, City Secretary
City of Corinth, Texas

