

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

On this the 2<sup>nd</sup> day of April 2020 the City Council of the City of Corinth, Texas met in Workshop Session at the Corinth City Hall at 5:45 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:**

Mayor Heidemann  
Sam Burke, Mayor Pro Tem  
Scott Garber, Council Member  
Tina Henderson, Council Member  
Lowell Johnson, Council Member  
Kelly Pickens, Council Member

**Staff Members Present**

Bob Hart, City Manager  
Lee Ann Bunselmeyer, Finance, Administration, Communications & Marketing Director  
Patricia Adams, Messer, Fort & McDonald  
Jason Alexander, Corinth Economic Development Corporation Director  
Helen-Eve Beadle, Planning and Development Director  
Shea Rodgers, Technology Services Communications Manager  
Lana Wylie, Sr. Administrative Assistant

**CALL TO ORDER:**

Mayor Heidemann called the meeting to order at 5:45 p.m.

**WORKSHOP BUSINESS AGENDA:**

- 1. Receive a presentation and hold a discussion on amendments to the City's Noise Nuisance standards.**

**Bob Hart, City Manager** – There was a request to review this item, Helen-Eve Beadle will present.

**Helen-Eve Beadle, Planning and Development Director** – Presented the following report to city council.



# Corinth City Council Meeting

April 2, 2020

## Noise Nuisances

- At the City Council meeting on January 23, 2020 Council directed staff to propose amendments to the City's noise nuisance standards to make them enforceable.
- The City's current noise nuisance standards are very broad and open to interpretation by language that states that noise nuisances are those that "disturb persons with ordinary sensibilities." As currently written, the regulations make it difficult for City staff to enforce outside of asking residents or businesses to keep the noise down.

## City Ordinance Comparisons

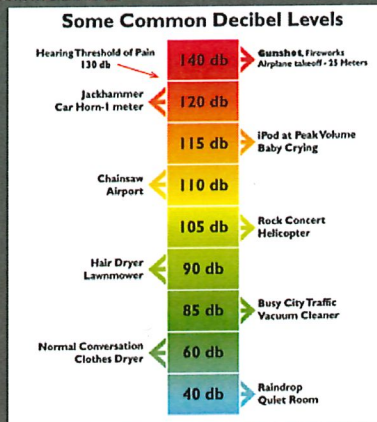
Land Use	Corinth Proposed		McKinney		Allen	
	Time Restrict.	Restrict. Decibel	Time Restrict.	Restrict. Decibel	Time Restrict.	Restrict. Decibel
Residential	Day: 7 am to 9 pm	65 dB	Day: 7am to 10 pm	65 dB	Day: 7 am to 8 pm	65 dB
	Night: 9 pm to 7 am	58 dB	Night: 10 pm to 7 am	58 dB	Night: 8 pm to 7 am	58 dB
Non-Residential	Day: 7 am to 9 pm	70 dB	Day: 7am to 10 pm	70 dB	Day: 7 am to 8 pm	65 dB
	Night: 9 pm to 7 am	60 dB	Night: 10 pm to 7 am	60 dB	Night: 8 pm to 7 am	58 dB

Land Use	Denton		Lewisville		Flower Mound		
	Time Restrict.	Restrict. Decibel	Time Restrict.	Restrict. Decibel	Time Restrict.	Restrict. Decibel	
Residential	Day: 7 am to 10 pm	65 dB	Day: 7 am to 10 pm	65 dB	Night: 10 pm to 7 am	52 dB	
	Night: 10 pm to 7 am	65 dB		Night: 10pm to 7 am			65 dB
	Multi-Family Night: 10pm to 7 am	50 dB					
Non-Residential	Day: 7 am to 10 pm	65 dB	Day: 7 am to 10 pm	65 dB	Office, Retail Night: 10 pm to 7 am	62 dB	
	Night: 10pm to 7 am	65 dB	Night: 10pm to 7 am	65 dB	Commercial Daytime: 7 am to 10 pm	67 dB	



## Noise Ordinance

- Proposed Ordinance distinguishes residential and Non-Residential.
  - Residential Limit
    - 65 dB for daytime
    - 58 dB for nighttime
  - Non-Residential Limit
    - 70 dB for daytime
    - 60 dB for nighttime



## Noise Ordinance

- Noise Measurement
  - Daytime shall refer to the hours between 7:00 am and 9:00 pm on any given day
  - Noise will be measured at that nearest property line of the property on which the noise is being generated

## Exemptions

- Noises not under control of property owner
- Noise from construction or maintenance, including lawncare and groundskeeping during daytime hours (7am to 9pm)
- Noise safety signals, warning devices, and emergency pressure relief valves

## Exemptions

- Transient Noise like automobiles, trucks, airplanes and railroads
- Noises necessary to prevent threat of bodily injury, death or loss of property
- Reasonable activities in public parks, playgrounds and public and private school functions

## Exemptions

- Lawfully scheduled events
  - Stadium or Sporting Events
  - School Sponsored Events
  - Amphitheater Events
  - Musical Events-may want to consider cutoff time
  - City Sponsored or Co-Sponsored Events
  - Special Events-may want to consider cutoff time

## Additional Noises Nuisance

- Refuse Compacting Vehicle
  - 9:00 pm to 7:00 am
- Excessive noise near School, while school is in session



## Enforcement

- The City currently regulates noise nuisances on a complain basis only.
- When called for noise violations the City first seek voluntary compliance from the individual by educating them that the City had received a complaint and politely asking the individual to keep the noise to a minimum. Most of the time the individuals are not aware that their noise has become a nuisance to others and quickly lower their noise to an acceptable level.
- In instances where a verbal warning is ignored or an individual habitually generates excessive noise on their property, the proposed ordinance will state that a fee not to exceed \$500 may be given to the individual.

## Cost of Enforcement

- Staff has identified the following estimate of equipment needed to enforce the revised standards.
- The City anticipates purchasing two units to measure the level of sound at the the property line.
  - Code Enforcement
  - Police Department
- Based on publicly available information the units, along with the calibration device, are expected to cost approximately \$550 each, or \$1,100 for the two sets.

## Noise Ordinance

- Questions and Comments

EXTECH

## Digital Sound Level Meter Kit

Item # 4CWR4 Mfr. Model # 427732-KIT Catalog Page # 624 UNSFSC # 61014008



Web Price **\$514.00** / each

1 **Add to Cart**  
[+ Add to List](#)

Confirm ZIP Code to determine availability

76201

**Save**

Shipping Weight **2.0 lbs.**

Country of Origin **China** | Country of Origin is subject to change

**Save money on this similar product!**



**WESTWARD Digital Sound Level Meter A & C Wall ghed**

Web Price **\$306.00** / each

**View Specs**

How can we improve our Product Images?

Compare

Note: Product availability is real time updated and adjusted continuously. The product will be reserved for you when you complete your order. [More](#)

### Product Details

The Extech® by FLIR sound level meter kit is ideal for noise surveys in the workplace, installing fire alarms and speaker systems, and enforcing noise ordinances. Measures from 35dB to 130dB in 2 ranges and has an accuracy of ±1.5dB. Data hold and max. hold functions. Backlit display allows use in dimly lit areas.

[View Less](#)

**Helen-Eve Beadle, Planning and Development Director** – I will be happy to answer any questions and suggestions.

**Scott Garber, Council Member** - I don't have any questions I think that sounds excellent. Thank you.

**Sam Burke, Mayor Pro Tem** - When you're buying the equipment, you want to make sure that the equipment is designed to filter out wind noise. In this area, wind noise can greatly affect the background decibel readings. A lot of times, especially in spring, it's louder around here than 65 decibels. You want to make sure your devices can factor that out of the equation. But otherwise, I think that looks well put together and I appreciate.

**Tina Henderson, Council Member** - I do like the idea of adding timelines. I wonder, should we put time restrictions across the board, or for just certain events?

**Helen-Eve Beadle, Planning and Development Director** – I do think we need to apply it across the board. One thing to consider, say of Harley Davidson, whenever they're alcohol sales end; maybe an hour after that would be a good idea and obviously that's tied to our alcohol elections and provisions for the sale of alcohol. Or we could say across the board, midnight, 1:00am?

**Tina Henderson, Council Member** - What time do alcohol sales have to cease?

**Helen-Eve Beadle, Planning and Development Director** – You're talking about Corinth? That would be for any restaurant in the city but we can check it.

**Sam Burke, Mayor Pro Tem** – Midnight sounds reasonable if it's not sooner, that they close. I wouldn't want to be after that.

**Tina Henderson, Council Member** - I would think midnight only on Friday and Saturday nights. Sunday through Thursday should probably be a lot earlier.

**Scott Garber, Council Member** - Is there any specific training needed for the noise devices?



**Helen-Eve Beadle, Planning and Development Director** – We don't believe so we haven't found any courses. It is sold in a kit with a calibration tool with \$198/year recalibration fee. We have looked into it a little bit; we don't feel it would be that difficult to utilize it. If police can use a radar gun and I would hope, we all could use the decimeter.

**Scott Garber, Council Member** - I agree but I had also not considered what Sam had brought up about wind affecting it. I'm guessing that there may be some other nuances, but I'm sure that there's instructions.

**Helen-Eve Beadle, Planning and Development Director** – We will find out.

**2. Provide an update and hold a discussion on the Coronavirus (COVID-19) in regard to City operations and practices.**

**Bob Hart, City Manager** – Corinth moved up to its fourth case of COVID-19 today. Denton County is at 254. Denton State School is holding at 50, this is the residents only. The 1,400 employees are not counted in the school, they are counted in their place of residence. If anything is being transmitted back to the employees, we won't know the exact number. There is several declarations coming from the county judge and governor. We switched to the red level Sunday evening, effective for Monday morning. We have very little activity going on. We have residents checking their water bill. We are still performing building inspections. Internally staff is working on a modified schedule with a substantial number at home. Public Works is rotating week on/off. We have enough licensed personnel so that we will not have any problems with the water system. In terms of utility billing, finance, municipal court, virtually all those employees are working from home. We have literature on the website and are tracking comments on social medial. We are working on staff because of budget impacts. We are reducing spending. At this point the primary impact will be with revenues coming into municipal court, development/impact fees and some on sales tax. Congress has passed the Family's First Response Act, which allows employees to have two weeks paid sick leave. The way it was written, it allows some local discretion regards to emergency response. You can opt to include or exempt them from the statue. The recommendation that we would obviously make is we think that all the employees be treated the same way. If we have employees who use it, we will process it through for HR, so that we can monitor and track. On the expenditure impacts, we are starting to look at cutbacks. We have not set a target, but we will be very responsive and very careful. One of the items on the agenda is moving the sales tax elections from May to November. We talked about the car rental sales tax and the fire district sales tax. What I will ask you to do, in looking at the numbers going forward, we will request you not do the fire district tax but rather do the street maintenance tax. If we do the fire district tax and it passes in November, on January, the street maintenance sales tax will stop. The fire district tax would not start until July 1. It means that we would have a revenue loss of about \$400,000. I would ask you to go ahead and approve moving all the elections to November, and then we'll come back with recommendations to withdraw the fire district tax and then substitute the street maintenance tax. That is to reserve the revenue stream going into 2021. The other thing that caused us to look at this is the public policy foundation. Their two primary objectives, going into this next session is to have spending limits on the citys and if you remember the last session, they did revenue caps and now they are looking at spending caps. And also, to do lobby restrictions. If you go back and watch, how the governor has changed his disaster declaration yesterday, there is a linkage there, because he's getting some of the language lined up in that declaration in anticipation of this policy foundation

push that will be going on in this next legislative session. Not asking you to change anything tonight but we do want to come back in the May meetings and ask for you to consider changes. Looking at what's going on at the state level, the mayor did a local declaration, yesterday. This is on the agenda tonight to ratify and put into ordinance form. It defines essential services, city facilities, municipal court proceedings will be postponed, and we will be working with the presiding judge and then I wanted to come back to touch base in dealing with some issues in the utility billing office. The Public Utility Commission came out with a directive that utilities could not be cut off for the next six months. In the directive itself, it does not apply to cities. If you go back to the clipping services where cities, this week sent out cut off notices for non-payment of their utilities, it's received some very negative press response and in those articles that have cited the PUC directly and it never actually identified that it doesn't apply to cities. I think the general expectation of the public and the assumption is that it does. That is an ongoing issue but rather than sending out a cut-off notice, we will call the residents who are late to work out a payment arrangement. The credit card fee is getting popular play on social media so you may want to think about it and provide some feedback. We are also searching for another credit card processor, to see if we can do something better than where we are right now. One of the residents, the called to discuss the fee, was in the business and is helping us with some research. We do have a late fee and non-payment fee; I am not sure if you want to consider waiving those during this period. Does anyone have any questions?

**Scott Garber, Council Member** - I would feel more comfortable finding out more information before we waive the credit card transaction fee seeing as how there's two other ways to submit payment without incurring that fee. The bank drafts, the auto payments and dropping a check in; plus you may find some less expensive ways to do it but the late fee and the cutoff fee seems to be something that I would have no issue stopping for the next six months.

**Kelly Pickens, Council Member** - Are there only hard costs involved with any of that?

**Bob Hart, City Manager** – The revenues we receive from late payments and disconnect fees is about \$10,000 per month.

**Kelly Pickens, Council Member** - But it doesn't cost us any money? It's just a revenue source.

**Bob Hart, City Manager** – It is a reduction in revenue, a loss in revenue. There is no outgoing cost.

**Sam Burke, Mayor Pro Tem** - Will we need to take any action to waive those fees?

**Bob Hart, City Manager** – The declaration is enough for us to do that assuming there is a consensus to do it.

**Patricia Adams, Messer, Fort & McDonald** – The mayor can sign a directive.

**Sam Burke, Mayor Pro Tem** - I'm fine with the late and non-payment fees being waived. We could do six months or maybe try 90 days and then see. But you're more familiar with what's going on as far as public feedback and certainly there are a lot of people right now that are in a tough situation financially.



**Lowell Johnson, Council Member** – Let's go ahead and waive the fees, everything but the credit card fees. Let's go for 90 days at first and reevaluate.

**Bob Hart, City Manager** – I want to make sure I understand, you're talking the late and disconnect fees.

**Lowell Johnson, Council Member** – Yes.

**Bob Hart, City Manager** – We'll proceed with that unless I hear any objections on a 90-day window. Any questions or comments on the sales tax or fire district tax?

**Sam Burke, Mayor Pro Tem** - It makes sense to me Bob and I'm glad that you all are on top of it, making sure we know if unintentionally whack our revenue.

**Scott Garber, Council Member** - The enforcement activities for Corinth and the COVID-19 social distancing, do we have any updates or information on what staff is doing or proposed to do?

**Bob Hart, City Manager** – We were not ticketing businesses. We have called some businesses to advise them of the judges and governor's orders and asking them to adhere to the orders. That's really been the extent of our enforcement.

**Scott Garber, Council Member** - We haven't seen any gatherings or anything that we've had to intervene in, so far, outside of business?

**Bob Hart, City Manager** – No sir, not that I am aware of at this point.

**Sam Burke, Mayor Pro Tem** - What specifically did the order say with regard to stripping municipal authority?

**Patricia Adams, Messer, Fort & McDonald** – Governor Abbot suspended 418.016 of the Government Code that allowed mayors to issue proclamations of disaster and 418.1015; essentially, he removed the city's ability to declare a disaster in order to have control through the state.

**Sam Burke, Mayor Pro Tem** - Does he have authority to do that without a statutory change?

**Patricia Adams, Messer, Fort & McDonald** – We researched and he does have the authority during the time of the disaster to suspend.

**Sam Burke, Mayor Pro Tem** - His authority by statute or in the Constitution, allows him to suspend other people's emergency powers?

**Patricia Adams, Messer, Fort & McDonald** – During a disaster, he has the authority to suspend.

**Sam Burke, Mayor Pro Tem** – So we had disaster authority which we can only use during a disaster, which the governor can take away in a disaster?

**Patricia Adams, Messer, Fort & McDonald** – We cannot adopt anything now that is inconsistent

with what he is doing. The executive order GA-14 says we cannot do anything to the extent that an order restricts essential services by governor's order or allows gatherings prohibited by the governor's order.

**Sam Burke, Mayor Pro Tem** – So it's not that we can do something more restrictive than the governor said, we can do anything inconsistent. And, in fact, the order was intended to prevent some cities from doing things that were more restricted than what he had done?

**Patricia Adams, Messer, Fort & McDonald** – Right, we cannot restrict essential services.

**Mayor Heidemann** - Is there any update with our police and fire of coronavirus exposure? Do we have adequate supplies?

**Bob Hart, City Manager** – No one has the virus. We had some that traveled and quarantined, they are back. Currently we do, we're having trouble getting some of the supplies, the same as everyone else.

**3. 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.**

There was no discussion on regular session agenda items.

**There was no Closed Session.**

**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.** (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.

**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.

**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.



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

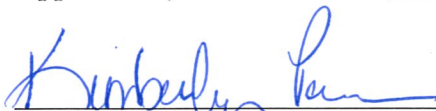
**ADJOURN:**

**Mayor Heidemann adjourned the work session at 6:30 p.m.**

**AYES:**

**Meeting adjourned.**

Approved by Council on the 7 day of May, 2020.



Kimberly Pence, City Secretary  
City of Corinth, Texas

