

MINUTES OF REGULAR TELEPHONE/VIDEO CONFERENCE MEETING

May 12, 2020

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Sara Countryman declared a quorum was present on the Zoom Teleconference Meeting and called the meeting to order at 6:00 p.m.

Present: Sara Countryman Mayor
Kevin Lacy City Council Place #1
John Champagne, Jr. City Council Place #2
T.J. Wilkerson City Council Place #3
Rebecca Huss City Council Place #4
Tom Cronin City Council Place #5

Absent:

Also Present: Richard Tramm City Administrator
Susan Hensley City Secretary
Alan Petrov City Attorney

INVOCATION

T.J. Wilkerson gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item, but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

- State or type your name at the time of making your comment.
- Limit comment to a maximum of three minutes.

CONSENT AGENDA:

1. Matters related to the approval of minutes of April 28, 2020, Regular Meeting.
2. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery and AutoZone Parts, Inc.

T.J. Wilkerson moved to accept the Consent Agenda as presented. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

CONSIDERATION AND POSSIBLE ACTION:

3. City Administrator to update the City Council on items related to the COVID-19 Disaster Declaration and City sales tax revenue projections.

Mr. Tramm said they are planning to reopen City Hall to public traffic on May 18th if the governor stays on the schedule of opening office buildings at limited capacity on those dates, and they will put signage up to limit the number of people in the lobby at those times. Mr. Tramm said they will have hand sanitizer available in the lobby and ask people to use it before approaching one of the stations. Mr. Tramm said he's looking forward to restarting that process one step at a time with the rest of the state.

Mr. Tramm said concerning the sales tax revenue projections, as he tried to prepare this item, he tried to keep it simple to start and it kept getting more and more detailed. Mr. Tramm wanted to point out a couple of simple things. Mr. Tramm said the first column is the general fund budget that was approved. Mr. Tramm said an item that came up from a question by John Champagne back in February, which he followed up with each Council member on was the approved incorrect number of \$733,000.00, which was too high. Mr. Tramm advised this number was going to be corrected until the pandemic issue hit. Mr. Tramm said the second column is the actual collections of sales tax revenue to-date through the first six months and the numbers he calculated for a 30% and 50% reduction basing the reduction point on taking the first six months of actual collections and then taking the reduction from that point going forward as averaged for each month. Mr. Tramm stated he thinks the most accurate of these numbers to be likely based on the issues that he's seen out there is basing off a 30% reduction. Mr. Tramm said he's met with the department heads and the bookkeeper and they are beginning the process of inserting reduction numbers which Mr. Tramm said he plans to report back to

Council on the significant amount and he believes they will be able to meet the reduction, substantially, by that time. Mr. Tramm said that it will also give us time to get additional information on the sales tax figures being reported. Mr. Tramm stated within the last several working days they received the deposit that came in for May that was based on quarterly filings for business that ended March 31, which was both quarterly and monthly filers and that figure was down 12% from the previous quarterly month, but it was up over 11% from last year. Mr. Tramm said that was less of a reduction than he was expecting from the quarter before and he was not expecting an actual rise one year year-to-date. Mr. Tramm said after looking at the main sales tax providers in the City, he does not think the City is going to be in for as much of a shock as some other places are.

Tom Cronin asked Mr. Tramm for an update on the status of the unfilled positions with the City. Mr. Tramm said the Police Department has two unfilled patrol positions and Public Works has a position that was to be funded for the second half of the year that will also remain unfilled. Mr. Tramm said Administration has two part-time positions that will not be utilized for the rest of the year. Mr. Tramm said one part-time position was in Administration and used for Records and one has been vacant since late last year in the Utility and Permit office where they had a full-time person and a part-time person. Mr. Tramm stated the full-time person quit and the part-time person stepped into the full-time position and has been as efficient as both the full and part-time person were previously, so they have not needed to fill that position and will leave it vacant. Mr. Tramm said the budget also had a part-time position in the Court which they are not filling. Mr. Tramm said they are going to ride through without filling any of those positions which is where some of the money will come from, but that is not the only place where it will have to come from.

Tom Cronin asked how many people have applied for the utility fund grant money. Mr. Tramm stated there are two completed applications and one other that is in the process. Rebecca Huss said those funds are not coming out of the general fund budget, that will be from the MEDC budget. Mr. Tramm said that was correct. Mayor Countryman thanked Mr. Tramm for his hard work.

4. Consideration and possible action regarding a waiver for Hills of Town Creek Section Four for an Economic and Utility Feasibility Study as required by Resolution No. 2015-14.

Mr. Tramm said the developer of the Hills of Town Creek has requested a waiver from the requirement to have an economic and utility feasibility study because they believe the previous work performed and study negates the need for a study in this particular case. Mr. Tramm said neither the City Engineer nor City staff believes we can waive the economic and feasibility study requirement and a significant amount of time has gone by since that work is being cited. Mr. Tramm said Resolution 2015-14 requires these studies. Mr. Tramm said there is a Resolution and Engineer's memo attached for this item. Mr. Tramm said since City Council approved the Resolution, only City Council can consider the waiver.

Rebecca Huss stated she thinks the Engineer's letter has two different parts. Rebecca Huss said one part is saying the houses that are being built are a very small number of houses, but on the other hand, they believe waiving this will cover a much larger tract of land. Rebecca Huss asked if there was a way to separate the two tracts of land so if it is waived for a very small number of homes it does not cover the 22-acres of undeveloped land. Mr. Tramm said he does think it is possible to stipulate in a resolution that approval by Council applies very specifically just to this section with these 30 homes that are being proposed and maybe that Mr. Petrov, City Attorney, could suggest some specific language. Mr. Tramm said he does see that it would be possible, and Council could state going forward that would be required. Rebecca Huss said she does see the point from the developer but on the other hand, the best thing for the City is to determine the impact of the development on the City and its infrastructure and said she does not think we are in a position where we want to impede development, but yet we need to know what the true costs are for a larger tract. Mr. Roznovsky stated this tract does not require utility extension because there are adjacent utilities they can utilize, but the remaining 22-acres does. Mr. Roznovsky said he agrees to split them apart because the other ones have more of an impact than these 30 homes do. Rebecca Huss asked if Mr. Roznovsky is worried about the legality of the small number of homes is somehow tied to the 22-acres and that is why we need to do it now all at once. Mr. Roznovsky said looking at this as one tract with 30-acres he thinks the developer at least has portions of interest in the surrounding properties, but not all the properties. Mr. Roznovsky said to lump them together and do the study and plug it all in to come up with a final number from an economic standpoint is more efficient than looking at little pieces and bits at a time was his basis. Mr. Roznovsky said based on this 30-home development he does not believe that it is going to have a significant impact on utilities or

anything that is out there today, it is mainly what is left and as long as it's clear that a precedent is not set by waiving the study and doesn't change the need for the requirement or a request for a waiver in the future for the remaining undeveloped acres.

Rebecca Huss asked if we could get an enthusiastic agreement to participate in a feasibility study for the remainder then as a swap. John Champagne said he did not think it was an issue. Rebecca Huss said she did not know and guessed the question would be more for the developer. John Champagne asked Mr. Petrov if they must amend the Resolution if the agreement can be made specific to this transaction. Mr. Petrov said it can be made specific to this transaction. Rebecca Huss said she thought it would be easier if we did this then they would enthusiastically participate in the future in the feasibility study. Tom Cronin asked Mr. Roznovsky on the previous work done, it's mentioned in the description that the City Engineer did not believe the previous work covered all the topics and asked what was not covered that he was not comfortable with. Mr. Roznovsky said from what they have found in the records was the latest work that was done was back in 2015 when the current sections two and three were starting up. Mr. Roznovsky said the analysis that was looked over at that time was based solely on the lift station capacity. Mr. Roznovsky said the items that have not been discussed are the escrow account amount and calculation of the impact fee, and if there is any additional demand on traffic. John Champagne said these 30 homes are not going to negatively impact existing infrastructure capacity per Mr. Roznovsky's memo and he does not see this extension of the initial study as having anything to do with anything following these 30 homes and asked if that was a correct assumption. Mr. Roznovsky asked John Champagne if what he was asking was what it does not affect with the study that was done that did not have anything to do with what was following or just the waiver by itself. John Champagne said no, the feasibility study initially done in 2015 covered these additional 30 homes by virtue of it not impacting the existing situation very much and it has zero to do with any development that may or may not take place after the 30 homes. Mr. Roznovsky said when the analysis was done in 2015 on the lift station it included assumptions for the entire area. Mr. Roznovsky said it also included the main difference there which was it works on the negative side as they were assuming a second phase of the apartments in 2015, which is not going forward and they assumed a handful of commercial usage that may change it. Mr. Roznovsky said the assumed demands in 2015 may be greater than the assumed demands today. John Champagne asked if they were talking about the 30 homes. Mr. Roznovsky said that was correct. John Champagne said they may or may

not develop the additional acreage. Mr. Roznovsky said that is correct. John Champagne then asked if the amendment that Mr. Petrov referred to would cover any perceived precedent that a variation or allowing these 30 homes to fall into the initial feasibility study would have no bearing on any additional development. Mr. Petrov said you could certainly make your variance conditioned on that. Rebecca Huss said she is in total agreement and thinks the variance if we decide to go forward, should specifically say that it is not approving any kind of assumption of the variance of the other 22-acres of undeveloped land within the development agreement area. John Champagne said he totally agreed. Rebecca Huss said that would significantly change the underlying assumptions that were made in the previous feasibility study.

Rebecca Huss moved to approve the variance to the required and economic and utility feasibility study solely for the 30 homes that are going in the Hills of Town Creek Section Four but said this waiver specifically does not include the 22-acres of undeveloped land within the development agreement area that may generate a more significant impact and will require an extension of a public utility to reach these tracks. John Champagne seconded the motion, the motion carried unanimously. (5-0).

5. Consideration and possible action regarding variance requests for minimum lot area and lot dimensions for The Hills of Town Creek, Section Four as submitted by Chris Cheatham / The Hills of Town Creek, LLC.

Mr. Tramm said this is dealing with the Hills of Town Creek Section Four for the 30-lot development there where the existing lots were developed as a flat list averaging around 50-foot side yards of 5-feet and lot sizes averaging 6,500 square feet. Mr. Tramm said the developer is asking for variances to allow for similar lot designs and the variances are minimal, but the variance from the minimum lot width of 75-feet with a proposed 50-foot width and variance from the minimum lot area of 9,000 square feet with a proposed average 6,500 square feet, a number of lots also range between 15,000 and 27,000 square feet. Mr. Tramm said the variance has been submitted to allow for five-foot side yards instead of foot side yards. Mr. Tramm said this is a zoning ordinance and has a separate agenda item since it will require action from City Council as the Zoning Board of Adjustment. Mr. Tramm stated Planning and Zoning has reviewed these items.

Rebecca Huss asked if there are lots within the earlier phases that are also 5,000 square feet. Rebecca Huss said about 30 percent of the lots are 5,300, 5,500, and 5,800 square feet, and the average is dragged up by one large lot which looks like it is a drainage area. Mr. White, Engineer for the project, said he thinks the minimum lot is 6,000 square feet because they were able to achieve 50 x 120 foot lots and the reason why a few of the lots are smaller is due to the width to provide the existing right-of-way of Emma's Way to the eastern property line that abuts the detention pond that fit the right-of-way in between some of these lots. Mr. White said some of the lots on the back end got a little bit skinnier than 50-feet so those are a few reasons why some of those lots are less than 6,000 square feet. Mr. Roznovsky said to answer Rebecca Huss's question, the smallest lot in Sections two and three is 6,000 square feet.

Kevin Lacy said his question was about the letter where it says design and layout of the proposed 30 lot section are consistent with the 100 lots already built out adjacent to the site, asking if they already have lot sizes that are that size. Mr. White said essentially it is more that we have 50-foot lot width in a 5-foot building line setback and the only reason why we have a handful of those lots less than 6,000 square feet is just we are physically unable because of the width in this one little pinch point. Kevin Lacy said it may be an obvious question but why do we want smaller lots. Mr. White said because we can't go any larger so to be able to have a 50-foot right-of-way and the width that we have between the existing right-of-way of Emma's Way and the kind of lot line that is still here that abuts the detention pond and they don't have the ability to get a longer lot to get to that 120 feet. Mr. White said their goal is always a 50 by 120-foot lot. Mr. White said a couple of lots that are on the inside of this curve that gets to lots four, five and six, they have already changed that up a little bit to take out a small amount of lot seven and then add a little bit of width to lots four, five and six to try to get those up a little bit, but he could not guarantee today if we get to that 6,000 square feet, but if that is an absolute request from City Council, he could probably shift the right-of-way in that area a little bit further east to add a small amount of length on lots four, five, six and seven that can get to that 6,000 square feet. Kevin Lacy asked if there was any difference in the number of homes based on the lot sizes in this part of the development. Mr. White stated there is no difference. Kevin Lacy asked if 6,000 square foot lots would you have five fewer homes and if you would drop to 5,000 square feet would there be a big difference. Mr. White stated he didn't think he could get to 6,000 square feet for every single lot just because of the width but specifically lots four,

five and six if he could move the right-of-way east a little bit he could probably get some more square footage there, but there is no way to gain any more lots because of that.

Rebecca Huss asked Mr. White if he could tell her about green space in that area and if they have a park in one of the earlier sections. Mr. White said the green space they use for the majority of sections two and three was a 3 or 5-foot strip that was adjacent to Emma's Way to where they planted trees and added berms. Mr. White stated the park is a one-acre park that abuts Lonestar Parkway and they have a sidewalk from section two and section three that allows the pedestrians to walk through and they have a small little pocket park in that area. Mr. White said they will add sidewalks here and the price and striping across in this way that allows residents here to utilize that park, but yes, there is one small pocket park there. Rebecca Huss asked if all the residents shared one acre. Mr. White replied yes, currently. Rebecca Huss asked how many homes. Mr. White said that it is 100 homes. Rebecca Huss asked if it will be 130 with this one or 100 with this one. Mr. White said 130 with this one. Mayor Countryman asked what the price points were. Mr. White said they will be similar to what they have now and thinks their average is \$200,000 to \$225,000. Kevin Lacy asked if it would be the same plans and same style homes. Mr. White said yes. Mr. White said Mr. Chris Cheatham is the one that will develop the lots and he will convey it over to Style Craft. Mr. White said previously Style Craft bought the land and then developed, so this is slightly different in that Mr. Cheatham will put the roads and infrastructure in. Mr. White advised the contract that Mr. Cheatham has with Style Craft says Style Craft promises they will buy the lots, but that is as binding as that agreement goes. Mr. White said that is not to say a different builder may come in, but currently, it is going to be Style Craft. Rebecca Huss said between 5,000 square-foot lots and the one-acre deficits of compensating green space, between that she has a concern, while she understands the Planning and Zoning Commission planned for higher density housing in different parts of the City and she is on board with providing alternate types of housing within the City, but 130 homes with a one-acre park is definitely a lot. Mr. White said he understood and said they are kind of hinged on what they can do with a road and the width and the shape of this tract to be able to develop this at all. Mr. White said he knows compensating green space is covered in a different item tonight, but when this was discussed with the Planning and Zoning Commission, they wanted to be able to find a way to utilize the detention pond as an amenity and doesn't know if they'll cover it there. Mr. White said they have a strategy of carving out a small area within lot 15 that will provide a sidewalk for these residents to get to

a small pocket park where they can put some benches and things there and create an outlook over the pond. Mr. White said they would not do any structures over the pond, but at least have a gathering area so people can use it as an amenity. Mr. White said additionally they went out and surveyed a couple of fairly large trees on that lot that you mentioned is much larger than everything else on lot 26 and there are a handful of some nice old oak trees on the back of that lot, which they are going to preserve. Mr. White said, unfortunately, it's just not a good way of carving that out to utilize as a pocket park, but they are going to try to preserve it to be able to create a buffer between the apartment dog park and that residential lot and then add a bit more of an older feel to be able to save a few trees. Mr. White said those are a few things they are going to do to be able to preserve and create a bit of green space. Rebecca Huss said in terms of quality of life and people getting along is to have more other space they can enjoy and spread out in. Rebecca Huss said to her it is the compensating green space or the lack thereof but said she views them as being integral to each other. Rebecca Huss asked Mr. McCorquodale if he had the visual. Mr. McCorquodale said it was kind of diagrammatic in terms of how it shoots out but where they would have access, take a little bit off the north lot 15 on the north side of the extended detention pond and be able to create a little space with benches and an overlook over the pond. Rebecca Huss asked what the border is at the east side, is it Lonestar Parkway or is it another tract of land. Mr. White said it is the high school stadium. Rebecca Huss said then it is unlikely to be heavily built upon. Mr. White said yes and in full disclosure, he thinks in more recent conversations the sidewalk will likely lie between Lots 14 and 15, but that is a minor detail. Mayor Countryman asked if the sidewalk would go around the entire detention pond. Mr. White said no because the lots on the western edge of the detention pond, those are already a minimum size and many of those instances he can't even get to the 120 feet and the back lot line it's right on the pond's edge and there's not a good way of creating a walking path along the entire pond as it currently sits today because a property boundary is right on that edge and these lots are already at minimum length. Mayor Countryman said a minimum for one-acre space for movement of residents would be great and they could have a walking space around the detention pond to go stretch their legs. Kevin Lacy asked what kind of fencing would those homes have on the back facing the pond and if it would be wrought iron. Mr. White said yes anything that faces the pond on the rear will have wrought iron and anything on the exterior facing MISD they will have a border fence. Mr. White said the border fence is the solid wood like they have along Lonestar Parkway. Mr. White said he would expect with what goes along the future water plant boundary would probably be that

perimeter fence as well and the screening from the apartments will probably have the fence there too. Kevin Lacy asked if there will be water held in the pond. Mr. White said yes there currently is today. Rebecca Huss asked where the water is coming from and if it was from Town Creek or MISD. Mr. White said it is just the drainage that goes into the pond. Mr. White stated it was over excavated so the actual pond of the outfall is over excavated in so many feet that will hold water. Mr. White said he does not recall exactly how it was constructed, but it was probably constructed with a clay liner at the bottom of it so that way it won't saturate in the soil and normal rain events will continue to fill it up. Rebecca Huss asked if it would come from either side. Mr. White replied yes, mostly from the upstream like the south side of SH 105 from the high school. Rebecca Huss thanked Mr. White for explaining the information. Kevin Lacy asked if there will be a fountain feature. Mr. White said there is not one currently and he cannot guarantee there will be one in the future. Mr. White said the pond was ultimately designed originally to be an amenity. Mr. White said many apartments currently overlook that today and believes those are set up at premium rates because of the visual.

Rebecca Huss asked if they have an HOA that will maintain the detention pond. Mr. White said there is an HOA for the subdivision, but he is not privy to who actually owns and maintains the pond currently, but that would have to be something that is worked out, so it is maintained. Mr. White stated he thinks Mr. Cheatham still has a partnership with the apartments so he has his hands in basically all of this right now.

Rebecca Huss asked Mr. Tramm or Mr. McCorquodale if Planning and Zoning recommended this to be accepted. Mr. McCorquodale said they approved the preliminary plat based on the condition that the variances were granted and again when they looked at the compensating open space felt that the solution you are looking at tonight, which was still an idea at that point, but looks consistent with the discussion that the Planning and Zoning Commission had and that they would be okay with. Mayor Countryman asked if the purpose of the sidewalk would just be to go sit on the bench and overlook the water. Mr. White said yes, the current park that is between sections two and three is just a circle of a sidewalk with some park benches that overlook the loop, so he does think this would be a better visual than looking at Lone Star Parkway.

Tom Cronin asked T.J. Wilkerson what he thought. T.J. Wilkerson said he was good with it and stated he was a tree guy, so he doesn't want to cut down all the big trees because he thinks they would make the area look a lot better. T.J. Wilkerson said if that is what he is proposing looking at that area and looking at the map, there is not much they can do with it unless they eliminate a few of those lots and I'm sure they don't want to do that.

T.J. Wilkerson moved to approve the two subdivision variance requests to allow minimum lot area and lot dimensions list as required by the Ordinance. John Champagne seconded the motion.

Discussion: Rebecca Huss asked if we need to put a restriction on it, so it is substantially similar to what has been presented to City Council since this is a blanket 60-lot approval. John Champagne stated we get variances all the time. Rebecca Huss said yes, but this is specific to this plan. Mr. McCorquodale said if the design plan is going to come back consistent with what the plat shows or the preliminary plat shows, he thinks they are probably safe. Rebecca Huss said so the motion does not need to reflect that it is similar to the preliminary plat. Mr. McCorquodale said that is correct. Kevin Lacy asked if we approve the variance then that does not mean it is okay for all the other builders coming in. Rebecca Huss said every variance we do has its own set of circumstances that means we are not setting a precedent. Mr. Petrov said Rebecca Huss was correct and they are not precedential in nature.

The motion carried unanimously. (5-0)

6. Consideration and possible action on calling a Zoning Board of Adjustment Public Hearing regarding a variance request for 5-foot side yard setbacks in lieu of the required 10-foot side yard setback for Hills of Town Creek Section Four, as submitted by Chris Cheatham / The Hills of Town Creek, LLC.

Mr. Tramm said this item is related to the lot size and dimension a variance request, but side yard requirements are part of the zoning ordinance and the variance process is different than the subdivision ordinances. Mr. Tramm said this item will require a public hearing and is decided by City Council while acting as a Zoning Board of Adjustment, so staff

recommendation is to call a Zoning Board of Adjustment Public Hearing for Tuesday, June 9, 2020, at 6:00 p.m. to receive comments on this item and this will allow us time for publication and notification deadlines.

Rebecca Huss moved to call a Zoning Board of Adjustment Public Hearing for Tuesday, June 9, 2020 at 6:00 p.m. at 101 Old Plantersville Road and via Zoom as for allowances by the State Legislature. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

7. Consideration and possible action regarding a variance request for the requirement to provide compensating open space in lieu of minimum lot sizes of 9,000 square feet for The Hills of Town Creek, Section Four, as submitted by Chris Cheatham / The Hills of Town Creek, LLC.

Mr. Tramm said when City Council approves a variance for lot sizes smaller than required by Code compensating open space is required in the subdivision at a minimum one-to-one ratio. Mr. Tramm said the developer is asking for a variance not to provide any compensating open space for their deficit of one acre and the Assistant City Administrator Mr. McCorquodale was reviewing this item so he is also available for this item as well.

Mr. McCorquodale said he was going to go back to the same conversation about where the proposal is based. Mr. McCorquodale says he knows the item says they are proposing no green space now and he doesn't know if we have the details exactly worked out on this but there's some compensating green space that looks like it's probably in the thousand or so square feet, or maybe 10 or 12 with the sidewalk. Rebecca Huss said a quarter-acre instead of one acre. Rebecca Huss said it does sound bad though when you have an 8-acre development and you are short by an entire acre, which is like a 15% shortage. Mr. McCorquodale said typically if this detention pond were part of the overall subdivision plan had they done the apartments and the residential homes and platted them all at the same time, they could have used the detention pond here that its adjacent to. Mr. McCorquodale stated its kind of a sequencing thing and it does leave them in a spot where it might look worse than it is. Mr. White said the original request when it went to the Planning and Zoning Commission was they would not provide compensating green space and Mr. McCorquodale can correct him if he's wrong, but Planning and Zoning really had a hard time doing that so we wanted to find a creative way of providing compensating green space where this proposal came in. Mr. White said he believed they were

okay with this kind of idea which Mr. McCorquodale was alluding to that the pond itself would be compensating green space that would cover more than the one-acre minimum requirement according to the ordinance, which is what we tried to present in this option.

Kevin Lacy asked if there is something that could be done to make the space more attractive and relaxing like a nice lit fountain in the middle of the pond to make it feel bigger. Mr. White said he cannot commit to that without talking to Style Craft or Mr. Cheatham, not to say that they would not jump on board with it. Mr. White said it is City Council's decision to make it a requirement, which would be something we have to bring back to them to see if they would do it. Mr. White said he would have to go back to them to give a formal answer. Rebecca Huss said a lot of times people would do something like that anyway because it helps keep the vegetation down.

T.J. Wilkerson asked how many of the lots are left in the 9,000 square feet and whether the area was mostly young families. Mr. White said yes for the majority though it has been a little bit across the board, and it is the going rate of what the lot sizes are right now with the home prices are now in the \$220,000 to \$250,000 range so you do have a handful of first-time homeowners and probably some empty nesters. Mr. Roznovsky said he thought T.J. Wilkerson's question was how many of the 30 lots are less than 9,000 square feet and that is 19 of the 30 lots are less than the 9,000 square feet. Mr. White said he would agree with that. Mr. White said he does believe in the other sections the majority as well was less than 9,000 because they went for a lot minimum of 50 x 120 feet and if we're using this other little pocket park to overlook the pond, these 30 lots would be able to utilize the pocket park for section two and three and vice versa. Mr. White said the lots in sections two and three would be able to utilize this area as well as an amenity. Kevin Lacy said from what he can see, they have squeezed out every square inch, possibly taken out without removing at least one lot, utilizing every inch they have. Mr. White said yes sir, it is a very odd shape tract.

Tom Cronin said the way he looks at this is it is a marketing thing and he thinks any other development that offers better parks and recreational amenities will sell out quicker than this. Tom Cronin said these folks have access to Cedar Brake or any parks in the City but said he knew a lot of starter homes or homes for young families and ideally it would be great to have

parks and green belts, but from an economic standpoint, he can see why the developer is doing what he is doing.

Tom Cronin moved to approve the variance request for compensating open space. Rebecca Huss said she would second the motion and said it is not ideal, but she agrees with what Tom Cronin is saying.

Discussion: Mr. Roznovsky asked to have clarification on a question as to whether or not that was with or without what they are proposing on the visual presentation made by Mr. McCorquodale, and was it just a blanket and they do not need any compensating green space or no compensation space except for the concept being proposed.

Tom Cronin said he understood what Mr. Roznovsky was saying so “except for” we’ll say that, but just based on what the developer is requesting and what they’re showing, he is okay with that, but it’s not a lot of opportunity for families places to spend, it’s a postage stamp, but it is what it is. Tom Cronin said he would state “as it shows on the screen” and everyone must share the postage stamp size area. Kevin Lacy said he gets Tom Cronin’s point and it will also drive residents more into town to go to other parks which also has them passing businesses and stopping for lunch. Kevin Lacy said we have a lot of nice things here in town for people to do.

Rebecca Huss said if the clarification was that the motion included the 6,687 square feet of pocket park with benches to overlook the pond and the sidewalk leading to that, she seconds the motion. The motion carried unanimously. (5-0)

8. Consideration and possible action regarding calling a Public Hearing for a rezoning request from B-Commercial to R1-Single Family Residential for the proposed Hills of Town Creek Section Four, as submitted by Cheatham Management / The Hills of Town Creek, LLC.

Mr. Tramm said this is a continuation of the existing residential development on the west side of the City and the same homebuilder’s plan for construction of homes in sections two and three have a total of 100 home sites, 55 are currently completed, 18 are under construction, 27 lots remain available in this plan and plans for this area call for 30 new home sites that will be similar. Mr. Tramm said staff recommends calling a Public Hearing for Tuesday, June 9th at

6:00 p.m. by teleconference to receive items on this request. Mr. Tramm said using this date will allow us proper notification and publication deadlines.

John Champagne moved to call a Public Hearing for Tuesday, June 9, 2020 at 6:00 p.m. via video teleconference to receive comments on this item. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

9. Consideration and possible action regarding a variance request to allow residential streets serving more than 50 homes to have a 50-foot ROW as allowed in the current Subdivision Ordinance in lieu of the 60-foot ROW as required by the 2002 Subdivision Ordinance that applies to the Buffalo Springs Planned Development, as submitted by LeFevre Development, Inc. for Town Creek Crossing Sections One & Two.

Mr. Tramm said this is a 125-acre development north of Buffalo Springs near the intersection of Lonestar Parkway and Buffalo Springs Drive where they have 199 residential lots and eight commercial reserves. Mr. Tramm said this is part of the Planned Development Agreement with the developer and they follow the 2004 ordinances. Under those ordinances, residential streets serving more than 50 homes require 60-foot right-of-way. Mr. Tramm said the developer is asking to follow what the current subdivision ordinance allows, which is a 50-foot right-of-way for all residential streets. Mr. Tramm said it's important to note the right-of-way does not affect the width of the street itself and what this variance would do is allow homes to be placed five-feet closer to the street than if a 60-foot right-of-way was used. Mr. Tramm said the Assistant City Administrator Mr. McCorquodale did the research work on this and he is available for this item as well.

Mr. McCorquodale then presented a visual he received from Mr. White today, which was a color rendering of what Creek Crossing is contemplated to be. Mr. McCorquodale said a point to note is the streets are not laid out in a way where they are going to be a cut-through street or a shortcut to somewhere, so in looking at the streets they look like they're only going to serve the residents that reside there. Rebecca Huss asked Mr. McCorquodale if the streets themselves were not going to be narrower, it is just less room for the utilities under the grass. Mr. McCorquodale said yes, it allows the building line if you take the 10-feet of less right-of-way if you took 5-feet off of either side then you end up with about 26 feet or 24-foot streets. Mr.

White said it would be 28-foot wide streets back-to-back. Mr. McCorquodale said it would still leave 18-feet or 9-feet on either side with grass to do any utility work. Mr. McCorquodale said there will be an easement and part of the front yard will be in the utility easement as well. Rebecca Huss asked if it is standard to what we are doing now. Mr. McCorquodale said that is correct.

Tom Cronin asked Mr. White if he had any idea what the average home price was. Mr. White said Mr. LeFevre is talking to multiple builders and it is going to be difficult to pin that down until we get a builder in, but it's separated into two sections with the one on the right section that is intended to be a 60-foot lot in normal instances that would probably be at \$250,000 to \$300,000 range and the other side would have larger lots in the 70-foot range. Mr. White said he thinks there's still a handful of 60's in there but it's intended to have more premium against the creek and better views and it's a lot more 70-foot lots that will probably be closer to like the \$300,000 - \$350,000 range, he estimated.

Mayor Countryman asked if there is any chance there is going to be a jogging trail along the water, in the back part of the house. Mr. White said he thought Mr. LeFevre and Ms. Dumas were on the line, and they may be able to speak to that specifically. Mr. White said he knows there is going to be a lot of sidewalks and maybe golf cart paths, but he doesn't know if they talked about walking trails, because he thinks most of the lots along the creek would probably be fenced with wrought iron and it may not be the best. Rebecca Huss said she feels like if the streets are the same width and it is what we have under our current standards, she is not sure that there is any reason not to allow it. Mayor Countryman said there is plenty of green space too so that looks aesthetically good.

Rebecca Huss moved to approve the subdivision ordinance variance request to allow 50-foot residential streets rights-of-way. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

10. Consideration and possible action regarding variance requests for minimum lot area and lot dimensions for Town Creek Crossing Sections One & Two, as submitted by LeFevre Development, Inc.

Mr. Tramm said this development is looking for variances from the minimum lot width of 75-foot opposing 55 to 60-foot widths and a variance from the 9,000 square foot minimum lot size, proposed lots are between 7,000 and 10,000 square feet. Mr. Tramm said these lots will also have 5-foot side yards, and there is no variance needed for that since the zoning ordinance from 2004 that governs the agreement allows for the 5-foot yards. Mr. Tramm said also to note is the 2004 subdivision ordinance does not require an opinion from Planning and Zoning for these variances, so these are put directly to City Council for consideration.

Rebecca Huss said like the previous item, can we talk about the items together in terms of the shortfall of space and number of lots, because it looks like none of them will be below 6,000 square feet. Mr. Roznovsky said the minimum he saw was 6,500 square feet and he thought the maximum went up to 18,000 square feet, so between 6,500 and 18,000 was the base on the preliminary plat.

Rebecca Huss asked about the shortfall on item 11. Mr. Roznovsky said there is no shortfall on this one, it's just that since they are requesting a variance to utilize the compensating green space to go under the lot size, which is essentially acknowledging they are providing compensating green space in excess. Mr. Roznovsky said he thinks the compensating green space used is well over the lot size. Rebecca Huss asked if they have a deficit of 2.8 on acreage but are providing 67-acres in compensating green space. Mr. Roznovsky said that was correct. Rebecca Huss said that is significant compensation. John Champagne said they were on item 10. Rebecca Huss said she knew but thinks they go together when talking about smaller lot sizes and compensating green space is an important part of putting the two together. John Champagne said absolutely. Rebecca Huss said looking at the map you kind of have it, but then when you look at the smaller lot sizes are 2.8 acres lower but they're giving back 64.2-acres over what's required, it looks pleasantly green and is a much easier decision.

Kevin Lacy asked if they needed to combine the items. Rebecca Huss said no, she thinks you can take them one at a time. Rebecca Huss asked Kevin Lacy if he had any questions. Kevin Lacy said no he completely agrees green space is abundant.

Rebecca Huss moved to approve the two subdivision ordinance variance requests to allow minimum lot area and lot dimensions less than required by the ordinance for Town Creek

Crossing, sections one & two, as submitted by LeFevre Development, Inc., Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

11. Consideration and possible action regarding proposed compensating open space in lieu of minimum lot sizes of 9,000 square feet for Town Creek Crossing Sections One & Two, as submitted by LeFevre Development, Inc.

Mr. Tramm said one item to note is this is not a variance request. Mr. Tramm said when City Council approves a variance for lot sizes that are smaller than required by Code, the compensating open space is required in the subdivision of the one-to-one ratio. Mr. Tramm said this subdivision has proposed lots with an accumulative deficit of the 2.8 acres of below what is required but is proposing a total of 67-acres in compensating open space. Mr. Tramm said this is given to Council to approve or deny this request to compensate for open space.

Tom Cronin said based on the previous agenda item, he thinks it is a no brainer and that it is generous to have the 67-acres in compensating open space.

Tom Cronin moved to approve the compensating open space in lieu of minimum lot sizes of 9,000-feet for Town Creek Crossing Sections One & Two, as submitted by LeFevre Development, Inc. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

Rebecca Huss said she thinks if it is built as per this drawing, it will be a great addition to the City and is looking forward to seeing it.

EXECUTIVE SESSION:

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas. (There are no items at this time.)

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

Rebecca Huss asked if Mr. Tramm could give a timeline for the budget amendment and if he could give an idea of what he thought they were going to be foreseeing in terms of the revenue drop, but at some point, they need to do a budget amendment, which she is worried if they amend the budget too soon they might have to do several of them. Rebecca Huss asked Mr. Tramm if he has any thoughts on what our legal requirements or obligations are in terms of trying to keep up with what we think is going to happen versus what we should have baked into a legal budget. Mr. Tramm said we have a budget that is approved, and technically until it is amended, he thinks everyone is aware that one follows through. Mr. Tramm said we are certainly all aware that the situation is changing out there and so we are trying to be responsive to that, which is why we have taken steps at a staff level to reduce expenditures and curtail expenses where they can. Mr. Tramm said we are already taking action to restrict expenditures. Mr. Tramm said one concern he has is that his goal has been stated and he intends to provide a significant report to Council at the next Council meeting on the 26 of May but based on the fact that the economic conditions are very flexible, it may be best for him to present the most detailed report he can give to Council on the 26 of May, but possibly hold that actual amendment off until June and then we can see one more month's financial numbers. Mr. Tramm said what we have not seen is the financial numbers from sales tax revenue that occurred during the business for April and that information is not required to be filed by the businesses until the completion of May, so we won't have that information until June. Mr. Tramm said they might have preliminary data by the June 9, 2020 meeting to give us some good indication. Mr. Tramm said certainly at the latest, by the second meeting in June they should have all of this with an intelligent budget that represents good changes that we could be able to put in and avoid doing it in a piecemeal fashion. Rebecca Huss asked so we are not at legal risk of operating under a budget that we know is complete fantasy at this point. Mr. Tramm said not in any way that he is aware, and said he thought they have had enough discussion that everyone is aware of the situation and we are taking steps to respond to it. Rebecca Huss said she thinks we are all on the same page, the only difference is what our legal budget is. Mr. Tramm said he thinks we are in a good spot, legally, with that regard.

Rebecca Huss asked given that Mr. Anthony Lasky is new, are we good with taking steps for paying the bonds when they come due, which she did not think they were due until September. Rebecca Huss stated Mrs. Cathy Branco used to take plotting and early steps, which she much appreciated because it was like returning a lob in tennis that was telegraphed in advance so that our counterparts knew that if something had happened they had plenty of time to call us because they were so used to us being ahead of schedule. Mr. Tramm said he thinks we are going to be in an equally good place with that and said in his discussions with Mr. Lasky about such things, Mr. Lasky is a supporter of following through on accruals on a regular basis and keeping an eye on deadlines such as those.

ADJOURNMENT

Tom Cronin moved to adjourn the meeting at 7:18 p.m. T.J. Wilkerson seconded the motion, the motion carried unanimously. (4-0)

Submitted by: *Susan Hensley* Date Approved: *05/26/2020*
Susan Hensley, City Secretary

Sara Countryman
Mayor Sara Countryman

