

**MINUTES OF THE
TOWN COUNCIL
August 24, 2015**

ITEM 1 CALL TO ORDER

Mayor Pro-Tem Gorman called the meeting to order at 7:10 p.m.

ITEM 2 ROLL CALL

Those present were Council Member Howard, Council Member Crider, Council Member Hanselman, Council Member Cockburn and Mayor Pro-Tem Gorman.

ITEM 3 INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG.

Pastor Jeff Tackett led both.

ITEM 4 OPEN FORUM FOR CITIZEN INPUT

Karen Singleton of 316 Madison stated to the Council that Agricultural zoning and Agricultural use are two different things. She also said that according to the zoning map there is nothing close to this that is zoned Agriculture and that there is a residence going in on the north side and there are already residences on the south side. She doesn't see that there is other adjoining agriculture. She stated that she worked on the master plan with a group in 2004 and that it took a lot of time because they wanted things cohesive. Now to come and consider a special use is more atrocious to the citizens in that area. She disagrees that the Town has the right to change the zoning. She stated there are several citizens in this area and there is only one church that can easily move or move their arena. It was mentioned what if they vacate, what would the Town do with the zoning then. She believes that this is a disservice to the citizens in this subdivision.

Melissa Major of 431 Madison Place asked how many of the Council Members would be willing to build their homes 80 feet from this arena.

Shawn Wilkinson, a representative of the Denton County Cowboy Church, restated that the lights on the roof will be situated as so not to shine out and will not be stadium lights. The covered arena will allow events to begin earlier to stop the late night events. He also stated that although there is not video on their website of sermons in the arena, there are not videos of the events in the arena either. Just because there is not video of it does not mean that it doesn't happen. Mr. Wilkinson also said that their members are Ponder, several generations of Ponder. They care about their neighbors and care about the community. They may not have communicated well with them in the past.

ITEM 5 PUBLIC HEARING ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEEDING YEAR BY 5.12 PERCENT.

Council Member Howard moved to open the public hearing. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council member Howard, Council Member Cockburn, Council Member Hanselman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion to open passed with 5 ayes, 0 nays and 0 abstentions.

Jeannie Smith asked what this increase means and wants to know why she should pay for the road repair through taxes that the Denton County Cowboy Church messed up. She said that their big trucks weigh tons and the church is tax exempt.

Council Member Crider moved to close the public hearing. Motion seconded by Council Member Howard. Ayes: Council Member Crider, Council member Howard, Council Member Cockburn, Council Member Hanselman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion to close passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 6 CONSIDER AND ACT ON APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KRUM AND THE TOWN OF PONDER FOR EMS SERVICES.

Council Member Howard moved to approve the Interlocal Agreement. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council member Howard, Council Member Cockburn, Council Member Hanselman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 7 CONSIDER AND ACT ON A ZONING CHANGE REQUEST FOR: A0371A F. DAVIS, TR 50, 12.37 ACRES, OLD DEAD TR #10B.

Mayor Pro-Tem Gorman moved to adjourn into executive session pursuant to Texas Government Code Section 551.071, Consultation with Attorney. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council member Howard, Council Member Cockburn, Council Member Hanselman and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

Council Member Cockburn abstained from all discussion relative to this item.

Mayor Pro-Tem Gorman asked if there was anyone that would like to speak on Item 7 or Item 8 before they are considered.

Peter Schmitz asked the Council to give the results pertaining to the forms for input that were attached to the notifications sent out to the residents. Carolyn Farmer reported that out of the residents notified within 200 ft. there was one unopposed and eight opposed.

Shawn Wilkinson thanked the Council for their support. He stated that this is not just a church that popped up overnight. They have been here and they are the community. The DCCC was started by the First Baptist Church in Ponder and were planted here for a purpose. We are a rural community and the church is reaching out to the rural people. He stated that the church is permitted for this build and has already invested \$300,000 in it. He asked that the Council take into consideration that the church is not going anywhere. They are well established. The traffic has not changed any over the years and it is County Road in front of the church. The road was put in years ago and made to carry the heavy trucks from the well sites, so he believes that their trucks and trailers are not tearing up the road and stated that they don't weigh as much as the garbage trucks that travel down that road. Mr. Wilkinson thanked the Council again for any support.

Greg Sawko pointed out section 154.58 relative to zoning. He read that it says in making determinations, the Town Council shall consider the following factors: Whether the use is permitted by the proposed change will be appropriate in the immediate area concerned and the

relationship to the general area and the Town as a whole. He stated that is one thing that the Town has to consider. Number two, the amount of vacant land that is currently classified for similar development, and he thinks that as noted in the notices that went out by the Town, it said there was AG land to the west, but as you've already heard today it is really between two residential zones. Third, any other factors which will substantially affect the public health and safety, morals and general welfare of the community. He said that those are things that are real important to understand in this case. We have at least eight people who have opposed it who live in that development that are saying that this will affect our use and enjoyment of our property, it is going to affect the resale of our property and we would like for you to take those things into consideration. He also said that he found interesting that the requests that are being made, even though the notice had very detailed things about it will be this it won't be that but the zoning itself and the special use have no restrictions at all. He stated that if we grant this then we do so with no restrictions. He stated that this should be a concern and that they could use this any way that they want to once we grant it or build it any way that they want. He asked that the Council consider denying both items and thanked the Council for their consideration.

Mayor Pro-Tem Gorman moved to approve the zoning change from SF-2 to AG on the subject property. Council Member Crider seconded the motion. Ayes: Council Member Crider, Mayor Pro-Tem Gorman and Council Member Hanselman. Nays: Council Member Howard. Abstentions: Council Member Cockburn. Motion passed with 3 ayes, 1 nay and 1 abstention.

ITEM 8 CONSIDER AND ACT ON A REQUEST FOR A SPECIFIC USE PERMIT. THIS 12.37 ACRE TRACT IS LOCATED AND ACCESSED OFF OF 400 ROBINSON ROAD, DIRECTLY BEHIND THE DENTON COUNTY COWBOY CHURCH. THE PROPERTY OWNER IS ERQUESTING TO BUILD A MULTI-USE EVENT CENTER.
Council Member Cockburn abstained from all discussion relative to this item.

Mayor Pro-Tem Gorman moved to approve the specific use permit with the following provisions: That the arena be constructed according to the approved plans, designed to mitigate nuisance caused by noise, dust and lighting and that all activities conducted thereon adhere to all existing codes of ordinances. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Mayor Pro-Tem Gorman and Council Member Hanselman. Nays: Council Member Howard. Abstentions: Council Member Cockburn. Motion passed with 3 ayes, 1 nay and 1 abstention.

ITEM 9 ADJOURN.
Council Member Crider moved to adjourn at 8 p.m. Motion seconded by Council Member Howard. Ayes: Mayor Pro-Tem Gorman, Council Member Crider, Council Member Howard, Council Member Hanselman and Council Member Cockburn. Nays: None. Abstentions: None. Motion to adjourn passed with 5 ayes, 0 nays and 0 abstentions.

APPROVED:

John Bassler, Mayor

Date

ATTEST:

Sheri N. Clearman, City Secretary