

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
November 21, 2006
6:30 P.M.**

The City Council of the City of Gainesville, Texas met in regular session on November 21, 2006 at 6:30 p.m. with the following persons in attendance:

MEMBERS PRESENT: Mayor Glenn Loch
Council Members Charles Draper, Jim Goldsworthy, Carolyn Hendricks, Vince Rippy, Beverly Snuggs, Woody Williams

STAFF PRESENT: Mike Land, City Manager; Kay Lunnon, City Secretary; John Noblitt, Planning Technician; Bill Harris, City Attorney; Lynette Pettigrew, Main Street Director; Patrick McCage, Parks Supervisor

VISITORS PRESENT: Barbara Bloom, Bob Bloom, Doris Rippy, Patti Haayen, Dick Haayen, Johnny Glass, Brad Herr, Rob Spencer, Andy Hogue, Kathy Floyd, David Cornett, John Harp.

CALL TO ORDER

Mayor Loch called the meeting to order. A quorum of members was present.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Larry Eberhart, New Family Life Church, gave the invocation. Mayor Loch led in the pledge to the flag.

REPORTS

Council received an enthusiastic report on past, current, and future activities of the Parks & Recreation Board by its Chairman Patty Haayen. Haayen welcomed the opportunity to share information with the Council and thanked them for their interest. She commended Council for addition of athletic association representatives to the Parks Board, which has increased understanding and cooperation, and for Council's establishment of enhancement fees for users of city owned fields or sports facilities, which will be used to fund planned improvements to sports facilities. Haayen cited several annual special events and projects assisted and supported by the Parks Department and Board. Handout material listed locations under City Parks Department maintenance and responsibility, contributions from the private sector for improvement projects, completed projects, and future planning. Haayen said the Board is working on a Master Plan for City Parks, which will be presented for Council approval next year. She spoke in favor of adopting a Park Dedication Fee on residential development, for the purpose of acquisition and development of new community parks and existing park facilities intended for access and use by the entire city. She said other cities already have this fee and developers expect it. Mayor Loch praised the work performed by the Parks Board and City Parks Staff as well done.

CONSENT AGENDA

Council reviewed the Minutes of the November 7, 2006 Regular City Council Meeting and approved them as written.

**BOARD APPOINTMENTS:
RESOLUTION NO. 11-21-2006**

A RESOLUTION MAKING APPOINTMENT TO THE BOARD OF DIRECTORS OF THE TEXOMA AREA PARATRANSIT SYSTEM.

Reverend Herman Plott was appointed to the TAPS Board of Directors to a term expiring October 2008.

Councilmember Draper **moved to approve the Consent Agenda**, and was seconded by Councilmember Goldsworthy. Motion was approved unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

ORDINANCES

PUBLIC HEARING FOR SPECIFIC USE PERMIT FOR SALE OF ALCOHOL AT 4405 NORTH I-35, AS REQUESTED BY AZZAM HUSSAMI, HILLTOP DISCOUNT LIQUOR.

The Mayor announced the public hearing at 6:47 p.m. and called for comments either for or against.

No person came forward to speak either for or against this permit.

Councilmember Goldsworthy **moved to close the Public Hearing**, seconded by Councilmember Williams. The Public Hearing closed at 6:48 p.m. by vote of:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None.

FIRST READING OF ORDINANCE FOR SPECIFIC USE PERMIT FOR SALE OF ALCOHOL AT 4405 NORTH I-35, AS REQUESTED BY AZZAM HUSSAMI, HILLTOP DISCOUNT LIQUOR

CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING ORDINANCE NO. 25-2-71; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, TO ISSUE A SPECIFIC USE PERMIT, AS REQUESTED BY AZZAM HUSSAMI, TO ALLOW FOR THE SALE OF ALCOHOL AT HILLTOP DISCOUNT LIQUOR LOCATED AT 4405 NORTH IH-35; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY OF GAINESVILLE; PROVIDING AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; AND MAKING AN OPEN MEETING FINDING.

Council inquired whether the City had received any comments for or against this permit request, and staff responded that none had been received.

With no further discussion, Councilmember Goldsworthy **moved to approve First Reading of the Ordinance**, and was seconded by Councilmember Rippy. The motion carried unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

SECOND READING OF ORDINANCE FOR SPECIFIC USE PERMIT FOR SALE OF ALCOHOL AT 424 EAST CALIFORNIA STREET, AS REQUESTED BY DAVID BONE

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE AMENDING ORDINANCE NO. 25-2-71; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, TO ISSUE A SPECIFIC USE PERMIT, AS REQUESTED BY DAVID BONE, TO ALLOW FOR THE SALE OF ALCOHOL AT SEAFOODVILLE LOCATED AT 424 EAST CALIFORNIA STREET; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY OF GAINESVILLE; PROVIDING AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; AND MAKING AN OPEN MEETING FINDING.

City Manager Mike Land briefly reviewed the history of readings and public hearings by Council and Planning and Zoning for this permit request. Planning and Zoning has twice recommended approval. Land expressed that city ordinance allows Council to consider denial of the permit based on the letter of request by the First United Methodist Church Learning Tree Preschool. He said also that Council can condition its approval with stipulations it may consider warranted, such as placing a time limit on the permit to require the applicant to come back at a later date for a renewal, and Council can impose standards on the applicant that address excessive noise, for example.

Land stated that complaints in connection with this permit location have been within the past year and are relevant to the noise issue. He reported that the Planning & Zoning Commission is beginning to work on a new noise ordinance, which is to be presented to Council as early as possible in 2007.

Mayor Loch voiced his support for a third reading of the ordinance, saying it would allow time for further study of their options for restrictions or stipulations Council might want to place, if necessary, on the permit.

Snuggs commented that the ordinance is for sale of alcohol, and that the noise complaints “muddy the issue”, but is a separate issue that should be addressed by the new noise ordinance. She noted that no complaints have been received about the sale of alcohol at this location. Snuggs suggested imposing a one year time limit so the permit could be readdressed. She said she was inclined to move for passage of the ordinance on this reading.

Goldsworthy encouraged further discussion among Council members before attaching any stipulations or restrictions to the permit approval. Giving credence to the two approval recommendations by Planning and Zoning, Goldsworthy said he in favor of as few rules as possible, and he believes that business owners would prefer few restrictions. Attaching annual renewals or other caveats on permits is more restrictive and sets the precedence for other permits to be considered in the same manner. He said he would like to hear how the property owner feels about granting the permit with restrictions.

Williams voiced his support for all new Specific Use Permits to be granted initially on a one-year basis. Draper inquired about a stipulation for compliance with the noise ordinance, and added his support for a one-year permit in order to review for compliance. Rippy asked whether the new noise ordinance would supersede the SUP on noise limitation.

Attorney Harris said the noise ordinance would not supersede the SUP, and emphasized that excessive noise in this SUP is a completely separate issue from the noise connected with the noise ordinance. He said that Council, in granting or denying this SUP, has the right to consider restricting what it feels is excessive noise based upon complaints it has received. Harris added that if the SUP is adopted without restriction, Council would not be able to go back and place restrictions on it later. If Council approves the permit with annual review, additional restrictions could also be applied at the time of review, because it becomes a new permit with each renewal. Harris said in fact Council has the opportunity at this time to be more restrictive on this permit than they will under a noise ordinance.

Mayor Loch said a third reading would give additional time for Council and City Staff to discuss the issue with the owner of Gainesville Seafood, adding there may be an opportunity to hear from adjacent residents if the issue were to be discussed at the next City Council meeting. Land stated that if Council wanted a time for additional public comment, the next agenda would need to be set up for that. Councilmembers were supportive of a third reading of the ordinance to allow time for further consideration of their options in placing any stipulations or restrictions on the SUP.

Councilmember Snuggs adjusted her earlier motion and **moved to approve second reading of the Ordinance.** The motion was seconded by Councilmember Goldsworthy, and carried by unanimous vote:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

EXECUTIVE SESSION

Council did not convene into executive session.

CITY MANAGER'S COMMENTS

Mike Land reported the Chamber of Commerce, Downtown Development Association, and the City have developed a new logo for Gainesville displaying the Star of North Texas. The new logo is blue. He invited people to view the City webpage and Channel 2 for a list of events and activities in the City that are scheduled during the holiday season. The maquette of the WWII monument dedicated Veteran's Day, and framed first day issued postcards honoring Medal of Honor recipients, are now on display in the City Hall Conference Room.

MAYOR'S COMMENTS

Mayor Loch reported receipt of complimentary letters from veterans who had visited Gainesville on Veteran's Day and praised our Veterans Day Celebration. He thanked City staff for their efforts, commended the local VFW for providing the meal.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:20 p.m.

Attest:

Glenn Loch, Mayor

Kay Lunnon, City Secretary