

TOLAR CITY COUNCIL MINUTES – REGULAR MEETING

The City of Tolar Council met on Monday, September 19, 2022 at 6 P.M.

Present: Terry Johnson, Mayor
Sally Grimes
Chip Foster
Kevin Fron

Absent: Matt Hutsell and Brian Gall

City Staff Present: Michelle Burdette, City Secretary
Shavonne Kenley, Water Dept. Admin. /Code Enforcement
Amy Herr, Administrative Assistant

CALL TO ORDER

Meeting was called to order at 6 P.M.

ROLL CALL

Sally Grimes, Chip Foster, Terry Johnson and Kevin Fron were present

PUBLIC HEARING

Public hearing opened at 6:02 P.M.

- 1.) To receive comments regarding the request to annex into the City of Tolar by the owners of the property being 5.037 acres situated in the RACHEL STORY SURVEY, Abst. No. 501, Hood County, Texas, being a portion of the tract described in a deed to LEJC Holdings, Inc. by deed recorded in Document Number 2017-0003265, Deed Records, Hood County, Texas.

Public Comments:

Don Ives inquired where the location of this property is and how it would be accessed. Martina Dolezel asked if they were building duplexes on this land. Don Ives expressed the dislike to the idea of duplexes going in there. Jordan Bishop the engineer for the developer gave some details to the location and plans for the development.

- 2.) To receive comments regarding the request to annex into the City of Tolar by the owners of the property being a 45.287 acre tract of land situated in the RACHEL STORY SURVEY, abstract No. 501, City of Tolar, Hood County, Texas. Said tract of land being a portion of certain tract of land known as tract B described by deed to Joe Swaim and Sybil Swain, as recorded in Volume 1575, page 279, Deed Records, Hood County, Texas.

Public Comments:

None

Public hearing closed at 6:06 P.M.

PUBLIC HEARING

Public Hearing opened at 6:07 P.M.

- 1.) To receive comments regarding the request to annex into the City of Tolar By the owners of the property being 5.037 acres situated in the RACHEL STORY SURVEY, Abst. No. 501, Hood County, Texas, being a portion of the tract described in the deed to LEJC Holdings, Inc. by deed recorded in Document Number 2017-0003265, Deed Records, Hood County, Texas.
- 2.) To receive comments regarding the request to annex into the City of Tolar by the owners of the property being a 45.287 acre tract of land being a portion of certain tract of land known as tract B described by deed to Joe Swaim and Sybil Swaim, as recorded in Volume 1575, page 279, Deed Records, Hood County, Texas.
- 3.) To receive comments for the plat approval/ preliminary plat approval and zoning from Agriculture (A) to Planned Development (PD), of the property described as 3.718 acres situated in the RACHEL STORY SURVEY, Abst. No. 501, Hood County, Texas, being a portion of the tract described in deed to LEJC Holdings, Inc. by deed recorded in document number 2017-0003265, Deed Records, Hood County, Texas.
- 4.) To receive comments for the rezoning, subdivision and replat of the property being a 2.653 acres tract of land out of the RACHEL STOREY SURVEY, Abstract No. 501, Hood County, Texas, being part of Block 68 and Block 69 of the second addition to the town of Tolar, Hood County, Texas; zoned from (A) Agriculture to (R6) Single Family Residential 6000 sf. and a 1.542 acres tract of land out of the RACHEL STORY SURVEY, Abstract No. 501, Hood County, Texas; being part of Block 46 of the second addition to the town of Tolar, zoned from (R8) Single Family Residential 8000 sf. to (R6) Single Family Residential 6000 sf.

Public Comments: None

Public hearing closed at 6:10 P.M.

CITIZENS APPEARANCE (3 minute limited-Council may not respond)

Martina Dolezel requested that the Council look into recycling opportunities for the City of Tolar.

Jackson Fulgham completed a citizen's appearance form. Mr. Fulgham waved the opportunity to speak to the council.

APPROVAL OF MINUTES-REGULAR MEETING

June 21, 2022 regular meeting

Motion: by Kevin Fron, second by Chip Foster to approve all minutes as presented.

Motion carried 3/0

NEW BUSINESS

- 1.) Approval of Ordinance 2022-02 regarding an annexation, zoning, from (A) Agriculture to (PD) Planned Development, and replat of the property being a 45.287 acre tract of land situated in the RACHEL STORY SURVEY, Abstract No. 501, City of Tolar, Hood County, Texas, said tract of land being a portion of certain tract of land known as the tract B described by deed to Joe Swaim and Sybil Swaim, as recorded in Volume 15754.

Council Member Chip Foster was confirming that the development would have curbs and gutters. Mr. Swaim said there would not be in this development.

Motion: by Chip Foster, second by Sally Grimes seconds to approve annexation, zoning, from (A) Agriculture to (PD) Planned Development, and replat of the property being a 45.287 acre tract of land situated in the RACHEL STORY SURVEY, Abstract No. 501, City of Tolar, Hood County, Texas, said tract of land being a portion of certain tract of land known as the tract B described by deed to Joe Swaim and Sybil Swaim, as recorded in Volume 15754. Motion carried 3/0.

2.) Approval of Ordinance 2022-03 regarding the annexation of the property being 5.037 acres situated in the RACHEL STORY SURVEY, Abst. No. 501, Hood County, Texas, being a portion of the tract described in a deed to LEJC Holdings, Inc. by deed recorded in Document Number 2017-0003265, Deed Records, Hood County, Texas.

Council Member Chip Foster confirmed with the builders engineer Jordan Bishop, that there must be a street layout and that moving forward, all developments must be curb and gutter with concrete. City Secretary Michelle Burdette confirmed that new development will be as such. City Secretary Michelle Burdette stated that a plat is to be presented at a later date.

Motion: by Sally Grimes, second by Chip Foster to approve the annexation of the property being 5.037 acres situated in the RACHEL STORY SURVEY, Abst. No. 501, Hood County, Texas, being a portion of the tract described in a deed to LEJC Holdings, Inc. by deed recorded in Document Number 2017-0003265, Deed Motion carried 3/0.

3.) Approval of subdivision, replat and zoning from Agriculture (A) to Planned Development (PD, of the property described as 3.718 acres situated in the RACHEL STORY SURVEY, Abst. No. 501, Hood County, Texas; being a portion of the tract described in a deed to LEJC Holdings, Inc. by deed recorded in Document Number 2017-0003265, Deed Records, Hood County, Texas, and subdivision, replat and zoning from (A) Agriculture to (R6) Single Family Residential 6000sf, of the property described as 5.344 acre tract of the RACHEL STORY SURVEY, Abst. No. 501, to the City of Tolar, Hood County, Texas.

Motion: by Sally Grimes, second by Kevin Fron to approve subdivision, replat and zoning from Agriculture (A) to Planned Development (PD, of the property described as 3.718 acres situated in the RACHEL STORY SURVEY, Abst. No. 501, Hood County, Texas, being a portion of the tract described in a deed to LEJC Holdings, Inc. by deed recorded in Document Number 2017-0003265, Deed Records, Hood County, Texas, and subdivision, replat and zoning from (A) Agriculture to (R6) Single Family Residential 6000sf, of the property described as 5.344 acre tract of the RACHEL STORY SURVEY, Abst. No. 501, to the City of Tolar, Hood County, Texas. Motion carried 3/0.

4.) Approval of rezoning, subdivision and replat of the property being a 2.653 acres tract of land out of the RACHEL STORY SURVEY, Abstract No. 501, Hood County, Texas; being part of Block 68 and Block 69 of the second addition to the town of Tolar, Hood County, Texas, zoned from (A) Agriculture to (R6) Single Family residential 6000sf and 1.542 acres tract of land out of the RACHEL STORY SURVEY, Abstract No. 501, Hood County, Texas; being part of Block 46 of the second addition to the town of Tolar, zoned from (RR) Rural Residential to (R6) Single Family Residential 6000sf.

Motion: by Chip Foster, second by Kevin Fron to approve rezoning, subdivision and replat of the property being a 2.653 acres tract of land out of the RACHEL STORY SURVEY, Abstract No. 501, Hood County, Texas; being part of Block 68 and Block 69 of the second addition to the town of Tolar, Hood County, Texas, zoned from (A) Agriculture to (R6) Single Family residential 6000sf and 1.542 acres tract of land out of the RACHEL STORY SURVEY, Abstract No. 501, Hood County, Texas; being part of Block 46 of the second addition to the town of Tolar, zoned from (RR) Rural Residential to (R6) Single Family Residential 6000sf. Motion carried 3/0.

5.) Approval of resolution authorizing publication of the notice of intention to issue Certificates of Obligation, Series 2022 and authorizing certain other matters relating thereto.

Jake Lawrence of Government Capital spoke on putting out for bond for the loan for the new sewer plant. Tolar citizens would have first access to purchase said bonds. He gave some details to the options.

Motion: by Kevin Fron, second by Sally Grimes to approve the resolution authorizing publication of the notice of intention to issue Certificates of Obligation, Series 2022 and authorizing certain other matters relating thereto. Motion carried 3/0.

6.) Approval of the plan for the new Wastewater Plant presented by EHT.

Contingent on the opinion of the City Attorney.

Motion: by Chip Foster, second by Kevin Fron to approve the plan for the new Wastewater Plant and execute professional service agreement presented by EHT Motion carried 3/0.

7.) Discuss and approve the agreement presented by Merritt, McLane, and Hamby, P.C. to perform the city's annual audit.

Motion: by Chip Foster, second by Sally Grimes to approve the agreement presented by Merritt, McLane, and Hamby, P.C. to perform the city's annual audit. Motion carried 3/0.

8.) Approval of electric franchise fee ordinance with Texas New Mexico Power as presented.

City Secretary stated this would be a 5 year agreement with Texas New Mexico Power and that we get paid franchise fees quarterly.

Motion: by Sally Grimes, second by Kevin Fron to approve the electric franchise fee ordinance with Texas New Mexico Power as presented Motion carried 3/0.

9.) Approval of all financials.

- Bank Reconciliation
- Statement of Financial Income and Expenses
- Expenses by Vendor Detail
- Profit & Loss budget vs. Actual

Motion: by Chip Foster, second by Kevin Fron to approve all financials as presented. Motion carried 3/0

OLD BUSINESS

NONE

STAFF REPORTS

1.) Operations Director/Public Works.
Written report.

2.) Planning and Zoning
Nextlink will need a specific use permit to lay fiber optic lines within the city.

3.) Code Enforcement
High grass notices sent out.

4.) Administrative
None

5.) Council

Mayor inquired about the plans for the brush pile.

Mayor requested to look into extending current sidewalk project.

A request was made to have Nextlink present at the next meeting regarding new fiber lines in the City of Tolar right of way (ROW).

EXECUTIVE SESSION

The council may enter into a closed or Executive Session to discuss the following items posted in Executive Session or seek legal advice from the city attorney pursuant to the Texas Local Government Code Sections(s) 551.07

NONE

ANNOUNCEMENTS

Special meeting September 29, 2022 @ 6 P.M.


The City Hall will be closed October 10, 2022 for Columbus Day.

ADJOURN

Motion: by Sally Grimes, second by Chip Foster to adjourn meeting at 6:51 P.M.,

Motion carried 3/0.

APPROVED:


Terry R. Johnson, Mayor

ATTEST:


Michelle Burdette, City Secretary

