

CITY OF ENNIS COMMISSION REGULAR MEETING

AUGUST 19, 2013

7:00 P.M.

Mayor Thomas called the meeting to order at 7:01 p.m. on August 19, 2013, in the City Commission Chambers of the City of Ennis Municipal Building, 115 W. Brown Street, Ennis, Texas 75119.

PRESENT: Mayor Thomas, Commissioners Frazier, Walker, Searcy, and Holley, City Manager Howerton, City Attorney Wilson, Chief Erisman, and City Secretary Batchler.

Commissioners Salik and Haupt were not in attendance.

INVOCATION: Commissioner Walker

PLEDGE OF ALLEGIANCE was led by the Mayor.

ROLL CALL to determine the presence of a quorum: The City Secretary called the roll and determined that a quorum was present.

MINUTES of the August 5, 2013, workshop were approved as presented on a motion by Commissioner Searcy, seconded by Commissioner Holley with all members present voting AYE. Minutes of the August 5, 2013, regular meeting were approved as presented on a motion by Commissioner Holley and seconded by Commissioner Searcy with all members present voting AYE.

PUBLIC HEARINGS

Mayor Thomas opened the public hearings at 7:03 p.m.

ORDINANCE NO. 13-08-01 ANNEXATION OF APPROXIMATELY 1.8158 ACRES (ALL PORTIONS OF SAID TRACT NOT CURRENTLY IN CORPORATE LIMITS) OF LAND IN PART OF THE R.R. JACKSON SURVEY, ABSTRACT NO. 550, RECORDED IN VOLUME 2694, PAGE 1906 OF THE DEED RECORDS OF ELLIS COUNTY, BEING HEREBY KNOWN AS 300 LANEVIEW ROAD, ELLIS COUNTY, TEXAS. Requested by Brandon Nichols. P & Z Case #13.06.01 Fourth of four public hearings. Annexation Service Plan has been approved. All service providers in the area have been notified and notices were mailed to property owners in the area.

FIRST READING OF ORDINANCE NO. 13-08-01 ANNEXING APPROXIMATELY 1.8158 ACRES OF LAND IN PART OF THE R.R. JACKSON SURVEY, ABSTRACT NO. 550, RECORDED IN VOLUME 2694, PAGE 1906 OF THE DEED RECORDS OF ELLIS

COUNTY, TEXAS, BEING HEREBY KNOWN AS 300 LANEVIEW ROAD, ELLIS COUNTY, TEXAS, caption of which follows:

ORDINANCE NO. 13-08-01

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ENNIS, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 1.8158 ACRES OF LAND IN PART OF THE R.R. JACKSON SURVEY, ABSTRACT NO 550, RECORDED IN VOLUME 2694, PAGE 1906 OF THE DEED RECORDS OF ELLIS COUNTY AND KNOWN AS 300 LANEVIEW ROAD, ENNIS, ELLIS COUNTY, TEXAS, AS DEPICTED IN EXHIBIT "A" HEREAFTER ATTACHED, (ALL PORTIONS OF SAID TRACT NOT CURRENTLY IN CORPORATE LIMITS), WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ENNIS, TEXAS.

Commissioner Frazier moved to adopt Ordinance No. 13-08-01 under first reading, Commissioner Walker seconded the motion. Mayor Thomas stated the motion was taken under public comment and there being none asked for the vote. PASSED, APPROVED AND ADOPTED on a vote of AYE by all members in attendance.

ORDINANCE NO. 13-08-02 AN ORDINANCE OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A CLASSIFICATION; TO RE-CLASSIFY APPROXIMATELY 1.8158 ACRES OF LAND IN PART OF THE R.R. JACKSON SURVEY, ABSTRACT NO. 550, RECORDED IN VOLUME 2694, PAGE 1906 OF THE DEED RECORDS OF ELLIS COUNTY AND KNOWN AS 300 LANEVIEW ROAD, ENNIS, ELLIS COUNTY, TEXAS, FROM "T" TRANSITION DISTRICT TO "R-1" (DWELLING DISTRICT, SINGLE FAMILY) IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE. Public hearing and first reading of the ordinance. Two property owners were notified. One notice was returned with a "For" Vote, Zero returned "Against" and Zero returned "Against and Legal Protest".

FIRST READING OF ORDINANCE NO. 13-08-02 AN ORDINANCE OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A CLASSIFICATION; TO RE-CLASSIFY APPROXIMATELY 1.8158 ACRES OF LAND IN PART OF THE R.R. JACKSON SURVEY, ABSTRACT NO. 550, RECORDED IN VOLUME 2694, PAGE 1906 OF THE DEED RECORDS OF ELLIS COUNTY AND KNOWN AS 300 LANEVIEW ROAD, ENNIS, ELLIS COUNTY, TEXAS FROM "T" TRANSITION DISTRICT TO "R-1" (DWELLING DISTRICT, SINGLE FAMILY) IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE, caption of which follows:

ORDINANCE NO. 13-08-02

ORDINANCE NO. 13-08-02 AN ORDINANCE OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE FOLLOWING

DESCRIBED PROPERTY A CLASSIFICATION; TO RE-CLASSIFY APPROXIMATELY 1.8158 ACRES OF LAND IN PART OF THE R.R. JACKSON SURVEY, ABSTRACT NO. 550, RECORDED IN VOLUME 2694, PAGE 1906 OF THE DEED RECORDS OF ELLIS COUNTY AND KNOWN AS 300 LANEVIEW ROAD, ENNIS, ELLIS COUNTY, TEXAS, FROM "T" TRANSITION DISTRICT TO "R-1" (DWELLING DISTRICT, SINGLE FAMILY) IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE.

Commissioner Frazier moved to adopt Ordinance No 13-08-02 under first reading, Commissioner Holley seconded the motion. Mayor Thomas state the motion was taken under public comment and there being none asked for the vote. PASSED, APPROVED AND ADOPTED on a vote of AYE by all members in attendance.

ORDINANCE NO. 13-08-03 AN ORDINANCE OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A CLASSIFICATION; TO RE-CLASSIFY PROPERTY LOCATED AT 307 NORTH SHERMAN STREET, ALSO KNOW AS EAST 46 FEET OF LOT 6, ALL OF LOT 7 AND 8, BLOCK 156 OLD TOWN ENNIS, 0.385 ACRES, ENNIS, ELLIS COUNTY, TEXAS, FROM "D" (DUPLEX DISTRICT) TO "R-5" (DWELLING DISTRICT, SINGLE FAMILY) WITH A SPECIFIC USE PERMIT FOR A BED AND BREAKFAST IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE. Condition of Specific Use Permit Issuance and Compliance: 1) Rezoning required ("D" Duplex to "R-5" Residential), 2) Specific Use Permit to current owner, only for Bed and Breakfast, only (with conditions). 3) Specific Use Permit will terminate upon transfer of ownership or violation of any condition of Permit issuance. 4) Bed and Breakfast must be owner-occupied. 5) Seven all weather-hard surface parking spaces required (asphalt or concrete pavement). 6) No rental for private events (receptions, parties, training, etc.). The only authorized use is Bed and Breakfast. 7) Facility must comply with all fire code requirements. 8) Facility must meet ADA requirements. Ramps (as required) must be fixed (permanent). 9) Bed and Breakfast occupancy may not exceed nine (9). 10) All building code, zoning ordinance and fire code requirements, and all conditions of the Specific Use Permit must be met before a Certificate of Occupancy will be issued. 11) Bed and Breakfast must be open under a valid Certificate of Occupancy within six (6) months of issuance of the Specific Use Permit or the Specific Use Permit will expire. Fifteen property owners were notified. Zero notices were returned with a "For" Vote. Two notices were returned with an "Against" Vote and two were returned with an "Against and Legal Protest" Vote. The protest account for 15.8 percent of the adjoining property, since that is less than twenty percent of the adjoining property there is no requirement for a $\frac{3}{4}$ majority vote for approval. Public hearing and first reading of the ordinance.

FIRST READING OF ORDINANCE NO. 13-08-03 AN ORDINANCE OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A CLASSIFICATION; TO RE-CLASSIFY PROPERTY LOCATED AT 307 NORTH SHERMAN STREET, ALSO KNOW AS EAST 46 FEET OF LOT 6, ALL OF LOT 7 AND 8, BLOCK 156 OLD TOWN ENNIS, 0.385 ACRES, ENNIS, ELLIS COUNTY, TEXAS, FROM "D" (DUPLEX DISTRICT) TO "R-5" (DWELLING DISTRICT, SINGLE FAMILY) WITH A SPECIFIC USE PERMIT FOR A BED AND BREAKFAST IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE, caption of which follows:

ORDINANCE NO. 13-08-03

ORDINANCE NO. 13-08-03 AN ORDINANCE OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE FOLLOWING

DESCRIBED PROPERTY A CLASSIFICATION; TO RE-CLASSIFY PROPERTY LOCATED AT 307 NORTH SHERMAN STREET, ALSO KNOW AS EAST 46 FEET OF LOT 6, ALL OF LOT 7 AND 8, BLOCK 156 OLD TOWN ENNIS, 0.385 ACRES, ENNIS, ELLIS COUNTY, TEXAS, FROM "D" (DUPLEX DISTRICT) TO "R-5" (DWELLING DISTRICT, SINGLE FAMILY) WITH A SPECIFIC USE PERMIT FOR A BED AND BREAKFAST IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE.

Commissioner Frazier moved to adopt Ordinance No. 13-08-03 under first reading, Commissioner Walker seconded the motion. Mayor Thomas stated the motion was taken under public comment and there being none asked for the vote. PASSED, APPROVED AND ADOPTED on a vote of AYE by all members in attendance.

At 7:09 p.m. Commissioner Searcy moved to close the public hearings. Commissioner Holley seconded and all members in attendance voted AYE.

NEW BUSINESS

RECORD VOTE FOR PROPOSED TAX INCREASE FOR FY 2013-2014 AND SET DATE, TIME AND PLACE FOR PUBLIC HEARINGS Commissioner Walker moved to propose a \$0.6950 tax rate for Fiscal Year 2013-2014 raising more revenue from property taxes than last year's budget by an amount of \$188,833.00, which is a 1.96 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$13,371.00. Proposed public hearing dates of September 3, 2013 at 6:30 p.m. and September 10, 2013 at 5:30 p.m. to be held at the Municipal Building, 115 W. Brown, Ennis, Texas. Commissioner Frazier seconded and Mayor Thomas, Commissioner Frazier, Commissioner Walker, Commissioner Searcy and Commissioner Holley voted AYE. Motion carried.

NOMINATIONS FOR THE BOARD OF DIRECTORS OF THE ELLIS COUNTY APPRAISAL DISTRICT. The City Manager reported that board member Johnny Johnson will not be seeking another term. October 15, 2013 is the deadline to submit nominations to ECAD. No action was taken.

PUBLIC FACILITIES PERMIT The Chamber of Commerce has requested a Public Facilities Use Permit for the 2013 Autumn Days Fall Festival to be held October 19, 2013. Commissioner Frazier moved to approve the Public Facilities Use Permit as requested contingent upon receipt of liability insurance designating the City of Ennis as Named Insured. Commissioner Holley seconded and all members in attendance voted AYE.

APPOINTMENTS TO CITY OF ENNIS BOARDS AND COMMISSIONS: The Mayor presented his recommendation for appointment of the following to their board:

Mark Novy	Parks Board
Michael Sibley	Parks Board

Commissioner Holley moved to appoint Mark Novy and Michael Sibley to the Parks Board. Commissioner Walker seconded and all members in attendance vote AYE.

REQUEST FROM CITY COMMISSION AND ROUNDTABLE:

Commissioner Searcy commented on the speeding on Crisp Pike Road and asked Chief Erisman to look into it. Commissioner Holley stated that since school will be starting soon a group of citizens that live along Belknap Street had asked if there was anything that could be done about traffic from Jack Lummus Intermediate School. Chief Erisman replied an officer will be there for the first week or so of school and the officer will be back out there as needed. Also on Nesuda Road there is a speeding problem.

With no further business, Mayor Thomas adjourned the meeting.

ATTEST:

Russell R. Thomas, Mayor

Donna Batchler, City Secretary

