

NOTICE OF  
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING  
TOWN OF PROVIDENCE VILLAGE, TEXAS  
PROVIDENCE VILLAGE TOWN HALL  
1745 F.M. 2931  
**MONDAY, FEBRUARY 13, 2012**  
7:00 P.M. Regular Session

**MINUTES**

**REGULAR SESSION 7:00 p.m.**

**I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:**

Mayor Roberson called the meeting to order at 7:00 p.m. Town Council members present were Alderman Lisa Garcia, Mayor Pro-Tem Earnest Law, Alderman Mike Thompson and Alderman Mark McCullough, being a quorum.

**II. PLEDGE OF ALLEGIANCE**

- a. United States Flag
- b. Texas Flag:
  - i. Honor the Texas Flag I pledge allegiance to thee Texas, one State under God, one and indivisible

**III. INVOCATION**

Justin Powell led the invocation.

**IV. OPEN FORUM:**

Open Forum is for information only. The Council can take no action. No charges and/or complaints will be heard against any elected official, appointed official or employee of the Town unless presented in writing as prescribed in Chapter 22, paragraph 22.043 of the Local Government Code. Speaking time will be limited to three (3) minutes.

*\*Please note\* Anyone wishing to furnish the Town Council with copies/handouts regarding their item of interest must provide 9 copies and present them to the Town Secretary for distribution to the Town Council.*

Don Fisher, President of the Providence Village HOA, announced that the Providence Village HOA had recently voted in favor of supporting the Town in the ongoing lawsuit against Mustang SUD and that a check had been sent to Constance Hall. Mr. Fisher also presented a proposal for the Town to consider on a future agenda regarding sheriff and fire services during the 4<sup>th</sup> of July festivities.

Jim Travell, a resident who resides at 1924 Dr. Sanders Rd., Providence Village, inquired about how to address input relating to the sign ordinance. He specifically wants to know how to address comments to the Council. A brief description of the public hearing process was provided to the audience and Mr. Travell.

Vicky Dyer, a resident who resides at 9125 Eagle Ln., Providence Village, spoke regarding her discontent about the Council telling residents what they can and cannot do on their homes. Ms. Dyer stated that the flyer that was left on her door from the Town was an invasion of her privacy.

Alderman Garcia moved to close open forum; Alderman Thompson seconded.  
Motion carried: 4 in favor; 0 opposed.

## V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- a. Monthly Reports from Committees: Communications, HOA, Water, Ordinance, Finance and Law Enforcement

Finance Committee – Alderman Garcia reported that Commissioner Hugh Coleman has reviewed with James Wells, the County Auditor, the status of the funds for the Child Safety Fund. The amount due to the Town is unknown at this time. These funds must be used first and foremost to fund school crossing guards' costs and then if funds are still available, they can be used to promote or enhance child safety.

HOA Committee – Alderman Thompson reiterated the statement previously made by Don Fisher regarding the HOA's decision to join in the lawsuit against Mustang Water.

Ordinance Committee – Alderman Thompson reported that there were ordinances on the agenda to be considered and that work was still being done on the sign ordinance.

Transition Committee – Alderman Garcia reported that the committees met on January 26<sup>th</sup> and agreed to begin working on transferring the remaining 50% of the DCSO contract from PVWCID to the Town by July. The committees are also exploring possibilities for Town billing services so that the fire and waste management services can be transferred. Discussions regarding transferring of water and sewer are on hold pending current litigation. Mayor Pro-Tem Law stated that Bennett Howell with the Denton County Public Works Department had conducted an inspection and a report regarding drainage and that this report would be discussed later on the agenda. It was mentioned that Mustang has three open seats on their board up for election and that Mustang has opted to have voting for these open seats conducted in the offices of Mustang which increases the election costs by more than three times the costs of participating in a Joint Election. Mayor Roberson explained to the audience that the repercussions of Mustang opting out of participating in the joint election like all the other towns, cities, school boards and other governing authorities do, is that Mustang is holding their own private election. In order to vote for any of the candidates running for election to the Mustang SUD Board, a voter must travel to their offices to vote. The costs of voting equipment and personnel makes this option over three times

the costs of participating in a joint election contract, but it's what Mustang wants to happen.

Communication Committee – Mayor Pro-Tem Law report that the website is continually being updated and that Rodney Patterson and Mike Carroll's bios have been added to the website. Mayor Roberson stated that some of the feedback received is that people want to see what is being discussed and considered and that the website is being utilized to provide that information in agenda packets. Mayor Pro-Tem Law also reported that there are currently 94 Mailchimp subscribers.

b. Staff Reports

Town Secretary, Connie Hansen, provided a written report and summary of same.

Town Code Enforcer, Mike Carroll, provided a written report and a brief summary of same.

Alderman Garcia motioned to close the committee and staff reports; Mayor Pro-Tem Law seconded. Motion carried: 4 in favor, 0 against.

**VI. CONSENT AGENDA** – Items are considered self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless so requested by at least one member of the Town Council.

- a. Minute Approval: January 23, 2012 Regular Session
- b. Treasury Report
- c. Pay Bills
- d. Approve Purchase Orders

Alderman Garcia motioned to approve the Consent Agenda; Alderman McCullough seconded. Motion carried: 4 in favor, 0 against.

**VII. ACTION ITEMS**

- a. Consider, discuss and act upon appointment of nominee for Alderman Place 1 council position.

Following a brief discussion regarding applicants and nominees, Alderman Garcia motioned to approve the appointment of Chris McCroskey to the Town Council Alderman Place 1 position; Alderman McCullough seconded. Motion carried: 4 in favor, 0 against.

- b. Oath of candidate for Alderman Place 1.

Mayor Roberson gave Chris McCroskey an opportunity to introduce himself to the Council and the audience. Following the brief introduction, Alderman

McCroskey was sworn in by Mayor Roberson and took his place on the Town Council.

- c. Consider, discuss and act upon approval of Joint Election Contract with Denton County Elections Administrator.

Following a brief discussion regarding proportionate share of expenses and Mayor Roberson's reiteration of the absence of Mustang SUD from the Joint Election Contract, Alderman Garcia moved to approve participation in the Joint Election Contract with Denton County Elections Administrators; Alderman Thompson seconded. Motion carried; 5 in favor, 0 against.

- d. Consider, discuss and act upon Ordinance Adopting Provisions for Regulating Food Establishments.

There was discussion regarding the effects of the ordinance on ice cream trucks and Alderman McCroskey asked for confirmation on whether the ordinance would impose unreasonable restrictions on young children with lemonade stands. Mayor Pro-Tem Law stated that the best answer was discretion. Alderman Thompson noted that on page 10, the reference to "Planning Development" needed to be changed to "Town of Providence Village."

Alderman McCullough motioned to close the Town Council regular session meeting and open a public hearing forum; Alderman Garcia seconded. Motion carried: 5 in favor, 0 against.

- e. Public hearing on Ordinance Adopting Provisions for Regulating Food Establishments.

Mayor Roberson opened Public Hearing at 7:35 p.m. Philip Mack Furlow provided a summary of the ordinance stating that the majority of the ordinance is governed by state statute and that the language is consistent with other town's similar ordinances. Mayor Roberson opened the floor to anyone wishing to speak for or against the ordinance. Don Fisher spoke about how the code and ordinance would affect vendors for HOA events in the future. Mr. Fisher stated that he was concerned that if the Town charges the fees involved, it will adversely effect vendor's participation. Tom Bailey responded that some vendors will typically bring verification of food inspections from another city or town, which is acceptable in most cases. Vicky Dyer asked to speak, however the subject matter of her statements were not related to the issue to be discussed in the public hearing. A call of order was made by Philip Mack Furlow and Mayor Roberson informed Ms. Dyer that comments could only be directed at the ordinance under consideration. There were no further requests to address the Town Council, Mayor Pro-Tem Law motioned to close the Public Hearing and reconvene Town Council regular session meeting; Alderman Garcia seconded. Motion carried: 5 in favor, 0 against.

Mayor Roberson reconvened Town Council regular session meeting at 7:44 p.m.

Mayor Pro-Tem Law motioned to approve the Ordinance Adopting Provisions for Regulating Food Establishments with amendment to page 10 by removing the reference to Planning and Development Department and replacing it with Town of Providence Village; Alderman Thompson seconded. Motion carried: 5 in favor, 0 against.

- f. Consider, discuss and act upon Ordinance Creating Town Health Officer position.

Alderman Garcia motioned to approve the Ordinance Creating Town Health Officer position; Alderman Thompson seconded. Motion carried: 5 in favor, 0 against.

- g. Consider, discuss and act upon ordinance amending Ordinance 2011-25, which designates the schedule of fees to be applied to permits, licenses, services, and programs provided by the Town of Providence Village.

Mayor Pro-Tem Law discussed the health code inspection fee requirements and permit fee issues for non-profit organizations and other fees. Mayor Pro-Tem Law motioned to approve the Ordinance amending Ordinance 2011-25; Alderman McCullough seconded. Motioned carried: 5 in favor, 0 against.

- h. Consider, discuss and act upon appointment of Tom Bailey as Town Health Officer.

Tom Bailey provided a brief introduction of himself outlining his 28 years of experience. Mr. Bailey is a registered sanitarian and a TCEQ site evaluator. Mayor Pro-Tem Law motioned to approve the appointment of Tom Bailey as Town Health Officer; Alderman Thompson seconded. Motion carried: 5 in favor, 0 against.

- i. Consider, discuss and act upon ordinance amending Ordinance 2010-14, providing for the adoption of the 2009 Edition of the International Fire Code to include Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix F and Appendix G and the International Fire Code Standards, and including any amendments thereto.

Mayor Pro-Tem Law stated that Providence Elementary School had contacted the Town requesting a fire inspection of their facility. In order for the Aubrey Fire Department to conduct the inspection, the Town needs to make certain amendments to the International Fire Code previously approved. These amendments will also enable the Aubrey Fire Department to address fire lane issues and will give the Fire Chief the authority to enforce same. Mayor Pro-Tem Law motioned to approve the ordinance amending Ordinance 2010-14; Alderman McCullough seconded. Motion carried: 5 in favor, 0 against.

- j. Consider and discuss Drainage Structures Inspection Report dated January 20, 2012 from Denton County Department of Public Works.

Alderman Thompson gave a summary of the drainage report provided. Alderman Garcia asked if the PVWCID was going to fix any of the problems. Mayor Roberson discussed having the engineer do a comparison of the current inspection to the inspection done last year.

- k. Discuss legal and administrative status involving CCN transfer from Providence Village Water Control and Improvement District to Mustang Special Utility District.

Philip Mack Furlow gave a summary of the Mustang lawsuit status and confirmed that Mustang had filed an interlocutory appeal.

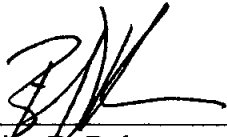
- l. Identify agenda items to be discussed at future meeting.

Sign Ordinance

### VIII. ADJOURNMENT

Alderman McCullough motioned to adjourn the Town Council meeting; Mayor Pro-Tem Law seconded. Motion carried, 5 in favor, 0 against.

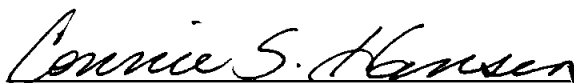
Meeting was adjourned at 8:25 p.m.



Brian D. Roberson  
Mayor, Town of Providence Village, Texas

2/27/12

Date Minutes Approved



Connie S. Hansen  
Town Secretary

2/27/12

Date Minutes Approved

