

NOTICE OF
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING
TOWN OF PROVIDENCE VILLAGE, TEXAS
PROVIDENCE COMMUNITY CENTER
9400 WATERMAN DRIVE
MONDAY, DECEMBER 27, 2010
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 Mayor Pro-Tem Clint Shipp, Alderman Eddie Army, Alderman Earnest Law, Alderman Mike Thompson and Alderman Mark McCullough.

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

Philip Mack Furlow 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.*

There were no requests to address the Town Council. Mayor Pro-Tem Shipp moved to close open forum; Alderman Thompson seconded. Motion carried: 5 in favor; 0 opposed.

V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- a. Monthly Reports from Communications Committee, HOA Committee, Water Committee, Ordinance Committee and Finance Committee

Communication Committee – Nothing to report.

HOA Committee – Nothing to report.

Water District Committee – Nothing to report.

Ordinance Committee – Philip Mack Furlow reported that he needs help with the sign ordinance and recommenced that the committee meet to work on the details of the sign ordinance. Stated that the committee needs to consider architectural issues, as well as research into whether Huffines and/or Petitt Barraza LLC have engineering reports, guidelines, etc. for signs in the development. Alderman Thompson stated that he did have some of the reports and information.

Finance Committee – Alderman Army reported that the checks and deposit stamp had been ordered. Town Secretary inquired about the cost of the checks and stamp.

b. Staff Reports

Town Secretary reported on the status of ordering the corporate seal for the Town. There was discussion regarding the inclusion of the date of incorporation into the corporate seal design, but it was agreed that additional cost was not warranted.

Alderman Army motion to close the committee and staff reports; Alderman McCullough seconded. Motion carried, 5 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: 12/13/10

Mayor Pro-Tem Shipp motioned to approve the consent agenda as presented; Alderman McCullough seconded. Motion carried, 5 in favor, 0 against.

VII. ACTION ITEMS

a. Discuss Fireworks Ordinance

Alderman Law motioned to close the discussion on the Fireworks ordinance; Alderman Thompson seconded. Motion carried: 5 in favor, 0 against.

b. Public Hearing on Proposed Fireworks Ordinance

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

Mayor Roberson opened Public Hearing at 7:12 p.m.

Philip Mack Furlow read aloud the Ordinance of the Town of Providence Village, Texas Prohibiting the Sale, Storage and Discharge of Fireworks within the Corporate Limits. Mayor Roberson opened the floor to anyone wishing to speak for or against the ordinance. Dewayne Swinford spoke in favor of the ordinance. Mayor Pro-Tem

Shipp motioned to closed Public Hearing and reconvene Town Council regular session meeting; Alderman Army seconded. Motion carried: 5 in favor, 0 against.

Mayor Roberson reconvened Town Council regular session at 7:20 p.m.

- c. Consider and Act upon Fireworks Ordinance.

Mayor Pro-Tem Shipp motioned to approve the Ordinance of the Town of Providence Village, Texas Prohibiting the Sale, Storage and Discharge of Fireworks within the Corporate Limits; Alderman Thompson seconded. Alderman Army and Alderman McCullough voted against, Mayor Pro-Tem Shipp, Alderman Law and Alderman Thompson voted in favor. Motion carried by majority consent.

- d. Discuss inter-local Agreement with Denton County and Providence Water Control and Improvement District law enforcement for Town of Providence Village.

Philip Mack Furlow reported that not much has happened on the third party agreement discussions due to the holidays. No action needed at this time.

- e. Discuss contents of Sign Ordinance

Philip Mack Furlow reported that this action item was previously discussed in the committee reports and no further action is required at this time.

- f. Discuss additional safety ordinances

There was discussion regarding the potential need to address additional safety issues outside of the basic areas already covered, including stop signs, speed limits and fireworks. There was discussion regarding the potential for a curfew ordinance. Alderman Army suggested that there be potential rules regarding use of golf carts. There was further discussion regarding a potential ordinance to prohibit any traffic sidewalks, or preventing the use of motorized devices on the sidewalks.

- g. Consider and Act upon a Fine Schedule for Criminal Ordinances

Philip Mack Furlow reported that the Fine Schedule for Criminal Ordinances presented for approval are the Texas standard for Class C Misdemeanor offenses. Mr. Furlow further reported that violations of any of the Town's current ordinances would be classified as Class C Misdemeanor offenses. There was extensive discussion regarding the range of fines and who ultimately had the authority to set the fine for a specific violation. Mr. Furlow reported that the Municipal Court would have ultimate control over the punishment phase of any violation, but that the Town Council had the authority to set fines, if they so chose to do so, but that they would be imposing restrictions on the Municipal Court Judge to exercise discretion over the punishment phase of a conviction. There was lengthy discussion regarding the pros

and cons of setting specific fine amounts for violations and the procedural requirements necessary to officially set fine limitations by the Town Council.

Alderman Army motioned to approve the Fine Schedule for Criminal Ordinances; Alderman Thompson seconded. Motion carried: 5 in favor, 0 against.

Mayor Pro-Tem Shipp motioned to close the Town Council regular session meeting and convene into executive session; Alderman Thompson seconded. Motion carried: 5 in favor, 0 against. Mayor Roberson convened Executive Session at 8:09 p.m.

VIII. EXECUTIVE SESSION

The Town Council will convene into executive session pursuant to Texas Government Code Section 551.071, Consultation with Attorney, to seek the advice of the Town Attorney or other legal counsel concerning pending or contemplated litigation or on a matter in which the duty of the attorney(s) to the Town under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

Mayor Pro-Tem Shipp motioned to close executive session and reconvene into Town Council regular session; Alderman Thompson seconded. Motion carried: 5 in favor, 0 against.

IX. RECONVENE INTO OPEN SESSION

a. Consider and act upon items discussed in Executive Session.

Mayor Roberson closed executive session and reconvened Town Council regular session at 8:44 p.m. with no action required.

X. ADJOURNMENT - The Town Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551.

Alderman Thompson motioned to adjourn the Town Council meeting; Alderman Law seconded. Motion carried, 5 in favor, 0 against.

Meeting was adjourned at 8:45 p.m.

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

Date Minutes Approved

Connie Hansen
Town Secretary

Date Minutes Approved