REGULAR CITY COUNCIL MEETING

October 2, 2012

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, October 2, 2012, at 7:00 p.m. in the City Council Chambers located at 201 East Nash Street, Terrell, Texas with the following members present:

COUNCILMEMBER #1	**HAL RICHARDS**
COUNCILMEMBER #2	**TOMMY SPENCER**
COUNCILMEMBER #3	**RICKY JORDAN**
COUNCILMEMBER #4	**CHARLES WHITAKER**
COUNCILMEMBER #5	**D.J. ORY**

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Invocation.

Deputy Mayor Pro Tem D. J. Ory, gave the opening prayer.

3. Discuss and Consider Approval of Meeting Minutes of Special Joint Meeting and Workshop September 13, 2012, Special City Council Meeting and Workshop September 18, 2012, and Regular City Council Meeting September 18, 2012.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Meeting Minutes of Special Joint Meeting and Workshop September 13, 2012, Special City Council Meeting and Workshop September 18, 2012, and Regular City Council Meeting September 18, 2012. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayes - None. Motion carried.

4. Hear Remarks from Visitors.

Joyce Porter, 703 New Hope, Terrell, Texas 75160, spoke to Council regarding Polk Street being a one way street.

NEW BUSINESS

5. Discuss and Consider Ordinance 2553; An Ordinance of the City Of Terrell, Texas, Amending Section 3: General Requirement: Dedication of Land and Payment of Park Development Fee, Subsections 3D, 3E, 4B and 5B of Chapter 20, Article II of the Code of Ordinances of the City of Terrell, Texas; Providing for Repeal of Conflicting Ordinances; Providing for Severability, and Providing an Effective Date.

Mike Sims, Assistant City Manager, Presented to Council for Discussion and Consideration Ordinance 2553; An Ordinance of the City Of Terrell, Texas, Amending Section 3: General Requirement: Dedication of Land and Payment of Park Development Fe e, Subsections 3D, 3E, 4B and 5B of Chapter 20, Article II of the Code of Ordinances of the City of Terrell, Texas; Providing for Repeal of Conflicting Ordinances; Providing for Severability, and Providing an Effective Date. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Ordinance 2553; An Ordinance of the City Of Terrell, Texas, Amending Section 3: General Requirement: Dedication of Land and Payment of Park Development Fee, Subsections 3D, 3E, 4B and 5B of Chapter 20, Article II of the Code of Ordinances of the City of Terrell, Texas; Providing for Repeal of Conflicting Ordinances; Providing for Severability, and Providing an Effective Date. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayes - None. Motion carried.

ORDINANCE NO. 2553

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 3: GENERAL REQUIREMENT: DEDICATION OF LAND AND PAYMENT OF PARK DEVELOPMENT FEE, SUBSECTIONS 3D, 3E, 4B AND 5B OF CHAPTER 20, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

6. Discuss and Consider Resolution No. 718 Renaming Pool Road to Randy Snow Court.

Deputy Mayor Pro Tem D. J. Ory, and Cary Harwell, Individual residing at 106 Leighton, Terrell, Texas, Presented To Council For Discussion and Consideration Resolution No. 718 Renaming Pool Road to Randy Snow Court. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 718 Renaming Pool Road to Randy Snow Court. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayes - None. Motion carried.

RESOLUTION NO. 718
A RESOLUTION OF THE CITY OF TERRELL, TEXAS
RENAMING POOL ROAD TO RANDY SNOW COURT

7. Discuss and Consider Approval of the bids and authorize staff to enter into a contract and issue a notice to proceed for the asbestos abatement and demolition project located at 1006-1014 South Virginia Street, being Lots 3-5, Block 119, Moore and Nash Addition, Terrell, Texas. Bid No. 20-03-12.

Terry Capehart, Municipal Development Director, and Russ Gout, Representing EcoSystems Environmental, Inc, Presented to Council For Discussion and Consideration Approval of the bids and authorize staff to enter into a contract and issue a notice to proceed for the asbestos abatement and demolition project located at 1006-1014 South Virginia Street, being Lots 3-5, Block 119, Moore and Nash Addition, Terrell, Texas. Bid No. 20-03-12. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve and authorize City Manager to execute a contract with NCM Demolition and Remediation, LP, in an amount not to exceed $25,800.00. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayes - None. Motion carried.

8. Discuss and Consider Residential Incentive Development Agreement between City of Terrell, Texas, and Terrell CHTZ, LLC.

Mike Sims, Assistant City Manager, Presented to Council For Discussion and Consideration Approval of Residential Incentive Development Agreement between City of Terrell, Texas, and Terrell CHTZ, LLC. Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize Mayor to execute the Residential Incentive Development Agreement between City of Terrell, Texas, and Terrell CHTZ, LLC. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayes - None. Motion carried.

CONSENT AGENDA

Mayor Pro Tem Ricky Jordan, made a motion to adopt on CONSENT AGENDA Ordinance No. 2551 on second reading. Councilmember Tommy Spencer, seconded the motion. Ayes - Councilmember Tommy Spencer, Councilmember Charles Whitaker and Mayor Pro Tem Ricky Jordan. Nayes - Deputy Mayor Pro Tem D. J. Ory. Motion carried.

9. Discuss and Consider on Second Reading Approval of Ordinance No. 2551 – Granting Specific Use Permit No. 25 (SUP-25) for a Permanent Makeup & Tattoo Studio on property located at 1202 E. Moore Ave, being Lot 3PT, Block 636, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. *(SUP 25).*

ORDINANCE NO. 2551

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, GRANTING SPECIFIC USE PERMIT No. 25 (SUP-25) FOR TATTOO STUDIO ON PROPERTY LOCATED AT 1202 EAST MOORE AVENUE, BEING LOT 3PT, BLOCK 636, TERRELL REVISED ADDITION; CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and City Council conducted public hearings on August 23, 2012 and September 18, 2012 respectively regarding a request to grant a Specific Use Permit for a Tattoo Studio on land located on property located at 1202 E. Moore Ave, being Lot 3PT, Block 636, Terrell Revised Addition; City of Terrell, Kaufman County, Texas; and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with State Law and the ordinances of the City of Terrell; and

WHEREAS, the City Council of the City of Terrell, Texas after due consideration of public comments and a recommendation from the Planning and Zoning Commission has determined that it would be in the best interest of the citizens of Terrell to grant the Specific Use Permit as requested;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Terrell, Texas:

ARTICLE I.

THAT Specific Use Permit No. 25 (SUP-25) be and is hereby granted for a Tattoo Studio on property located at 1202 E. Moore Ave, being Lot 3PT, Block 636, Terrell Revised Addition; City of Terrell, Kaufman County, Texas in compliance with the following requirements:

1. The hours of operation shall be restricted to the hours of 9:00 a.m. to 7:00 p.m. daily;
2. The validity of the Certificate of Occupancy shall be contingent upon maintaining a valid State license to operate a tattoo studio and valid State licenses for all tattoo artists;
3. The name of the business shall not use the word "tattoo" in the name of the business or on any signage located outside of the building.
4. The Studio shall be open and subject to inspections by the State Department of Health, the City Building Official (or his designee), the City Fire Marshal, or City Health Inspector during normal operating business hours upon proper display of identification and/or credentials.
5. State required licenses and the City issued Certificate of Occupancy shall be prominently displayed within the premises in a location readily accessible to the public for viewing at all times.
6. The owner, operator or manager of the Tattoo Studio shall notify the City Building Official of any change in status of the State required licenses of any individual or the business within three (3) business days of the change including the hiring of any new tattoo artist or individual required to have a license by the State.

ARTICLE II.

All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

ARTICLE III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections.

ARTICLE IV.

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED AND APPROVED this the 18th day of September, 2012.

PASSED AND ADOPTED this the 2nd day of October, 2012.

END OF CONSENT AGENDA

10. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the Following:
    (a) Section 551.071 - Consultation with Attorney.

This item was passed by Council.

11. Reconvene into Regular Session and Consider Action, if any, on Items Discussed in Executive Session.

This item was passed by Council.

12. Adjourn.

There were no other matters discussed or acted on at this meeting. There being no further business the meeting was adjourned.

Hal Richards, Mayor

Attest:

John Rounsavall, City Secretary