

STATE OF TEXAS
COUNTY OF DENTON
TOWN OF DOUBLE OAK

The Double Oak Town Council met in open session at 7:00 P.M. on December 21, 2009, at Double Oak Town Hall, located at 320 Waketon Road with the following members present to-wit:

Mike Donnelly	Mayor
Tracy Miller	Mayor pro-Tem
Dick Cook	Deputy Mayor Pro-Tem
Tom Pidcock	Council Member

Council Members Dondrea and Minassian were absent. Also in attendance were Town Engineer Brian Haynes, Police Chief Derrick Watson, Assistant Town Secretary Eileen Kennedy and Town Secretary Charlotte Allen

The Mayor called the meeting to order at 7:00 p.m.

Mayor Pro-Tem Miller gave the invocation. Police Chief Watson led the pledge of allegiance to the American flag and the Texas flag.

II. CONSENT AGENDA - All consent agenda items listed are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

- 1. CONSIDERATION AND ACTION ON MINUTES OF NOVEMBER 16, 2009**
- 2. CONSIDERATION AND ACTION ON MINUTES OF DECEMBER 7, 2009**

Pidcock motion, Cook second to approve the Consent Agenda as presented

AYE: Cook, Miller, Pidcock
NAY: None

MOTION CARRIED UNANIMOUSLY

Council Minassian joined the meeting at 7:03 p.m.

III. CITIZENS COMMENTS: NON-AGENDA SUBJECTS

No citizens came forward.

Council Member Dondrea joined the meeting at 7:04 p.m.

IV. NEW BUSINESS AGENDA (CONSIDERATION AND ACTION):

3. **HOLD A PUBLIC HEARING ON THE REQUEST FROM MR. SHAWN MERCHANT TO AMEND THE SPECIFIC USE PERMIT (SUP) ZONING DISTRICT IN THE TOWN OF DOUBLE OAK, DENTON COUNTY, TEXAS d/b/a SUNDANCE STONE AND THE LETCO GROUP, LLL, d/b/a/ LIVING EARTH TECHNOLOGY COMPANY TO ALLOW COMMERCIAL, RETAIL, SALES, STORAGE, LOADING AND DELIVERING OF COMPOST, MULCHES, SOILS, STONES, SANDS AND GRAVELS BOTH IN BULK AND IN BAGS AS WELL AS LANDSCAPING SUPPLIES AND MATERIALS, THE PARCEL IS DESCRIBED AS 1.034 ACRES OF A TRACT OR PARCEL OF LAND SITUATED IN THE S. C. WHITE SURVEY, ABSTRACT NUMBER 1334, TOWN OF DOUBLE OAK, DENTON COUNTY, TEXAS, BEING PART OF THAT CERTAIN 17.5245 ACRE TRACT OF LAND DESCRIBED IN DEED TO BOB J. TROUTT RECORDED IN VOLUME 4255, PAGE 1614 OF THE REAL PROPERTY RECORDS OF DENTON COUNTY, DENTON, TEXAS LOCATED SOUTH OF FM 407 AND WEST OF SIMMONS ROAD**

Mayor Donnelly opened the public hearing at 7:04 p.m.

No one spoke in favor.

No one spoke in opposition.

Mayor Donnelly closed the public hearing at 7:05 p.m.

4. **DISCUSSION, CONSIDERATION AND ACTION ON THE REQUEST FROM MR. SHAWN MERCHANT TO AMEND THE SPECIFIC USE PERMIT (SUP) ZONING DISTRICT IN THE TOWN OF DOUBLE OAK, DENTON COUNTY, TEXAS d/b/a SUNDANCE STONE AND THE LETCO GROUP, LLL, d/b/a/ LIVING EARTH TECHNOLOGY COMPANY TO ALLOW COMMERCIAL, RETAIL, SALES, STORAGE, LOADING AND DELIVERING OF COMPOST, MULCHES, SOILS, STONES, SANDS AND GRAVELS BOTH IN BULK AND IN BAGS AS WELL AS LANDSCAPING SUPPLIES AND MATERIALS, THE PARCEL IS DESCRIBED AS 1.034 ACRES OF A TRACT OR PARCEL OF LAND SITUATED IN THE S. C. WHITE SURVEY, ABSTRACT NUMBER 1334, TOWN OF DOUBLE OAK, DENTON COUNTY, TEXAS, BEING PART OF THAT CERTAIN 17.5245 ACRE TRACT OF LAND DESCRIBED IN DEED TO BOB J. TROUTT RECORDED IN VOLUME 4255, PAGE 1614 OF THE REAL PROPERTY RECORDS OF DENTON COUNTY, DENTON, TEXAS LOCATED SOUTH OF FM 407 AND WEST OF SIMMONS ROAD**

Planning and Zoning Chairman Steve Howard reported:

- The requested amendment would transfer the business interest to a new owner
- A larger variety of merchandising products would be offered for sale
- The P&Z unanimously voted in support of the request

Council Member Minassian left the meeting.

Mr. Mark Rose, 308 East Carruth, stated:

- Living Earth was basically expanding the current product line by adding bulk/bagged mulch
- Some bins were currently on site and others would be added
- The bins would be 6-feet tall and 14-feet wide
- He would lease the property and Mr. Merchant would run the business.

Council Member Minassian joined the meeting.

Minassian motion, Cook second accept and approve request from Mr. Shawn Merchant to amend the Specific Use Permit (SUP) zoning district in the Town of Double Oak, Denton County, Texas d/b/a/ Sundance Stone and the LETCO Group, LLL, d/b/a Living Earth Technology Company to allow commercial, retail, sales, storage, loading and delivering of compost, mulches, soils, stones, sands and gravel both in bulk and in bags as well as landscaping supplies and materials. The parcel is described as 1.034 acres of a tract or parcel of land situation in the S. C. White Survey Abstract Number 1334, Town of Double Oak, Denton County, Texas being part of that certain 17.5245 acre tract of land described in deed to Bob J. Troutt recorded in Volume 4255, page 1614 of the real property records of Denton County, Denton, Texas located south of FM 407 and west of Simmons Road, an amending ordinance to be written by the Town Attorney and authorizing the Mayor to sign the ordinance on behalf of the Town Council

Mr. Rose provided a hand-out from Living Earth. *

Mayor Pro-Tem Miller asked Council Member Minassian to add language that “and all other provisions remain constant”

Council Member Minassian accepted the amendment to the main motion, Deputy Mayor Pro-Tem Cook accepted the amendment to the second

The vote on the amendment to the main motion was as follows:

AYE: Pidcock, Minassian, Cook, Miller
NAY: Dondrea

MOTION AMENDMENT CARRIED 4 TO 1

The vote on the main motion was as follows:

AYE: Miller, Pidcock, Cook, Minassian
NAY: Dondrea

MAIN MOTION CARRIED 4 TO 1

* This hand-out is attached to and made a part of these minutes

5. DISCUSSION, CONSIDERATION AND ACTION FOR DOUBLE OAK VOLUNTEER FIRE DEPARTMENT TO PROCEED WITH THE DESIGN AND SELECTION OF LOCATION OF A MONUMENT SIGN FOR THE DOUBLE OAK VOLUNTEER FIRE DEPARTMENT

Mayor Donnelly stated:

- The DOVFD was asking to proceed with the design of a monument sign with a fire bell mounted on the top for the Fire Hall
- The sign would be consistent with the Town Hall and John B. Wright Park monument signs
- The proposed location was near the Fire Hall flagpole

The consensus of the Council was for the DOVFD to proceed with the design.

Council Member Minassian left the meeting.

6. DISCUSSION, CONSIDERATION AND ACTION ON INVOICES FROM HALFF AND ASSOCIATES FOR WORK COMPLETED THROUGH OCTOBER 2009 ON SIMMONS ROAD RECONSTRUCTION PROJECT CONTINGENT ON DENTON COUNTY APPROVAL OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT

Miller motion, Cook second to approve the invoices from Halff and Associates for work completed through October 2009 on the Simmons Road reconstruction project contingent on Denton County approval of the ICA in the amount of \$34,794.92

AYE: Dondrea, Miller, Pidcock, Cook
NAY: None

MOTION CARRIED UNNIMOUSLY

7. DISCUSSION, CONSIDERATION AND ACTION ON INVOICES FROM HALFF AND ASSOCIATES FOR WORK COMPLETED THROUGH OCTOBER 2009 ON WAKETON ROAD RECONSTRUCTION PROJECT CONTINGENT ON DENTON COUNTY APPROVAL OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT

Miller motion, Pidcock second to approve the invoices Halff and Associates for work completed through October 2009 on the Waketon Road reconstruction project contingent on Denton County approval of the ICA in the amount of \$18, 421.72

AYE: Miller, Pidcock, Cook, Dondrea
NAY: None

MOTION CARRIED UNANIMOUSLY

Council Member Minassian joined the meeting.

8. DISCUSSION, CONSIDERATION AND ACTION ON INVOICE FROM DDM FOR WORK COMPLETED ON THE KINGS ROAD/SHILOH ROAD INTERSECTION IMPROVEMENTS IN THE AMOUNT OF \$28,955.70

Town Engineer Brian Haynes reported this invoice amount did not include the 10% retainage.

Pidcock motion, Dondrea second to approve the invoice from DDM for work completed on the Kings Road/Shiloh Road intersection improvements in the amount of \$28,955.70

AYE: Pidcock, Minassian, Cook, Dondrea, Miller
NAY: None

MOTION CARRIED UNANIMOUSLY

9. DISCUSSION, CONSIDERATION AND ACTION ON THE PEPPERPORT PAVING PROJECT

Town Engineer Brian Haynes reported:

- A complete set of plans had been sent to all utilities in early November
- A pre-construction meeting would be set with all utilities and the County
- All of the utilities would be notified of the meeting in late December

10. DISCUSSION, CONSIDERATION AND ACTION ON OTHER PAVING PROJECTS

Town Engineer Brian Haynes reported:

- Halff and Associates were working on the specifications and contracts for Spring road and drainage projects
- Areas identified were Rancho Vista, Oak View, Knob Hill and Creekside
- DDM was substantially done with pothole repairs
- The approved Simmons plan would look for drainage under the road in order to save trees; trees lost would be replaced by the contractor
- The committee would move forward with that plan as it would cause the minimum change; the road base would remain where it was plus road/drainage improvements

11. DISCUSSION, CONSIDERATION AND ACTION ON A REPORT FROM THE ROAD AND DRAINAGE COMMITTEE REGARDING THE SIMMONS ROAD AND WAKETON ROAD PROJECTS

Deputy Mayor Pro-Tem Cook reported:

- An open house had been held on November 19th for the purpose of gathering input from residents on the Simmons Road and Waketon Road reconstruction projects
- Approximately 50 people had attended and approximately 18 comment sheets had been submitted
- The roadway would be 26-feet wide with an additional 4-feet on each side (like a shoulder)

Mayor Donnelly added:

- A meeting had been held with County Commissioner Andy Eads on December 1
- Commissioner Eads had shown a willingness to spend more money in order to save and/or replace trees

Deputy Mayor Pro-Tem Cook reported:

- It had been discussed in the committee to put a sidewalk on the south side of Waketon from Bridlewood to Chinn Chapel
- The sidewalk would wind around the existing trees
- The potential of putting a left turn lane off Waketon onto Bridlewood had also been discussed
- In the middle to end of January bid documents and specifications should be ready
- It was planned to bid the projects in March
- Contracts would be awarded in April and May and the construction would be started

Deputy Mayor Pro-Tem Cook left the meeting at 9:00 p.m.

12. DISCUSSION, CONSIDERATION AND ACTION ON A REQUEST BY THE DOUBLE OAK POLICE DEPARTMENT TO EXPEND \$2500 FOR THE REPAIR OF MINOR FIRE DAMAGE TO PATROL UNIT #42

Pidcock motion, Minassian second to approve the request by the Double Oak Police Department to expend \$2500 for the repair of minor fire damage to patrol unit #42

Police Chief Derrick Watson reported:

- He had been in contact with Texas Municipal League and had been told they would pay an unspecified amount toward the repair
- He did not have a dollar figure from TML at this time

AYE: Minassian, Dondrea, Miller, Pidcock
NAY: None

MOTION CARRIED UNANIMOUSLY

Agenda item #13 was passed in the agenda order.

13. CITIZENS COMMENTS

Ms. Laura Wilkinson, 140 North Forest, complimented the Council on the recent Open House and expressed her thanks for the plaque she received.

The Council returned to the agenda order.

14. CONSIDERATION AND ACTION ON FUTURE COUNCIL AGENDA ITEMS

Council Member Minassian asked Chief Watson to report on a future agenda on the benefits of a holding facility

Assistant Town Secretary Eileen Kennedy stated the annual audit report would be brought to Council by Mr. Carl Deaton shortly

15. COUNCIL – STAFF ANNOUNCEMENTS AND COMMENTS

Police Chief Derrick Watson thanked the Council for the last 6-months since he had been appointed Chief of Police.

Council Member Minassian commented on the huge amount of work Chief Watson had accomplished.

Council Members Pidcock and Dondrea had no comments.

Mayor Donnelly echoed the comment of Council Member Minassian regarding Chief Watson

Mayor Pro-Tem Miller expressed his appreciation to Chief Watson and thanks to all of the Double Oak volunteers and to Brian Haynes

Assistant Town Secretary Kennedy expressed her thanks to the Mayor and Council.

16. ADJOURNMENT

Miller motion, Pidcock motion to adjourn

With no further business to come before the Council, the meeting was adjourned at 9:30 p.m.

Town Secretary

Mayor