**MINUTES**

**TOWN OF COPPER CANYON**

**REGULAR TOWN COUNCIL MEETING**

**MONDAY, APRIL 8, 2019**

**AND JOINT MEETING WITH THE**

**PLANNING AND ZONING COMMISSION**

**MONDAY, APRIL 8, 2019**

The Town Council of the Town of Copper Canyon met in regular session and conducted a joint meeting with the Town of Copper Canyon Planning and Zoning Commission on Monday, April 8, 2019, at 7:00 p.m. in the Council Chambers at Copper Canyon Town Hall, 400 Woodland Drive, Copper Canyon, Texas, whereupon the following items were considered:

1. **TOWN COUNCIL - CALL TO ORDER**

**Mayor Sue Tejml** called the regular meeting of the Copper Canyon Town Council to order at 7:00 p.m. on the 8th day of April 2019 in the Council Chambers at Copper Canyon Town Hall, 400 Woodland Drive, Copper Canyon, Texas, 75077.

**Council Present**

**Jeff Mangum** Mayor Pro Tem

**Valerie Cannaday** Deputy Mayor Pro Tem

**Bill Castleman** Council Member

**Dave Svatik** Council Member

**Staff Present**

**Terry Welch** Town Attorney

**Donna Welsh** Town Administrator

**Sheila Morales** Town Secretary

A quorum of the Town Council was established.

**Council Member Hill** was absent due to his business schedule.

**Mayor Sue Tejml** and **Council Members** led meeting attendees in the Pledge of Allegiance to the U.S. and Texas Flags.

1. **TOWN COUNCIL - PRESENTATION OF 2017-2018 ANNUAL FINANCIAL AUDIT FOR THE TOWN OF COPPER CANYON**

**Town Auditor William Spore** explained Copper Canyon’s 2017 - 2018 Annual Financial Audit to the Council and attendees.

No questions were asked by the Council.

**Council Member Svatik** requested that Agenda Item III be switched with Agenda Item IV.

**Council Member Castleman** seconded the motion.

Ayes: **Mayor Pro Tem Mangum, Deputy Mayor Pro Tem Cannaday, Council Members Castleman, and Svatik**

Nays: None

**Mayor Sue Tejml** announced that the motion carried unanimously.

1. **TOWN COUNCIL – PUBLIC INPUT**

Citizens can make comments to the Town Council during this section of the meeting agenda. We ask citizens who wish to speak on agenda items to sign in on the sheet provided on the table at the back of the Council Chambers. There is a 3-minute time limit for each speaker. Pursuant to State Open Meetings law, the Town Council cannot discuss or take action on items not posted on the Agenda. Therefore, the Council cannot take action on or discuss any issues or items brought up during public input.

The following people spoke:

**Ron Robertson** (1360 Pilot Lane) stated that on March 11, 2019 a letter was read into the record at a Joint Council and P&Z meeting. He apologized to Town Council and P&Z for the comments made in that letter. The comments that Town Council and P&Z did not hold the proper public hearings and that they weren’t fully transparent regarding the Toll Development were overreaching and he apologized for that. The fact that the comment was made that he edited and approved that the Council and P&Z were outside the law and the joint meeting process, that also was not true, and he didn’t mean it that way. For that reason, he apologized to the Council and P&Z and wanted to make his apology as part of the record.

**Jeff Voight** (4548 Mahogany Lane) stated that he would like to speak to someone other than those calling and saying that something illegal was done regarding the Toll development. **Council Member Svatik** stated that he would follow up with **Mr. Voight**.

**Elaine Beck** (655 Estates Drive) stated that she looked on the Town’s website for the last P&Z meeting minutes but couldn’t find them. **Town Administrator Welsh** explained that those minutes were to be considered as part of the April Joint Council and P&Z meeting. Those minutes were also part of the packet that was posted to the Town’s website on Friday, April 5th. **Ms. Beck**, based on reading past minutes,stated that the Council has done an excellent job working with the Town’s citizens and with the Master Plan. Her problem is she was reading the wrong information, that being the Cross Timbers Gazette. If she would have been reading the minutes she would have learned everything she needed to know. She stated it would be helpful for the Town to send out a fact sheet; such a sheet could dispel a lot of misinformation that’s floating around the Town. **Ms. Beck** asked if the Town could send out Town Council minutes via an email blast. Reading the Cross Timbers Gazette wasn’t good enough at educating her regarding what is going on in the Town. Regarding the 80% masonry requirement that she read about in the minutes, she wondered if someone could build a house that is 50% glass. **Mayor Sue Tejml** said that the State Legislature may soon preempt all cities and town’s definition for masonry. **Mayor Sue Tejml** said that the Town’s email blast system, based on citizens’ requests, is used for emergency situations.

1. **TOWN COUNCIL – STAFF, MAYOR, AND COUNCIL REPORTS ON ITEMS OF COMMUNITY INTEREST** (Pursuant to Texas Government Code Section 551.0415 the Town Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules, (3) recognition of individuals; (4) reminders about upcoming Town Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.)

**Council Member Svatik** read the following:

*Since this will be my last meeting as a Council Member…*

In January I began a new role with my company that will keep me from attending the Council meetings. In fact, I postponed a trip that I was supposed to leave on today to make this meeting, so I now depart tomorrow for the remainder of the week.

If I opted to run for re-election, this would have been my fourth term as a Councilman for the Town. Over the years I have had the pleasure of serving on the Roads committee, Planning and Zoning and as a Councilman.

First and foremost, I want to thank the people who elected me for this role. I deeply appreciate your support over the years. After having lived in Copper Canyon for 21 years, I can tell you that I have always upheld our rural setting. Like many of you I take great pride in our open large lots, trees and hills! If you didn’t vote for me, I’m 100% okay with that as well. But if you’re not a supporter of mine then please understand that I, like my fellow members of Council, tried our very best to weigh the needs and wants of our citizens with the demands of keeping a rural town rural while being crushed by development around us. I feel as though people like Steve Hill and Donna Welsh have done their best to give us a financial forecast which in all the years that I have served or been part of this group has been incredibly accurate.

I’d like to thank the Town Staff, Sheriff’s Department, Fire Department and each member of this Council and our security. It has been a pleasure serving with all of you.

One month from today someone new will be seated in my chair representing this town. I would like to offer some words of advice and set the record straight on many erroneous things that were said, even as recently as yesterday at the candidate forum*. I want to provide my* ***expression of thanks*** *and to* ***recognize those individuals*** *that applied to run for Mayor or Council. Whether or not you win, your commitment and volunteering is commendable*.

***By way of some information about our upcoming community event, a.k.a. our election…***

**To the issue of this Council “not being transparent”** – I find this incredibly difficult to comprehend for many reasons. I can tell you that I will absolutely stand by the fact that Mayor Sue puts in hours, if not days, trying to keep people up to date. Years ago, you may recall, *she was the ONLY Mayor* that took the time to write a monthly article for the Cross Timbers Gazette. Now everyone does it, following her lead. And if you’ve ever bothered to read or look at the difference in the amount of information other Mayors write compared to Mayor Sue’s monthly “**War and Peace**” novels you’d know that she makes sure that all issues are covered. So, you wouldn’t even have to bother reading the town meeting minutes. All you’d have to do is wait for her article to know what is going on in this Town or in the County that effects our Town.

**Transparency**…our Town Secretary Sheila Morales documents what is being said in our meetings in detail that FAR exceeds MANY of the meeting minutes in our surrounding communities. Some candidates have read them, but many candidates have clearly not bothered because some of the statements they’re making would not be made **if they simply read the minutes.**

Anyone care to guess how many years of meeting minutes and agendas we have on our website? **For the Council & P&Z they date back to 2001, for the Board of Adjustments they date back to 2000!**

Which brings me to my next point on transparency and the accusations that “*this Council has not listened to the public*.”

**How many meetings do you think that the Council of Copper Canyon has conducted about the Town Center over the years?** Wouldn’t you expect that candidates running for office would have researched this before making accusations of not having enough meetings on the topic of the Town Center?

**Answer: Since 2012 we’ve had TWENTY, yes TWENTY town Council meetings on the Town Center (a.k.a. the Vickery Park / Toll Brother’s project.) And more than HALF of those meetings included public input and, according to the minutes, in many if not most cases no one, not a single person spoke up. But we sit accused of lacking in transparency…**

I looked through my old copies of the Mayor’s article and guess what? She mentions the topics, including the town center, each time we had a meeting and in her usual extensive detail. 😊

Yesterday (3/31) two external candidates stated that the Council goes into **executive session**.

**Robin Douglas-Davis** said that the executive s*essions were a method to circumvent open government.*

Another candidate, **Ted Stranczek**, said that the Council goes into executive session for lengthy sessions and comes out and says nothing.

**Well folks the facts are this** – By State law the Council goes into executive session to seek legal advice or to discuss personnel matters related to committee appointments, town staff etc. This is ALWAYS called out before we to into executive session. In executive session we ask our Town Attorney about situations that we may believe or do involve legal matters. We’re not allowed to discuss anything except legal or personnel matters. When we come out of executive session there are generally one of two items that you’ll hear us say: The Council has decided not to take any action on items…. Or, a Council member may say something to the effect “Mayor, I would like to make a motion to…(whatever the action is that was decided in the meeting.”)

**Speaking of transparency** – at least three of our external candidates are on an email distribution list of about 40 residents. I’ve asked to be added to that list 4 times – no response yet from this group of people who sit before you today demanding transparency.

**Speaking of transparency** – On or about March 8th I submitted a request to be added to the **Copper Canyon Resident’s** Facebook page. It’s supposed to be open to the public. I live in Copper Canyon, many of the external candidates or their spouses are listed as members of that page – and yet here we are a full month to the day and I’ve still not been allowed to join that group – must be a very busy administrator and not the fact that the group isn’t allowing those that may not think the way they do on the page. *All while demanding transparency*…

My son attended one of the five Federal Service Academies and his academy has a saying “Acta non Verba” which translates to “Actions not Words” or, as many say on campus “Deeds not Words.” *Well for those demanding transparency – the actions of* ***excluding*** *people speak far louder than your cries for transparency* – I would ask that you reconsider opening the circle and demonstrate that your words ARE your actions.

**On the issue of Legal Fees & “consultants”/Engineering fees**…One external candidate (again, meaning not a current member of the Council) said that no other surrounding town has fees as high as ours. Oh, but what they **failed to recognize** is that our fees were high because we’ve had a great deal of work on our major roads (Copper Canyon Road, Chinn Chapel, and Orchid Hill). Not only did the County reimburse us for much of the engineering and legal fees, but the Council asked for an additional amount to cover the cost of our Town Staff’s work. *So, it’s a fantasy for the external candidates to cite poor oversight / mismanagement of our tax dollars*. The Mayor, the Town Staff and this Council worked very hard and pulled off a miracle. According to Mayor Sue’s numbers cited at the candidate forum yesterday, we received $14 million from Denton County to improve our roads. Do you have any idea what the cost of maintaining these roads in asphalt has been and what we’re now able to save?

**Maintenance of Roads** – this cost has been greatly reduced BECAUSE of the concrete streets. But one added benefit of the Toll Brothers neighborhood is that, while CC will receive the tax dollars we WON’T be paying for the streets in that community. How is that not good financial stewardship?

**Security:** (~32 mins 38 seconds into the tape) **Ted Stranczek** made a comment that the cost of security is too high. (36 mins 24 seconds into the tape responding to a question on expense control) He went on to call out that the Council was having active shooter training and installing bullet proof glass on the Staff offices.

Is the cost too high? Really? Well, *if you sat in our chairs and knew that one of our very own citizens tried to run one of the Toll Brothers representatives down with their vehicle after a Town Council meeting perhaps you’d think differently*.

The member of the Toll Brothers didn’t want to have hard feelings with our town, so he didn’t press charges. *Ladies and gentlemen, I can assure you that I would NEVER be that charitable, not by a long WIDE mile*. I would have prosecuted the heck out of them criminally and civilly. We often hear about shootings targeting government officials. We’ve had several Council meetings where citizens have become very irate, meeting after meeting. We were sitting up here with ZERO protection, so we added a security guard. On very contentious nights we’ve added a Sheriff as well.

I would encourage our external candidates to visit the surrounding communities like Highland Village, Argyle and others. Only then would you know that the town staff DOES sit behind bullet proof glass and doors. If our external candidates had bothered to ask our town staff how many times they’ve had irate people coming in about traffic tickets perhaps they would appreciate the real and present risk that these people face. What would it take folks? Someone shooting our staff before we do anything? Which brings me to the Active Shooter training. Ladies and gentlemen, this training is being provided FREE of CHARGE by our own Councilman Bill Castleman who is a certified gun safety and active shooter trainer. EVERY member of the Council offered to come in before the Council meeting or on a weekend to volunteer for this training. **Why on earth would we be criticized for wanting to learn how to respond if we had an active shooter? But security to this external candidate is obviously too high of a cost.**

(36 mins & 1 hour and 8 mins into tape) This same candidate told you that the Council had given concessions to builders.

Let’s go with that – there was **one** neighborhood where the builder received a concession on building fees – yes that is true it was **Copper Creek**. The actual FACTS are as follows: the concession was NOT initiated by the Council, it was COURT ORDERED as part of a settlement of a law suit.

He also said that we should do away with our municipal court as it’s attracting a criminal element.

This candidate wants to do away with (move) the municipal court in CC. But he clearly doesn’t understand WHY we have a municipal court. We have this court because failure to have a court in Copper Canyon means that a substantial part of the ticket revenue and other fees would go to an external agency to process the tickets. By retaining the court, which pays for itself, we retain more of that revenue and apply it to public safety. I’ve been told that to date we’ve collected 195k. Attracting a criminal element? Well folks, I guess if you’ve ever been pulled over for a ticket - then congratulations because this candidate believes you’re a criminal! You see in Copper Canyon, I’m told, the municipal court spends 95% of its time on traffic tickets… (mostly nonresidents)

And finally, in our last Council meeting, candidate **Robin Douglas-Davis** told the Council and you that she had a petition that had 70+ signatures. Well folks here are the facts that were missing on this element of the “pitch fork petition” (as I call it) that you were asked to sign:

1. Texas law does not allow spot zoning. Some of you may recall the situation with the Rooneys on Chinn Chapel. Cities and Towns are not allowed to give varying zoning based on lots.
2. The Town Center is a uniquely zoned area Planned Development within Copper Canyon. This means that zoning may apply to that entire community which does **not** apply to the rest of Copper Canyon.
3. In a conversation that I had with the Toll Brothers, they committed that they only needed that height for a single home on one lot. Folks that’s POINT 4% (.4%) of the 225 lots in that neighborhood. And the reason they needed it, as explained to me, is because they had to fit a certain size house on an oddly shaped lot…one house. Here’s where I remind the audience that, by Texas law, we’re not allowed to have unique zoning for a single lot, so the Toll Brother’s community had to be given that consistent allowance.
4. For those that have lived here for many years, please drive around town. Check out how many houses, buildings, barns etc. have heights that are CLEARLY over 42’ (FACT: The current maximum height for R10, R5 and R2 for principle use is 45 feet.) Where’s the outrage on our existing ordinances that exceed the 42’ as referenced in this “grab the pitch fork & torches and get down to town hall petition?” Why weren’t you given the complete and proper information before being asked to sign the petition?
5. TO THIS VERY DAY the Council nor the town staff has received a copy of the petition that **Robin Douglas Davis** claims to be in possession of.

I understand that there is a learning curve in taking on a new position such as the Council. I don’t have an issue if someone is unclear about the laws that govern the way in which we conduct our meetings or our ability/inability to respond to resident’s input. **What I do strenuously object to are candidates that make statements which appear to be nothing more than driving a dagger into their opponent or the Council and which are clearly not well researched. In my opinion it’s misleading and, quite honestly a bit frightening that some people would be so utterly careless when speaking as a potential public official.**

I conclude with this – PLEASE pick your candidates wisely. Please be VERY wary of the candidate that is willing to throw out “facts” that lack sufficient research and foundation. PLEASE think before selecting any candidate who is so consumed with anger that they clearly failed to give a forward-looking plan on very little other than the Toll Brothers neighborhood.

And with that, I thank you Council and our citizens. I am proud to have served this community and will walk out with my head held high knowing that we carefully weighed the concerns and input of our neighbors and constituents and made the best out of a very tough situation.

Thank you for your time and patience. Hopefully this offers you some additional information to consider in our upcoming election.

**Jeff Voight** (4548 Mahogany Lane) stood up and informed **Councilman Svatik** that his questions had been addressed and he no longer needed **Councilman Svatik** to call him.

**Mayor Sue Tejml** gave an update on the Cross Timbers Water lawsuit as follows:

The court in Denton County awarded zero dollars to the HOA and a few homeowners who elected to stay in the lawsuit. The HOA and few homeowners did not appeal within the 30-day requirement however, they have asked for another 30 days. It’s expected that they’ll ask for a new trial. At this point in time, Cross Timbers Water has over 3000 connections. When summer arises, the water needs double and it’ll be very difficult for the one elevated tank to support the users. We still have no idea when we’ll get a second elevated tank. If someone wants to build a house not close to an existing fire hydrant they must sprinkle the house and developments are required to go in with ponds that remain at a constant level and pay for extra fire equipment.

**P&Z Chairman Nicholas**, as a Board member for Cross Timbers Water Supply Corporation, stated that CTWSC plans to submit a different approach regarding the elevated water tower. They plan to stress the ‘life safety’ issue at the next trial and are urging all mayors involved to support their approach. This then becomes an urgent matter, not just a ‘want’. They will be visiting with all the mayors to support this approach.

1. **TOWN COUNCIL – PUBLIC HEARING**

The Town Council of the Town of Copper Canyon, Texas will conduct a public hearing to consider the following:

1. Lots 4R, 4R4, & 5R Block A Canyon Bluffs Addition being 18.61 acres in the JB Teague Survey, Abstract Number 1258, in the Town of Copper Canyon, Denton County, Texas, being a replat of Lot 4 and Lot 4R4, Canyon Bluffs Addition CAB.W, pg. 480, plat records Denton County, Texas. (The properties are located at 3012 Canyon Bluff Court and 855 Orchid Hill Lane in the corporate limits of the Town of Copper Canyon, Texas.)

No one spoke.

1. **PLANNING & ZONING COMMISSION (P&Z) – CALL TO ORDER**

**Chairman Nicholas** called the meeting of the Copper Canyon Planning and Zoning Commission to order at 7:48 p.m. on the 8th day of April 2019 in the Council Chambers at Copper Canyon Town Hall, 400 Woodland Drive, Copper Canyon, Texas, 75077.

**Commissioners Present**

**Andre Nicholas** Chairman

**Bill Alexander** Commissioner

**Paul Dietz** Commissioner

**Kaki Lybbert** Commissioner

**Tom Reed** Commissioner

1. **P&Z - CONSENT**
2. Approve March 11, 2019 Minutes of Joint Council and P&Z Meeting

**Commissioner Reed** motioned to approve Consent Item #1.

**Commissioner Lybbert** seconded the motion.

Ayes: **Chairman Nicholas, Commissioners Alexander, Dietz, Lybbert, and Reed**

Nays: None

**Chairman Andre Nicholas** announced that the motion passed unanimously.

1. **P&Z – ACTION AND DISCUSSION ITEMS**

1. Discuss, consider and act upon a recommendation to the Town Council regarding Lots 4R, 4R4, & 5R Block A Canyon Bluffs Addition being 18.61 acres in the JB Teague Survey, Abstract Number 1258, in the Town of Copper Canyon, Denton County, Texas, being a replat of Lot 4 and Lot 4R4, Canyon Bluffs Addition CAB.W, pg. 480, plat records Denton County, Texas. (The properties are located at 3012 Canyon Bluff Court and 855 Orchid Hill Lane in the corporate limits of the Town of Copper Canyon, Texas.)

**Chairman Nicholas** stated that the Town’s engineer, Halff Associates, has reviewed and approved the replat

**Don Thorp** (3012 Canyon Bluff) explained that the intent of replat was to subdivide the property, creating a two-acre lot along Orchid Hill and correct where a building from Lot 4R4 was encroaching on Lot 4R. He wanted to create two two-acre lots along Orchid Hill, however, they were limited in doing that because of the 250’ lot width requirement.

Based on **Chairman Nicholas’** question, **Town Engineer Haynes** stated that required driveway separation on local roads in the Town is fifty feet. **Chairman Nicholas** asked what the driveway separation was for major roads in the Town. **Town Engineer Haynes** will double check on the requirements.

**Commissioner Reed** made a motion to accept the replat as proposed for Lots 4R, 4R4, & 5R Block A Canyon Bluffs Addition.

**Commissioner Lybbert** seconded the motion.

Ayes: **Chairman Nicholas, Commissioners Alexander, Dietz, Lybbert, and Reed**

Nays: None

**Chairman Andre Nicholas** announced that the motion passed unanimously.

1. **P&Z – ADJOURN**

**Commissioner Lybbert** motioned to adjourn the meeting.

**Commissioner Dietz** seconded the motion.

Ayes: **Chairman Nicholas, Commissioners Alexander, Dietz, Lybbert, and Reed**

Nays: None

Meeting adjourned at 7:55 p.m**.**

1. **TOWN COUNCIL – ACTION & DISCUSSION ITEMS**
2. Discuss, consider and take action on a recommendation from the Planning and Zoning Commission regarding Lots 4R, 4R4, & 5R Block A Canyon Bluffs Addition being 18.61 acres in the JB Teague Survey, Abstract Number 1258, in the Town of Copper Canyon, Denton County, Texas, being a replat of Lot 4 and Lot 4R4, Canyon Bluffs Addition CAB.W, pg. 480, plat records Denton County, Texas. (The properties are located at 3012 Canyon Bluff Court and 855 Orchid Hill Lane in the corporate limits of the Town of Copper Canyon, Texas.)

**Deputy Mayor Pro Tem Cannaday** questioned whether the setback on the east side of 4R4 should be 75’ since the lot is along a road, similar to the 75’ setback on the south side of 4R4 (along Orchid Hill). **Town Engineer Haynes** stated that when 4R4 was originally platted, it was platted with a 100’ setback. **Deputy Mayor Pro Tem Cannaday** stated that 100’ was the original setback, however a few years ago the setbacks along a road for R2 were amended to 75’. **Town Attorney Welch** stated that Lot 4R4 is an existing lot, with an existing structure and setback; there isn’t a need to change the setback line. The building lines were set with the original plat. **Deputy Mayor Pro Tem Cannaday** suggested that if the house burns down or if they add on, it’d be nice if the plat was already corrected (rather than doing a replat at that time). **Town Attorney Welch** stated that the fact that the building lines requirements have changed, doesn’t mean the Town has to go back and change every building line. The plat has already been recorded. **Deputy Mayor Pro Tem Cannaday** stated that the western boundary line to Lot 4R4 is changing and so should the eastern setback.

**Deputy Mayor Pro Tem Cannaday** asked that Council consider changing the eastern setback on Lot 4R4 to 75’.

**Town Engineer Haynes** stated that when Lot 4R4 was replatted several years ago, the land owner requested a 75’ front yard setback. Based on updated ordinances, the front yard setback for R2 properties is now 75’, so the front yard setback will not change with the replat.

**P&Z Commissioner Reed** stated that the large copies of the replat which were handed out before the meeting are slightly different compared to the replat in the packet. The packet copy has a shadow statement along the front yard setback showing ‘75’ setback abandoned’, whereas the large replat copy has a shadow statement showing ‘100’ setback abandoned’.

**Mayor Pro Tem Mangum** made a motion to table this item until everything could be clarified.

**Council Member Castleman** seconded the motion.

**Town Attorney Welch** stated that whether the plat shows that a 75’ setback was abandoned or a 100’ setback was abandoned isn’t significant to approving the plat; there isn’t a need to postpone the item. The 100’ setback questioned earlier is a side setback, which is consistent with the Town’s requirements

**Mayor Pro Tem Mangum** withdrew his motion to table this item.

**Council Member Castleman** withdrew his second of the motion.

**Mayor Pro Tem Mangum** questioned what the side yard setback is for a corner lot, such as 4R4 at the corner of Canyon Bluff and Orchid Hill. **Town Engineer Haynes** stated the setback is 100’ however years ago when 4R4 was platted, the resident asked for a 75’ setback. **Council Member Cannaday** stated that Council amended the front yard setbacks for R2 properties, allowing a front yard setback of 75’ rather than 100’.

**Mayor Pro Tem Mangum** questioned what setbacks are required for corner lots in the Town; is it 75’ or 100’.

**Town Engineer Haynes** stated that since the house on 4R4 faces Orchid Hill, the eastern side of the property is considered the side yard and according to the Town’s Ordinances the side yard setback for a street along a right of way is 100’. **Deputy Mayor Pro Tem Cannaday** stated that Council didn’t address amending the side yard setback when they amended the front yard setback for R2 properties. **P&Z Chairman Nicholas** stated during the discussions of changing the front yard setbacks for R2 properties, the side yard setback along a street right-of-way wasn’t changed with the intention to keep the view open for traffic. The side yard setback along a street right of way was left at 100’. **Town Engineer Haynes** stated that what’s presented on the plat (side yard setback of 100’ for Lot 4R4 is correct).

**Mayor Pro Tem Mangum** requested that this item be postponed until later in the meeting.

1. Discuss, consider and take action regarding the Agreement for Professional Engineering Service on a Defined Scope of Service Basis with Halff Associates for the Chinn Chapel Road Phase III Project.

**Council Member Castleman** stated that since this item is a major part of what the Town is considering, the Council should wait until after the election since we’ll have a new Council; to make the decision this evening wouldn’t be fair to the citizens.

**Council Member Castleman** made a motion to postpone Item #2 to the next meeting.

**Mayor Pro Tem Mangum** seconded the motion (so Council could discuss).

**Town Attorney Welch** clarified that the motion on the floor is whether to postpone the consideration of the item until the next meeting. If this motion is denied, then Council would go back to discussing Item #2.

**Council Member Svatik** stated that his concern is that the County gave the Town the money as certain commissioners were leaving. He understands wanting to be fair to the next Council however he’s deeply concerned that we could jeopardize getting the money needed to finish the construction of Chinn Chapel. The rest of Chinn Chapel needs to be fixed. He doesn’t want to put at risk the grant the Town’s been given for the construction project.  **Mayor Sue Tejml** said that the grant is 310,000,000 to complete the reconstruction of Chinn Chapel all the way to the round-a-bout in concrete.

**Deputy Mayor Pro Tem Cannaday** asked if there was a time line from the Council on receiving the funds. **Mayor Sue Tejml** said that there could be. The grant was presented by **Commissioner Eads** and approved by the Commissioners Court. That doesn’t mean the decision couldn’t be rescinded.

**Deputy Mayor Pro Tem Cannaday** asked if Council approved Action Item #2 and the County then rescinded their decision, would the Town be on the hook for the contracted amount.

**Mayor Pro Tem Mangum** stated that the ICA has been approved.

**Council Member Castleman** questioned how would approving the contract not stop the County from rescinding the money.

**Mayor Sue Tejml** said that the Town is ready to finish the engineering part of the project and then get construction bids out and start now.

**Town Engineer Haynes** stated that the estimated time table for the construction is to start this fall. Waketon Road in Double Oak and Flower Mound is going out for bid this fall. If the Town schedules Chinn Chapel construction at the same time, the thought is the Town can get better bids with contractors in the area.

**Council Member Svatik** asked about the rising costs of construction as time goes on. **Town Engineer Haynes** stated that they assume a 4-6% inflation percentage.

**Mayor Pro Tem Mangum** asked if a delay in signing the agreement would put the Town in jeopardy of going out for bids. **Halff Consultant Jim Carter** stated that Halff Associates has been working on this road for about ten years, in three phases. Most of the engineering work has been completed. If another contractor is chosen, the cost would be out of sight since Halff has already done most of it.

**Council Member Svatik** stated that there are three candidates who are opposed to Halff and their fees. If Council postpones this to May, the potential is that nothing will happen until a new engineering firm is found, should those candidates be elected. That’s not fair to anyone that lives on north Chinn Chapel.

**Mayor Pro Tem Mangum** stated the County is paying the engineering fees, not the Town.

**Council Member Castleman** withdrew his motion to postpone Item #2 to the next meeting.

**Mayor Pro Tem Mangum** withdrew his second.

**Council Member Svatik** made a motion to approve the Agreement for Professional Engineering Service on a Defined Scope of Service Basis with Halff Associates for the Chinn Chapel Road Phase III Project.

**Mayor Pro Tem Mangum** seconded the motion.

Ayes: **Mayor Pro Tem Mangum, Deputy Mayor Pro Tem Cannaday, Council Members Castleman, and Svatik.**

Nays: None

**Mayor Sue Tejml** announced that the motion carried unanimously.

1. Discuss, consider and approve the 2017-2018 Annual Financial Audit for the Town of Copper Canyon.

**Deputy Mayor Pro Tem Cannaday** made a motion to approve the 2017 – 2018 Annual Financial Audit for the Town of Copper Canyon.

**Council Member Svatik** seconded the motion.

Ayes: **Mayor Pro Tem Mangum, Deputy Mayor Pro Tem Cannaday, Council Members Castleman, and Svatik**

Nays: None

**Mayor Sue Tejml** announced that the motion carried unanimously.

1. **(Revisiting Action Item 1 since postponed earlier in the meeting.)** Discuss, consider and take action on a recommendation from the Planning and Zoning Commission regarding Lots 4R, 4R4, & 5R Block A Canyon Bluffs Addition being 18.61 acres in the JB Teague Survey, Abstract Number 1258, in the Town of Copper Canyon, Denton County, Texas, being a replat of Lot 4 and Lot 4R4, Canyon Bluffs Addition CAB.W, pg. 480, plat records Denton County, Texas. (The properties are located at 3012 Canyon Bluff Court and 855 Orchid Hill Lane in the corporate limits of the Town of Copper Canyon, Texas.)

**Town Attorney Welch** asked what additional information was needed to approve the plat since the applicant is okay with the 100’ setback on the east side of Lot 4R4 and the 75’ front yard setback is consistent with the Town’s current ordinance. The Town is required to act on a replat within thirty days.

**Town Engineer Haynes** suggested that the question on the floor is what verbiage is correct along Orchid Hill for the ‘abandoned’ setback; is it 75’ or 100’? **Town Attorney Welch** stated that the plat doesn’t have to show the abandonment at all. We’re setting the building lines with the replat and the setbacks are consistent with the current ordinance.

**P&Z Chairman Nicholas** clarified that the front yard setback along Orchid Hill of 75’ and the east side setback of 100’ are both consistent with the Town’s current ordinance.

**Mayor Pro Tem Mangum** clarified that according to the plat we’re establishing a 75’ front yard setback based off the current ordinance. And the 100’ setback line that’s showing to be abandoned should not have been on the replat. **Town Attorney Welch** stated that the replat is establishing new setbacks and the abandonment verbiage is unnecessary.

**Mayor Pro Tem Mangum** made a motion to approve the replat as presented.

**Council Member Svatik** seconded the motion.

Ayes: **Mayor Pro Tem Mangum, Council Members Castleman, and Svatik**

Nays: None

Abstained: **Deputy Mayor Pro Tem Cannaday**

**Mayor Sue Tejml** announced that the motion carried 3 to 0, with one abstention.

1. **TOWN COUNCIL – STAFF**

**Denton County Sheriff Office Report**

**Town Engineer**

* Chinn Chapel Bridge at Poindexter Branch
* Reviews
* Drainage

**Town Engineer Haynes**, based on **Council Member Castleman’s** question, stated that he would contact the Town of Flower Mound regarding the road repair needed on the southern end of Jernigan Road. **Council Member Svatik** suggested the **Town** send a letter from **Mayor Sue Tejml** to formalize the request, especially since there are safety concerns.

**Town Administrator**

* Road Repairs
* Toll Development
* Finance
* Municipal Court
* Law Enforcement

No questions were asked.

1. **TOWN COUNCIL – CONSENT**

Items on the Consent Agenda are routine and administrative in nature. As such, these items are considered for approval by a single motion and vote without discussion. Council Members can remove an item or items from the agenda, so it can be considered separately and/or add any item to be considered as part of the Consent Agenda.

* 1. Approve the March 2018 Financials
  2. Approve Bills to be paid in April 2019
  3. Approve March 11, 2019 Minutes of Joint Council and P&Z Meeting
  4. Approve updated Budget Pro Forma through March 31, 2019

**Deputy Mayor Pro Tem Cannaday** made a motion to approve Consent Items #1 through #4 as presented.

**Council Member Svatik** seconded the motion.

Ayes: **Mayor Pro Tem Mangum, Deputy Mayor Pro Tem Cannaday, Council Members Castleman, and Svatik.**

Nays: None

**Mayor Sue Tejml** announced that the motion carried unanimously.

1. **TOWN COUNCIL - DISCUSSION OF FUTURE AGENDA ITEMS** (A Councilmember may request that an item be placed on a subsequent agenda for consideration. Any deliberation shall be limited to the proposal to place the subject on a subsequent agenda.)

* Revisit Town’s Master Plan (**Council Member Castleman**)
* Hardening Town Hall / Active Shooter Training (**Council Member Svatik** and **Council Member Castleman**)
* Communication between Town and Copper Canyon residents (**Council Member Svatik** and **Council Member Castleman**)

1. **TOWN COUNCIL – ADJOURN**

**Council Member Castleman** made a motion to adjourn.

**Council Member Svatik** seconded the motion.

Ayes: **Mayor Pro Tem Mangum, Deputy Mayor Pro Tem Cannaday, Council Members Castleman, and Svatik.**

Nays: None

Meeting adjourned at 8:37 p.m.

**APPROVED BY THE TOWN COUNCIL THIS \_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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Sue Tejml, Mayor Sheila B. Morales, TRMC – Town Secretary

Town of Copper Canyon Town of Copper Canyon

**APPROVED BY THE PLANNING AND ZONING COMMISSION THIS \_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**APPROVED:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Andre Nicholas

Chairman, Planning & Zoning Commission

**ATTEST:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sheila B. Morales, TMRC

Town Secretary