

BOARD OF ADJUSTMENT  
APPLICATION

50<sup>00</sup>  
FEE

CITY HALL  
ROCKWALL, TEXAS

APPLICATION FOR ZONING CHANGE

Case No. \_\_\_\_\_ Filing Fee 50<sup>00</sup> Date 6-8-83

Applicant FRED C COOK & GARY D MCKIBBEN

Mailing Address 1101 RIDGE RD. SUITE 202 Phone No. 722-3247

LEGAL DESCRIPTION OF PROPERTY SOUGHT TO BE REZONED:

(if additional space is needed for description, the description may be put on a separate sheet and attached hereto.)

SEE ATTACHED.

I hereby request that the above described property be changed from its present zoning which is "Comm" COMMERCIAL District

Classification to a "\_\_\_\_\_" District

Classification for the following reasons: (Attach separate sheet if necessary.)

1.

2.

3.

SEE ATTACHED LETTER.

THERE (ARE) DEED RESTRICTIONS PERTAINING TO THE INTENDED USE OF THE PROPERTY.  
(ARE NOT)

STATUS OF APPLICANT: Owner X Tenant \_\_\_\_\_ Prospective Purchaser \_\_\_\_\_

I have attached hereto as Exhibit "A" a Plat showing the property which is the subject of this requested zoning change and have read the following note concerning the importance of my submitting to the City a sufficient legal description.

Fred C Cook  
APPLICANT

NOTE: The legal description is used to publish notice of the required hearing and in the preparation of the final ordinance granting the zoning change. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant should protect himself by having a surveyor or his attorney approve his legal description. Failure to do so by the applicant may result in delay in passage of the final ordinance or the ordinance being declared invalid at some later date because of an insufficient legal description.

(The following Certificate may be used by the applicant to give notice to the City of the sufficiency of the legal description, however, the same is not a requirement of the Application.)

CERTIFICATE

I hereby certify that I have checked the legal description of the property described in this Application and the same describes the tract of land shown on the Plat attached hereto as Exhibit "A" and said description is sufficient to allow qualified surveyor to locate and mark off said tract on the ground.

\_\_\_\_\_  
Surveyor or Attorney for Applicant  
(Mark out one.)

# CITY OF ROCKWALL

## OFFICIAL RECEIPT

NAME Kenneth Smith DATE 7/5/83  
ADDRESS \_\_\_\_\_

☐ Cash ☒ Check ☐ Other

GARBAGE

LAND FILL PERMIT

GARAGE SALES

SOLICITORS PERMIT

RENT

MISCELLANEOUS WATER SALES

(P & Z rear.)

50-

Received By



R & W PRINTING CO - ROCKWALL TX 75087

71335-8

1880

FORM G-1

CITY OF ROCKWALL  
OFFICIAL RECEIPT

NAME

*Fred C. Cook*

DATE

*8/9/83*

ADDRESS

☐ Cash

☒ Check

☐ Other

GARBAGE

LAND FILL PERMIT

GARAGE SALES

SOLICITORS PERMIT

RENT

MISCELLANEOUS WATER SALES

*20000*

*Zoning request*

*50.00*

Received By

*[Signature]*

1838

FORM G-1





MEMBER: AMERICAN INSTITUTE OF ARCHITECTS

June 8, 1983

Rockwall Zoning Board of Adjustments  
Rockwall, Texas 75087

RE: Consideration of Use of Existing Structure  
810 High School Drive  
Rockwall, Texas

Gentlemen:

The attached application is being submitted to the Zoning Board of Adjustments for the following reasons.

The property described in this application was purchased for future development by our firm. The existing wood structure, previously a residence, was considered by our firm to be a logical location for our practice for the next few years. The property was purchased for both reasons, and we are currently making payments on both the existing structure and surrounding land. In addition, we were unaware of any zoning ordinance that precluded the use of wood structure for any use above residential construction, as was the previous property owner and the Real Estate Agent that sold us the property.

This application is being made to allow us the opportunity to use the existing structure as it was intended to be used at the time of purchase.

Your consideration in this matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fred C. Cook", with a long horizontal flourish extending to the right.

Fred C. Cook, AIA

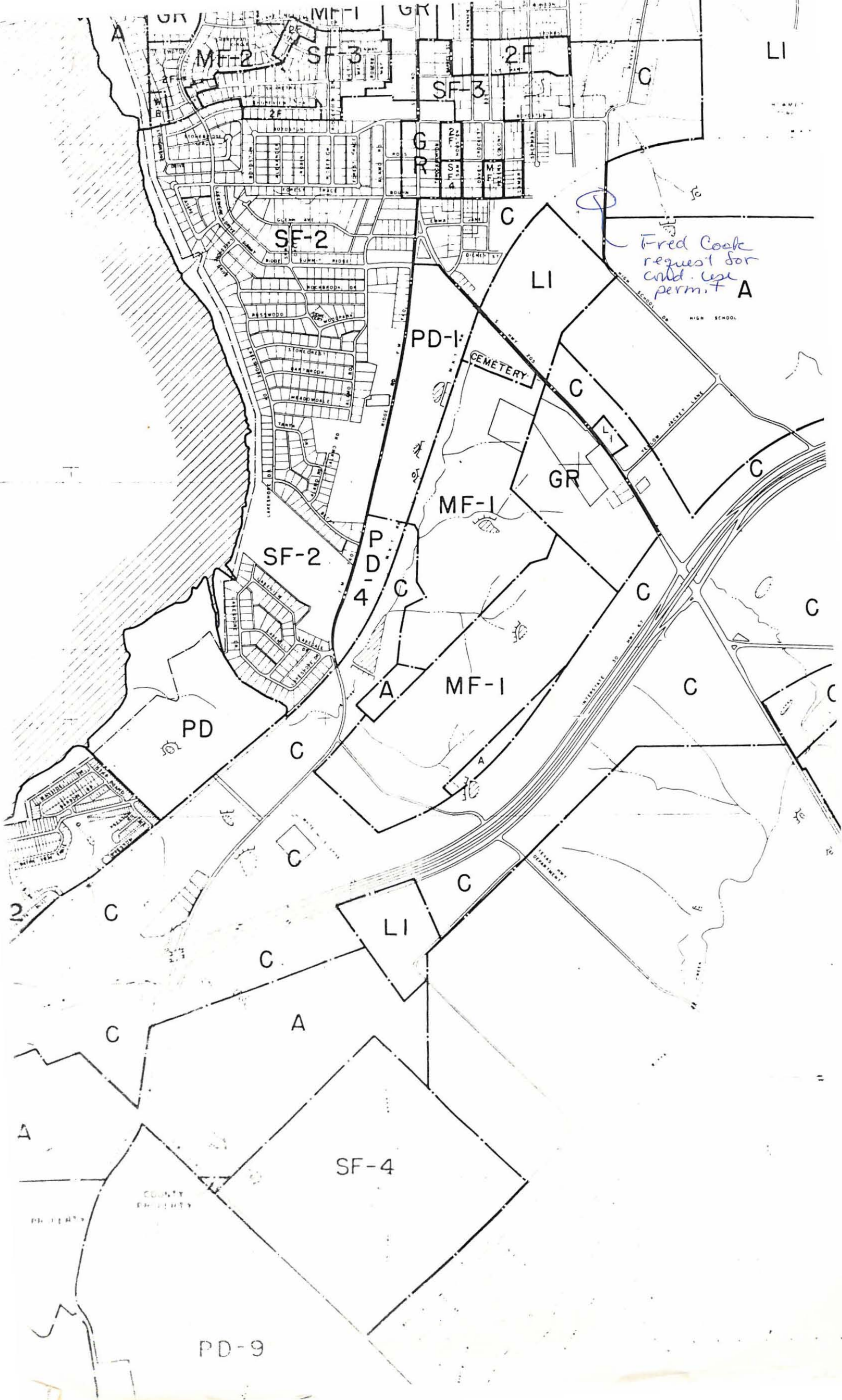
FCC/kc

### LEGAL DESCRIPTION

BEING a tract of land situated in the B.F. Boydstun Survey, Abstract No. 14 & 52, the A. Hanna Survey, Abstract No. 99 and the B.J.T. Lewis Survey, Abstract No. 225, City of Rockwall, Rockwall County, Texas and also being that tract as recorded in Volume 83, Page 269 and 271, Deed Records, Rockwall County, Texas and being more particularly described as follows:

BEGINNING at the point of intersection of the West line of Terrell Road with the Southeast line of the M.K. & T. Railroad, a 1/2" iron stake found for corner;  
THENCE, South, along the said West line of Terrell Road, a distance of 423.32 feet to a 1/2" iron stake found for corner;  
THENCE, S. 89° 22' 34" W., leaving the said West line of Terrell Road, a distance of 601.68 feet to a point on the Southeast line of the M.K. & T. Railroad, a 1/2" iron stake found for corner;  
THENCE, in a Northeasterly direction and along the said Southeast line of M.K. & T. Railroad and around a curve to the right having a central angle of 16° 19' 18" and a radius of 2604.54 feet, a distance of 741.95 feet to the PLACE OF BEGINNING and containing 3.222 acres of land, of which 0.562 acres lies within Railroad right-of-way, leaving a net of 2.660 acres of land. This description is based on the Land Title Survey and Plat made by Kenneth E. Brown, Registered Public Surveyor on April 22, 1983.

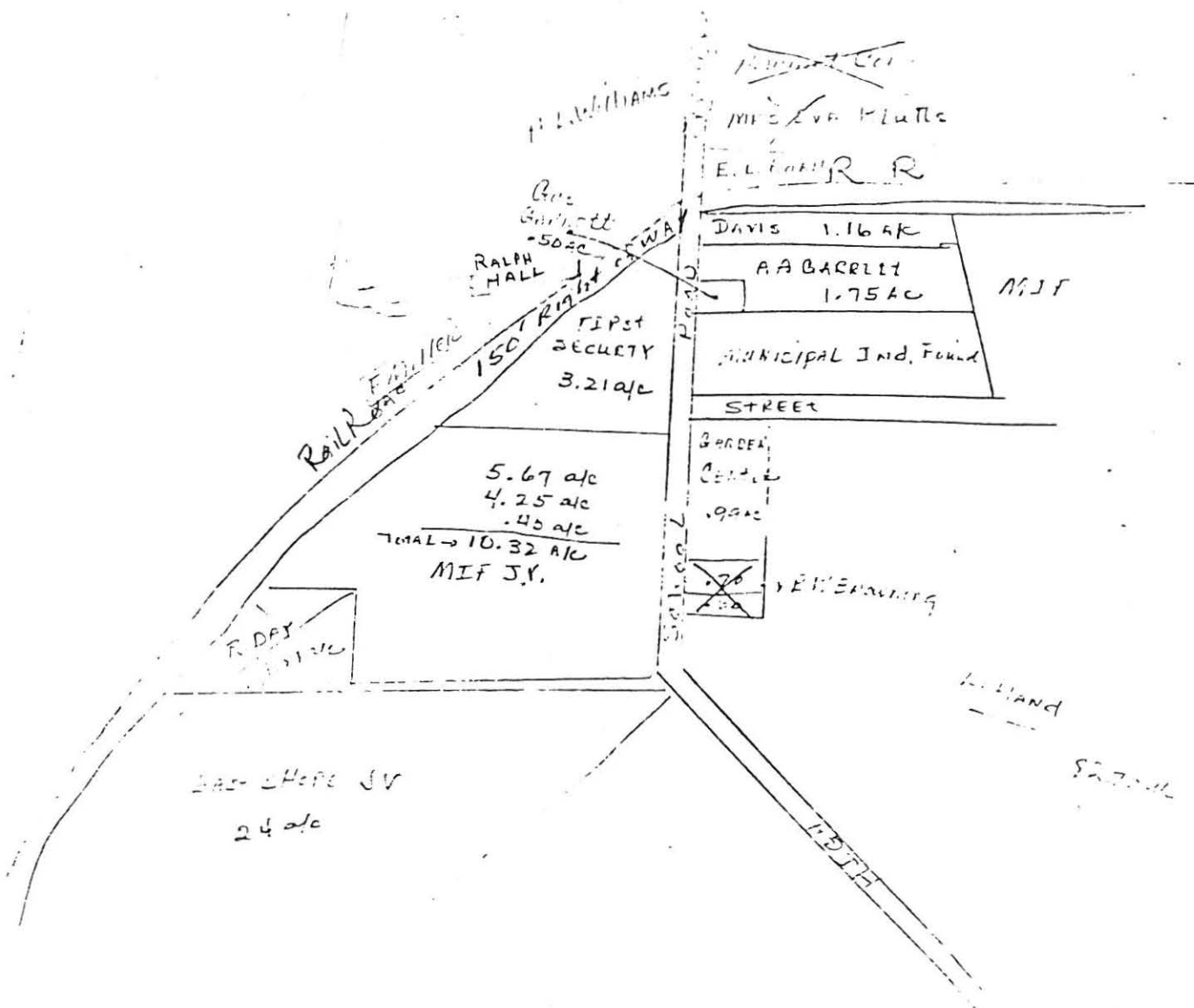
301



Fred Cook  
request for  
cond. use  
permit A



# Rail Road Right-of-Way 80 TO 120



FRANK MILLER - 220 ALTA VISTA

H.L. WILLIAMS - ~~105 E VALLEY DR.~~ 411 VALLEY DR.

RALPH HALL - 207 E RUSK

RAIL ROAD - LAND-TAX DEPT - 701 COMMERCE ST - DALLAS 75202

MIF JOINT VENTURE - 210 CAVA LINDAS SW 53 RACON 75218

~~MRS EVA KUTZ~~

E.L. ROAN - 208 JOE WHITE ST.

J.I. DAVIS EST - 2623 C. PACHECO - DALLAS, TX 75227

A.A. GARRETT - 302 VALLEY DR.

GUS GARRETT - 508 TERRELL RD.

205 E. RUSK ST. Morgan Garden Center

BEFORE THE PLANNING AND ZONING COMMISSION

CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at 7:30  
o'clock P.M., on the 14th day of July, 1983, in

the Rockwall County Courthouse Courtroom

Rockwall, Texas, on the request of Fred C. Cook

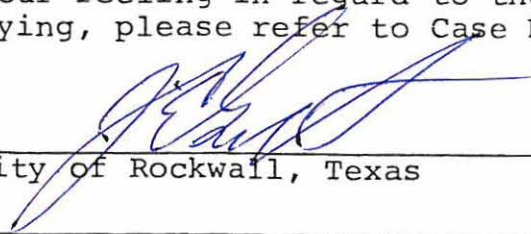
for a variance from 100% non-combustible materials to a wood  
frame structure with less than 90% masonry coverage on face of building

on the following described property:

See attached field notes

for the purpose of using existing structure as an architectural office.

As an interested property owner, it is important that you attend this  
hearing or notify the Commission of your feeling in regard to the matter  
by returning the form below. In replying, please refer to Case No. 83-24

  
\_\_\_\_\_  
City of Rockwall, Texas

The following form may be filled out and mailed to the City Planning and  
Zoning Commission, 102 East Washington, Rockwall, Texas 75087.

Case No. 83-24

I am in favor of the request for the reasons listed below. \_\_\_\_\_

I am opposed to the request for the reasons listed below. \_\_\_\_\_

1.

2.

3.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Check one item PLEASE and return the notice to this office IMMEDIATELY.

Thank you,  
City of Rockwall



BEFORE THE PLANNING AND ZONING COMMISSION

CITY OF ROCKWALL, TEXAS

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for a variance from 100% non-combustible materials to a wood

frame structure with less than 90% masonry coverage on face of building

there is no build on property

on the following described property:

See attached field notes

for the purpose of using existing structure as an architectural office.

there is no structure on property

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[Signature]  
City of Rockwall, Texas

The following form may be filled out and mailed to the City Planning and Zoning Commission, 102 East Washington, Rockwall, Texas 75087.

Case No. 83-24

I am in favor of the request for the reasons listed below 1. Yes

I am opposed to the request for the reasons listed below. \_\_\_\_\_

1. 90% is masonry is enough -

2.

3.

Case no 83-24

Signature Houston L. Davis

Address 7003 Woodland Dallas Texas  
75227

Check one item PLEASE and return the notice to this office IMMEDIATELY.

Thank you,  
City of Rockwall

BEFORE THE PLANNING AND ZONING COMMISSION

CITY OF ROCKWALL, TEXAS

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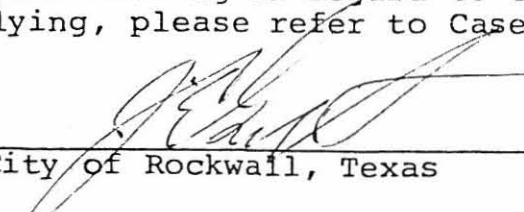
Rockwall, Texas, on the request of Fred C. Cook  
for a variance from 100% non-combustible materials to a wood  
frame structure with less than 90% masonry coverage on face of building

on the following described property:

See attached field notes

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\_\_\_\_\_  
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Zoning Commission, 102 East Washington, Rockwall, Texas 75087.

Case No. 83-24

I am in favor of the request for the reasons listed below. \_\_\_\_\_

I am opposed to the request for the reasons listed below. ✓

1.

2.

3.

Signature Gus Barrett

Address High School Hw.

Check one item PLEASE and return the notice to this office IMMEDIATELY.

Thank you,  
City of Rockwall

14.5  
gme

MEMORANDUM  
June 9, 1983

TO: Members of the Board of Adjustments

FROM: Larry King

SUBJECT: Zoning Ordinance Request by Mr. Fred Cook

Mr. Fred Cook is requesting a variance from Section 2.12, subsection F.8 of the Commercial Section which states the following: "All structural material shall consist of 100% non-combustible materials."

Mr. Cook, as the attached letter describes, recently purchased a piece of property on High School Drive south of the Katy Railroad tracts. His reason for purchasing the property was to relocate his architectural firm from the Cameron Building to the new location. Also attached is a copy of the official legal description and plat of the property for your review.

Approximately two weeks ago, as you are aware, the City of Rockwall approved a new Comprehensive Zoning Ordinance that regulates the construction material to be used in all structures in the future. The structure that Mr. Cook wishes to remodel was formerly used as a dwelling and met the requirements of the old Zoning Ordinance.

The structure is presently a 100% wood frame building. ~~Under the requirements of the new Comprehensive Zoning Ordinance, In order to qualify for Office Use under the new Ordinance the building would have to be remodeled with total masonry construction.~~

*a total of 100% Non-Combustible Materials.*

Mr. Cook would like a variance allowing him to remodel the building without the 100% non combustibile material regulation. If he is required to follow ~~the 100% masonry~~ requirements, it will be virtually impossible for him to renovate the structure as planned and to realize some return from the property he has purchased.

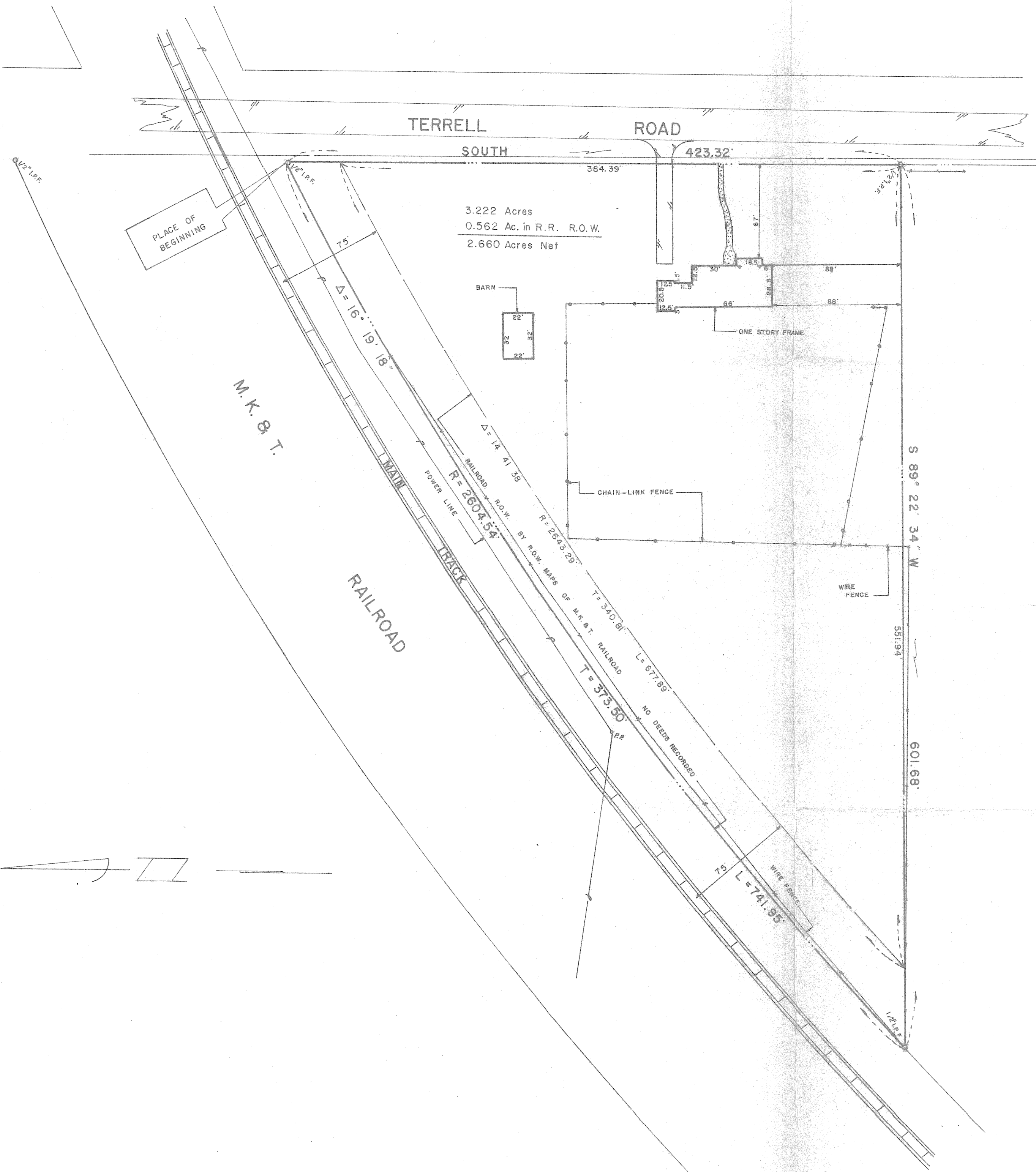
~~For your~~ Information, in the next few weeks Jesse Gilbert and I will be reviewing this requirement of 100% non combustibile materials for all except for residential construction because it is possible the requirement will create a real hardship on anyone who desires to remodel an existing structure for office, shops, etc.

The Staff would concur with your ruling if the Board determined a variance should be granted in this instance. Please review the information regarding the guidelines for the Board of Adjustments and the power the Board has under the new Zoning Ordinance which Julie Couch mailed to you.

If you have any questions about the case, please contact me.

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# DESCRIPTION

BEING a tract of land situated in the B.F. Boydston Survey, Abstract No. 14 & 52, the A. Hanna Survey, Abstract No. 99 and the B.J.T. Lewis Survey, Abstract No. 225, City of Rockwall, Rockwall County, Texas and also being that tract as recorded in Volume 83, Page 269 and 271, Deed Records, Rockwall County, Texas and being more particularly described as follows;

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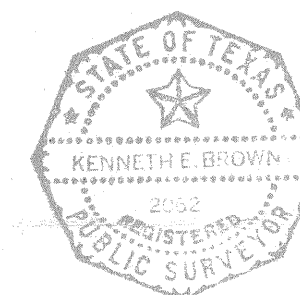
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THENCE, in a Northeasterly direction and along the said Southeast line of the M.K. & T. Railroad and around a curve to the right having a central angle of 16° 19' 18" and a radius of 2604.54 feet, a distance of 741.95 feet to the PLACE OF BEGINNING and containing 3.222 acres of land, of which 0.562 acres lies within Railroad right-of-way, leaving a net of 2.660 acres of land. This description is based on the Land Title Survey and Plat made by Kenneth E. Brown, Registered Public Surveyor on April 22, 1983.

## CERTIFICATION

I, Kenneth E. Brown, do hereby certify that this survey was made on the ground under my direction, that this plat correctly represents the facts found at the time of survey and that all corners are marked as shown and there are no visible conflicts or encroachments other than shown and that this service conforms to the current Texas Surveyors Association Standards and Specifications for a category 1-A condition 2 survey. This plat is for the exclusive use of Rockwall Co. Abst. & Title Co. and wherein Albright Construction Co. grantors, conveyed the subject property to Fred Cook et al grantee, and the undersigned surveyor is not responsible to any others.

*Kenneth E. Brown*  
Kenneth E. Brown Registered Public Surveyor  
# 2062



NO.	DATE	REVISION	BY
<p>LAND TITLE SURVEY</p> <p>B.F. Boydston Sur. A-14 &amp; 52</p> <p>A Hanna Sur. A-99</p> <p>B.J.T. Lewis Sur. A-225</p> <p>City of Rockwall</p> <p>Rockwall, Texas</p> <p>3.222 acres</p> <p>Volume 83, Pages 269 &amp; 271</p>			
<p>BROWN LAND SURVEYORS</p> <p>304 W. Rusk P. O. Box 65</p> <p>ROCKWALL, TEXAS 75087</p> <p>(214) 722-3036 226-7522</p>			<p>7051</p> <p>1"=50'</p> <p>4/22/83</p> <p>M.B.</p> <p>Notes</p> <p>D.B.</p>

ACTION RECORD

NAME: Fred Cook

CASE NO.: B-24

Planning and Zoning  
Commission

City Council

Date

Approved.

Disapproved

Approved

Disapproved

inary Plat

Plat

use permit

✓

7/14/83

✓

8/15/83

s: 100%/90% Cond use permit approved by  
and

## MINUTES OF THE ROCKWALL CITY COUNCIL

September 12, 1983

Members present were Mayor Leon Tuttle, Councilmen Art Kuhlman, Richard Slaughter Robert Sparks, Ken Dickson and Russell Phelps. The meeting was called to order at 7:30 P.M.

The Council first considered approval of the Consent Agenda as follows:

A. Approval of Ordinances establishing Conditional Use Permits for structures with less than 100% noncombustible structural materials and/or less than 90% masonry facades on the following properties:

1. Lot 5, Block A Lakewood Addition (509 White Hills Drive).
2. Lot 1, 4, 4a and part of Lots 6, 7 and 8, Sanger Brothers Addition (Goliad Place).
3. A 2.66 acre tract of land located on High School Drive across from Whitmore Drive
4. A tract of land in the M. J. Barksdale Survey No. 11 (Culpepper's)
5. Part of A, Lot 2 Block 2, Griffith Addition (104-106 North Fannin Street, Old Methodist Church)
6. Northeast  $\frac{1}{4}$  of Lot 2, Lowe and Allen Subdivision (302 West Rusk)

B. Approve continuation of moratorium on the issuance of Sign Permits for off premise signs for a period of 30 days.

C. Approval of a resolution making certain adjustments to the 1975, 1976, 1978, 1979, 1980, 1981 and 1982 tax rolls.

D. Approval of a resolution providing that automobiles will not be taxed on the 1983 tax roll.

E. Approval of a resolution approving an agreement with the Texas Highway Department for installation, maintenance, and operation of a traffic signal at Yellowjacket and SH-205.

Councilman Dickson moved for approval of the Consent Agenda. Councilman Kuhlman seconded the motion, the motion was voted on and carried unanimously.

The Council next reconsidered appointments to the Planning and Zoning Commission and Airport Board. The Mayor reported that Duane Gracy and Wayne Rogers had expressed their desire not to serve on the Planning and Zoning Commission. Councilman Dickson reported that he had spoken with Mr. Rogers and that he had agreed to continue to serve on the Commission. The Mayor asked if anyone had talked



with Mr. Gracy about serving. Councilman Sparks reported that Mr. Gracy does not wish to serve on the Commission. The Mayor then read to the members of the Council the ordinance stating the requirements for members of the Airport Board. The Council discussed their nominations to the Airport Board at a previous meeting. Councilman Phelps then nominated Leigh Plagens for the opening on the Planning and Zoning Commission. Councilman Dickson nominated Ed Eubanks for the position. There being no other nominations, the Mayor called for a vote on the nomination of Mrs. Plagens. The vote for was unanimous.

John Buffington then addressed the Council about his concern for building and rebuilding of houses in a Commercial District. Members of the Council expressed their support for a rezoning of the area by the usual rezoning process. Sam Buffington and his wife then addressed the Council about easements, sewers, drainage, and street conditions near their home at 803 Lamar Street. Gloria Williams, of 304 Emma Jane, asked the Council when the area in question would be rezoned Residential. The Mayor then instructed the Staff to proceed with work on rezoning this area. The Mayor also instructed the Director of Community Services to inspect the sewer lines in the area and report with recommendations to the Council. The Council also discussed the possibility of raising the priority of repairing some streets in this area.

Ray Sumrow, Chairman of the Home Rule Charter Committee, reported the Committee's recommendation to the Council. Their recommendation was to proceed with development and adoption of a City Charter. The Council members then discussed the next steps in the process of developing a City Charter. An election was tentatively set for the second Tuesday of November for two questions: 1. Whether or not to proceed with the development and adoption of a City Charter, and 2. election of committee members to serve on the Home Rule Charter Commission. Councilman Dickson made a motion to have an ordinance prepared calling for an election on whether to proceed with a Home Rule Charter and to elect candidates to serve on the Home Rule Charter Commission. Councilman Kuhlman seconded the motion. The motion was voted on and carried unanimously. The Mayor thanked the Home Rule Charter Committee for its assistance to the Council.

The Council next considered a petition for annexation for 458 acres of land located north of the existing City Limits, west of SH-205 and north of FM-552; and a property consisting of 2 acres on FM-740 south of the existing City Limits. Dan Hill presented his petition and affidavits for annexation of the 458 acres to the north. The petition, he noted, has been signed by 28 of the 32 property owners in the area, representing 428.6 acres. The Mayor asked about services for the area and suggested the Staff do research on a service plan. Councilman Sparks questioned the ability of the City to provide services in the area. The Mayor and Councilman Sparks suggested a possible agreement whereby the City would provide only police and fire protection. Mark Davis presented the petition for annexation of the 2 acres on FM-740. He stated that he plans to develop the area as single family residential. Councilman Kuhlman made a motion that the Council set two public hearings for the annexations on October 3rd and October 17th. Councilman Slaughter seconded the motion which was voted on and carried unanimously.

The Mayor then opened a public hearing for the request by Harry and Dorothy Kizer for a Conditional Use Permit for Lot 3, Block F Sanger Brothers Addition for a structure with less than 100% noncombustible structural materials and less than 90% masonry facades. Harry Kizer presented the site plan and description of his project. He proposes to build one new building with 14 parking spaces in the same style as existing Goliad Place. The Mayor opened the public hearing to the audience. He then closed the public hearing. Councilman Phelps made a motion to approve the request for a Conditional Use Permit for a structure with less than 100% noncombustible structural materials and less than 90% masonry facades with the conditions that there be no window on the west side of the second story and that the new construction comply with the site and building plans submitted. Councilman Dickson seconded the motion. After discussion, the motion was voted on and carried unanimously.

The Mayor then opened a public hearing on a request by Donna Broyles for a Conditional Use Permit at 207 Lakeview to operate a day care facility for no more than six children. Donna Broyles presented the request to the Council. The Mayor opened the public hearing to the audience. He then closed the public hearing. Councilman Sparks made a motion to approve the request for a Conditional Use Permit to operate a day care facility for no more than six children. Councilman Slaughter seconded the motion. The motion was voted on and carried unanimously.

The Mayor then opened a public hearing to consider a request by Culpepper's Restaurant for a Conditional Use Permit for an amphitheater. Also under consideration were a site plan and final plat for the property. Ron Clower and Fred Cook presented the proposals to the City Council. Clower stated that they do not plan to build the amphitheater until they have improved the water and sewer system. Cook explained that the plat was drawn to combine their two adjacent tracts of land to extend the restaurant and add 50 more seats, a waiting area and the amphitheater. The plan also calls for additional parking and access to the rear and west of the existing restaurant. Councilmen Kuhlman and Phelps asked for a clarification as to whether the concession stand would be allowed to sell alcoholic beverages. The Mayor asked for comments from the audience. He then closed the public hearing. Councilman Sparks made a motion to approve the request for a Conditional Use Permit for an amphitheater with the stipulation that the uses be limited to those listed in the letter submitted with the request and that there shall be no alcoholic beverages served at the amphitheater. Councilman Phelps seconded the motion. The motion was voted on and carried unanimously.

Fred Cook presented the site plan and final plat for Culpepper's. Councilman Kuhlman made a motion that the Council approve the final plat. Councilman Slaughter seconded the motion. The motion was voted on and carried unanimously.

Councilman Kuhlman then questioned whether the water and sewer improvements should be listed as a condition for development of the amphitheater. Councilman Kuhlman made a motion to approve the site plan with the stipulations that 70 additional parking spaces be provided on the south side, a second access be constructed to the parking area on the west side of the property, and the water

and sewer plans be approved by the City before the amphitheater is built. Councilman Phelps seconded the motion. The motion was voted on and carried unanimously.

The Mayor then opened a public hearing on an Ordinance setting the natural gas rates for the City of Rockwall. Joyce Graves, District Manager of Lone Star Gas, presented three alternative rate structures to the Council. The Mayor questioned whether the percentage increase in rates for residential customers was larger than the percentage increase in rates for commercial customers. Ms. Graves discussed the options. The Council asked questions. The Mayor then closed the public hearing. Councilman Phelps made a motion that the Council approve an ordinance adopting Option No. 2 which calls for a residential customer charge of \$4.4300 year round and a usage charge of \$5.3785 per MCF in the winter and \$5.0285 per MCF in the summer; and a commercial customer charge of \$8.000 year round, a usage charge of \$5.3785 per MCF in the winter and \$5.0285 per MCF in the summer. Councilman Sparks seconded the motion. The motion was voted on and carried, with Councilmen Phelps, Kuhlman, Slaughter and Sparks voting for and Councilman Dickson abstaining.

The Council then considered approval of a development plan for Schooner Bay, Phase I, within PD-7. Peak Investments, represented by Steve Boyce and Joy Sneed, presented the development plan. Council members questioned the density of the development, unit size and parking. Councilman Kuhlman questioned the marketing plan for the development. The Council asked the Staff about water and sewer availability, possible expansion, and means of financing. Councilman Kuhlman made a motion to take the development plan for Schooner Bay, Phase I under advisement until City Council is ready to review the plat. Councilman Phelps seconded the motion. The motion was voted on and carried unanimously.

The Mayor recessed the meeting at 9:35 P.M. He reconvened the meeting at 9:55 P.M.

The Council then considered a site plan and final plat for Rockwall Plaza, a two lot subdivision containing 2.863 acres of land on the north service road of I-30. Fred Cook, Jim Hunt, and Dale Lane presented the plan and plat to the Council. The site plan calls for a fitness center in the first phase of development. Councilman Phelps made a motion to approve the site plan and final plat. Councilman Kuhlman seconded the motion. The motion was voted on and carried unanimously.

The Council next considered approval of a site plan for Timber-trail Plaza, an office development on FM-740 in the Lakewood Addition. Bob Milam presented the site plan to the Council. The Councilmen asked questions about traffic, access and circulation. Councilman Dickson made a motion to approve the site plan for Timber-trail Plaza. Councilman Slaughter seconded the motion. The motion was voted on and carried unanimously.



The Council then considered authorizing North Texas Municipal Water District to begin the process for permit renewal on the Buffalo Creek treatment plant. Carl Riehn explained that NTMWD still has approximately \$50,000 of bond money left over from the Buffalo Creek treatment plant and could use this to begin an engineering study for the expansion of the treatment plant. Councilman Slaughter then made a motion to authorize NTMWD to begin the process for permit renewal on the Buffalo Creek treatment plant and to use the remaining bond money for an engineering study to enlarge the treatment plant. Councilman Sparks seconded the motion. The motion was voted on and carried unanimously.

The Council then considered approval of an agreement between the North Texas Municipal Water District and Happy Country Homes for sewer service. Carl Riehn presented the proposed agreement whereby the City would contract part of the capacity of the Buffalo Creek treatment plant to Happy Country Homes. Mr. Riehn pointed out that the area is a health nuisance. The Mayor questioned the City's protection against default in the agreement. The Council discussed various options, such as annexing the area, requiring future residents to hook onto the sewer system, requiring a higher payment bond from Happy Country Homes, limiting the additional customers to the capacity stated in the agreement, deed restrictions on future development, and rebuilding of the existing plant by Happy Country Homes. Charlie Holt, Attorney for Happy Country Homes, stated that the developer only owns one half of the remaining vacant lots. He also explained that the area with sewer lines is separated from the areas with septic tanks. He would take the suggestions of deed restrictions on the developers' vacant lots and the possibility of sewer availability charges to his client. Councilman Sparks made a motion to approve the agreement with the condition that all lots owned by the developer must be deed restricted to require hooking on to the sewer system and that all new customers to the sewer system, both on the developer's lots and individually owned lots, pay the standard sewer availability charge of the City. Councilman Slaughter seconded the motion. The Council discussed enforcement of deed restrictions. The motion was voted on and carried. Councilmen Phelps, Kuhlman, Sparks and Slaughter voted for the motion; Councilman Dickson voted against.

The Council then listened to a presentation of a proposed Water Distribution Plan by Tony Reid, Freese and Nichols, Consulting Engineers. Reid pointed out the key items in this update, including a second delivery point in the southeast section of the City, future transmission pipelines, ground storage, and pump station. He also pointed out the possibility of the City's participating in a current project undergoing engineering studies at the North Texas Municipal Water District for a pipeline to Royse City. The Council questioned funding for the proposed improvements in the plan. The Council decided to delay a decision on accepting the proposed Water Distribution Plan until consideration at a Work Session. Councilman Dickson made a motion to authorize NTMWD and the Staff to study the cost and a policy for a new transmission line. Councilman Phelps seconded the motion. The motion was voted on and carried unanimously.

Larry King presented an ordinance establishing additional requirements for fire protection and construction in hotel, motel, multifamily and attached single family construction. Councilman Phelps made a motion to approve the ordinance as written. Councilman Slaughter seconded the motion. The motion was voted on and carried unanimously.

Mr. King also presented the Council with a copy of the rough draft of the new Sign Ordinance.

The Council then considered an appointment to the Fire Department Pension Board. Councilman Slaughter nominated Councilman Phelps to be the Council representative to the Fire Department Pension Board. Councilman Kuhlman seconded the nomination. There being no other nominations, the motion was voted on and carried unanimously.

John Steger of Centennial Homes came forth to ask for a reconsideration of the sign moratorium in the Consent Agenda of the Council meeting. The Mayor explained that the item could be considered at the Council's next meeting by having it placed on the Agenda.

The Council went into Executive Session at 11:40 P.M. to discuss legal matters. The meeting was reopened at 12:10 A.M.

Police Chief Bruce Beaty presented the Police Report. Councilmen reported hearing complaints of drivers not obeying school crossing guards and school zone speed limits and asked the Chief for his recommendation. The Mayor suggested an officer help direct traffic at the schools. The Chief responded that he could attempt rescheduling of the officers to allow some assistance in School zones during rush hours. Councilman Kuhlman suggested stricter enforcement of existing laws. The Chief pointed out that the Municipal Judge doubles speeding fines when the ticket is received in a school zone. The Chief also discussed the use of police officers as private security guards on their off duty hours. Councilman Phelps asked the Chief to develop a policy on this subject. Councilman Kuhlman reported complaints about speeds through the intersections of FM-740 and SH-205. The Chief reported having spoken with the owners of Moore's Barbeque restaurant and their distribution of free beer to customers.

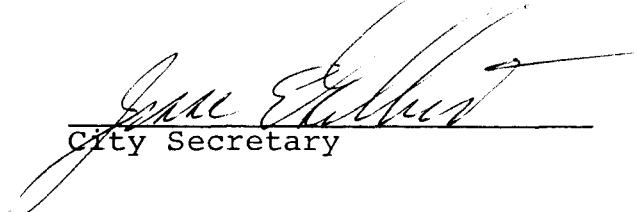
Councilman Phelps suggested that plaques be given to former members of the City Council and the Planning and Zoning Commission for their service to the community. He suggested the presentation take place at City Council meetings. The Council members agreed to this project.

Julie Couch distributed the draft of the City budget for Council review. She explained that the Appraisal District had not completed certifying the tax rolls and that they would not be available until at least September 20th. The Council agreed to discuss the City budget at a Work Session on September 19, 1983.

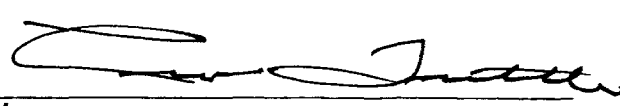
There being no further business to come before the Council,  
the Mayor adjourned the meeting at 12:30 A.M.



ATTEST:

  
City Secretary

APPROVED:

  
Mayor