

**MINUTES OF PUBLIC HEARING AND
SPECIAL MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON FEBRUARY 20, 2017 AT 7:00 P.M.
AT OAK LEAF CITY HALL
301 LOCUST DRIVE**

I. CALL TO ORDER & ROLL CALL:

Council Members Present:

Mayor Bob Rader

Councilman John Little

Councilman Jimmie Lamb

Mayor Pro Tem James Pierce

Councilman Joyce Liptak

Councilman Susanne Ellis

City Staff Present:

City Secretary Ronda Quintana

**MAYOR RADER CALLED THE SPECIAL MEETING TO ORDER AT 7:01 P.M.
AND ANNOUNCED A QUORUM PRESENT.**

A. Invocation:

Mayor Rader gave the Invocation.

B. Pledge of Allegiance:

It was followed by the declaration of the Pledge of Allegiance by the City Council and members of the audience.

II. CONVENE INTO PUBLIC HEARING:

• Replat of Chowning Addition Lot 4 on Westmoreland Road

Mayor Rader informed all present about the changes to the Chowning Addition Lot 4 Plat submitted by Mr. and Mrs. Jim Moon, and invited them to speak concerning the revisions. Mrs. Moon indicated the recently excavated pond at the front of the property would have an aeration system installed to deter mosquitoes and that a gazebo would be built next to the pond. She also mentioned that the wash pad for the shop was being relocated, so the Mr. Moon's cars could be rolled in and out of the shop for washings, thus avoiding starting up the engines and causing excessive noise. After that, Mrs. Moon indicated that they would like to replace the existing barbed wire fence with livestock fencing for the containment of goats or sheep and that they would be using t-posts to anchor it.

Mayor Rader then invited Mr. Dave Merlino, citizen at 912 Indian Trail, to speak, and Mr. Merlino indicated the pond was acceptable. However, the modifications to city code to accommodate one property were not. Mayor Pro Tem Pierce asked about the size of his property and was informed it was two acres. Councilman Lamb spoke about the

regulation of properties, first by deed restrictions and later by City Code. Then, Mayor Pro Tem Pierce indicated he would like to hear the citizens' concerns. Mr. Merlino stated that all citizens must abide by the rules, whether they are deed restrictions or City Code and made reference to using chain link fencing.

Mayor Rader then invited Mr. and Mrs. Brian Cupp to speak, and Mrs. Cupp voiced her concerns regarding the use of t-posts along the north side of the Moon's property and the size of the shop. Mr. Cupp voiced his concern over the additional square footage to the office and suggested moving the bathroom in the shop area. Mrs. Cupp was also concerned over the race track, the sight of the shop from her back yard, the noise of race car motors and the pond as a possible mosquito breeding area. She then remarked about the city not following procedures for a variance per City Code, which could lead to City Council being subject to litigation.

Mr. Harold Holland, citizen at 920 Indian Trail, commented on the amount of Mr. Moon's land that will be seen from Indian Trail and Indian Ridge and that he was preparing to install a similar fence, as well.

Mayor Pro Tem Pierce informed the Council and audience members that he had walked the Moon's property and noted that a line of red-tipped photinias had been planted along the north side of the lot. Mrs. Cupp asked if the fence would be north of the photinias, and Mr. Moon responded that the fence location could be changed upon guidance from City Council. Mrs. Cupp mentioned that Lots 6, 8 and 9 of Indian Trail were not fenced and that the photinias stopped at some point on the north side of the lot. Mr. Moon replied that another one hundred photinias had been ordered.

Mr. Moon stated he could maintain the existing barbed wire, but he wanted to replace it with the red line fence wire. Both Mayor Pro Tem Pierce and Councilman Liptak made mention of pipe fences with mesh wire in that area. Mrs. Cupp indicated she was in favor of the pipe fence and preserving the quality and value of her neighborhood. Councilman Lamb asked about the length of the Cupp's lot at the back and was informed it was two hundred and fifty five (255) feet. Discussion then turned to installing pipe fencing behind Lots 7, 8, 9 and 10 and subdivision deed restrictions.

Mrs. John Meisemer, citizen at 936 Indian Trail, and Ms. Susan Huguley, citizen at 1500 Westmoreland, indicated they had no problem with the Moon's plans. Mr. Steve Hester, citizen at 916 Indian Trail, voiced his concern about placement of the wash pad and the noise created by starting the cars up.

The discussion then focused on the addition of square footage to the office. Mrs. Moon remarked that the enlargement had been done to accommodate a full-sized bathroom, so Mr. Moon could have area to wash-off chemicals and have separate ventilation. Councilman Lamb inquired if there were any OSHA requirements for this and was informed there were not.

After that, City Council and audience members discussed the size of the shop and its use. The Moons indicated the enlarged size of the shop was needed so their RV and car hauling trailer could be stored inside along with Mr. Moon's vehicles. They also mentioned that it would not be used for commercial purposes, it would be insulated and they would be conscientious of the city's noise restrictions as well as the tranquility of the adjoining subdivisions and they planned to block the view of the buildings by planting large trees and other vegetation.

The Cupps then voiced their concern again about proper procedures not being followed regarding the variances. Mayor Rader responded that the plat of Lot 4 contained buildings, that they were not isolated variances, that the city took action in a timely manner as was required for plat approval and that notice was posted both on-line and at city hall for the preliminary and final plats of Chowning Addition Lots 3 and 4.

Mr. Holland indicated he had not been contacted regarding the plat, and when asked about it, City Secretary Quintana stated she had been instructed to contact the property owners of Lots 7, 8, 9 and 10 per the Council's request. Mr. Hester asked if the fence t-posts would be in concrete, and Mr. Moon replied that they would be. He then communicated his willingness to work with the adjoining neighbors, and Mayor Pro Tem Pierce asked if bricking the shop would make a difference. Mrs. Cupp stated that it would.

Councilman Lamb commented about the city stepping in when something needed to be corrected and gave an example of the Indian Hills Subdivision streets. The discussion then turned to the height of the shop and its roof pitch.

III. ADJOURN FROM PUBLIC HEARING AND CONVENE INTO SPECIAL MEETING:

The Public Hearing was adjourned and the Special Meeting convened at 8:48 p.m.

IV. RECESS OF THE SPECIAL MEETING:

Mayor Rader called for a recess of the Special Meeting at 8:49 p.m.

V. RECONVENE INTO SPECIAL MEETING AND CONVENE INTO EXECUTIVE SESSION:

The Special Meeting reconvened at 9:06 p.m. and Council went into Executive Session at 9:07 p.m. to discuss possible litigation issues.

VI. RECONVENE INTO SPECIAL MEETING:

The Special Meeting reconvened at 9:21 p.m.

- Discussion and Possible Action Taken as a Result of the Executive Session
No action was taken during the Executive Session.

VI. SPECIAL AGENDA ITEMS:

- Discussion and Possible Approval Regarding a Replat of Chowning Addition Lot 4
Councilman Lamb moved to postpone discussion and action on the Replat until the next Council Meeting. Councilman Liptak seconded the motion.


Ayes: All
Nays: None
The motion passed.

VIII. ADJOURNMENT:


Councilman Liptak motioned to adjourn at 9:22 p.m. Councilman Ellis seconded the motion. Mayor Rader called for a vote.

Ayes: All
Nays: None
The motion passed.

PASSED THIS 14th DAY OF March, 2017



Bob Rader, Mayor

ATTEST: 
Ronda Quintana, City Secretary

