

Minutes --- REGULAR MEETING

**CITY OF NEW BERLIN
CITY HALL, 275 FM 2538
MONDAY, AUGUST 21, 2017 --- 7:30 P.M.**

The City of New Berlin convened a regular meeting open to the public on August 21, 2017 at City Hall. The meeting was called to order by Mayor Nicholas Milanovich at 7:30 PM.

ROLL CALL

The following members of the Board were present: Mayor Nicholas Milanovich, Mayor Pro Tem Joyce Wolfe, Alderman Gilbert Merkle, Alderwoman Barbara Gerhart, Marshal Wayne Zwicke, Municipal Clerk Gilbert Offer, and City Treasurer Joan Milanovich. Alderwoman Claire Walters and Alderman Ronald Rhode were absent.

A quorum was present for the meeting.

Mayor Milanovich led the Pledge of Allegiance to the United States Flag and the Texas Flag. He then gave an invocation.

MAYOR'S REPORT

FIRE CHIEF'S REPORT

Melvin reported that there have been 223 calls of all types year to date. That is close to an average of 1 per day. Reminder of the Sausage Festival on Monday, September 3rd, 2017. Melvin reminded people that the burn ban was still in effect and that no outdoor burning is allowed. Melvin reminded the Board that a contract with the NBVFD is important to ability to continue to give the best support to the community as possible.

MUNICIPAL CLERK'S REPORT:

Budget was completed. Copies are available.

MINUTES OF PREVIOUS MEETING

Read and approve minutes for regular meeting July 17, 2017.

Motion to approve minutes was made by Joyce Wolfe. The motion was seconded by Gil Merkle.

The vote to approve was unanimous.

TREASURER'S REPORT:

Texas Comptroller's Report was not ready.

FINANCIAL REPORT

Read and approve Treasurer's financial reports for July 2017.

Motion to approve report was made by Joyce Wolfe. The motion was seconded by Barbara Gerhart.

The vote to approve was unanimous.

PUBLIC COMMENTS

Mayor Milanovich reiterated this section was about general public comments and limited to three minutes. Please refer to the attached public comments sheet.

Names on list. Mike Hale, Melvin Strey, Marty Jandt, Marshall and Janet, Daniel, Stephen and Pam, Mark and Susan Gifford, Barbie Todd, Wayne Zwicke.

COMMITTEE REPORTS

- A. **PLANNING & ZONING**—Meets 4th Thursday of the month. Chair Joni Milanovich (present). Discussed Lauderdale variance request and the committee recommends approval. Next was discussion of the Grubb property and was tabled until next month since family was unable to attend due to a death in the family. Did inform them that they will have to provide a plat with more details. Also discussed the Mills property. Mr. Mills showed primarily to get information for planning purposes about his property. The road annexation was also covered and the cost ramification was discussed. One cost discussed was the possible loss of revenue to the NBVFD. Discussed reasons for annexation. No recommendation was made and issue was tabled. Other items, section 2 of the comprehensive plan and the bypass were tabled until next time. Two members would not be able to make the regular meeting on August 22, 2017 so the meeting was rescheduled. A special meeting will be held on August 31, 2017
- B. **PUBLIC INFORMATION** (Office)
NEWSLETTER— almost ready to go.
OTHER VOLUNTEER COMMITTEES
- C. **LIBRARY**—Chairman Needed
- D. **CRIME WATCH** - (inactive)
- E. **PARKS AND PLAYGROUNDS**— Joy & Melvin Strey, Co-Chairman (present)
Melvin Strey thanked Gil Offer for mowing the yard. Melvin also assured those present that the facilities are being used during the week.
- F. **MAPPING AND WEBSITE**—Gil Merkle, Chairman. Nothing to report.
- G. **ROADS ADMINISTRATOR** - (inactive)
- H. **FACILITIES ADMINISTRATOR** - (inactive)
- I. **ADMINISTRATION/BUDGET CHAIRMAN** - (inactive)
- J. **OTHER COMMITTEE REPORTS**

Special Report from Judy Cope, Guadalupe County Commissioner

Judy stated that the legislature passed a bill regarding military bases and that it would affect parts of the local county area. It is waiting for the Governor's signature.

The county taxes this year will be 0.377. Taxes were able to be lowered for the fourth year now due to some new developments in the area.

Judy came here tonight to attempt to bring the community together again. She reminded people that we will not be here forever and new people will come in perhaps with ideas to develop areas and damage the rural setting. She also stated that there has been a lot of misinformation recently. She stated that the county has NO policing or regulatory powers over a city.

Judy said that the county does hold a lot of workshops to bring different people and ideas/concerns they have out in the open before a final decision is made. Her hope is that people work together and hold more workshops. She offered help to all in working through any issues.

Mike Hale asked if she had heard that Zuehl was going to form their own city and not put the 'hurt on us'.

Judy Cope responded that she had no information that Zuehl is seeking to do that. There was some discussion years back but the City (San Antonio) appears to have elected to sit on it. Wayne Zwicke volunteered the information that 3 years ago about 80% of the people in the Zuehl Community wished to be part of New Berlin.

Question was what the county does for roads in the cities. Judy Cope answered that they will help with problem areas in the cities. The road budget is made by the number of miles in each precinct. The issue is that for each road mile where any city gets help, that road mile is taken from somewhere else in the precinct.

She again reiterated that more workshops need to held.

A request was made to clarify what could be shared. Projects can be shared, road maintenance cannot. A project is reconstructing a road as was recently done to Church Road. Maintenance is fixing potholes and mowing.

BOARD AGENDA

DISCUSSION/ACTION REGARDING ROAD ANNEXATIONS:

After final analysis, it was found that the City could not proceed with Ordinances 2017-001 through 2017-033. The City's interpretation of parallel as stated in the Texas Local Government code was incorrect.

Motion to terminate the action was made by Gil Merkle. The motion was seconded by Joyce Wolfe. **The vote to approve was unanimous.**

DISCUSSION/ACTION REGARDING VARIANCE FOR LAUDERDALE PROPERTY:

Mr. Lauderdale has petitioned the P&Z for a variance to split his 10-acre lot into two 5-acre lots. The petition is for less than 200 feet road frontage for one of the two lots.

Discussion was whether or not to grant the variance. Question was asked of Kent Lauderdale (requestor) if any thought was given to bringing the property into the city. Mr. Lauderdale acknowledged and will consider this. Motion to approve the variance was made by Joyce Wolfe. The motion was seconded by Barbara Gerhart.

The vote to approve was unanimous.

DISCUSSION/ACTION REGARDING PROCURING A CITY MAP:

We have a quote from M&S Engineering for \$5200 to provide a map. Still need to finalize the details of what is the actual delivery which may increase/decrease the final cost.

Discussion was held that the details are not clear. It was stated that we want a map and that the cost limit was the original quote of \$5200. Motion to approve getting a map was made by Gil Merkle. The motion was seconded by Joyce Wolfe.

The vote to approve was unanimous.

DISCUSSION/ACTION REGARDING ANNUAL BUDGET FOR 2018:

The budget committee has completed their work on the 2018 budget. Needs review by Board of Alderman.

Issued was tabled.

DISCUSSION/ACTION REGARDING APPROVAL OF CONTRACTS WITH GUADALUPE COUNTY ELECTIONS OFFICE FOR NOVEMBER 2017 ELECTIONS:

Guadalupe County Elections Office has sent one contract for using City Hall as an election site. There is a second contract for the Guadalupe County Elections Office to conduct the elections for us. Estimated cost for the election is \$3877.50.

Motion to accept the contract was made by Gil Merkle. The motion was seconded by Barbara Gerhart.

The vote to approve was unanimous.

ANNOUNCEMENTS

The Town Hall Meeting is tentatively planned for September 14th, 2017. This may be changed depending on other circumstances.

ADJOURNMENT

A motion was made by Joyce Wolfe to adjourn. The motion was seconded by Barbara Gerhart.
The vote to adjourn was unanimous.

The meeting was adjourned by Mayor Nicholas Milanovich at 9:01 PM.

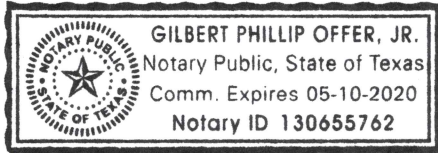
NICHOLAS J. MILANOVICH, MAYOR

STATE OF TEXAS
GUADALUPE COUNTY

Before me, the undersigned, on this day the individual, personally known to me or proved to me to be the person whose name is subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, 20__.

(Notary Seal)



Gilbert P Offer, Jr. Notary Public

Public comments

Mike Hale expressed satisfaction that the annexation attempt was terminated. He felt it was because the people who came to protest. He stated that the leadership of the city was remiss in notifying the community and felt they had met the statutory requirements for posting. He said the Seguin Gazette said only 20 people get the newspaper in the New Berlin community. He believed that starting the meeting at 7:00 PM on July 19th, 2017 when it was posted as 7:30 PM and the fact that there was not have a quorum at the July 19th meeting were Open Meetings violations. He also reiterated that the website is never updated by the staff.

Melvin addressed the issue of the flag lots. He gave a handout covering the subject. He is not opposed to them but it should be considered carefully. He gave the definition to the audience as lots have only narrow portions (less than 200 feet) touching a road with the bulk of the property behind that.

Daniel wanted to know why we continued with the annexation proceedings after getting letter from the city attorney.

Stephen asked if the Seguin Gazette was where city publications would be posted. Mayor Nick Milanovich answered that yes it would be, due to statutory restrictions. He also asked if agenda item 5 were the costs for the county elections or city elections. He was informed that it is the City's share of the cost for the county to administer the elections for the City.

Mark and Susan Gifford declined to make any comments.

Barbie Todd greeted everyone and stated she has lived here for 25 years. It really bothers here that the City has so much malcontent in it right now. She showed a letter that she had received in her mailbox that was without postage and that it was against the law to do that. She ended by saying if there is a problem all sides must honor the law.

Wayne Zwicke started by agreeing that we indeed have some issues that need to worked through and that we need to do it together. He has lived in many places such as San Antonio and Cibolo and can state that they all had growing pains. He stated that when Cibolo annexed IH10 to the old Gerth Meat Market, no one received any letters. He pointed out areas on the map of New Berlin showing the Cibolo, Seguin, and San Antonio. He pointed that New Berlin was originally incorporated over fears that San Antonio would overtake it. He encouraged people to talk to someone who had been annexed by Cibolo how they like it. He agreed that the City needs to get more news out to the people but the best way is for people to participate like they are tonight. He asked several people how much they were paid last year to be an Alderman or Volunteer Fireman. All responded that there was no pay for this and he stated that this was what it takes to keep a city going. His point was it can all change in a heartbeat if we are not careful.

Handout brought by Melvin Strey to go with his public comment

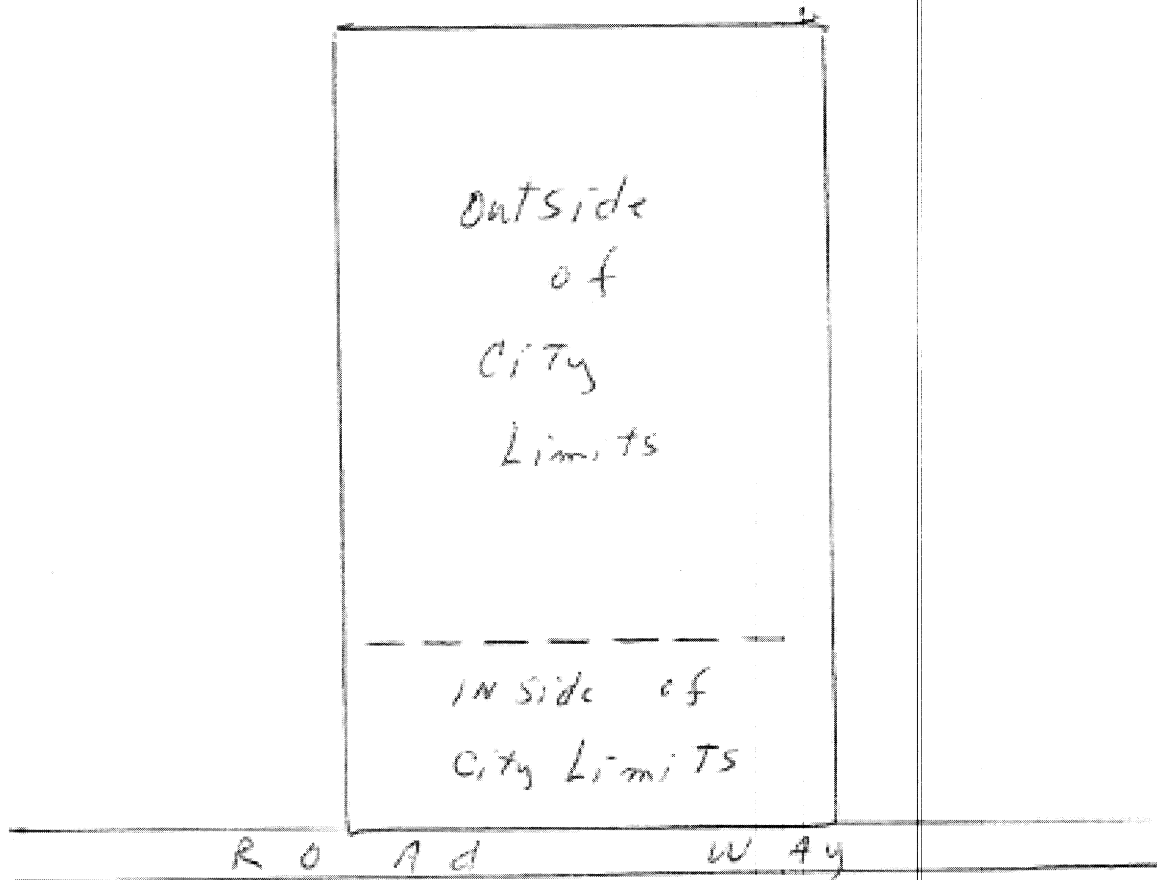
TO: Mayor and City Council Members of the City of New Berlin, Texas

FROM: Melvin Strey

Subject
SUBJECT: Problems created by approval of "Flag Lots"

It sometimes becomes necessary for the council to grant a variance approving a flag lot due to insufficient frontage when a current landowner wishes to divide his/her property into two or more smaller properties. However, this may cause unfairness to other citizens whose property is in the city limits of New Berlin. I will attempt to illustrate my concerns by means of the following example.

Consider a property containing ten or more acres a portion of which is inside the city limits and a portion is outside of the city limits as shown below:



If a variance is granted which approves a flag lot as shown on the next illustration, then a situation is created which allows two residences to be built and neither will be located within the city limits of New Berlin. But because they each have a portion of their driveway in the city limits, the residents will have voting rights on city issues and will be eligible to hold city offices. I believe this to be unfair to the other residents of the city.

SOLUTION: This situation can be prevented from occurring by requiring the original property owner to petition the city to annex the entire property before being granted a variance for a flag lot.

