

NOTICE OF  
TOWN COUNCIL WORKSESSION. PUBLIC HEARING & REGULAR MEETING  
TOWN OF PROVIDENCE VILLAGE, TEXAS  
PROVIDENCE VILLAGE TOWN HALL  
1745 F.M. 2931. PROVIDENCE VILLAGE, TEXAS

**TUESDAY, APRIL 3, 2018**  
7:30 P.M. Regular Session

**MINUTES**

**REGULAR SESSION 7:30 p.m.**

**I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:**

Mayor Michael Jordan called the meeting to order at 7:31 p.m. Town Council members present were Mayor Pro-Tem Newton, Alderman Linda Inman, Alderman James Connor and Alderman Chris Blue, being a quorum. Alderman Steve Miller was on excused absence due to military duty.

**II. PLEDGE OF ALLEGIANCE**

- a. United States Flag
- b. Texas Flag

**III. INVOCATION**

Ronnie Allen from Green Valley Baptist Church led invocation.

**IV. OPEN FORUM:**

Klaus Dausmann, a resident at 9037 Benevolent Ct., Providence Village, Texas, addressed the Town Council to extend an official invitation to the Town to the 2<sup>nd</sup> Annual Smoke Off.

Brian Roberson read the press release for the Hope Foundation, who has received its 501c designation. The press release is attached as Exhibit "A".

Gary Fenneman, a resident who resides at 9040 Benevolent Ct., Providence Village, Texas stated that he knows J.T. McCarroll because he keeps his cattle on his land and explained that they know that they made a lot of mistakes with the plans and permits for Mr. McCarroll's building project, but feels that the Town is not being fair. Mr. Fenneman stated that he met with Mike Carroll last week and everything was fine and then Mr. McCarroll met with him and they weren't going to give him his permit without the signed document. Mr. Fenneman stated that Mr. McCarroll has offered his land for free and the city just will not take it.

Mayor Jordan reported that he did attend the Phase 6C HOA meeting, the last 30 minutes, and updated the Town Council on the fact that we need to better communicate what is going on in the Town in comparison the Providence HOA. There appears to be quite a bit of confusion about the Town and existing HOA. Many of the new residents are confused and have been led to believe misinformation.

There were no further requests to address the Town Council.

## **V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS**

### **a. Monthly Reports from Committees**

Brian Roberson stated that there were no committee reports.

### **b. Staff Reports**

Brian Roberson thanked everyone for attending both HOA Easter Egg hunt events. Michael Jordan stated that the Aubrey Fire Department showed up at the 6C event as well and was very complimentary on their demeanor and community relations.

Brian Roberson reported that the semi-annual Community Garage Sale weekend will include a dumpster and Simple Recycling at Town Hall all day Saturday, April 21st. Providence HOA will be providing the paper shredding, computer disposal, etc. but will do so at Town Hall and it will be open to everyone.

## **VI. CONSENT AGENDA** – Items are considered self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless so requested by at least one member of the Town Council.

- a. Minute Approval
- b. Treasury Report
- c. Pay Bills
- d. Approve Purchase Orders
- e. Approve Administrative Actions

Mayor Pro-Tem Newton moved to approve the Consent Agenda with item (e) removed; Alderman Blue seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Jordan closed Town Council Regular Session and moved into Executive Session at 7:48 p.m.

## **VII. EXECUTIVE SESSION**

The Town Council will convene into executive session pursuant to Texas Government Code Section 551.071. Consultation with Attorney, to seek the advice of the Town Attorney or other legal counsel concerning pending or contemplated litigation or on a matter in which the duty of the attorney(s) to the Town under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding:

- i. Options for acquiring/entering a permanent water and sewer easement agreement with M84 Enterprises, Ltd. for an area located within the FM 2931 / Fishtrap Road water and sewer expansion project.

Mayor Jordan closed Executive Session and reconvened into Town Council Regular Session at 8:11 p.m.

## **VIII. ACTION ITEMS**

- a. Consider and act upon a resolution of the Town Council of the Town of Providence Village, Texas finding that a public necessity exists to acquire water and sanitary sewer easements in real property as portions of multiple tracts generally described as being located in the Marsella Jones Survey, Abstract Number 662, and Universal Storage Place II Addition, as recorded in the Real Property records of Denton County, generally located south of Fishtrap Road and east of FM 2931; providing notice of an official determination to acquire real property for water and sanitary sewer easements; authorizing the Town Manager to obtain the necessary appraisal reports and make bona fide offers of just compensation for the easements; authorizing legal counsel to institute eminent domain proceedings on behalf of the Town for the acquisition of easements on said tracts if negotiations are unsuccessful; appropriating funds from a lawful source; and providing for an effective date.

Julie Fort, the Town Attorney, reported to the Town Council that the Town has a sewer line project that will service close to 50 acres, that the staff has been diligently working for over a year to obtain an easement for so that they can move forward with the construction bid. Town staff has been working with the property owner regarding the easement and in September 2017 the Town offered the property owner 3 sewer taps, which would normally cost \$75,000.00, in exchange for the easement. The property owner requested that the line be moved to another location, for which the Town acknowledged and agreed and paid to have the survey redone and the engineers move the line. The Town now needs to go out for bid on the installation of the utility line and the property owner has still not signed the easement. The easement is required for a public utility use. Ms. Fort further reported that the eminent domain process involves the Town making an initial offer to property owner, and then a final offer. Only after the final offer is refused can the Town file an eminent domain action. She also stated that the Town could continue to work with the property owner.

Alderman Inman inquired as to whether the Town was avoiding approving a permit in exchange for this easement, as suggested by Mr. Fenneman. Ms. Fort explained that there is a current building permit application on file, but that the plans submitted in support of the application have been inadequate or with errors and errors identified to the property owner have not been corrected. The Town just needs an accurate set of plans that comply. Alderman Inman asked if the error correction were made, could the Town offer the permit and Ms. Fort explained that the plans on file call for a tap into the Town's sewer service, which is the same sewer line that the Town is attempting to obtain an easement for to install. Ms. Fort further explained that the Town has relayed to the property owner that they would provide a hold harmless agreement, wherein the

parties would agree that a certificate of occupancy would not be issued until the property owner was attached to the Town's sewer line, since it will probably take more time for the Town to solicit bids, issue a contract and have construction completed than it would take the property owner to complete his building project.

Mayor Jordan inquired as to whether or not special language was needed in the resolution to authorize withdraw the eminent process if the property owner decided to sign the easement and accept the Town's offer. Ms. Fort explained that no further action would be needed because we could not move forward with the eminent domain if the property owner accepted an offer and signed the easement.

Mayor Pro-Tem Newton asked about potential offers and inquired if the proposed value during the imminent domain process could come back with a lesser property value than the original offer of three sewer tap costs. Ms. Fort acknowledged that the property value could be less than the current \$75,000.00 cost for sewer taps being offered by the Town. She further acknowledged that if the Town pays the assessed property value from the imminent domain process, the free sewer taps would no longer be offered and the property owner would be responsible for payment of any sewer taps he required. There was inquiry as to whether or not the property owner had an attorney review the easement agreement and Ms. Fort acknowledged that an attorney representing the property owner had required some changes to the easement agreement, which were acceptable and made to the final agreement.

Mayor Pro-Tem Newton inquired as to why an easement value could be less than fair market value of the property, and Ms. Fort explained that typically the value for an easement is less than the property value because the property owner gets to keep the property and only has to share it with the easement holder. Mayor Pro-Tem Newton also asked if infrastructure improvements, such as utility services, improve the value of the property and Ms. Fort responded that property value is typically increased when utility services are made available.

Alderman Connor asked if the easement agreement presented to the property owner was a typical type of easement agreement and inquired as to whether or not most property owners accept this type of easement agreement. Ms. Fort stated that in her 22 years of representing municipalities, 95% of the time if a town or city offers free taps, a property owner and/or developer will accept same in exchange for an easement.

Alderman Connor moved that the Town of Providence Village authorize the use of eminent domain to acquire a .494 acre tract of land situated in the Marsella Jones Survey, Abstract No. 662, in the Town of Providence Village, Denton County, Texas, and being part of that certain tract of land described in deed to M84 Enterprises, LTD d/b/a Universal Storage, recorded in Instrument No. 2004-149911 of the Real Property Records of Denton County, Texas and a .136 acre tract of land situated in the Marsella Jones Survey, Abstract No. 662, in the Town of Providence Village, Denton County, Texas, and being part of Lot 1, Block 1 of Universal Storage Place II Addition, an addition to the Town of Providence Village according to Final Plat recorded in Document No. 2017-58 of the Plat Records of Denton County, Texas, for a public utility easement; Alderman Blue seconded.

Alderman Inman stated that her hope is that we can still work out something with the property owner, but she believes that if that doesn't happen, then we need to move forward. Mayor Jordan stated that we are just starting the process, but hopefully we come to a resolution. Mayor Jordan put the motion to a vote. Motion carried: 5 in favor, 0 opposed.


b. Identify agenda items to be discussed at future meeting.

1. Special Event for 5K run for Smoke Off.

**IX. ADJOURNMENT**

Mayor Pro-Tem Newton moved to adjourn; Alderman Inman seconded. Motion carried: 5 in favor, 0 opposed.

Meeting adjourned at 8:26 p.m.

  
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Michael Jordan, Mayor

4/17/2018  
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Date Minutes Approved

  
\_\_\_\_\_  
Connie S. Hansen, TRMC  
Town Secretary

4/17/18  
\_\_\_\_\_  
Date Minutes Approved



For Immediate Release  
April, 3, 2018  
Contact: Sina Tidwell

### **The Providence Village Hope Foundation**

PROVIDENCE VILLAGE, TEXAS – The Providence Village Hope Foundation received its 501(c)3 approval from the Secretary of State on March 1, 2018. The organizational meeting was held on April 2, 2018 and the Foundation commenced business.

The Providence Village Hope Foundation will begin raising funds, accepting donations and seeking to make a difference in our community.

At the April 2<sup>nd</sup> meeting Eric and Karen Mattson, were named Founders of the Providence Village Hope Foundation. The Board named Eric Mattson President, Sina Tidwell Vice President, Dave Culp Treasurer, Chris Blue Secretary and Don Fisher Member at Large.

The Providence Village Hope Foundation shall provide charitable assistance to those in the military or first responders that have been hurt or lost their life in the line of duty; create and support existing memorials and monuments throughout the State of Texas that honor and recognize the selfless acts of men and women in uniform, first responders, and other unsung heroes; and provide charitable assistance to schools, nonprofit organizations, and individuals in need within the State of Texas, specifically focusing on the Town of Providence Village.

The Foundation will be reaching out to local organizations and leaders who might be a good partner in helping our Foundation establish, meet and exceed its goals to provide Hope in our community.

“We are honored to bring Eric’s vision to life” said Dave Culp, Treasurer “he has so many great ideas we can only hope to fulfill them all.”

Connect with the Providence Village Hope Foundation and Hero's Park online at [www.facebook.com/PVHEROMEMORIAL](http://www.facebook.com/PVHEROMEMORIAL)