

CITY OF INGLESIDE ON THE BAY
CITY COUNCIL MEETING
September 7, 2010

- I. City Council Meeting was called to order by Mayor Gillespie at 7:00 p.m.
- II. Silent prayer was observed.
- III. Mayor Gillespie led the Pledge of Allegiance.
- IV. Roll Call: Present were: Mayor Gillespie, Alderman Marroquin, Merrick, Ehmann, Morgan and Robbins.

- V. Minutes of Previous Public Hearing and City Council Meeting of August 17, 2010 were approved as written.

- VI. Citizen Participation
Rhoda Poenisch apologized to Council and all who attended the Public Hearing for input on the variance request. A lot of information and questions were received at the public hearing and she felt she had made the wrong decision concerning the request. She went on to state she felt Council should deny the request until more information could be received.
Wayne Jewell stated the Planning and Zoning Commission held the public hearing and a regular meeting and made a unanimous decision to approve the variance request and they should stand by their decision.

- VII. Reports from Standing Committees

Item A: Planning & Zoning gave a lengthy report concerning the public hearing held for a variance request by Patrick Nye. Chairperson Jane Hunt stated the P&Z Commission voted unanimously to recommend approval of the request, however, she felt there are too many inconsistencies in the information they received. She went on to quote the City Attorney and his letter and the Building Inspector's letter. Mayor Gillespie asked Chairperson Hunt to continue the report during the action item so discussion could be held.

Item B: Parks & Recreation had no report

Item C: VFD reported no calls were responded to.

- VIII. **Old Business:** Discussion and Possible Action

Item A: Approve/Disapprove Ordinance Approving the 2010/2011 Budget
Alderman Ehmann made the motion to approve the proposed budget as presented and discussed. Alderman Marroquin seconded the motion. The motion passed unanimously.

Item B: Approve/Disapprove Ordinance Approving the 2010 Tax Rate
Alderman Marroquin made the motion to approve the Ordinance Approving the 2010 Tax Rate. Alderman Robbins seconded the motion. The motion passed unanimously.

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IX. New Business: Discussion and Possible Action

Item A: Approve/Disapprove Ordinance Approving the Certified Tax Roll

Alderman Ehmman stated she felt the Appraisal District work and lack of communication is still a problem. Alderman Ehmman made the motion to approve the Certified Tax Roll as presented. Alderman Marroquin seconded the motion. The motion passed unanimously.

Item B: Approve/Disapprove Variance Request by Patrick Nye for 1018 Bayshore

P&Z Chair Jane Hunt continued her report; she pointed out previous variances were given for safety reasons which were detailed enough to know what would be built and setting the precedence. She felt P&Z was pressured to make a decision and asked Council to take time to sort out the facts. Adam Skinner, the contractor, stated discussion was held during the public hearing concerning the footprint and the existing slab being grandfathered and if the construction would be a remodel or new construction, he understood the concern was whether there was a hardship to justify the variance request. He went on to explain the request was asked for because handicapped facilities needed to be put into the structure. Previous variance requests were for new construction on vacant lots and were not a good comparison to what is being asked for at this time.

It was agreed that the ordinance concerning 50% destruction of a building did not apply because the structure would have over 1,000 square feet of living area. FEMA requirements state the building must be brought up to current code.

Patrick Nye stated the project started as a remodel, but the further they went the more they found things that needed to be fixed. He would like to keep the footprint area to save as much of the structure as they can and bring it up to code. The second floor of the attached garage would be a handicap accessible area. He also agreed not to install a bathroom on the ground floor.

Discussion occurred concerning setbacks, correcting any errors in structures built in the past and bring them up to code. Several structures would need to be corrected if the opportunity arises. This request does have the hardship reason for a variance because of the handicap reasons. The possibility of giving a special exception to the building could be given.

Alderman Ehmman made the motion to grant a special exception to the Nye's to build at 1018 Bayshore within current structure with current FEMA and windstorm regulations. Alderman Merrick seconded the motion. The motion failed with Alderman Ehmman and Merrick voting in favor of the motion and Alderman Marroquin, Robbins and Morgan voting against the motion.

Alderman Morgan made the motion to disapprove the request and continue further discussion for other options. Alderman Marroquin seconded the motion. The motion passed with Alderman Marroquin, Robbins and Morgan voting in favor of the motion and Alderman Ehmman and Merrick voting against the motion.

Discussion continued concerning the wording of the variance request and whether a new variance should be requested.

Mayor Gillespie called for a recess at 8:01 p.m. to contact the City Attorney.

Mayor Gillespie called the regular meeting to order at 8:14 p.m.

Mayor Gillespie stated the City Attorney advised that Council could still consider and vote on the variance as written. The motion was to deny the request and continue discussion, the option is still available to vote on the request as written.

Alderman Ehmman made the motion to approve the variance request by Patrick Nye for 1018 Bayshore. Alderman Merrick seconded the motion. The motion passed unanimously.

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Item C: Approve opening bank reserve accounts

Alderman Ehmann explained the reason for opening new accounts. Alderman Marroquin made the motion to approve opening bank reserve accounts. Alderman Robbins seconded the motion. The motion passed unanimously.

X. Coastal Bend Council of Government Report was given.

XI. Mayor Gillespie adjourned the meeting at 8:18 p.m.

Respectfully submitted & attested:

Approved:



Diane Hosea
City Secretary



Howard Gillespie
Mayor