

**MINUTES OF THE PUBLIC HEARING AND REGULAR
MEETING OF THE BOARD OF ALDERMEN
TOWN OF BAYVIEW, TEXAS**

**Held at
102 S. San Roman, Bayview, Texas**

February 20, 2014

PUBLIC HEARING

1. The Public Hearing to receive input from voters and residents regarding the following was called to order at 6:30 p.m.:

Cornerstone Church has submitted a zoning application to the Town of Bayview requesting amendment of Zoning Ordinance Article III – “A” Single Family Dwelling District Regulations to include churches and schools as allowable uses. Cornerstone Church, which is the current owner of the property, proposes to convert the existing Sports Center/Lot 1 of the Madison Grove Subdivision to a church and school at the site. The Town of Bayview is considering a change to the zoning ordinance and will follow the procedures specific in Texas statutes, which includes public hearings on the zoning application, revision of the ordinance, and, if those are approved, the possible re-platting of the subdivision.

Mayor Rodino commented about the large crowd (there were 47 people signed in) and stated that he wished we had that many people at every meeting. Mayor Rodino welcomed everyone and introduced Mayor Susie Houston from Laguna Vista and David Irwin, our Town Attorney.

2. Mayor Rodino stated that Cornerstone Church has submitted a zoning application regarding revising the zoning ordinance and possible re-platting of Madison Grove subdivision to allow for the Community Center to be used as a church and school. The hearing is for the Town to hear public comments from the residents, informing everyone that the hearing was being recorded and that there would be no decisions made at this hearing. Mayor Rodino had asked Reverend Musser, of Cornerstone Church, to make a presentation and also noted that there was a representative from the Laguna Madre Christian Academy who was also going to make a presentation before public comments were received. Mayor Rodino stated that comments were to be limited to 3 minutes and asked everyone to state their name and where they lived. The crowd was also informed that Susan Heinz, Town Secretary, was accumulating letters written to the town regarding this issue, and that they would be available upon request in the next week. There are two issues currently at issue:

The zoning ordinance amendment since the zoning ordinance as it stands does not address churches or schools at all. The second issue, since the town received an application for zoning change from Cornerstone Church and the school, we now

are addressing the issue, following State law as it pertains to public hearings and notification time frames.

3. Reverend Musser, pastor of Cornerstone Church by the Bay, thanked the Mayor and Board of Aldermen for the opportunity to speak at this meeting. Cornerstone Church is approximately 3 years old, currently located in Laguna Vista, with a congregation of approximately 80 people. He stated that the Madison Grove Community Center building had been offered to the church by the owner, Barbara Creighton. Cornerstone Church is a non-denominational church with services every Sunday at 11:00-12:30, with bible study beginning at 9:45. They also have bible study on Wednesday evening at 6:30-8:00 pm; mother's day out Tues-Thurs, 9-1, and youth group on Friday evening 6-8. The Laguna Madre Christian Academy has been affiliated with the church for 2 years. The goal for the church in the future is to help subsidize the school and also help it grow. Reverend Musser stated that the original intent of the church was not to re-zone, they wanted a variance for a special use permit of the property. He stated that the current structure is abandoned and in a state of disrepair, and that the church wanted to take on the responsibility of repairing and maintaining the facility. He stated that they have plans to upgrade the facility and improve the property, including an addition of 5,000 square feet, bringing the property up to approximately 17,000 square feet. He also stated that a second private entrance will be added to the property off of Ted Hunt Road, with no one using the entrance to Madison Grove subdivision. Reverend Musser stated that they are planning to enlarge the playground, and that it would be available to the residents of Madison Grove. Mayor Rodino asked about a possible barrier between the proposed church/school and the residents and Reverend Musser stated they had already planted some Durantas, which is a fast growing privacy shrub.

Reverend Musser then introduced Janice Stewart, Director of the Laguna Madre Christian Academy. The school was founded in 1998 on South Padre Island. She stated that the school's test scores are continually high. Current enrollment is 44 students, 33 families; K-3 through 9th grade, with the ability to expand through 12th grade. The staff consists of 5 teachers plus 2 administrators. Ms. Stewart expressed her opinion that she feels the school would be an asset to the community of Bayview.

Mayor Rodino once again addressed those present, reiterating that there are two issues:

One is the possible amendment to re-zone and the other is allowing the church/school. He emphasized that should the Board approve the amendment to re-zone, that would not automatically allow the church/school.

Public comments:

Mayor Susie Houston, Laguna Vista-sorry to see them leave Laguna Vista

John Pongracic, Mockingbird, Bayview-he does not want to change zoning

Steve Hester, N. San Roman-Does not want a zoning change for fear that it would open up for other small churches or schools to locate anywhere

Jose Zerta - not currently a resident of Bayview, but considering purchasing property in Madison Grove, he likes the quiet, not in favor of school or church in that area

Margaret Ellison, Laguna Vista-she reported that Los Fresnos is building schools very rapidly and warned that the possibility of schools popping up in Bayview could be very real, and urged the Town to think about this issue seriously

Kyra Hudson - lives on Shafer, daughter student at the school. Very much in favor of the church/school

Terri McCord, Madison Grove-stated that the Community Center has been abandoned for a while, expressed concern about the condition, but she is in favor of the church/school

Mike Meyn-has lived in the area for years, owns property on San Roman, currently lives in Los Fresnos. Feels that re-zoning would open the door for other things to come in, he is against allowing the church/school into Bayview

Richard Meyn, N. San Roman-does not understand changing the zoning for the entire Town for one location. Nothing against churches and schools, but does not want the Town to open the doors for another church or some facility coming in and locating anywhere in town. He also expressed concern about added wear and tear on Town roads. Why doesn't the Town develop a small area on the outskirts of town to accommodate this and any future developments of this nature

Ernie Farmer, N. San Roman-members of the Cornerstone Church, grandchild attends the Laguna Madre School. Asked that those present give this idea a chance

Ed Nuss, Bayview Palms-asked about the possible need for a school zone on Ted Hunt Road

Doug Ramsay, Madelyn Rose-he feels that the proposed application of the facility will have a negative impact on property values.

Celeste Tamayo -Likes the small community and knowing neighbors, thinks the church/school would be an asset

Jerry Batko, N. Valencia-feels that changing the zoning ordinance would be a big mistake, this would open the doors for other business wanting to come in and locate anywhere

Stephanie Batko, N. Valencia-specifically chose Bayview for the quiet, tranquil community. She is against the church/school being located in Bayview, its current location is convenient enough, and she feels Bayview is not set up to accommodate the added traffic and activities which would be drawn to this facility

June Williams (husband), Centerline-No one is opposed personally to the church or school, but they moved here to be in the country and they are concerned that if the town approves re-zoning, then it would open up the Town for other such

facilities to go in anywhere, right next to current homes. They are against this proposal

Barbara Creighton, Madelyn Rose-Barbara stated that the HOA of Madison rejected the ownership of the community center, so then she owned the center and donated the building to the church. She reiterated that the church originally asked only for a special-use permit, not a total re-zoning of the Town. She feels the community will benefit from the church/school and that it will attract buyers to Madison Grove

Jeneria Lewis, Red Crown-expressed fear that if this church/school is allowed and the zoning amended, then a church or other facility could be located in backyards. Bayview is located close to other churches and schools, Jeneria also addressed Barbara to the effect that giving a variance would also be opening the door for future issues. Why couldn't the church be located in the commercial zone? Could the community center property revert back to the county, and then it would not affect the rest of Bayview

Bonnie Gibbons, Mockingbird- concern about re-zoning the entire town even though she is a member of the Cornerstone Church. She is against the amendment to re-zone

Linn Keller, Calle Conejo-former Town Secretary, does not think the Town should re-zone, there is a commercial zone in town and would prefer the church/school to locate there rather than in a residential area, as there seems to be a lot of activity with the church/school, a lot more noise and traffic

Robert Steenbock, S. San Roman-next to the Girl Scout camp, stated he has had problems with noise coming from that camp. He stated that in his opinion, opening up the church/school in Madison Grove and adding the traffic and noise would not be a good idea. Why couldn't the church/school stay in Laguna Vista where they have more room?

Mark Kerney, Calle Hermosa-he stated that churches do turn lives around, so he is pro-church and that his opinion is that churches and schools add to the value of communities. He doesn't feel the actual use of the community center is changing much with the approval of a church/school.

Mike James, Madelyn Rose-President of the Homeowner's association of Madison Grove. He notified the Town that the HOA will be pursuing legal action against the owner of Lot 1, Madison Grove, the community center. He moved to Bayview three years ago because of the tranquility and beauty. He is against this church/school, expressing the danger of the traffic on Ted Hunt, as well as the smaller size of the lots in Madison Grove, placing all of the homeowners closer together

Erin Trevino, Madelyn Rose-the reason for their move to Bayview was for the private, country living, and she is opposed to having a school zone in the neighborhood

Reuben Trevino, Madelyn Rose-They bought in Bayview for the peace and quiet. He is opposed to a church/school in the neighborhood. Reuben provided Susan Heinz, Town Secretary, with a signed petition against the church/school. Reuben

also mentioned safety concerns on Ted Hunt Road, which would be the entrance and exit for the church/school

Jim MacKara, Madelyn Rose-he is opposed to the church/school being located in the neighborhood. Jim is a retired school teacher, so not opposed to schools. He expressed concern with the added traffic with cars coming and going to the church/school to attend all of the activities. He also spoke to his concerns that the bushes planted would not keep out the noise and possible playground items from the school

Terri MacKara, Madelyn Rose-Purchased property in Madison Grove for the amenities offered in Madelyn Grove with the community center and play-scapes for the neighborhood. She is concerned that the addition of a church/school, the traffic and noise would not be beneficial to the community.

Ron Heinz, Calle Hermosa-not opposed to schools and churches, but he does not feel there are enough funds in the Town of Bayview to support the maintenance of our roads now, and that additional traffic would put more of a strain on our budget. Reverend Musser invited the Town to come visit his church and stated that he would like to grow the church, which would only increase the traffic. Ron also stated that the church was land-locked, and then what would happen to the property if they moved. His concern is that the Town cannot support the needs of the church

Kayla Knox, Madelyn Rose-Not at all in favor of the church/school

Mike Knox, Madelyn Rose-concerned about additional traffic on Ted Hunt, he would prefer a wall or barrier fence instead of bushes. But he is not in favor of the church/school being located in Madison Grove.

The Public Hearing was adjourned at 7:45 p.m.

TOWN COUNCIL MEETING

1. The Regular meeting of the Board of Alderman of the Town of Bayview was called to order, February 20, 2014, at 7:50 p.m. at the Town Office, 102 S. San Roman, Bayview, Texas.

Present were: Mayor Tom Rodino, Aldermen: Mark Mullendore, Scott Stachowiak, Leon Deason and William Hooton; as well as town Secretary, Susan Heinz

2. The Pledge of Allegiance was led by Mayor Rodino.
3. Mayor Rodino welcomed everyone in attendance and asked for any public comments or concerns.

Jeneria Lewis commented that she had mature Daranta hedges if anyone would like to see them. They grow 3 to 4 feet per year and are very dense

Steve Hester mentioned again the need for speed bumps on N. San Roman

Janis Silveri commented that due to an error by the city secretary in sending town email without the bcc command, another resident of the town high-jacked those email addresses and sent a mass email out. She felt that the resident's action was inappropriate.

ACTION ITEMS

Old Business (matters carried forward from a previous meeting): None

New Business:

1. Presentation from Carlos Barrera, Long Chilton, the Town Auditor, regarding the Town's FY 2013 financial records. The audit report for the town was presented. The financial records of the Town are clean and in order. Alderman Deason thanked Konnie Hooton for all of her work keeping the Town's financial records in order. Alderman Hooton made a motion to accept the auditor's report. Alderman Mullendore seconded, all voted in favor. Motion carried to accept the auditor's report.
2. Approval of the Consent Agenda:
 - a. Minutes of Town Meeting of January 16, 2014
 - b. Financial reports for month of January 2014
 - c. Building Inspector Report and fees in the amount of \$216.50
 - d. Payment of billing from The Rentfro Law Firm in the amount of \$475.00
 - e. Payment to GSGST for utility bills July – Dec 2013 in the amount of \$722.59
 - f. Payment to the Comptroller of Public Accounts to repay excess sales tax distribution in the amount of \$321.33

Alderman Mullendore questioned Item 2 under New Business on the January minutes where the discussion of the ROW maintenance was tabled. Alderman Mullendore thought he voted against tabling the issue. Susan Heinz, Town Secretary, stated that she would review the recording of the meeting and amend the minutes if necessary. Alderman Deason questioned two items on the bank statement, one for tax software and one to Personnel Concepts.

Alderman Mullendore made a motion to approve the consent agenda with changes to the January minutes, if necessary. Alderman Stachowiak seconded, all voted in favor. Motion carried to approve the Consent Agenda.

3. Discussion and possible action on continued participation in the Lower Rio Grande Valley Development Council.

- a. There was some discussion as to the role the LRGVDC, what they do for Bayview. Mayor Rodino explained what the Council does, and explained that the fee under discussion at this time is our membership fee, not a donation for a particular program. It was decided that it would be to our advantage to keep up our membership in the council.
 - b. The annual dues for membership in LRGVDC is \$72.00. A motion was made by Alderman Hooton to continue our membership and pay the dues. Alderman Mullendore seconded. All voted in favor, motion carried, the invoice will be paid.
4. Discussion and possible action on engaging Joe Lee Bryant to clear the ROW areas of two properties; Brownsville Anesthesia on Calle Hermosa and Salinas-Lee on the corner of S. Valencia and Calle Hermosa. Joe Lee's bid for the properties is \$110.00 for the Brownsville Anesthesia property and \$65.00 for the Salinas-Lee property. Alderman Mullendore made the motion to hire Joe Lee Bryant to mow these properties. Alderman Stachowiak seconded. All voted in favor and the motion carried.
 5. Discussion and possible action relating to the Town's proposal to FJW Construction on final payment. Mayor Rodino stated that the Town has not heard anything from FJW, that we do have verification they received our proposal. Consequently, there was no update; the Town is still waiting to hear from them. Alderman Hooton asked what would happen if FJW does not respond and Mayor Rodino stated that they would not get paid.
 6. Discussion and accepting or rejection of adopting the following Right of Way definition for all of Bayview:

Right of Way Easement shall mean the unpaved portion of the roadbed right of way that will allow for mail boxes that comply with USPS regulations, drainage, drainage structures; provide a safe distance between obstacles and the traveling public; allow for adequate sight distance; and provide a corridor for utilities and sidewalks where applicable. No signs or structures, other than those previously mentioned will be allowed. All Bayview roads width, pavement width and ROW easement widths are show in the Appendix I attached to these minutes

Alderman Deason handed out a definition of Right of Way, with a chart of the Roadbed widths, street names, pavement width and unpaved ROW width. He is requesting that this be adopted as our legal definition of ROW. There was some discussion among the Board members. Alderman Hooton expressed his opinion that he didn't feel we needed to adopt a description of right of way, when we all know the right of way. The maintenance issue needs to be simplified so that a standard measurement could be used on ALL roads in Bayview. Alderman Mullendore stated that he felt a standard measurement for maintenance would be less confusing. Alderman Stachowiak had some comments and questions concerning the legal definition of ROW and measurements from Cameron County.

There was more discussion as to the 'area of maintenance' versus the right of way. Alderman Deason wants this definition to apply to all ordinances and to the area to be maintained by the property owners.

A motion was made by Alderman Deason to accept the definition for all Bayview ordinances, Alderman Stachowiak seconded. Alderman Hooton opposed. Motion carried.

Alderman Hooton wanted clarification as to whether or not this covered the area to be maintained. Alderman Stachowiak stated no, it was simply a definition of right of way, Mayor Rodino stated no, that the area of maintenance would be taken up in a workshop. Alderman Hooton was skeptical.

DISCUSSION ITEMS:

7. Discussion of matters related to the Cornerstone Church proposal to convert the Madison Grove Sports Center to a church/school. There was some discussion on this topic as a result of the Public Hearing. Mayor Rodino mentioned that the Town had heard a lot of comments at the Public Hearing, both for and against the proposal for a church/school. He also stated that the written letters the town had received would be available upon request the following week. Mayor Rodino noted that we had learned from the Public Hearing how many parishioners belonged to the Cornerstone Church, as well as how many children were enrolled in the Laguna Madre Christian Academy. This was information we had not had in the past. He also stressed that we were not under any time deadlines to make a decision right away. Alderman Hooton commented on the large amount of people who had attended the Public Hearing, and stressed that the Council needed to vote the will of the residents of Bayview, not their personal feelings. Alderman Mullendore noted that he felt the majority of Madison Grove residents were definitely against this church/school. There was more discussion from the aldermen concerning other options for possible location of the church/school. Alderman Deason feels that the residents of Madison Grove need to settle issues there before the town makes a decision. The town attorney, David Irwin, stressed that this was a big issue to be considered. Whatever action the town takes will set a precedent going forward.
8. Mayor Rodino stated that he, Alderman Stachowiak and Alderman Hooton had a meeting Monday, February 24, with Lea Peacock, to discuss the lease proposal with the Girl Scouts.
9. Mayor Rodino reported on the ordinance review meeting which was held at the town office on Saturday, February 15. There were quite a few residents who attended the meeting and there were quite a few constructive suggestions. Town Secretary, Susan Heinz, will be preparing a summary of the meeting.

10. ROW maintenance. Mayor Rodino stated that the town was going to try and hold a workshop on ROW maintenance, or road-side maintenance, in mid-March.

11. Citizen complaints:

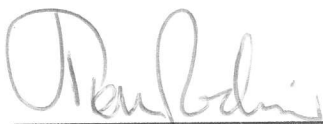
- a. The Madison Grove pond issue is being taken care of, Barbara Creighton hired Murray Farms to clean the pond and install a working sprinkler system.
- b. Road safety – Mayor Rodino reported once again on near misses on North San Roman and the need for speed bumps. He also reported that there was approximately \$55,000 in the ad valorem account which could be used to purchase and install the speed bumps. Alderman Stachowiak asked about the possibility of closing N. San Roman to through traffic as that had been proposed in the past. N. San Roman is a public road and it is not feasible to close the road.

12. Reports:

- a. Building & Standards Commission – Jeneria Lewis announced that the first meeting of the B&SC would be March 17 and that they had three cases before them.
- b. Emergency management – Mayor Rodino reported that the City of Los Fresnos did receive our letter of intent to join the Hazard Mitigation Action Plan and that Los Fresnos has submitted the plan.
- c. There was no report on the CERT program

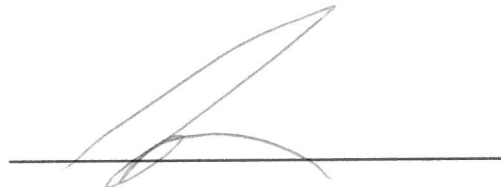
Adjourn

The regular meeting of the Board of Alderman was adjourned at 9:10 p.m. with a motion from Alderman Mullendore and a second from Alderman Stachowiak. All voted in favor, motion carried.



Tom Rodino, Mayor

Secretary



Susan Heinz, Town