

**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**

**April 17, 2014**

**PUBLIC HEARING**

1. The public hearing was called to order at 6:30 p.m. by Mayor Rodino. He explained to those present, the three options for zoning changes under consideration at this time:
  - A. Churches and schools are expressly allowed as conditional uses in the Residential "A" District subject to obtaining a specific use permit based on a case-by-case determination that the specific site is suitable for the intended activities, considers all of the applicable requirements of Bayview's ordinances, and makes certain requirements a prerequisite in order to obtain a specific use permit. Churches and schools are expressly permitted as an allowable use in the Commercial "C" District.
  - B. Churches and schools are expressly permitted as allowable uses only in the Commercial "C" District.
  - C. Churches and schools are expressly permitted as allowable uses in the Commercial "C" District, and churches only are expressly permitted as a conditional use in the Residential "A" District subject to obtaining a specific use permit based on a case-by-case determination that the specific site is suitable for the intended activities, considers all of the applicable requirements of Bayview's ordinances, and makes certain requirements a prerequisite in order to obtain a specific use permit.

Mayor Rodino then opened the meeting for comments from the public.

Mayor Rodino read a written comment into the record from the Batkos, and their opinion was that churches and schools should be located only in the commercial zone, or Option B.

Barbara Creighton – Stated that the use of the community center as a church is not changing the initial use of the building, she is in favor of allowing the church and school in the residential areas, Option A.

Jeneria Lewis – recommends that churches/mosques/synagogues be placed only in the commercial zone, Option B.

Bruce McKrosky – asked about the location of the commercial zone in Bayview, and would prefer that churches and schools only be permitted in the commercial zone, or Option B.

Don Bockelman – Not from this area. He commented that there are some businesses within a commercial zone which would preclude the inclusion of churches or schools in the commercial zone.

At this time, there are no commercial businesses in the commercial zone.

Bob Steenbock – He feels that this issue is really a Madison Grove issue and regrets that the Town is embroiled in this issue. He also stated that in his opinion, if the town accepts either Option A or Option C; that the Town then will be opening up for future conflict when someone else wants to put a church in. He is not in favor of any of the options, but could support Option B, churches and schools only in the commercial zone.

Evelyn Morris – Expressed that she is not at all in favor of zoning variances. She feels that churches do not need to be in a residential area, they bring in a lot of traffic.

Reuben Trevino – In support of Option B, only commercial zones. Expressed concern that the traffic the church and school would create would cause a traffic and safety issue on Ted Hunt. He also questioned why the church and school could not be separated, why do we have to consider both and not just the church.

Barbara Creighton – she stated that in her opinion there would be far less congestion with the church/school off of Ted Hunt Road, than here in the commercial district on FM2480/S. San Roman.

Steve Hester – His opinion is that the Town cannot afford possible future litigation if in the future churches and schools are considered on a case by case basis. He supports Option B, commercial zone only.

Jeneria Lewis – Wanted to know if there was some possible way we could get a definition of what is a church/school, and if there could be traffic studies done before a final vote. Ian Monroe pointed out that a lot of questions would be answered in the regular meeting.

Alderman Deason asked Mr. Monroe if he lived in Bayview, he does not, but he is a member of the Cornerstone Church.

Bruce McKrosky – asked for clarification on what is being considered. He feels that Madison Grove should settle their conflicts before involving the Town. He is in favor of Option B, but doesn't really feel the Town should be involved until Madison Grove settles its own disputes.

Mayor Rodino explained that the reason we are looking at this is because the wording of the zoning ordinance for residential areas, at this time, does not address churches or schools at all, the only structures allowed in the residential area at this time are single-family homes, expressly prohibiting any other type of structure in the single-family zone; further explaining that the sports center in Madison Grove is a part of the gated subdivision. The Town is also looking at this because the church and school did apply for a zoning change last fall.

Barbara Creighton stated that the church has met in the community center for over six months, and that they also conducted bible study. She stated that there was no objection at that time, until the church expressed their desire to be there permanently. Alderman Deason made the point that when those activities were being conducted, there was no school there. There was discussion about the amount of people who would be using the church/school. There was a comment from the audience stating that there was no option stating that churches and schools would not be allowed anywhere in Bayview. Mayor Rodino stated that prohibiting churches and schools all together was not an option. Concern was also expressed about the possible future growth of the school. A representative from the school stated that the school was not planning on growing or drawing additional enrollment from the Bayview area.

Jeneria Lewis – Her concern is the impact of the church/school on the single-family residents of Bayview.

The Public Hearing was adjourned at 7:00 p.m.

### **REGULAR MEETING**

1. The Regular Meeting of the Board of Alderman was called to order at 7:05 p.m.
2. Mayor Rodino led those present in the Pledge of Allegiance.
3. Mayor Rodino welcomed those present and informed those present that there would be a short presentation from representatives from Cornerstone Church.
4. Prerak Shah is a representative of Cornerstone Church, he was accompanied by Michael Berry, from the Liberty Institute, which is an organization that represents churches. He addressed the concerns of the residents, stating that the school is an integral part of the ministry. He stated that if we keep the church out, there would likely be a lawsuit. Mr. Shah stated that his law firm and the Liberty Institute could help the Town with writing the law as it would pertain to a zoning variance.

Michael Berry explained what the Liberty Institute is. It is a national law firm representing religious organizations and schools of all faiths, and protecting their rights and it is a pro-bono organization. Alderman Deason asked for clarification

from Mr. Berry, that if Madison Grove does not allow the church and school to locate in the sports center, the Liberty Institute will sue the town. Mr. Berry stated that is not what he said. He feels that a lawsuit will eventually happen.

He also expressed that if the Town forced the church and school to only locate in the commercial zone it would put unnecessary burden on the church. Jeneria Lewis questioned how the town was putting an unnecessary burden on the church by limiting them to the commercial zone, as there was nothing in the commercial zone at this time.

Mr. Berry stated that Madison Grove had deeded the property to the church, and that it was now private property. Alderman Deason asked if Barbara could produce a warranty deed for the property, stating that the town only had a quit claim deed. Barbara said she could produce a warranty deed.

Mayor Rodino asked about just how integrated the church and school are, since Cornerstone Church has been in operation for 3 years, the school has been a part of the church for only 2 years, but has been in operation for 10 years.

Concern was expressed from some members of the Board as well as some residents that if we didn't allow the church and school to locate at the sports center, then the Town would be sued. It was brought up that the Liberty Institute was contacted by the church to represent them.

## **5. Public comments:**

Jeneria Lewis referred to the possible rewording of the right-of-way ordinance, stating that the words maintenance area with a specific measure of the area to be maintained was a good idea.

Barbara Creighton stated that after the meeting of the Board of Alderman last month she offered, free of charge, the use of a 17 x 40 building she had on her property. She has heard nothing from the Town and wants to know why.

Mayor Rodino explained that the Town felt it would best not to accept the offer at this point due to the current issues with the church and Madison Grove and apologized for not conveying that to Barbara, but that the Town would consult with our attorney and be in touch with her.

Bob Steenbock stated that when he came to the area 20 years ago there were no ordinances, and he felt there should be some rules, but now we seem to be going the opposite way with too many regulations. He also expressed concern about the Town's ability to enforce some of these ordinances such as the right-of-way. This is not a golf course community.

## **Action Items:**

**Adjourn:**

The Regular Meeting was adjourned at 7:25 p.m. so the Board could go into Executive Session.

**Executive Session:**

The Executive Session of the Board of Alderman was called to order at 7:26 p.m. regarding the following:

Section 551.071: Consultations with Attorneys

**Adjourn:**

The Executive Session adjourned at 7:55 p.m.

**Regular Meeting:**

The Regular meeting re-convened at 7:58 p.m.

**Old business (matters carried forward from a previous meeting or meetings):**

6. Discussion related to the road project. There are no new developments. Alderman Deason asked if there was anything we could do to get FJW to respond to our payment offer, he is concerned they are waiting until the Bond expires to respond.

**New Business:**

7. Discussion and possible action regarding the drafting of the amendment to the Bayview Zoning Ordinance to expressly permit churches and schools. Mayor Rodino informed Mr. Shah and Mr. Berry that the Town was going to accept their offer to help draft language for a zoning amendment relating to churches and schools. They also have permission to work with our town attorney, David Irwin. He also stated that there would be no action at this time, this item is being tabled. He also asked Mr. Shah and Mr. Berry if they could have information for us by the next meeting, May 15. Alderman Deason made a motion to table any action at this time. Alderman Mullendore seconded. All voted in favor, motion carried.
8. Discussion, progress report and possible action related to development of the 5.6 acres owned by the Town.
  - a. We have a temporary site plan from Jim Rose. Alderman Deason stated that if there were any questions from the Board members after they have had a chance to

look at it, they could email them to him. The site plan was received late and the Board members had not had a chance to look at it by the time of the meeting.

b. Alderman Deason stated there were going to be additional costs relating to the septic for soil samples in the amount of \$350-\$400. Lupe Longoria says he will do the installation for about \$800, Alderman Deason asked if anyone else knew of anyone who would want to bid on the septic installation that would be great.

c. Temporary electrical service will cost about \$2000.

d. Potable water - Mayor Rodino stated that Bob Middleton, former mayor, is going to work with ERHWSC on costs, he is on the Board of ERHWSC.

e. Alderman Mullendore has been in communication with BSD about possibly acquiring a portable building from them. There will probably be an on-line auction sometime in June.

f. Building slab/foundation – Alderman Deason does not know of any foundation workers, looking for suggestions. We need an enclosed foundation. With an enclosed foundation, the building could be placed almost at ground level, negating the need for a handicap ramp.

g. Clearing and grading. Joe Lee will be mowing and piling brush on Saturday, April 26, the Town will be looking for volunteers for a work day.

h. Parking area. Alderman Deason is going to try and contact David Garza, Cameron County Commissioner, to see if we can get some help from them with the grading and leveling for the driveway. Caliche will be put down first for a driveway. Alderman Deason also stated that maybe we could get the county to help with the speed humps on N. San Roman.

i. Fencing and other needs. Alderman Deason said the Board needs to decide what we need for fencing. Alderman Hooton questioned the need for fencing at this time, he feels a steel door and lock would be sufficient.

#### 9. Approval of the Consent Agenda.

a. Minutes of the Town Meeting of March 20, 2014

b. Financial reports for March 2014

c. Building Inspector Report and fees

d. Payment of Rentfro Law Firm in the amount of \$1,618.75

e. Revised position description for the Town Secretary

f. Accept PUC's 2014 CPI rate adjustment of municipal telecommunications ROW access lease rates as Bayview did in 2013

Alderman Deason questioned the billing for Justin Shafer in the amount of \$200.00.

It was stated that the billing was for 2 months and the work had been done.

Alderman Deason made a motion to accept the consent agenda. Alderman Mullendore seconded. All voted in favor, motion carried.

#### Discussion Items:

10. Discussion and update relating to Cornerstone Church. This was previously discussed, the Town did receive some plans for expansion and remodeling of the



sports facility. The Town is not in a position at this time to issue the permit until other issues are resolved. One of the main concerns is still the question of ownership of the facility. There is also an unsettled dispute between the HOA of Madison Grove and Barbara Creighton, the developer.

11. Progress report on ordinance updating process. This process is underway. Susan Heinz had reviewed the ordinances as well as comments from the public, and provided the Board with another spread sheet concerning some of the concerns. Alderman Hooton is in the process of researching and refining this information further. Jeneria Lewis asked if the Building & Standards Commission could hear any violation of any ordinance. Mayor Rodino stated that was what was thought originally, but that is not the case and each of the ordinances needs to be reviewed individually before a possible recommendation to the B&SC. There was more discussion concerning the spreadsheet Susan Heinz had sent out after looking through the ordinances. Alderman Deason asked how we were going to deal with the ordinance review. There was more discussion.
12. Progress report on status of lease/property use with the Girl Scouts. The Girl Scout Board will be meeting next week.
13. Speed bumps on N. San Roman. The Town keeps receiving complaints about speeding on N. San Roman. There was some discussion about the cost of speed bumps and how we could provide them. Alderman Deason stated that Roger Mantony thought we could do it ourselves with some hot mix.

14. Citizen complaints:

- a. The Allied Waste Brush truck spilled hydraulic fluid on the roads. Mayor Rodino had contacted the operations manager, stating that he was very responsive. A crew was sent back out to power wash the areas where the fluid was spilled.
- b. It was also noted that orchard trucks and some farm tractors were also guilty of spilling hydraulic fluid. There was more discussion on these issues as the spilling of hydraulic fluid on the roads will deteriorate the roads. Alderman Hooton stated that when people see this happening, they need to take pictures and make a note of who is responsible.
- c. More discussion concerning speeding vehicles on N. San Roman,

15. Reports:

- a. Building & Standards – nothing new to report. Jeneria Lewis summarized their activities concerning the three cases which had been referred to them, stating that a lien would be filed on the properties May 2<sup>nd</sup>, if payment of fines was not received.
- b. Emergency Management – nothing to report
- c. Citizen Corps/Community Emergency Response Team – no report
- d. Cameron County Coastal Task Force – Alderman Deason gave a short report

e. Regional Small Cities Coalition – Mayor Rodino reported

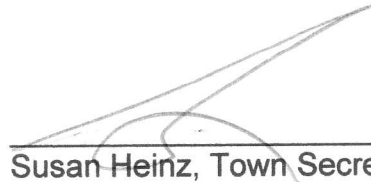
**Adjourn:**

The meeting was adjourned at 8:30 p.m. with a motion from Alderman Deason and a second from Alderman Mullendore. All voted in favor, motion carried.



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Tom Rodino, Mayor



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Susan Heinz, Town Secretary