

**NORTH TEXAS REGIONAL AIRPORT  
JOINT AIRPORT ZONING BOARD  
JUNE 25, 2014**

**MEMBERS' PRESENT:**

Phil Roether, Chairman  
Ken Brawley  
Kevin Farley  
Janet Gott  
Randy Hensarling  
Ryan Johnson

**MEMBERS' ABSENT:**

Lee Olmstead  
Jason Sofey  
Todd Thompson

**OTHERS' PRESENT:**

Mike Shahan, Airport Director  
Jim Copeland  
Wm. B. (Ben) Munson, Esquire  
Courtney Goodman-Morris, City of Denison

Michael Hutchins, Herald Democrat  
Bart Lawrence, Commission, Pct. #4  
Scott Shadden, City of Sherman  
Jim Hubert

**I.  
Call to Order.**

Mr. Roether called the meeting to order at 12:00 p.m.

**II.  
Approval of the minutes of the June 9, 2014, Joint Airport Zoning Board Meeting.**

Mr. Roether asked if the Board had the opportunity to review the minutes of the previous meeting. Mr. Farley made the motion to approve the minutes. Ms. Gott seconded the motion. All members voted aye.

**III.  
Workshop to review Airport Zoning Committee recommendations for the Airport Zoning Ordinance.**

Mr. Roether stated that the Board had been through the original document and had made numerous changes to the document. He stated that the areas to be considered had to do with the appeals process. Mr. Roether stated that Mr. Johnson had reviewed numerous zoning ordinances and had a recommendation for this document.

Mr. Shahan asked Mr. Roether if the Board wanted to discussion **6.0 Nonconforming Uses, Regulations not Retroactive** before moving on to the appeals process because this had not been approved by the Board. Mr. Shahan stated that this had been changed from having a no hazard determination to having completed determination from the FAA. After some discussion, the Board agreed to accept the changes as presented.

Mr. Johnson stated that he had reviewed both Midway Airport and New Braunfels Airport Zoning Ordinance. He said that the appeals process was very similar to what was currently in this document but that he was recommending making some changes. These changes include:

### **Section 8.0 Appeals:**

**8.1** – Mr. Johnson stated that this had been changed to reflect the respective jurisdiction’s process for appeals. Mr. Roether asked if any jurisdictions process changed that it would automatically be changed with this wording and Mr. Johnson stated that was correct. He stated that this language was inserted into the remainder of Section 8. Mr. Johnson stated that language is included that each jurisdiction has the right to participate in the appeal process.

**8.2** – Mr. Johnson stated that this section was placed into **8.3**. He stated that 8.3 would become 8.2 and all subsequent paragraphs would have to be renumbered.

### **Section 9.0 Judicial Review:**

Mr. Johnson stated that “Board of Adjustments” needs to be changed to reflect “governing body” so that it corresponds with Section 8. He stated that verbiage was inserted to clarify the judicial review process as stated in the statute of 241.041 for appealing to a court of record.

### **Section 10. Enforcement and Remedies:**

Mr. Johnson stated that the governing bodies have the right to go through the judicial process to enforce any violation of the ordinance and also seek injunctive relief. He stated that this section was allowed through Texas Local Government Code, Section 241.044.

Mr. Hensarling asked if these changes changed the flow chart. Mr. Johnson stated that it did not but he did notice that the request for building permits goes through the Airport Director in **Section 3.0 Administration of Ordinance** so the flow chart needs to reflect that.

Mr. Johnson did state that Section 3.1 needs to specify the department within each jurisdiction. He stated that 3.2 needed to have “consistency” removed.

Ms. Gott asked to have **Section 11. Penalties** addressed. Ms. Goodman-Morris stated that cities can only enforce Class C misdemeanors. She stated that a Class B would have to go to the county or district courts. She suggested either remove “Class B” or make it a “Class C” misdemeanor.

At this time, the Board returned to various sections for formal approval of changes.

**Section 3.2** – Mr. Johnson made the motion to approve the striking of the word “consistency” and changing wording on names of each jurisdictions body to the generic wording in Section 8. Ms. Gott seconded the motion. All members voted aye.

**Section 6.0** – Mr. Hensarling made the motion to approve the changes made to this section. Mr. Brawley seconded the motion. All members voted aye.

**Exhibit B** – Mr. Johnson made the motion to approve removing the line going to “City/County Planning Department Review”. Mr. Hensarling seconded the motion. All members voted aye.

**Table A** – Mr. Johnson made the motion to change “Fair Discloser Statement” in Zone B to “Airport Disclosure Statement”. Ms. Gott seconded the motion. All members voted aye.

**Section 8, 9, and 10** – Mr. Johnson made the motion to approve the changes to these sections as presented. Mr. Hensarling seconded the motion. All members voted aye.



**Section 11** – Mr. Brawley made the motion to change from Class B to Class C. Ms. Gott seconded the motion. All members voted aye.

Mr. Roether asked the Board if they felt comfortable taking the document as revised to a public hearing. He stated that if they were he would like to set a public hearing date and have a board meeting the following Wednesday, July 30, to take action as appropriate from the hearing. After further discussion, Mr. Hensarling made the motion to conduct the public hearing on Monday, July 28, 2014, at 6:00pm at the Grayson County Courthouse. Ms. Gott seconded the motion. All members voted aye.

**IV.**  
**Public Comments.**

There were no public comments.

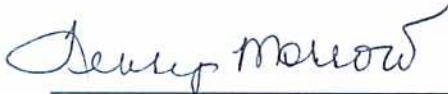
**V.**  
**Adjourn.**

Mr. Brawley made the motion to adjourn the meeting and Mr. Farley seconded the motion. All members voted aye. The meeting was adjourned at 1:29pm.



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Phil Roether, Chairman



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Terry Morrow, Administrative Asst.