

Special Called Meeting of the Lewisville Town Council
Meeting Minutes - Wednesday, April 28, 2021 - 5:30 p.m.
Digitally originating in Council Chambers 1st floor - Lewisville Town Hall
6510 Shallowford Road

Town Council Special Called Meeting
Apr 28, 2021 05:30 PM Eastern Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86702049515?pwd=Z0tVdklHc285L0dBZWt4QTFIRlVUdz09>

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Or

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1. **Call to Order:**
 - a. Roll Call
 - i. Mayor Horn called the meeting to order at 5:34 p.m. Council Members present were Jeanne Marie Foster, Fred Franklin, Melissa Hunt, David Smitherman and Jane Welch. Council Member Sadler was unable to attend. Also present were Town Manager Hank Perkins, Attorney Bo Houff, Planner Stacy Tolbert and Town Clerk Joyce Walker.

 2. **Discussion**
 - a. The purpose of the meeting is to discuss the possible land swap with Solomon Development.
 - b. Council members were advised that three alternate proposals have been received from the developer's attorney. They are:
 - i. A swap of the 2 lots being used for the apartment development for the Fred Moser property plus \$750,000.⁰⁰ and an agreement to rezone the Moser property to the site plan's rezoning.
 - (1) The Town can't agree to the rezoning as it is illegal to contract zoning.
 - ii. Removal of 1 floor from the site plan to three (3) floors with a maximum height of 36-38 feet plus the lost income from 9 units plus \$900,000.⁰⁰.
 - (1) This also might be considered contract zoning.
 - (2) All cases found by the attorney were involved in rezoning. No case law found.
 - iii. Asking for \$1,000,000.⁰⁰.
 - c. There was discussion on the public purpose and using the condemnation process for the land.
 - i. Council Member Smitherman reminded everyone that moving forward on these proposals would set a precedent.
 - d. There was also discussion about having the Solomon property appraised.
 - i. Everyone was reminded that an appraisal may take longer than the scheduled May 13th agenda date and that the appraisal will be looking at the highest and best value.

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- e. There was also discussion on what would happen if the project is denied and the project goes to court.
- f. Council Member Sadler was unable to attend; Mayor Horn shared Dr. Sadler's thought on the matter: *There was nothing to discuss.*
- g. After discussion, the interest is in a counter proposal and will need time to make determinations as quickly as possible and may ask to move from the May agenda to the June agenda.
 - i. Move toward an appraisal.
 - ii. Mr. Smitherman was not in favor nor was Dr. Sadler of continuing an discussion.

3. Adjournment

- a. Having no other business to discuss, at 6:22 p.m., Council Member Foster moved to seal the minutes. The motion was seconded by Council Member Welch and approved unanimously by roll call vote of ayes from Council members Foster, Franklin, Hunt, Smitherman, Welch and Mayor Horn.
- b. At 6:23 p.m., Council Member Hunt moved to go out of Closed Session. The motion was seconded by Council Member Franklin and approved unanimously by roll call vote of ayes from Council members Foster, Franklin, Hunt, Smitherman, Welch and Mayor Horn.

Mike Horn, Mayor

ATTEST:

Joyce C. McWilliams Walker, Town Clerk