

**Planning and Zoning Commission
Regular Meeting
June 20, 2019 6:30 PM**

Call to Order

- ◇ Tom Scroggins called meeting to order at 6:02 p.m.

Roll Call

- Present: Chairman Tom Scroggins, Vice-Chairman John Thompson, Secretary L. E. Rubin, Dennis Kintzler, Jim Winters, Lawrence Gordon and Scott Adair
- Also Present: City Manager Leisa Haynes and Duty Clerk Amy Lopez

Approval of Minutes of May 16, 2019 Regular Meeting

- Jim Winters moved to approve the June 6, 2019 Meeting Minutes. Lawrence Gordon second the motion. With a 7-0 vote, the minutes for June 6, 2019 was approved.

Motion to Recess Regular P&Z Meeting and go to Public Hearing

- Jim Winters motioned to recess the regular meeting to go to Public Hearing. John Thompson second the motion and there was a roll call vote.
- Tom Scroggins - yes, John Thompson - yes, L. E. Rubin - yes, Dennis Kintzler - yes, Jim Winters - yes, Lawrence Gordon - yes, and Scott Adair - yes. With a 7-0 vote, the regular meeting was recessed to go to public hearing.
- Jim Winters proceeded to hand out packets with information relevant to the hearing.

Public Hearing- Fence Variance – Ulibarri – Subdivision: Mission Viejo Lot 5 Block G

- Tom Scroggins said if you would give us an outline about your request for a zoning variance.
 - Jeff Aragon said yes sir, my name is Jeff Aragon and I am a friend of Anna Ulibarri who is really shy in public speaking so therefore, with no objections by the chair of the commission, I will address the board.
- Tom Scroggins said go ahead, that will be good.
 - Jeff Aragon said we prepared a package for you that was delivered on Tuesday specifying the events that lead us to be before you today. The packet one will indicate the finances of the applicant and the expenses including, packet 2 would indicate that she did come to an agreement with contractor Mr. Lucero which is in front of you today, which is a front and side tin fence of the property, which is located on 509 Hermosa Court and within your jurisdiction, the City of Rio Communities. The packet 3 would indicate the price of the fence and what is still owed. We would like to bring before the commission is packet 2. At the advice of the contractor, Mr. Lucero, (inaudible) he did advise Ms. Ulibarri to contact City Hall to make sure that he could go forth with the work on the fence, which is six feet, so she did. Packet two, page one will illustrate for you gentleman that on the 25th of February, Ms. Ulibarri did make a phone call to City Hall, spoke to a staff member and that staff member, after reviewing said policies, gave Ms. Ulibarri the approval to go forward with the construction of the fence. (inaudible) Ms. Ulibarri, Mr. Lucero did begin construction of the fence on March 5 (inaudible) and then on approximately 21 to 30 days later, Mr. Chairman of the Commission, Ms. Ulibarri did receive a citation from the code enforcement officer on the height of the fence. So therefore, after doing research and speaking with the staff including the code enforcement officer, it was advised that we come before you to seek a variance on the fence. And as you are aware, we came before you approximately 6 weeks ago,

and the Chairman did indicate and grant approval by all members to come before you today to see if we can, if you can grant a variance.

- Tom Scroggins said okay, in the variance, I believe has to do with sight line.
- Scott Adair said line of sight.
- Tom Scroggins said we have on here a picture from the top where you live. Is that correct? On Hermosa Street.
 - Anna Ulibarri said I think so.
- A discussion began while locating the of the home of Anna Ulibarri on Google Maps. Jim Winters said so it is the one to the right.
- Tom Scroggins said this is the fence here. Now, did you put a fence on the other side of the driveway too?
 - Anna Ulibarri said no, it is just on the right side of the driveway, just that chain link right there.
- Jim Winters said okay, so the tree is still there, is that on your property? The tree?
- An audience member said Mr. Chairman if you would allow me to approach.
 - Anna Ulibarri said it is this chain link right here.
- Jim Winters said, ok, that is yours and where is your driveway at.
- Tom Scroggins said there is no fence here?
 - Anna Ulibarri said no.
- Scott Adair asked is this your property line right here?
 - Anna Ulibarri said yeah.
- Scott Adair asked is the new fence chain link.
 - Anna Ulibarri said pro-panel.
- Jim Winters said solid metal.
- Lawrence Gordon said solid metal, so no one can see you coming out
- Tom Scroggins said well actually, you know, if you've got. The only way is this way about this way to see 20', you know to be able to see 25'.
- Anna Ulibarri said and I can see before I even enter the street. I can see all the way down to the stop sign.
- Tom Scroggins said when you go out, do you back around and then come out frontwards?
 - Anna Ulibarri said yes, I park in reverse.
- Jim Winters said so you are going forward when you come out.
 - Anna Ulibarri said yes.
- Tom Scroggins said so you can see past the fence, by the time you get here at the sidewalk.
- Scott Adair said here is about 8', because you have 4' wide sidewalk.
- Jim Winters said so 8' gets you visible.
 - Annas Ulibarri said yeah, I can see all the way into the street, before entering the street.
- Dennis Kintzler asked if he could ask a question, was there a complaint filed by a neighbor? Was this how this came about?
 - Anna Ulibarri said as far as I know, no. This is one neighbor (speaking of Ray Vigil). Not that I know of. Not that I know of. No one has come forward.
- Dennis Kintzler said and that is a 6' fence you put in?
 - Ray Vigil said I live across the street from Anna and I don't know anyone who has complained about it. It makes the place look real good. It looks better than what anyone else has. If you want to talk about that, there is a.
- Jim Winters asked who was talking so it could be recorded.

- Dennis Kintzler said they have 8' from the fence to the curb.
- L. E. Rubin asked if the tree is still there.
 - Anna Ulibarri said yes but it is trimmed up.
- L. E. Rubin said it is trimmed up high enough to get over the fence. So, the fence comes down this direction, turns 90 degrees and goes back where that tree is.
 - Anna Ulibarri said yeah, yes.
- Dennis Kintzler said and that fence is gated, is that correct, the new fence.
 - Anna Ulibarri said not to drive in or out, just get into the yard.
- Tom Scroggins said the new fence goes all the way to the corner of the garage.
- L. E. Rubin said all the way to the corner of the house.
- Tom Scroggins said do you have anything to say Lawrence.
- Lawrence Gordon said I figured they got approval before they did it.
- Jim Winters said they got verbal approval.
- L. E. Rubin said do they know who she talked to when she called City Hall.
- Jim Winters said it says staff member.
 - Anna Ulibarri said Lisa.
- Dennis Kintzler said not Leisa 1 but Lisa 2.
 - Anna Ulibarri said I would have never spent that money.
- L. E. Rubin said the fence isn't in violation based on a height problem, it's in violation because there's line of sight but her, her position on that is she pulls out of her driveway, not backing out but pulling out, and as she is pulling out before she get to the street, she has to be able to see 25' and her position is that she can do that, and from what we can see here that appears to be true, that when you pull the vehicle out 8', which is most of the length of the vehicle before you get to the street, you can see to both to right and the left in each direction.
- Jim Winters said the point is, that by some weird chance she were to back out, she would violate line of sight.
- Lawrence Gordon said exactly, because, as you can see by the vehicle that is already there, there are going to be times where people are going to be driving through there.
- John Thompson said my memory said code says it is 25' but 4' vertically.
- Jim Winters said you just have to be able to see.
- Tom Scroggins said you have to be able to see, you know.
- Lawrence Gordon said like if the fence could have been there but if it was shorter over there then it wouldn't be a problem.
- John Thompson said the fence it 6'.
- Lawrence Gordon said you can't see.
- John Thompson said you can't see unless you are in a jacked-up truck.
 - Anna Ulibarri said when I do reverse out, I can see all the way down the street, before entering the street.
- John Thompson said as long as you have the truck.
- Dennis Kintzler but the line closest to her house is open both directions 25', coming out of her house.
- Lawrence Gordon said no it's not.
- Dennis Kintzler said the fence stops at 8' there.
- L. E. Rubin said is that wooden fence on the left part of your property as well.
 - Anna Ulibarri said part of it, half of it.

- Jim Winters said the way variances work, it is kind of interesting, is that we really can only give you variance for something that is wrong with the land, and I don't see anything wrong with the land. I think you have a very good case, but I don't know how we can grant you a variance, in my honest opinion because there is nothing wrong with the land. I think you, what I would do in your case, I would go to court and I would draw the pictures out and I would take some pictures to use for a case.
 - Jeff Aragon said if I could give this to Amy, this is a copy of the citation that was written.
- John Thompson said this not like a court, where you have to go before a bailiff or anything, we are neighbors.
 - Jeff Aragon said so would this be special, conditional use.
- Jim Winters said if it were conditional use, my feeling is that you may not have anything, you may be totally correct, you may be totally right. All you have to prove is line of sight. When you come out and nothing hanging in the street, if you can see 25' in each direction, you need to prove that and that is it, you don't violate line of sight.
- John Thompson said from what I see, as long as they are in a pickup truck that puts her head 6' above and then we would grant a conditional use permit that says they can have the truck, but if they turned it in for a little Dodge neon, then it would have to go away.
- Lawrence Gordon said He disagrees with that, because you have two vehicles, a truck and a car. It is okay for one and not the other?
- John Thompson said that is exactly my point.
- Dennis Kintzler said that in his opinion, if that is the case, then that tree is not in the limits.
- John Thompson said the real concern is safety, we want to keep the community safe.
- L. E. Rubin said can I see the citation for a moment.
- Dennis Kintzler said I don't know how the fence could vary any more than the tree does.
- Inaudible talking.
- John Thompson said what we are really trying to do is prevent Mrs. Ulibarri from hitting a pedestrian walking by, a lady walking by pushing a stroller you can't see, whatever, this is what we are trying to stop.
- Jim Winters said that also poses another problem for us as a board, if we give her a variance, we grant a variance, we assume that responsibility.
 - Anna Ulibarri said what if I am responsible.
- Jim Winters said if we grant the variance, we are on the hook, that's the problem.
 - Anna Ulibarri spoke inaudibly.
- Jim Winters said we are on the hook, because we granted the variance and in court, we would be the ones liable.
- John Thompson said if you sold the house tomorrow and some one else comes in, it's us.
- L. E. Rubin said have you been to court on this citation.
 - Jeff Aragon said yes.
- L. E. Rubin said you went to Municipal Court.
 - Jeff Aragon said it is pending the legislative process.
- Tom Scroggins said you have to go see the judge regardless of what we decide.
 - Jeff Aragon said correct, correct.
- Tom Scroggins said so if, I don't know.
 - Jeff Aragon said the (inaudible) indicates conditional use so did we get advice to come before you for an incorrect situation.
- John Thompson said that he doesn't see it as a conditional use.

- Jim Winters said, I don't either, probably we wouldn't have granted a conditional use anyway because if it was, if it really was a safety issue, we would have looked into it before we did. We would have done the same picture and would have asked the same questions as we are now. If it was a conditional use, it is unlikely we would have granted it, because it is a safety issue if there was a problem. So, we are in a dilemma here. We only write the rules, and we can say if the rules need to be altered a little bit, but the judge is the only one that can judge on this.
- L. E. Rubin said I think what we have said, if I may, is that you come out of that driveway in your car, park the front bumper so it doesn't pass the curb, walk down the road more than 25' and take a photograph of your vehicle sitting there in your driveway, and if it shows that the driver has a clear view to where you are standing.
- Jim Winters said better yet, take a person.
- L. E. Rubin said and take a picture showing that you have clear line of sight and present that to the judge. I have to believe that anyone who sees that photograph could see that there is a clear line of sight on both sides, and if you do that, you can hand that to the judge.
 - Anna Ulibarri said the other side is not blocked.
- Lawrence Gordon said do it backing out and coming out forward because the backing out is the problem.
- Jim Winters said so you just need to take those pictures and go to court. You have to go to court anyway. If we gave you relief, which I don't think legally we can do, it is still a court case.
 - Jeff Aragon said I believe that Amy just gave us something that says, fence standards that you as a commission has final approval for, for any wall or fence.
- Jim Winters said that is basically the style of fence that that section is talking about. There are 3 standards that we like and there are a whole bunch of variety of fencing in each one of those groups. So, we have approved each of those on the list, but if you had a different fence that didn't fit any of those you can come and ask us. If you had one made out of straw you could come to us and we would hear that, and believe me, there are some strange fences are around here, but we would be the final arbitrator of that before the court, but once it is in court we are a little tied.
 - Jeff Aragon said the advice is for the applicant to get clear line of sight, take it to the judge, and if she finds the judge guilty, I mean if she finds the applicant guilty, the fence stays up.
- L. E. Rubin said that it is up to the judge. I think if you show the judge you have 25' line of sight.
- John Thompson said at what height.
- L. E. Rubin said where the fence is, as it exists now.
- Jim Winters said the absolute worst thing she could do is ask you to cut a foot or so off the top of the fence, 25' down. That is the worst she could do in my opinion, but it is her choice, we don't prejudge what judges are going to do. But if it already got line of sight, your there.
- L. E. Rubin said I am very sympathetic to what you are saying, I appreciate the security feature of it, because I put up a 6' cyclone fence just to keep, for God's sakes even the politicians off my property, I don't want them ringing my doorbell, visiting me. So, I am sympathetic to the security, and the fact that you have made an improvement, but I think Mr. Winters is correct, that based on how we give a variance and the constraints we have on that I am not sure your case fits it, but I would hope that if you went back to the judge with a photograph showing that you do have 25' clear line of sight sitting in your vehicle, not extended past the curb, then I think you have the evidence that might beat the citation, but that it up to the judge.
- Jim Winters said now if you lived on the other street, Calle del Sol, I think it is, on the back side of the loop, you probably would have a problem because that is a lot closer to the street, there are a lot of towns, a lot

of cities, a lot of streets in town that are just right up to the street and there is not clearance, but you've got several feet of clearance. Three foot for just the sidewalk, so you figure 3', plus what ever that is, looks like about 5 to me.

- L. E. Rubin said that you are probably pulling your car out 6' or more and still not getting into the street.
 - Jeff Aragon said on your zoning rule under chapter 4-7.3 it says will result, property must be (inaudible) shallow, property doesn't meet that, but it does specify, and maybe we are reading this incorrectly, or difficulty or unnecessary hardship to the owner and the use of the building, you go back to packet 2, she was given approval by a staff member.
- Scott Adair said you know, let me say this real quick, the ownership is on you, whenever you have to do anything, the law you say have you read the statutes, have you read the regulation, whatever, if you read only partial and there is more to it, they are going to say, I am sorry but you didn't read the whole statute, you didn't read the whole rule. And it is not a person giving out legal advice on the phone or in person, who is not qualified to do that, you are the person that needs that do that work yourself up front.
- Jim Winters said that is why we put this on the internet, it is all on the internet.
- L. E. Rubin said you had a contractor put this fence in? The contractor should have known. The burden may fall on the contractor, they are the once who put the fence up, they should have known. But that doesn't relieve a contractor from meeting with the State ordinance, the City ordinance.
- Jim Winters said you can always talk to the Code Enforcer, I mean, that is always an option too. The only 2 people that can give you those sort of advice, is this committee, and you can come in and ask us, we get people in all the time to ask us what is the rule about putting on a new roof, you want to put on a new roof, as long as you don't change the structural part of the house, you don't need a permit, you just do it. So, all those kind of rules you can come here or the code enforcer, those are the only 2 people that you should be talking to.
- John Thompson said to share his opinion, I am very much libertarian minded, and I believe that everyone's home is their castle, and they should live freely in their domain, as far as the community, our concern is safety, an while we are talking about line of sight and chief is talking about, you know, set up a stick on a balloon or broomstick, whatever and can you see it, but what I am thinking is, it is all relative. On my street, I get a lot of kids on those quads, that are real low to the grounds, and the City Manger behind you drives a roller skate, if she came up behind you her line of sight is going to be different than someone driving a monster truck, and I just would not want to see a lady pushing a stroller or a kid on a quad get taken out because there was no visibility. If it was a chain link fence, and it was open it is a different story. Someone could be blindsided there.
 - Anna Ulibarri said I can see all the way to the stop sign before entering the street.
- Jim Winters said do we need to vote.
- Tom Scroggins said do we have anymore comments.
 - Ray Vigil said while we are talking about safety issues, I live right across from Anna, and I know that I liked the fence, the way it looked , and I didn't see any visual problems with any cars, because you want to talk about visual there are cars that park right beside my street and I am looking to face the east side and looking to back out and I can't see anybody because there are so many people parked on the road, so that's another issue right there. If you want to talk about another issue, right by her house there is no sidewalk built in front of the house that was built a few years ago, quite a few years ago, and then some of the sidewalks are buckled up so if you want to talk about people walked on the street, or strollers. (Inaudible)
- John Thompson said that will change, we hope.

- Ray Vigil said it will change, but it has been going on for a long time.
- John Thompson said the fence has nothing to do with this.
 - Ray Vigil said we are talking about safety issues, you see. I see safety issues all around the block, I see some 8' fences, same situation, higher than hers. And the person backing up from there, really can't see either.
- Dennis Kintzler said let me ask you about this, what if there are cars or vehicles parked on the curb and when you back out of the driveway you can't see passed those cars on the curb, if you have 15' you cannot see through those cars parked.
 - Ray Vigil said that is my thing, there are a few cars on the road, and if I look to the east side, I can't see, I tell my wife to look, I know that is one issue if you are talking about visual. Whether you are talking about fence or talking about cars, it's just the same thing. All the cars park there.
- Dennis Kintzler said the curb are not painted for no parking people can park there.
 - Ray Vigil said that it still blocks visual, it blocks my visual.
- Dennis Kintzler said I see what you are saying.
- Jim Winters said I totally understand, and you can write complaints about all the thing you think are issues.
 - Ray Vigil said I have been there close to 28 years, and I know that you have been through a few code enforcers, and I live next door to a burnt house, and the burnt house is still there and it has already been two or three years, maybe four.
- Jim Winters said the good news is now, we do have the bank turning that back to the original owner who is already promised they will be taking that down.
 - Ray Vigil said well they threw part of it down, but they left the rest of it there, they just.
- Jim Winters said you need to let the code enforcer know because
 - Ray Vigil said I figures the code enforcer knows because he goes around looking and then we have one across the street, a couple houses down, that has been burnt, (inaudible) and has still been there for at least, I say, five to ten years.
- Jim Winters said and that is a real problem, the problem in Albuquerque is 12- 14 years before you can get things torn down.
 - Ray Vigil said so if someone is going on their skateboard or riding their bike or a stroller, and all these things are buckled up, these sidewalks, okay.
- Scott Adair said and they can sue the City, but she is still liable for her property, they are two separate issues. Her responsibility, municipal responsibility.
 - Jeff Aragon said I am just giving an example of what the issues are all the way around on out street. Like my area, across the street, as I am backing out, there are cars on the road and I can't see for a distance, I have to tell my wife to look and I have to back up slowly, so I am in the same situation as she is in a way. You are saying someone is going with a stroller, when actually no one walks on the sidewalks.
- Lawrence Gordon said but sir, I didn't mean to cut you off, but it is not illegal to park on the street, therefore, yes, I understand that is a problem but when it is your property that is a different issue. We are here to address the fence because that is a property issue, but the street, it's legal to park in the street, I understand it's a problem, I do understand, I am a retired police officer, I understand it's a problem, but there is nothing we can do about that, but we can do something about the fence and that is what we are here to talk about.
 - Ray Vigil said I understand that and that is why I am here, for the fence. I am talk about the fence, the fence looks real good, and it is a big improvement.

- Jim Winters said I recommend that you take him when you go see the Judge cause that is the sort of thing that. Well unfortunately we can not rule on it when it is already in the court. So that is kind of our problem so.
 - Jeff Aragon said so, if I may ask, you call for a vote, so again, part of your legislative is, I don't know how you are going to vote, but if you don't go in favor of the applicant, there is an appeal process, I can go to the city council so we ask that you do vote.
- Jim Winters said I think that we owe you a vote.
- Dennis Kintzler said if there are no other questions, I move that we send this back to courts for final approval.
- John Thompson said would the motion be to approve or not approve their application for variance.
- Tom Scroggins said do we do this in the hearing, or do we go out of the public hearing and then do it.
- Jim Winters said, well, no, I think we go out of the public hearing.
- Jim Winters said I move that we end the public hearing unless there are more questions

Motion to Resume Regular P&Z Meeting

- Jim Winters made a motion to go back into regular session.
- Tom Scroggins said okay, we have a motion to end the public hearing and resume the regular meeting session. Is there any discussion.
 - Jeff Aragon said when will we find out.
- Jim Winters said we are going to vote right now.
- Tom Scroggins said we will vote once we are back in regular meeting. We need to take a roll call vote to go back to regular meeting.
- Vote: Lawrence Gordon - Yes, Scott Adair - Yes, Jim Winters - Yes, L. E. Rubin - Yes, Dennis Kintzler - Yes, John Thompson - Yes, Tom Scroggins – Yes. With a 7-0 vote, the regular meeting session was resumed.

General Discussion

- Tom Scroggins said that there are things that we don't want to do, but have to do, both for the community and us, because if we do something incorrect, we can as a city and as individuals can be liable. He then asked if he could get a motion on whether, or not, to grant the variance and then we can discuss it.
- John Thompson motioned for the approval of the variance.
- Lawrence Gordon second the motion.
- John Thompson said he is bothered by a 6' fence that you can't see through, and he is concerned about safety.
- Jim Winters said John Thompson's motion was to approve the variance.
- Tom Scroggins said if we vote yes, it is approved, if we vote no, then it not approved.
- John Thompson said let's look at the consequences, if we approve the variance that sends a message to the judge that is okay with us and she can still rule either way, if we deny the variance that signals to the judge that we didn't like it but she can still vote either way.
- Scott Adair said the variance is not the proper form to use, because the fence is not an original part of the land, so this is not applicable, it would be rejected on those grounds and not safety.
- Tom Scroggins said we will need to write a letter to disclose our ruling.
- Jim Winters said that we have to generate a letter with our reasoning for our ruling.
- Tom Scroggins said the point he is trying to make is how she goes in and out of the driveway is more important than the height of her fence.
- L. E. Rubin said that is she drives out of her driveway she may have 25' but if she backs out she may not have 25'

- Tom Scroggins said in our letter we should make that point.
- Jim Winters said both positive and negative should be in a list within the letter, so they can see. He then said our biggest role is to find the facts.
- John Thompson asked if it was our responsible to go and look at the property.
- Jim Winters said no. A discussion began.
- L. E. Rubin said he appreciates that they came, this is a decision that the judge will have to hear, he agrees with Mr. Winters, that based on our restraints he wishes them well, but he doesn't feel that this is an issues that meets the definition of what we can do with a variance.
- Jim Winters called for the vote. The motion in front of us is to grant variance
- Tom Scroggins said the motion is to grant variance as requested and a roll call vote was taken.
- Vote: John Thompson - no, Jim Winters - no, Scott Adair - no, L. E. Rubin - no, Dennis Kintzler - no, Lawrence Gordon - no, Tom Scroggins - no
- Jeff Aragon asked for the appeal process.
- Jim Winters said put a letter together to the City Clerk and say that you would like to be heard before the Council.
- Lawrence Gordon said to follow the advice to take photos before the court.
 - Jeff Aragon said there is an appeals process now that goes before the governing body, but your policies say that an appeals process can be taken, and at that time the individual that signed the citation, we are hoping that that individual will be there at that meeting.
- John Thompson said that the packets would not be needed because the personal information was not relevant, and everyone handed back the packets.
- Jim Winters suggested that each member write a letter with pros and cons that we each found and give it to the Chairman. All agreed.
- L. E. Rubin asked who is going to send the recommendation to the council.
- Tom Scroggins said that he and John Thompson would write the letter. The discussion continued.

Zoning Issues/Updates

- John Thompson said that we have done a lot of work with solid waste and that is off our plate, when are we going to get some of these other issues to council.
- Jim Winters said we need to consider that and set priorities going forward, but I am hoping to finish the zoning code tonight.
- John Thompson said in general do we want to dump everything on Council at once.
- Jim Winters said that the City Clerk will receive everything once we are through, she will make the changes and do the table of contents, she will have a lot of work and it will take time, but the more things stack up it will take longer.
- John Thompson asked the question again, do we wait, and give her what is finished.
- Jim Winters said we should give her what we have as we go along.
- Tom Scroggins said last time we voted to accept the zoning ordinance as presented with a few changes and so Jim Winters is handing out the changes now.
- Jim Winters said here are the changes and starting on page 42, this is draft 8, insert the replacement sheets into what you already have. The discussion continued.
- Tom Scroggins said this packet has underline things we agreed to, and the only new thing is on page 52 and highlighted in yellow.

- Jim Winters said we will address that, he suggests that we address another issue towards the end, Clear Line of Sight on Page iii. He then he suggested we make sure it is the correct verbiage moving forward. The clear line of sight triangle should be better defined in the definitions.
- L. E. Rubin asked what part of the asphalt of intersection to get that 25'.
- Jim Winters said you have to measure from the edge of the asphalt. The discussion continued.
- John Thompson asked where Jim Winters was looking. The discussion continued.
- Jim Winters asked if the definition for line of site adequate.
- John Thompson mentioned that right angles might be incorrect since all the street don't form right angles.
- Scott Adair said there are two definitions, clear line of sight and line of sight. The discussion continued.
- John Thompson said that same 25' rule should still apply even if the angle is not 90 degrees, how do we word this.
- Jim Winters said we should just take out right angle and add "at the intersection of 2 curbs."
- Tom Scroggins said you could lead with the last sentence, "the unobstructed view of 25' in both directions of any intersection, or roadway.
- John Thompson said that doesn't address the distance.
- Tom Scroggins said it says 25'
- John Thompson said that if she read that only, she would still think she is in compliance.
- Lawrence Gordon said the problem said if you back into the house you are in compliance, pulling forward she isn't. The discussion continued.
- Jim Winters asked if there are ideas to make the verbiage better. He then said we can place an asterisk and look at what Gordon has for us when he can come in, we don't have to decide on this tonight.
- Jim Winters said there is another thing to look at tonight, on page 52, 4-7-5. He then said our business license, has a section for home businesses, Home Occupation, should we take out occupation and say home business license.
- John Thompson suggested Home-based Business License. The discussion continued.
- Jim Winters said the second page also needs fixed, page 52 and 53. He continued to say the other suggestion is, while the business license are given out by the city staff and they come back to the same, the person reviewing permits should look over it just to make sure the home based business are okay.
- L. E. Rubin said who ever is approving the business permits, they need to be familiar with the codes, there needs to be more people to be able to look at them.
- Jim Winters said historically it was the City Manager and the Chairman of the Commission, so he rewrote some of the ordinances because I don't think she wants to do that.
- L. E. Rubin asked if it could read the City Manager or Designee.
- Jim Winters said yes, but how I had written it, I have Council as designee, the same thing with who is going to do building permits, the Council has the ability, and they have approved me, and whoever else who would be doing it should also be approved by Council. He then said we have omitted commission on 4-7-5 and it will be the person issuing building permit. Anything in red will be deleted. The discussion continued.
- Jim Winter continued to go through changes.
- John Thompson said he is will and eager to learn the process. The discussion continued.
- Jim Winters said in the same application requirement, the Clerk will give the license to whoever is in charge of the permit for approval and if anything is not to their liking it will be brought to the attention of P&Z.
- L. E. Rubin said commercial building businesses are required to have an annual inspection, if home-based businesses are too, it need to be clear because the fire inspector doesn't have jurisdiction to enter homes.

- Jim Winters said that it would be able to because it was a business, we would get the information to the Fire Department and they would do what they needed to do.
- L. E. Rubin said that we pre-plan for annual inspections for commercial businesses and do a walk through to make sure they are no fire code violations and to be able to pre-plan and put in our truck for the type of business it is, and be prepared for the hazards.
- Jim Winters said even if you don't do the inspections, you will have the drawing and information on possible hazards. The discussion continued.
- Jim Winters said why don't we add to the permit that we can inspect home businesses, that way it is covered, and they will have seen it and the fact that they sign it means they agree with it. The discussion continued.
- Jim Winters said there should be parking and noise restrictions on home-based businesses.
- John Thompson said health and welfare.
- A discussion began about parking and it was agreed that parking restriction would be part of the site visit and application, and public health and welfare.
- Jim Winters said "D" the annual review, would actually be annual renewal, and occupation would be changed to home-based.
- Tom Scroggins mention "E" also needs to be changed to home-based.
- Jim Winters said that he will make the changes, line of sight, and that should take care of zoning. The discussion continued.
- Jim Winters said he added small towers and then he put down under to see small tower ordinance. The discussion continued.
- Tom Scroggins said there are a couple of things, the next meeting will be on July 4th, so we need to move or cancel it, and all agree to cancel it.
- Tom Scroggins then said the agenda should have zoning update and Gordon wants us to do fencing.
- Jim Winters said let's put subdivisions on it.
- Tom Scroggins said he talked to the Council and the City Manager asked us to start looking into landscaping ordinances. The discussion about landscaping continued.
- Jim Winters said what we talked about doing was any new and maybe remodeled buildings would have certain architectural and landscaping requirements. The discussion continued.
- Tom Scroggins said that Mr. Gentry said that he wants to Annex and there are some things he wants to do, some of the properties are not even his own, some are an LLC, he has some that are a revocable trust, and we need to know who can sign for those properties. The discussion continued.
- Jim Winters said if the properties has water, sewer, etc., we need to know. He then said he does not want a boundary map because it is expensive, but it is required and will have to be filed. The discussion continued.
- Lawrence Gordon asked if there is anything we can about donated land.
- John Thompson said the EDC is forming a non-profit. The discussion continued.

Adjourn

- Jim Winters moved to adjourn. Lawrence Gordon second the motion and the meeting adjourned at 8:13 p.m. with 5 - 0 vote.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Date: _____

Approved:

Thomas Scroggins, Chairman

L. E. Rubin, Secretary

John Thompson, Vice-Chairman

Lawrence Gordon

Dennis Kintzler

Jim Winters

Scott Adair