

Planning & Zoning Minutes

January 16, 2020

Call to Order

- ◇ Tom Scroggins called the meeting to order at 6:35 p.m.

Roll Call

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

Approval & signing of minutes of December 19th, 2019 Regular Meeting Minutes.

- ◇ L. E. Rubin made a motion to approve the December 19, 2019 Regular Meeting Minutes as amended. Scott Adair seconded the motion. With a 6-0 vote, the motion was approved.

General Discussion

- Tom Scroggins said we talked last time about a replacement for Jim Winters, Richard and Rebecca Rhodabeck and Arturo Sais and Robert Teague, have all been mentioned, the Mayor would be the one to decide and began a discussion.
- Tom Scroggins gave an update on Mayor Gwinn's health.
- Tom Scroggins said we have a couple that want to have a variance and began a discussion with the owners about the property.
 - The owner explained the carport they built does not conform to the setback, but the property is an odd shape and would not be able to meet the setback requirement.
- Tom Scroggins said since he did not know
- John Thompson said they would need a variance and a building permit.
- John Thompsons said that the hearing would allow their neighbors to voice their opinion.
- L. E. Rubin asked if there was an easement on the property that would be a problem and began a discussion.
- Tom Scroggins said we have a variance hearing on February 6, 2020, and it will need to be put on the agenda.
- John Thompson asked if a variance is the proper thing, and they do need a building permit and began a discussion.
- Scott Adair said that the carport doesn't have anything to do with the layout of the land and could be put somewhere else and maybe it should be a conditional or special use. A discussion began.
- Scott Adair said we need to keep track of what variances we have granted and under what circumstances they were granted to keep it fair. A discussion began.
- Tom Scroggins asked if we should keep a 3-ring binder with single page explanations of our decisions on variances and began a discussion.
- Tom Scroggins asked if it was a good thing to meet with people before the hearing, because he was informed that if it does not go in their favor, it can create problems going to Council.
- Scott Adair said that we should not give our opinion in front of the petitioner in case the hearing does not go how we thought it would and began a discussion.
- Lawrence Gordon asked if there is any movement on the dead-end signs on Perion Court and Perion Place and began a discussion.
- L. E. Rubin mentioned some of the commission term is up for renewal and we need to take action to renew it and began a discussion.

Abatement

- Tom Scroggins said he really believes that the lawyers should be writing the Abatement ordinance because the Commission does not have the background to do it and began a discussion.

- John Thompson said that we need to make sure the City Manager has authority to complete the abatement process and began a discussion.
- L. E. Rubin said it would be nice to have the lawyers write the ordinance and began a discussion.
- L. E. Rubin said there has to be a way to red tag a building if it is a hazard, there has to be teeth behind the ordinance, there is a difference between Abatement and Eminent Domain, we don't have to take away the property to take down the building, we need it to be black and white or the properties will still be standing another generation from now. The discussion continued.
- Tom Scroggins asked if our Code have anything about condemning a property that is uninhabitable, would that be under Abatement.
- John Thompsons said our ordinance follows International Building Code of 1997 and continued the discussion.
- Tom Scroggins said next time we will have the variance hearing, talk about Abatement, hopefully by then the lawyers would have gotten back to us.
- L. E. Rubin asked if the variance is approved, and a neighbor wants to appeal the variance, are they able to.
- Scott Adair said if we do not have anything written about an appeal, they could potentially take it to Council, who would then read our details on the decision and make their own decision from there and began a discussion.
- John Thompson said Code for the Abatement of Dangerous Buildings is what we reference.

Hearing Procedure

- Tom Scroggins said that we are working on a procedure for the hearings so the clerks would be able to check off the before and after requirements for the hearing.
- Lawrence Gordon said if a person comes in here on their own and asks to speak with us, that is ok, but we should not be having informal talk as part of our meeting.
- John Thompson said we have already voted on the hearing procedures and we were going to City Council.
- Tom Scroggins said he has the procedures but is concerned about confusion about procedures before and after the hearing.
- Scott Adair asked if need a step by step procedure for the petitioner or a step by step procedure for the staff.
- Tom Scroggins said he had come into City Hall to look at the Variance paperwork, but it was incomplete so he had to have her come back with the appropriate paperwork, so there may be a discrepancy with the instructions and began a discussion.
- John Thompson said section 6-1-9 is where all that information is that we have already approved, and if we have used what has already been discussed in the past for the hearing and take out the script to give to the applicant before the hearing so they know the procedure. The discussion continued.
- Tom Scroggins the packet should show what they need to have for variance and began a discussion.

ADJOURN

- L. E. Rubin moved to adjourn. Lawrence Gordon seconded the motion and the meeting adjourned at 8:14p.m. with 6-0 vote.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

L. E. Rubin, Secretary

Scott Adair

Lawrence Gordon

Dennis Kintzler

Date: _____