

Planning and Zoning Commission Minutes  
City Council Chambers Northside of City Hall  
360 Rio Communities Blvd.  
February 18, 2021

**This meeting was streamed on Facebook Live**  
<https://www.facebook.com/riocommunities>

**Call to Order**

- Chairman Tom Scoggins called to order the Planning and Zoning Commission meeting at 6:37 p.m.

**Pledge of Allegiance**

- Chairman Tom Scoggins led the Pledge of Allegiance.

**Roll Call**

- Present- Chairman Tom Scroggins, Vice-Chairman John Thompson, Secretary Scott Adair, and L. E. Rubin.
- Absent: Lawrence Gordon
- Present- City Manager Dr. Martin Moore and Deputy Clerk Amy Lopez

**Approval of Agenda for February 18, 2021**

- Vice-Chairman Thompson made the motion to approve the agenda for February 18, 2021 as written. The motion was second by L. E. Rubin. Vote: Chairman Tom Scroggins - yes; Vice-Chairman John Thompson - yes; Secretary Scott Adair - yes; L. E. Rubin - yes. With 4-0 vote the agenda for the Planning and Zoning meeting on February 18, 2021 was approved as written.

**Approval of Meeting Minutes from January 21, 2021**

- Secretary Adair made the motion to approve the Meeting Minutes for January 21, 2021 as written. The motion was seconded by John Thompson. Meeting Minutes for the joint meeting with City Council on for January 21, 2021 were signed. Vote: Chairman Tom Scroggins - yes; Secretary Scott Adair - yes; L. E. Rubin - yes. With a 4-0 vote the agenda for the Planning and Zoning meeting was approved.

**Public Comment**

- No comments were made.

**Animal Welfare**

- Secretary Adair said we need to discuss what level of health for the animals we are going to require, because with farm animals living so close to people there can be a transference of diseases from animal to human.
- Mr. Rubin said that would be up to the health department.
- Vice-Chairman Thompson said dog owners have to prove their dogs have shots to register them, we should require the registration of other animals.
- Manager Dr. Moore said there is a mechanism in the State, where they will go and do welfare checks on those types of animals; if someone sees something is wrong with the welfare of the animal, the State agency can be called, and maybe we need to have contact information for that agency on file. The discussion continued.
- Chairman Scroggins asked how far off we are from sending out the questionnaire and began a discussion.

- A discussion began on the mailing of the survey.
- Manager Dr. Moore said we will add the questionnaire to the meeting agenda for March 4, 2021.

### **Nuisance Abatement**

- Manager Dr. Moore began a discussion regarding the Nuisance Abatement Ordinance with key points: definitions that will hold up in court, being enforceable by Code Enforcement, what items will be enforceable such as weeds, rubble, noise including animal noise, and health issues.
- Vice-chair Thompson said we might consider adding language that covers items that negatively impact to health and wellbeing of self and others and began a discussion.
- Manager Dr. Moore said we want to make sure it is written in plain language because it will make the judges happy and be understandable to all parties involved and began a discussion.
- Chairman Scroggins said items H, J, and I cover a lot of the items we are dealing with in the Animal Welfare Ordinance and continued the discussion.
- Mr. Rubin said Planning and Zoning spent significant amount of time writing an abatement ordinance with an appendix, and it looks like the lawyer turned into this ordinance, a couple of paragraphs. He then said he does not know if the lawyer captured everything we were trying to do and asked why they combined abatement and nuisances because they are not the same thing.
- Manager Dr. Moore said one of the Councilors said something similar. He then said we are trying to get dangerous buildings and lots cleaned up and continued the discussion.
- A discussion began regarding the Abatement document written by Planning and Zoning.
- Mr. Rubin said we need to protect the city and the document we wrote was a lot better at doing that than what the lawyer provided.
- Manager Dr. Moore said we he believes the lawyer was looking for the best way to shorten the ordinance, but it might not have been the best way. The discussion continued.
- Vice-Chairman Thompson said on II paragraph, C implies that one nonworking vehicle is alright, but only become an issue after two and that is not what we want.
- Manager Dr. Moore said he will speak with the attorney and let him know that we might need something further to help the City with buildings. The discussion continued.
- Manager Dr. Moore said there are different sides of abatement, it might range from going before the judge, to paying fines, to emergency abatement of dangerous buildings. He then said there are a certain percentage that will clean up and stay out of trouble, those that wind up in court more than once, and the people who just don't care. He explained how the abatement ordinance will help us deal with all types of people legally.
- Mr. Rubin asked if there was a time frame on the ordinance.
- Manager Dr. Moore said we really want to tackle this issue and believed that it will not be held up too much longer. He then said he does not believe in wasting people's time or effort.
- Vice-Chairman Thompson said in the past, we have discussed having an aesthetics committee.
- Secretary Adair said we will have to be careful with that and began a discussion.
- Manager Dr. Moore said back in the early 90's, Sedona, AZ was very strict with materials and aesthetics, but doing something like that might really cause problems and continued the discussion.
- Secretary Adair said that some things we have written as a City, he has gone back and looked up case laws to see if it would hold up in court and began a discussion.

- Manager Dr. Moore said he believes that it is important to revisit this with the lawyer on whether this will stand up on court, he only wants to do this right, and he wants to move forward with a good solution with a good time frame and continued the discussion.
- Chairman Scroggins began a discussion about the effect of having an aesthetics committee.
- Manager Dr. Moore said we want to find solutions that will allow good change to happen with the enforcement of general nuisances, and at some point, he would like to see what the interest would be in getting the Ordinances codified so they are easier to find and get a ruling because judges appreciate simple and easily found information.
- Vice-Chairman John Thompson said we are frustrated with the burned-out buildings, the lawyer said we could be liable if someone would get hurt, and after more than six weeks nothing is being done and we have no clear resolution to the problem.
- Manager Dr. Moore said he does not think the City's current ordinance supports the ability to put up a fence and continued the discussion about liability.
- Manager Dr. Moore said he understands the frustration when things don't get done after working so hard. He then said he will ask the attorney to be present at the next meeting. He said he would like to see the buildings are taken care of by the time school ends and people start spending a lot of time outside. He then asked what time frame they would like to see another draft from the attorney.
- Vice-Chairman Thompson said it would be nice to have it a few days before the meeting on March 22 and continued the discussion.
- Chairman Scroggins said we are aiming to hear back from the Manager by the 18<sup>th</sup> with a new draft.
- Manager Dr. Moore said he would get with staff for scheduling, notify the Mayor Pro tem, and speak with the lawyer to get it taken care of.

### **Zone Grid**

- Chairman Scroggins said we might not have time to discuss this tonight.
- Vice-Chairman Thompson said he has looked over it and Councilor Winters has done a wonderful job and it should be included in the Zoning Ordinance.
- Chairman Scroggins gave an example of how to use it and how convenient it is to use.

### **General Discussion**

- Chairman Scroggins said we received another letter from Jill Cleary about the tiny homes requesting an additional letter with different information than what was requested before.
- Vice-Chairman Thompson said the letter that was written was not clear and what is being asked us for to send in the new letter is unclear.
- Manager Dr. Moore said we can send out a letter saying that she is in an area that is permitted, or she has the special use permit to do what she does, but anything else is out of our purview.
- Secretary Adair said we can say that there are no restrictions and began a discussion.
- Vice-Chairman Thompson said we can call her directly and see what she needs exactly and bring it back to the next meeting to finalize it.
- Secretary Adair suggested calling the person asking for the letter and began a discussion.
- Chairman Scroggins gave John Thompson permission to contact the person asking for the information.
- Chairman Scroggins thanked Manager Dr. Moore for coming and participating the meeting.

- Mr. Rubin said he prefers attending the meetings on zooms while we have to wear a mask and began a discussion about meeting attendance.
- Chairman Scroggins said he will add virtual meeting to the agenda next time and continued the discussion.

**Adjourn**

- Vice-Chairman Thompson motioned to adjourn and carry the neighborhood plan to the next agenda. Mr. Rubin second the motion and the meeting adjourned at 8:04p.m. with a 4-0 vote.

Respectfully submitted,

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Amy L. Lopez, Deputy Clerk

Date: \_\_\_\_\_

Approved:

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Thomas Scroggins, Chairman

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John Thompson, Vice-Chairman

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Scott Adair, Secretary

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L. E. Rubin

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Lawrence Gordon