

FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
October 20, 2014

The Farmersville Planning and Zoning Commission met in regular session on October 10, 2014 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Bryce Thompson, Patti Ford, Charles Casada, Chad Dillard and Craig Overstreet. Commission members absent were Mark Vincent and Todd Rolen. Staff members present was City Manager Ben White, Attorney David Ritter standing in for City Attorney Alan Lathrom and City Secretary Edie Sims. Council Liaison John Klostermann was present.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Vice-Chairman Bryce Thompson called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present. Craig Overstreet offered the invocation and led the audience in the Pledge of Allegiance to the American and Texas Flags.

Item II) REORGANIZATION OF COMMISSION

Vice-Chairman Bryce Thompson opened the nominations for Chairman with Craig Overstreet nominating Bryce Thompson as Chairman. Patti Ford seconded the motion. Craig Overstreet requested nominations to cease. With no further discussion, Bryce Thompson was voted Chairman unanimously.

Chairman Thompson opened the nominations for Vice-Chairman with Charles Casada nominating Todd Rolen. Chad Dillard seconded the motion. With Craig Overstreet requesting nominations to cease, Todd Rolen was voted Vice-Chairman unanimously.

Chairman Thompson opened the nominations for Secretary with Craig Overstreet nominating Patti Ford. Charles Casada seconded the motion. With Bryce Thompson requesting nominations to cease, Patti Ford was voted Secretary unanimously.

Item III – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM SEPTEMBER 15, 2014 REGULAR P&Z MEETING AND SEPTEMBER 29, 2014 SPECIAL P&Z MEETING

Craig Overstreet requested clarification on Item III-A of the September 15th minutes and amend the statement regarding Item 13 stating it was amended to “not allow the placement of dumpster improvements... except with the approval by the City Manager.” Bryce Thompson requested the attendees be corrected on the September 29th minutes. With those changes, Craig Overstreet motioned to approve the amended minutes with Charles Casada seconding the motion. Motion carried unanimously.

Item III – B) CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE REGARDING ITEMS BEING PLACED IN, ON AND/OR ABOUT THE PUBLIC RIGHT-OF-WAY

City Manager Ben White offered to bring the new Commission members up to date regarding this topic. The Council expressed a concern of having dumpsters being placed in the street and not behind the right-of-way line. With several business owners present, Mr. White read the proposed dumpster uses as presented.

After hearing the proposed changes to the dumpster use regulations, Chairman Thompson opened the floor for an open discussion. The first to come up was Darrell Moore, Commander of the Farmersville VFW. Mr. Moore’s concerns evolved around unauthorized use of his dumpster. The VFW’s dumpster is located at the rear of the building and is concealed from open view. This opens opportunity for unauthorized dumping and asked if something can be added to protect the business owners.

Ernie Phelps with Farmersville ISD came forward questioning if pads would be required and if screening would be needed where dumpsters sit on gravel pads. Mr. White confirmed Item 11(b) addresses this topic which states “Dumpsters that were in place and in active and constant use prior to October 1, 2014, which do not comply with all of the provisions of this

Section, may remain in their October 1, 2014 location so long as said Dumpsters do not violate subparagraphs (a)(4), (a)(6), and (a)(8) through (a)(12) of this Section 59-25, and provided further that such Dumpsters are not removed from said location or increased in size and the location of such Dumpsters while being used or emptied does not interfere with the passage of vehicular traffic or pedestrians.”

Chad Dillard questioned the current dumpsters need to be relocated to the rear of the building and out of the right-of-way. Mr. White emphasized this and also stated the word will read “should” rather than “shall.”

Diane Piwko, owner of Fiber Circle at 200 McKinney Street, expressed concern of properties downtown that do not own land. Ms. Piwko stated she owns 2’ behind her building and 8’ in front. Her dumpster is set in the back of her building on private property by permission. Other downtown properties have this same issue and felt the City needs to identify placement of dumpsters on private property or other areas by permission. City Manager Ben White stated there are community public areas that meet these criteria such as Daniel & Brown, Inc. which has a concrete cinder wall open enclosure. Screening walls do not exist behind the south side of the square. Behind Ms. Piwko’s building there are no identified areas for dumpsters, essentially a rock road used as an alley. Public areas are typically set aside for dumpsters. Ms. Piwko expressed concern if any business changes, the business would not have a dumpster location. Mr. White confirmed there are no agreements or definitions for this issue and may need to define public area space for dumpster access and maintenance for those around the square. Mr. White stated he believes the areas where the dumpsters are placed are by prescription and used as public access. Part of the access is placement of dumpsters. So long as this area is used by the public, David Ritter stated this would be considered an easement by prescription. Mr. White stated he is not aware of other situations like this in town and we can have the attorney carve out this situation in the ordinance.

Dustin Tarrant, representative of Independent Bank, stated the Bank’s dumpster is situated in the open parking lot on the south side of their building. With entrance doors located on the north and south side, there is a question of where the rear of the building is located. Mr. White stated with the building’s address being on McKinney Street, he would consider the front facing McKinney and the entrance facing Farmersville Parkway to be the rear of the building. The Bank has a situation where there is not an enclosure; however the dumpster is located on the far south end of the parking lot. Mr. White stated the Bank’s dumpster meets the requirements and does not need to install an enclosure. Mr. Tarrant also expressed concern of unauthorized use. If the dumpster has a locking lid, it is very inconvenient for Bank staff to unlock not knowing when the trash would be emptied.

Lonnie McCloud, Remax Country Northeast, reiterated concerns of unauthorized use. Craig Overstreet stated it appears the ordinance needs tightening up regarding unauthorized use and dumpsters on perceived public rights-of-way. Bryce Thompson was concerned the Commission accomplished the Council’s concerns with Mr. White stating he felt the Council’s concerns have been addressed. Darrell Moore questioned who would enforce unauthorized uses. Mr. White stated this is more of a law enforcement issue; however Code Enforcement could be involved with the enforcement as well.

Craig Overstreet motioned to table this item for further review and allow new items to be addressed with Patti Ford seconding the motion. Motion carried unanimously.

Item IV – A) CONSIDER, DISCUSS AND ACT UPON CLARIFICATION OF DRIVEWAY APPROACHES, DRIVEWAYS AND PARKING HAZARDS

City Manager Ben White offered accolades to City Attorney Alan Lathrom for the progress made on the driveway approaches and parking hazard issue. Mr. White stated he believes the proposed ordinance amendments meet the Commission’s previous requests. Bryce Thompson expressed concerns regarding Section 71-176 commenting that we are a rural

area with 3/4 ton trucks. Mr. White stated he did not believe Section 71-176 (a) sounds like an exception. Patti Ford expressed she does not want 18-wheelers on our City streets. Mr. White offered a change to state the size to be more than 1 ½ ton trucks and those more than 6 wheels would not be allowed. Chad Dillard offered a solution, by weight rating. David Ritter stated delivery vehicles would be an exception for temporary use only.

Craig Overstreet questioned if the changes address pods. Mr. Ritter stated pods would qualify as a trailer. A judgment clause would be added for extraneous conditions, i.e. roll-offs and pods allowed temporary use with City Manager approval. The penalty will be included with the actual ordinance.

Bryce Thompson discussed people placing trailers behind a chain linked fence are against this ordinance and would require concealing from the public's view. Mr. Thompson asked if we are creating or fixing a problem. Mr. White made a request to have this item brought back in ordinance form and discuss further. Commission took no further action.

Item IV – B) DISCUSS DISCREPANCIES BETWEEN THE THOROUGHFARE PLAN AND THE CITY'S DESIGN MANUALS

City Manager Ben White introduced an issue found between the Thoroughfare Plan and the City's Design Manuals. With such a large task, Mr. White wanted to advise the Commission of the upcoming discussions.

Item V) ADJOURNMENT

With no further business, Craig Overstreet motioned to adjourn with Patti Ford seconding the motion. Commission adjourned at 7:32pm.

ATTEST:

Chairman Bryce Thompson

Patti Ford, Secretary