

**Planning and Zoning Commission**  
**Regular Meeting**  
**March 7, 2019 6:30 PM**

**Call to Order**

- Tom Scroggins called meeting to order at 6:31 p.m.

**Roll Call**

- Present: Chairman Tom Scroggins, Vice-Chairman John Thompson, L. E. Rubin, and Dennis Kintzler
- Absent: Jim Winters and Lawrence Gordon
- Also Present: Mayor Mark Gwinn, Duty Clerk Amy Lopez, and Code Enforcer Gordon Reeves

**Approval of Minutes of February 21, 2019 meeting**

- John Thompson moved to approve the minutes for February 7, 2018. Dennis Kintzler second the motion. With a 4-0 vote, the minutes for February 21, 2019 were approved.

**General Discussion**

- Tom Scroggins said that most of the discussion tonight will be under General Discussion on Solid Waste and said Mayor Gwinn will be talking about points brought up in the meeting on Solid Waste.
  - Mayor Gwinn said that we need to summarize the information P&Z has come up with and send it to the attorney. He said he met with the attorney, Jim Winters, and Tom Scroggins. He continued to say that we need to put in “single hauler,” and the next administration can amend it if they want to, but, going with a single hauler will reduce the amount of trucks going through the City. He continued to say that the single hauler can continue to collect the fees and collect the gross receipts and the extra thirty-five cents a trash container or provide an extra dumpster every other month. He further said that he talked one provider that does mandatory pickup in Bosque Farms, and they are getting good results with mandatory pickup. A discussion started over mandatory pickup.
  - Mayor Gwinn said that the Code Enforcer can help make sure the ordinances are being complied, but who should be the one that goes to court at the municipal level. He talked to AC Disposal and Universal and they both said that it should be them, as the trash collector, they would give the customer time to get up to date on payments, informing us if the customer has not gotten caught up, and allowing us to place a lien on the property to ensure they get paid.
- L. E. Rubin asked if it is a Civil issue between the garbage company and the customer or between the customer and the City?
  - Mayor Gwinn said that what the hauler will do, will be on the City’s behalf.
- John Thompson said that the City would have nothing to do with it.
  - Mayor Gwinn said that we want to make the property owners responsible for the trash payment and build the fee into the tenant’s rent. He continued saying all our ordinances should go after property owners, not the renters. The discussion continued.
- John Thompson asked what actions P&Z needed to take.
  - Mayor Gwinn said that Jim Winters will add to the Ordinance what P&Z agrees needs to be added. He also said, he would like P&Z to work with EDC, to once a quarter, do a joint meeting, and discuss OZONE, which stand for Opportunity Zone. He explained that OZONE will allow the City to place businesses to go into the correct zones. The discussion continued.

- Tom Scroggins said the if we can get most of this decided before Jim Winters comes back, Jim Winters could get it rewritten, give it to Mayor Gwinn and get it to the lawyers and then up for approval.
- L. E. Rubin asked how much longer it will take.
  - Mayor Gwinn said that the lawyer is trying to write an ordinance that he knows he can defend, and he hopes the lawyer will be getting it finished as soon as it comes across his desk. The discussion continued.
- John Thompson said that it is possible that are there are disputes between landlords and tenants that we might find weaknesses in the ordinance.
- Dennis Kintzler asked if the ordinance, once changed, will have to go back to the City Council and then to the Mayor Gwinn.
  - Mayor Gwinn said that it would come to himself, the City Council will be notified of the changes, but it will go back to the attorney, and once the attorney is finished with it, he will ask that it goes to Public Hearing.
- Dennis Kintzler asked if we have solved any Hazardous Waste issues.
- L. E. Rubin said that there are certain hazards that require placarding.
- Tom Scroggins asked if there is some booklet in building codes or fire codes that we have referenced into the ordinance, saying see Appendix A, for example. He said there could be something that refers to the documents but keeps us from having to change the ordinance after the document has been changed.
- L. E. Rubin asked if the lawyer gave us specific guidelines for hazardous material.
  - Mayor Gwinn said that there is not a way to deal with that except to have the hauler send out what isn't approved for pick in a flyer with their bill. He said that if we do and RFP and let people know what is not acceptable. The discussion continued.
- Tom Scroggins said that we will attempt to nail it down and get it to Jim Winters.
  - Mayor Gwinn left the meeting at 7:21.
- Tom Scroggins said that in section 11-4-4 needs to be changed to "single, exclusive franchise, and 11-4-1-C can be changed to "one." The discussion continued.
- L. E. Rubin asked which of the 12 items have been fixed.
- Tom Scroggins said that these are our concerns that have not been addressed by the lawyer but need to be. He explained that after he presented his list at the Council Workshop, Mayor Gwinn had things he wanted P&Z to address, including minimal City involvement in collecting fees, making the franchisee responsible for billing, and placing liens on properties behind on payments to the hauler, when necessary, through the appropriate entity, which would be the City. The discussion continued.
- Dennis Kintzler said that it will take a long time to get the City's trash issues fixed.
- L. E. Rubin asked if we have the language to finish writing the ordinance with Jim Winters.
- Tom Scroggins said that he will get with Jim Winters and go through the notes and get it typed up.
- Dennis Kintzler said that now if they are 90 days past due, they stop picking up garbage for that resident.
- Tom Scroggins said that the point of this is to make sure the trash gets picked up. We need to make sure the property owners are held responsible. He said that Bill Brown is concerned about HAZ-MAT and asked if there is a way to reference a code within the solid waste ordinance.
- Dennis Kintzler said that we shouldn't be a problem of any kind because it is all regulated and handled by DOT or the hauler.
- L. E. Rubin said the hauler needs to work out the Haz Mat issues, not the City, and put the responsibility of Hazmat on the hauler by notifying their customers what is appropriate to dispose of.

- Tom Scroggins said that he will speak with Jim Winters about it. The discussion continued.
- Tom Scroggins said that there needs to be a specified length of contract for the hauler to work for the City with option to renew or we will not be able to get a hauler.
- L. E. said that a hauler will want a three to five-year contract with an option to renew or it is not worth it for them to buy the equipment. The discussion continued.
- ❖ John Thompson made a motion to have a special meeting on next Thursday, March 14, to finalize the trash ordinance. L. E. Rubin second the motion. With a 4-0 vote, the motion was approved.
- Tom Scroggins said that there are items in the original list that are not in the ordinance that might be covered in the franchise agreement.
- L. E. Rubin asked Tom Scroggins what still needed to be added in.
- Tom Scroggins said that there is a separate sheet of items that weren't covered in the ordinance, but they might be covered in the franchise agreement or the RFP. The discussion continued.
- Dennis Kintzler said that we still have not resolved the Hazardous Material issue.
- Tom Scroggins said that the Hauler must have a policy on Hazardous Waste and notify residences of proper disposal of Haz Mat, it must be the hauler's responsibility.

**Zoning Issues/Updates**

- Was not discussed at this meeting.

**Abatement issues**

- Was not discussed at this meeting.

**Adjourn**

L. E. Rubin moved to adjourn. John Thompson second the motion and the meeting adjourned at 8:08 p.m. with a 5-0 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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L. E. Rubin, Secretary

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John Thompson, Vice-Chairman

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Lawrence Gordon

\_\_\_\_\_  
Dennis Kintzler

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Jim Winters