

# Minutes for Joint April 30, 2002 Special Meeting and Public Hearing of the Town Council and the Planning, Zoning and Ordinance Committee

Mike Davis call the meeting to order at 7:10pm (delayed 10 minutes to allow folks to sign up to speak) at the Trinity Family Church. All members of the Town Council were present. The Planning, Zoning and Ordinance Committee of the Town of Talty announced 6 of their 8 members were present and therefore had a quorum.

The public hearing was opened to consider approving a zoning change. The purposed change is to provide an additional 4 acres of commercial property to expand the Exxon Septic System to correct the existing odor, and zoning violation problems.

The Public hearing flowed as follows:

- a. A recap of the Exxon Septic problems, history and solutions were briefed to the Town Council, Planning and Zoning and Ordinance Committee, and Citizens of Talty by the Mayor and Mr. Tatari.

**Discussion:** Mayor provided group with a presentation of proposed change to the zoning change. See tab 1. Questions were allowed from all citizens. Extensive discussion took place.

- b. Citizens were allowed to speak and ask questions on the public hearing topic.

**Discussion** A sign up roster was used and citizens were limited to 3 minutes per person. See tab 2.

- c. The Planning, Zoning, and Ordinance, Committee reviewed, discussed and provided a formal recommendation concerning the proposed rezoning to the Talty Town Council.

**Discussion:** Extensive discussion took place between members

**Recommendation:** The Committee provided a recommendation to the Town Council to proceed with rezoning the 4 acres of property to commercial to be used for the purpose of fixing the Exxon septic.

**Made By:** Earl Carter

**2<sup>nd</sup> by:** Eddie Lecrone

**Vote:** 4 voted in favor of rezoning. 2 voted against. Recommendation to proceed with zoning passed and was provided the Town Council.

d. The Talty Town Council, after receiving recommendations from the Planning, Zoning, and Ordinance Committee will review/discuss and consider approval of the proposed zoning change.

**Discussion:** Letter received from Ms. Williams's attorney that asked for a delay due to:

- a. Agenda not posted at Exxon and Entrance to Winners circle 72 hours before meeting and public hear. Mayor indicated postings were made. Based on advice of Town Attorney this allegation was not considered after the Mayor confirmed posting was indeed made 72 hours before the meeting.
- b. Advertise made in the newspaper prior to 15 days before the public hearing did not mention that the meeting would include the Planning, Zoning and Ordinance Committee (Joint Meeting of both groups). The Town Attorney recommended we reschedule the meeting to comply with our Ordinance 99-08 section 9.

The Town council reviewed a partition that was presented by Cathy Williams in contest of the rezoning actions. Petition was denied based on advice from the Town Attorney that we could only accept a petition signed by property owners within 200 feet or less of the property being considered for rezoning.

Mayor was also asked to continue working this topic with the Town Council until its completion since the negotiations began back in January 2002 between Mr. Tatari and the Town of Talty (represented by the Mayor).

**Motion.** Motion made to delay decision until the newspaper advisement coved in paragraph b. above was complied with. As a result of the delay all other postings of the Public Hearing, Agenda, and letters to residents within 500 feet would also have to be completed with new times and dates.

**Made By:** Allison

**2nd by:** Karen

**Vote:** 4 voted in favor of the motion and Syd voted against. Motion passed

Public Hearing was officially closed.

I. Regular Meeting Action Items:

- a. Review/Approval of Minutes from March 12, 2002 regular Town Council meeting and March 29, 2002 special Town Council Meeting.

**Motion.** Made to accept the March 12, 2002 minutes as submitted and accept the March 29, 2002 minutes with one correction that Brad did not attend the meeting.

**Made By:** Allison on Both

2nd by:

Karen on March 12 and Brad on March 29

**Vote:** All voted in favor. Motion Passed

b. Review and approval of the March 2002 Secretaries Reports.

**Motion.** Made to accept report as submitted.

**Made By:** Allison **2<sup>nd</sup> by:** Karen

**Vote:** All voted in favor. Motion Passed

## II. Adjourn

**Motion.** Made to adjourn

**Vote:** All voted in favor. Motion passed Meeting was adjourned

James M. Davis  
Mayor, Talty Texas