

MINUTES FOR 08/27/04

Board of Alderman

Town of Talty

I. Call to Order and Announce a Quorum

Mayor Weaver called the meeting to order at 7:40 p.m. All Board members were present except for Donna Avery and Mark Graybill.

Planning and Zoning announced a quorum. All Committee members were present except for Sandy Erwin, Robert Davis and Don Wilson.

II. Open Joint Public Hearing to receive citizen feedback on the following:

Approval of preliminary plat with requested variances for Bantry Gardens subdivision located in the ETJ of the Town of Talty.

Motion: To open joint public hearing.

Made by: JoAnn McKethan **Second:** Ginny Carter

Vote: All in favor. Motion passes. The joint public hearing opened at 7:40 p.m.

- Mayor Weaver updated the public, Board and P&Z on the preliminary plat for Bantry Gardens.
- T.K. Lawless gave an overview of the subdivision plans to this point.

III. Close Joint Public Hearing

Discussion: None

Motion: To close joint public hearing.

Made by: JoAnn McKethan **Second:** Brad Davis

Vote: All in favor. Motion passes. The joint public hearing closed at 7:58 p.m.

IV. Recess for Planning and Zoning Committee Meeting

Discussion: None

Motion: To recess for Planning and Zoning Committee Meeting.

Made by: Brad Davis **Second:** JoAnn McKethan

Vote: All in favor. Motion passes. The Board of Alderman recessed at 8:07 p.m.

V. Reconvene meeting and receive recommendation of the Planning and Zoning Committee regarding the public hearing item.

The Board of Alderman reconvened at 8:20 p.m. Laura Chambers, Co-chair of the P & Z committee announced the recommendation of the public hearing item.

- Committee approved Bantry Gardens plat
- Had no recommendation for Lot 21: Front Yard Setback, Lot Depth and Lot Shape
- Approved side yard set backs variances
- Granted cul-de-sac variance
- Lot width – variance granted
- Lot depth – approved all except for 11-12-13. These three lots need to be adjusted to be more uniform in size.

Planning and Zoning Committee was dismissed.

VI. Action Items:

a. Discussion and consideration of preliminary plat for Bantry Gardens subdivision located in the ETJ of the Town of Talty.

Motion: To approve variance on front yard set backs on Lot 21

Made by: Brad Davis **Second:** None

Motion fails.

The Board had an extensive discussion on Lot 21.

Motion: To approve variance on front yard set backs on Lot 21 at 50 feet and provide for a front yard set back on Lot 20 of 65 feet.

Made by: Brad Davis **Second:** Ginny Carter

Vote: All in favor. Motion passes.

Motion: To approve variance on side yard set backs at 30 feet.

Made by: JoAnn McKethan **Second:** Brad Davis

Vote: All in favor. Motion passes

Motion: To approve variance on cul-de-sac length.

Made by: Ginny Carter **Second:** JoAnn McKethan

Vote: All in favor. Motion passes.

Motion: To approve variance for lot widths on lots 1, 5, 7-10, 15-18.

Made by: Brad Davis **Second:** Ginny Carter

Vote: All in favor. Motion passes.

Motion: To approve variance on lot depth of less 200 feet for lot 21.

Made by: Brad Davis **Second:** Ginny Carter

Vote: All in favor. Motion passes.

Motion: To approve variance for lot depth to width ratios on lots 7-11 and 13-19 except lots 11-13 which are to be drawn to make lots more uniform in size.

Made by: Ginny Carter **Second:** JoAnn McKethan

Vote: All in favor. Motion passes.

Motion: To approve variance on shape of lot 21.

Made by: JoAnn McKethan **Second:** Brad David

Vote: All in favor. Motion passes

Discussion: Because of the extensive drainage areas at the back of the lots, the Board was concerned about also having the utility easements at the back of the lots. A variance was not requested by the developer to move the utility easements to the front of the lots however the Board felt this needed to happen.

Motion: To approve variance for placement of the utility easement at the front of the lots.

Made by: Brad Davis **Second:** JoAnn McKethan
Vote: All in favor. Motion passes.

Motion: To approve the preliminary plat for Bantry Gardens with the variances as previously voted and subject to the approval of the construction plans by the town's engineer.

Made by: Brad Davis **Second:** JoAnn McKethan
Vote: All in favor. Motion passes.

In consideration of the time of the representatives of Hiram Waste and Nature Calls, the Mayor requested to consider items d. e. f. and g. next.

d. Discussion and consideration of Ordinance No. 2004-081 amending Ordinance No. 2003-70 adopting regulations relating to the collection of solid waste;

Discussion: Mayor Weaver reviewed the ordinance. It included 3 amendments: add specific truck weights to the regulations, added specific franchise fee to the regulations and eliminated the additional insured requirement because Hiram could not comply with this requirement. The Board was not open to eliminating the additional insured requirement. This amendment was removed from ordinance 2004-81.

Motion: To approve Ordinance No. 2004-81 amending Ordinance No. 2003-70 as to specific truck weights and specific franchise fee percentage.

Made by: Brad Davis **Second:** JoAnn McKethan
Vote: All in favor. Motion passes.

e. Discussion and consideration of Solid Waste Franchise Agreement with IESI;

Discussion: IESI has provided all required agreements and permitting information.

Motion: To approve Ordinance No. 2004-82 executing a Solid Waste Franchise Agreement with IESI.

Made by: JoAnn McKethan **Second:** Brad Davis
Vote: All in favor. Motion passes

f. Discussion and consideration of Solid Waste Franchise Agreement with Hiram Waste and Recycling;

Discussion: Insurance concerns were addressed. Mr. French agreed to the condition of naming the town as the additional insured and amending the documents.

Motion: To approve Ordinance No. 2004-83 executing a Solid Waste Franchise Agreement with Hiram Waste and Recycling including naming the Town as additional insured.

Made by: Ginny Carter **Second:** JoAnn McKethan
Vote: All in favor. Motion passes.

g. Discussion and consideration of Solid Waste Franchise Agreement with Nature Calls;

Discussion: Nature Calls does not currently conduct solid waste business in the town but wants to be permitted in the event a customer contacts them.

Motion: To approve Ordinance No. 2004-84 executing a Solid Waste Franchise Agreement with Nature Calls.

Made by: JoAnn McKethan **Second:** Brad Davis
Vote: All in favor. Motion passes.

b & c. Discussion and consideration of extending approval of the preliminary plat for Shamrock Ridge Phase 8 by six months and extending approval of the preliminary plat for Lost Creek Estates by six months;

Discussion: Mayor Weaver reviewed the Town's subdivision ordinance which allows preliminary plats to be extended one time for 6 months but not to exceed a total of one year.

Motion: To approve extending approval of the preliminary plat for Shamrock Ridge Phase 8 by six months and extending approval of the preliminary plat for Lost

Creek Estates by six months.

Made by: Brad Davis **Second:** JoAnn McKethan

Vote: All in favor. Motion passes.

h. Discussion and consideration of training expenses;

Discussion: Mayor Weaver requested approval from the board to pay for her attendance at Leadership Kaufman County – a leadership development program being delivered by the Kaufman County Leadership Council.

Motion: To approve \$250 for the Mayor to attend Leadership Kaufman County.

Made by: Ginny Carter **Second:** JoAnn McKethan

Vote: All in favor. Motion passes.

i. Discussion and consideration of appointing Roberta Owens as Town Secretary and Municipal Court Clerk;

Discussion: None

Motion: To approve appointment of Roberta Owens as Town Secretary and Municipal Court Clerk.

Made by: Ginny Carter **Second:** JoAnn McKethan

Vote: All in favor. Motion passes.

Mayor Weaver proceeded to swear in Roberta Owens as Town Secretary and Municipal Court Clerk.

VII. Adjourn

Discussion: None

Motion: To adjourn.

Made by: JoAnn McKethan **Second:** Brad Davis

Vote: All in favor. Motion passes. The meeting adjourned at approximately 9:45 p.m.

Minutes approved September 27, 2004.

Allison Weaver, Mayor

BANTRY GARDENS SUB DIVISION
PRELIMINARY PLAT
APPROVED VARIANCES
AUGUST 27, 2004

Requirement	Ordinance	Variance Requested	Comments	P & Z Recommendation	Board Action
Front Yard Setback	75 ft	50 ft – Lot 21	Review proposed placement of house pad on this lot – Need to consider rear setback of 25 ft (no variance requested).	None	Approved with additional variance on lot 20 at 65 ft. to create a smooth transition of homes along that side of street.

Side Yard Setback	35 ft	30 ft	We have granted a similar variance to lots in surrounding subdivision (in fact 10 ft & 25 ft)	To approve	Approved
Cul de sac Length	600 ft	1,675 ft	We have granted a similar variance to Fireside Estates.	To approve	Approved
Lot Widths	150 ft	125 ft Lots 1, 5, 7-10, 15-18	We have granted similar variances to lots in surrounding subdivisions	To approve	Approved
Lot Depth	200 ft	Less than 200 ft – Lot 21	199.13 ft on south side of lot. No measurement on north side of lot – however it is significantly shorter.	None	Approved
Lot Depth to Width Ratio	2.5	Lots 7-11 & 13-19 do not comply	Per engineer, the only way to correct this is to make these lots 155 – 165 feet wide.	Approve all except lots 11 – 13. Move lot lines to make more uniform sized lots	Approved all except lots 11 – 13. Move lot lines to make more uniform sized lots.
Lot Shape	Rectangular; Sharp angles to be avoided	Lot 21 is an unusual shape (not rectangular)	Lot does not comply with depth requirements. Also will not be able to meet setback requirements. Review proposed placement of house pad on this lot – Need to consider rear setback of 25 ft (no variance requested).	None	Approved
Utility Easement	At rear of lot	None	Due to drainage at rear of lot	None	Require utility easement at front of lot due to drainage at rear. Approved.