

CARL HARBERT <i>Council Member, Place 1</i>	DAVID RUTLEDGE <i>Mayor</i> 	ERIC ANDRUS <i>Council Member, Place 4</i>
KIRK ROCCAFORTE <i>Council Member, Place 2</i>		TERRI GAUTHIER <i>Council Member, Place 5</i>
TAMMI FISETTE <i>Mayor Pro-Tem / Council Member, Place 3</i>		LUCY FIELDS <i>Council Member, Place 6</i>

CITY COUNCIL SPECIAL MEETING MINUTES
CITY OF BRIDGE CITY
February 13, 2018

The City Council of Bridge City met in a special meeting on Tuesday, February 13, 2018, at the City Hall of Bridge City, 260 Rachal, Bridge City, Texas.

1. CALL TO ORDER

Mayor David Rutledge called the City Council meeting to order at 6:00 p.m.

CITY COUNCIL PRESENT:

Mayor David Rutledge
Council Member Carl Harbert
Council Member Kirk Roccaforte
Mayor Pro-Tem Tammi Fisette
Council Member Eric Andrus
Council Member Lucy Fields

CITY COUNCIL ABSENT:

Council Member Terri Gauthier

BRIDGE CITY HIGH SCHOOL STUDENT COUNCIL REPRESENTATIVE:

Nolan Moore

CITY STAFF PRESENT:

City Manager Jerry D. Jones
City Secretary Sherry Tisdale
City Attorney Paul M. Fukuda
Finance Director Karen Morgan
Personnel/Purchasing Director Jeanie McDowell
Chief Paul T. Davis
Mike Lund, Utility Superintendent
Mike Die, Asst. Utility Superintendent

2. INVOCATION AND PLEDGE TO THE UNITED STATES FLAG AND THE STATE OF TEXAS FLAG

Following the invocation given by Mayor Pro-Tem Fisette, Mayor Rutledge led in the pledge of allegiance to the United States flag and to the State of Texas flag.

3. APPROVAL OF THE AGENDA

Council Member Fields made a motion to approve the agenda, seconded by Mayor Pro-Tem Fisette.

With no changes, deletions, or additions, Mayor Rutledge called for a vote.

MOTION CARRIED.

Ayes: Mayor Rutledge, Mayor Pro-Tem Fisette, Council Members Harbert, Roccaforte, Andrus, and Fields.

Noes: None. **Absent:** Council Member Gauthier.

4. WORKSHOP ITEMS FOR DISCUSSION ONLY

(a) *Discussion of possible revisions, deletions or additions to the City's Code of Ordinances regarding livestock (Chapter 5, Article II. Livestock)*

Motion was made by Mayor Pro-Tem Fisette to discuss possible revisions, deletions or additions to the City's Code of Ordinances regarding livestock, seconded by Council Member Fields.

Mr. Jones explained to Council that the City of Groves has basically the same thing the City does except it's for 75 feet instead of 100 feet. The City of Orange has 100 feet. Then there is one that two or three cities have that basically says "you can't have any livestock in a dedicated subdivision". He said this is sort of ambiguous, but this is all the information they were able to get from anybody.

Mr. Fukuda advised Mayor Rutledge that before Council became engrossed in all of these, he would like to say to Council, as an old saying goes, "bad facts make bad law". He said what this means is if you get too specific as far as the circumstance and you pass a broad law to cover that specific circumstance it's going to probably apply to a separate circumstance and it won't fit. He said, "There will still be consequences that you didn't anticipate." He said when you are looking at revising these things it would be important to look at an individual circumstance. Why did this come up – why are we interested in changing it? He explained, "Don't tailor it so narrowly that it's related just to this subdivision, just to this person" because this same law will apply to a different person in a different subdivision and apply that law evenly. It's got to be broad enough to be fair to all of the citizens but narrow enough to have the compliance that Council wants.

Mayor Rutledge stated that the thing that brought this ordinance to a head was the situation on Forrest. He asked Council if they wanted to do anything with this or is it sufficient to cover what the City needs.

Council Member Harbert said he thought it was sufficient but it needed to be clarified. If you read the ordinance now it says, "you cannot be within 100 feet of any residence." He said he thinks this should include the owners. We have them in the front yard ... we have them

surrounding all the house. “Any residence” needs to be clarified. The way he understands this is any residence would include anyone’s house.

Mayor Pro-Tem Fisetta said she thought if they could possibly say back yard only, instead of front yard by the road. Mr. Jones said front yard would be interpreted to be 25 foot.

Council Member Roccaforte said he guesses they have established that it’s the house and not the property line. Mr. Jones replied that is correct.

Discussion was held on whether distance should be from property line or residence.

Council Member Harbert said he thinks what needs to be clarified is the distance from what residence? Any residence - is it the property owner’s house also? How is it to be interpreted?

Council Member Fields asked if the people who already have this be grandfathered in. Mayor Rutledge replied he’s assuming they would be grandfathered in. Mr. Jones said this would be considered pre-existing and you couldn’t do anything about them. It would be like a non-conforming use. Mayor Rutledge added that once the last of the livestock left, they would have to comply any time after that.

Council Member Fields said as the City grows and more homes are built, she said she would prefer that the livestock be further away from residences. Livestock would probably not entice people to build in certain parts of the City.

Mayor Rutledge brought up the fact of manure and how do you define the accumulation of any quantity of manure. How would it be policed?

Council Member Roccaforte asked if other cities allow livestock. Mr. Jones said yes, Groves is 75 feet where ours is 100 feet. City of Orange is like ours – 100 feet. Council Member Roccaforte asked if they specified residence or property line. Mr. Jones said he did not ask this.

Council Member Roccaforte asked Mr. Jones what his thoughts were on this. Mr. Jones replied, “Whatever y’all want to do we will enforce.”

Council Member Harbert said he wanted a definition for “any residence”. Mr. Jones said this means any house that includes the person that is trying to put them in.

Mr. Fukuda said the problem with this is when looking at it objectively – if someone is on their property that is 10 acres worth and they keep livestock within 100 or 75 feet of their own house – why do we care? Really, what we should be doing is giving them a citation for it. The reason we care is because it is close to someone else’s property, and we don’t want that to happen but it’s technically far enough away. Are we going to issue a citation to someone that has a goat that’s within 75 or 100 of their own house but it’s 400 feet from anyone else.

Mayor Rutledge said this brings up the question of 100 feet from the residence or 100 feet from the property line. Discussion was held on this issue.

Mayor Rutledge asked if the sole purpose of this is to keep it from being a nuisance to other neighbors, but we still want to allow livestock – then make it from property line to property line. Council Member Harbert said that would work probably better than residence.

Council Member Roccaforte said you could make it 25 feet from any property line. If you use 100 feet you eliminate 99% of anywhere in Bridge City except what is already here. Mr. Fukuda asked, they can't keep livestock within 25 foot of anyone's property line. He asked wouldn't that bring the livestock potentially closer to the neighbors. Council Member Roccaforte said no, 25 feet from their property line.

Discussion was held on property setbacks.

Mayor Rutledge asked what about 50 feet from property line. Council Member Harbert said he would go with that. Mayor Rutledge said this would restrict it.

Mayor Rutledge stated this is a philosophical question – Do we want livestock in our City? Is there a necessity for having livestock in our City anymore? Back in the 40's people had their own cows. Council Member Harbert stated that there are still cattle in this City but the owners have quite a bit of land. Their cattle are at least 100 feet from anybody's house. He also said if they went with 50 feet from the property line this would solve a lot of the problems.

Mayor Rutledge asked what the consensus was of Council.

Council Member Harbert said if Council went with the 50 feet from the property line, it would protect the citizens. Council Member Roccaforte said he was good with that.

Mr. Fukuda said he could present a proposed ordinance to Council.

Mayor Pro-Tem Fisetta said she thinks it should be in the back of the house. She doesn't think anyone should have livestock in the front of their house. The question came up – out of view from any roadway.

Mayor Rutledge said there is no mention of fencing. Mr. Jones said the whole intent of the zoning ordinance is to get a 25-foot open space that's not fenced and not used in front of all the houses – to try to get uniformity in the whole community. He said it would make sense to make them go behind the house.

Mr. Fukuda asked if they wanted a provision for fences – that the livestock must be under a fence. He asked Mr. Jones if there was any specific language about what type of fence – like a code requirement for fence around livestock. Mr. Jones replied no, the fencing says wood, cyclone, etc. are all allowed. He doesn't think barbed wire is allowed. It doesn't get that specific about fencing.

Mayor Rutledge asked if they needed anything else besides 50 feet from a property line and enclosed in a fence. He asked if everybody was okay with this. Council was favorable.

Mr. Jones also brought to Council's attention that pigs or hogs are not allowed in the City at all.

(b) Discussion of possible revisions, deletions or additions to the City's Code of Ordinances regarding substandard buildings (Chapter 6, Article III. Substandard Buildings)

Mr. Jones said he threw this in here because this particular thing is very specific and very lengthy. He wanted to make sure Council knows all the things the City has to go through to be able to do any of these things. When you get to the point where you are talking about tearing somebody's house down, it gets real specific and the law gets real tough. He put it in here so everybody could review it, take a look at it, and ask questions.

Mr. Fukuda said the City of Orange has a virtually identical procedure.

Council Member Roccaforte said they need the City of Port Arthur's procedure. They tear down houses every day.

Mayor Rutledge asked Mr. Jones if he had any alterations to this ordinance now. Mr. Jones replied no, he just needs a couple of people to enforce it. There is not enough hours in the day to do all the various things he is trying to do.

Council Member Harbert said when he was reading it – it says dilapidated, sub-standard, or unfit for human habitation or hazard to the public health. Mayor Rutledge commented, "That's Darby". Council Member Harbert said "exactly." Council Member Harbert comments that further in the ordinance it says unoccupied by owners, lessees, or invitees and unsecured from unauthorized entry. He said there are houses all over this town that are falling down, roofs are rotting in. There is a business on Texas Avenue that had the roof falling in.

Mr. Jones told Council that Mr. Fukuda re-wrote this ordinance a few years ago. There are things in it as minor as the cabinet tops aren't on or the cabinets don't have a door. It's so comprehensive that you can take any building in this City almost and write it up. You have to have the time and the manpower to go around and find all these things constantly. Mr. Jones said, right now, building permits alone are killing us – it's unreal. Ms. Scales is having to stay at night to do a lot of the permits because they are getting so many in here. He said he talked to Mr. Philpott, and they are going to try to stay on top of all these things and get everyone they can find and get this thing moving again because it really is bogged down. He said they are going to get back on top of this. He told Council to let them know if they have one they want done and he is out looking now, too. Mr. Jones said he has found several that need to be done. He said they are going to get full time on this.

Mayor Rutledge asked if anyone had something to ask about this ordinance. Council Member Fields about the water heater. She said when they sold her mother's house they were told that the water heater had to be vented and had to be 18 inches off the ground. She wondered if this should be placed in the ordinance. Mr. Jones said that is a gas company requirement and it is covered in the Plumbing Code. There's a lot of things that won't be in the ordinance because there are State Codes that supersede anything the City does anyway, and the Plumbing Code is

one of those. The City adopted the National Standard. Everything in these Codes have to be followed.

Mr. Moore asked about the abandoned nursing home by the elementary school. He said this is a hazard. What can the City do with this? Mr. Jones said the school is going to take this over, and it will be cleaned up. Council Member Harbert asked if this could be declared a nuisance. Mr. Jones said it belongs to the City, but he guess it could. He said it needs to be torn completely down. Everything in it is bad. Thieves started climbing the fence and going in and taking the copper and the air conditioning components and breaking out windows. It was on the schedule to take down this year but a “little storm” came through and stopped that. Then the school started talking to him about possibly getting that piece of property to put a daycare in there. If they are willing to take this and clean it up, he thinks it would be a great thing. Mr. Jones said if this happens, he will come to Council about whether they wanted to release it. Council Member Roccaforte said that the City inherited this property. It’s a good piece of property but the City didn’t go out and buy it. Mr. Jones said, at the point the City took it, they thought it could be used for several things; and the superintendent at that time said he could use it for alternative learning. But as time went by there was more and more destruction so now all that can be done is tear it down. Mr. Jones said the City did fence the property. Mr. Moore said he hasn’t heard of anyone going in there for a long time, and said that place is scary.

Mayor Rutledge said he didn’t hear any type of revisions voiced on this ordinance.

Mayor Pro-Tem Fisetta asked about the enforcement of these. Doesn’t it have to be under a peace officer certification in order to be enforced? Mr. Jones said no – not for these. He said he just has to be hired and appointed to that position. Mr. Jones said there is some talk now about licensing through the State for building inspectors. Plumbing inspectors are already certified. Electrical has gotten pretty close, but as far as the building part – no, they have not done that yet. If it happens, everybody that is working will be grandfathered. Mayor Pro-Tem Fisetta said she was talking about the enforcement of the ordinance. Mr. Jones said it is turned over to the City Attorney and the Judge. They are the people that do the enforcing, so all Staff is doing is preparing the information for them to do the actual enforcing.

Council Member Andrus said the problem is getting people to comply. Council Member Harbert said a prime example was a house on N. Clover. The owners walked off from the house after Ike. The house could’ve been saved but now the roof is rotten and falling in. Windows are busted out and kids are climbing in and out of the windows. Vandals have taken over.

Mr. Fukuda stated that he thinks the philosophy has been to give people an opportunity to repair. It’s not an “I gotcha” thing, but try to get them to voluntarily remedy, and if they can’t - then take it to the next level, which is Court. If this doesn’t work then take it to the next level, which is in front of the Board (Building Standards Commission). Mr. Jones said they have gone with Mr. Fukuda to District Court because sometimes that’s where you have to go. It’s very time consuming and very lengthy. If there is any way you can get it done before that – that’s what you want to do. The County is selling a lot of these for back taxes. And that hurts the City, because when they start that process the City can no longer do anything with it. Mr. Jones

said this is something City staff is really going to have to stay on top of because after this storm (Harvey), there is going to be more.

At the conclusion of discussion, the consensus was to leave the ordinance as is.

(c) Discussion of possible revisions, deletions or additions to the City's Code of Ordinances regarding litter and weeds (Chapter 11, Article II. Litter and Weeds)

Mr. Jones said the only thing that he has on this ordinance is, again, this is Mr. Philpott enforcing this one. There again, there's one discrepancy unless he is reading it wrong. The last definition under Section 11-14 is weeds and it states that it means herbage in excess of 12 inches tall. Under Sec. 11-15 it states that 18 inches is the height. Mr. Jones said one of the two needs to be corrected.

Council Member Roccaforte asked Mr. Jones which one does he recommend. Mr. Jones said that 12 inches is pretty tall for grass in your yard. Mayor Rutledge asked Mr. Jones does the City have enough manpower to write everyone up that has 12-inch tall weeds. Mr. Jones said no, but again, when someone calls to complain about the lot next door being overgrown, they will jump on this. He said if they see one that is really getting bad, they will get it. He said, honestly, Mr. Philpott does not have time to go out and ride around to look at all the stuff that is growing up. Council Member Harbert said he doesn't have to because the Water Department is out there every day, and the Street Department can, too. They can come back and tell Mr. Philpott. Mr. Jones said that the letter still has to be written and enforced. Mr. Jones said this is the time where he gets people that won't do anything. They get the City tractor and go out and mow it just to stop people from complaining. He said they have done a lot of those like this. The grass ordinance is a tough one. Mayor Rutledge said when the City has a rainy period and there's low spots in yard, people can't get out and mow their yard. It will get over 12 inches. Mr. Jones said if they had a suggestion to make this ordinance work better he is all for it.

Council Member Harbert said he thought he read somewhere that the City can charge them. Mr. Jones said, yes, and we charge them every time we cut it - but do we get paid - maybe 25% of the time. Council Member Harbert asked if the City could put a lien against it for payment. Mr. Jones said for a \$50 bill it will cost the City way more than that to file a lien. He said staff normally just keeps up with it. Ms. Scales has a file and when they get a chance, they will tack the amount on to something. Mr. Jones said all cities struggle with this one. If you have enough people, you can set aside a crew to keep things mowed. He said he didn't think the City will ever have that many people.

Mayor Pro-Tem Fisetta asked about having prisoners again. Mr. Jones said he has tried and tried. What happened was the guards that were watching the prisoners were allowing the prisoners to buy cigarettes and different things and carry them back in to the prison. The warden got wind of this and they all got fired, and he closed everything down. The warden said he would never make that mistake again. Mr. Jones said he told the warden if he ever changed his mind to let him know. He promised Mr. Jones he would call him. Council Member Harbert asked if this was with the prisons or the Sheriff's Department. Mr. Jones replied the prisons out

of Nederland. Council Member Harbert asked if we could use the Sheriff's Department. They have trustees that could do it. Mr. Jones said, "We can certainly ask and we certainly will welcome any help we can get." He said that's just like the Judge doing Community Service, and the City using those guys to cut grass. That's what they basically do when the City gets them. Mr. Jones said they will use anybody they can get. To make things a little better, they are filling the last two positions open in the Street Department.

Getting back to the ordinance, Mayor Rutledge said he is in favor of 18 inches because of the rain situation. Mr. Jones said that is taken into consideration before letters are written. Council Member Roccaforte said they have been doing this for the last 4 or 5 years. It's all about manpower. Council Member Roccaforte said nobody wants high grass or goats but you have to have manpower to enforce this. And for manpower, you have to have money – all of which he's not sure where they can find it. Council Member Harbert said if you let it get 18 inches high – you are getting rats and snakes. If you look behind the new apartment building, it's over 18 inches already. Discussion was held on how they handle enforcement. Mr. Jones said when letters are sent and no response, they send it to Municipal Court and file on them and start fining them. Mr. Jones said he, Mr. Philpott, and Ms. Scales had a meeting today and they are going to try to tighten up on these things. He said he needs to get Ms. Scales some help in her office. He is going to try to get one of the girls up front when it slows down, and have them go in Ms. Scales' office and help with filing and getting caught up because you can't find her when you go into her office.

Council Member Harbert brought up the part of the ordinance that deals with litter blown out of trucks (Sec 11-20). He said the City's garbage service leaves garbage in the street. He asked Mr. Jones if he could talk to the City's garbage company and see if they could help with this. Mr. Jones said he would talk to them.

At the conclusion of discussion, the consensus was to leave the ordinance as it is.

(d) Discussion of possible revisions, deletions or additions to the City's Code of Ordinances regarding accessory buildings (Unified Development Code - Appendix A, Section 5.50. Principal and Accessory Buildings and Uses)

Mr. Jones said the City has really not enforced this one literally. He said he didn't know if he ever knew of this section in the Code. The way it is written – talking about accessory buildings – they can only be 25% square footage of the house. He said this is not talking about a detached garage. It's talking about a storage building. Mr. Jones said that a 2000 square foot house could not have a big storage building. He said he didn't know if this is something Council wanted to get into or change that and say as long as storage buildings are placed with the proper setbacks, then maybe a certain percentage of the rear yard? He said he didn't know. Mayor Rutledge said the ordinance mentions a special permit, so just let them keep coming in and getting a special permit.

Consensus was to leave the ordinance as it is.

(e) Discussion of possible revisions, deletions or additions to the City's Code of Ordinances regarding travel trailer parks (Unified Development Code - Appendix A, Section 8.45 Recreational Vehicle Parks)

Mr. Jones said, basically, this is the Recreational Vehicle Park ordinance. He said the reason he put this on the agenda was because the City has received requests for three parks. One of them is already zoned. It's just a matter of them going to the Zoning Commission with the final plat then going to the Zoning Board of Adjustment for final approval. Mr. Jones said the issue here is that there were some people that felt like – with the addition of these parks – that the City was getting too many travel trailer spots. Mr. Jones discussed the three different parks that were wanting to go in. There was one wanting to go in behind Doc's Liquor next to Mr. Quibodeaux's RV park. He said the one on N. John is basically a non-conforming use and already is a travel trailer park. The owners are wanting to clean it up, put new pads, get rid of the trash, and fence it and this will fix it up. They don't have to be re-zoned as long as they don't increase in size and stay on that piece of property. Mr. Jones said the other one is Mr. Dishon's park. It is a triangle piece of property on Bower up by the school. This one will be 90 something trailers. When all of these plans were hitting at one time there was concern whether the City wants to regulate the number in Bridge City or do we not and just let it go.

Discussion was held on the new plans submitted for adding a total of another 130 – 140 trailers. Mr. Jones said it's quite a few now, and the demand may be there. Mr. Jones said he had mixed feelings. Topics covered:

- Existing additional RV Parks
- Lift Stations in RV – could we require grinder pumps – Mr. Jones said that could be done
- They are all on gravity lines
- RV pad has to be concrete or asphalt – How come there are three parks in town that have gravel. Council Member Roccaforte said because they were here before the City was a City – there is one on Gum (Rocky's) one over on Granger by the machine shop and one on N. John and one on Texas Avenue by the Mobil station
- Mr. Lund mentioned that every spot with a trailer is counted as one connection – so when you add 128 spots that is 128 water connections you are adding to the City's water system and that's more storage that will be required by the State – 200 gallons per connection has to be kept in elevated storage – the small trailer parks will add up to 200-something spaces - this means the City is getting close to the 85% and then the City has to put in another tower – He asked Council to take this under consideration
- Why is fencing required for RV parks and not for trailer parks – Mr. Jones said because the parks were in existence before this ordinance was written

(f) Discussion of possible creation of an ordinance pertaining to barndominiums and beach cabin style homes built in the City

The following topics were discussed regarding barndominiums:

- Council Member Fields said her cousin lives in a barndominium – it looks like a big building but it was gorgeous inside - they just recently sold it for \$300,000
- Mayor Rutledge said he doesn't think the issue with barndominiums is the inside but the outside of them and the way it blends in with the rest of the neighborhood

- Type of materials used
- Council Member Harbert said he liked Mr. Jones definition – a R-1 dwelling with a garage on both sides
- Mr. Jones said you are talking about apples and oranges – most of the barndominiums that people build that spend \$250,000 to \$350,000 – it would probably fit in any neighborhood in Bridge City – he said Council needs to find a way to control what it is and what it looks like and make sure that it fits in the community or subdivision
- Definition of a barndominium – percentage of living space and garage space?
- Minimum square footage in Bridge City is 1000 square feet – the rest can be garage or storage space – whatever you want to do with it
- Does it fit in with the surrounding community?
- Situation in Bridgefield with barndominiums
- Council Member Roccaforte said the whole point in talking about this is you don't want someone to build a metal building with an apartment inside of it – you don't want it
- Mayor Rutledge said his problem is he doesn't know how the City can define this
- Mr. Jones said he had a solution – everybody's idea is different on what a barndominium is – when somebody comes in and wants to do a barndominium staff will tell them to bring in a set of plans and show exactly what they want to build inside and out – Staff looks at the plans and then sends it to the Zoning Board of Adjustment and Appeals who has the right to make decisions on zoning issues – Meeting is scheduled – Everyone within 200 feet of this building get a letter – everybody that has an interest in that neighborhood can come in and sit down and talk to the Board and say I want it / I don't want it – let each barndominium go on its own merit – if it will fit and people aren't against it let the Board approve it
- Mayor Rutledge said he sees a problem with that – what if when they come in they don't say it's a barndominium, but when staff looks at it they say it does look like a barndominium – what do you do? Mr. Jones said staff tells them it looks like a barndominium and it has to go to the Zoning Board of Adjustments and Appeals – Mr. Jones said he would be the one signing the permit – it would be like a variance
- Garage/Accessory buildings
- Mr. Fukuda inquired if the tools were already set up for a variance or does it need to be set up – Mr. Jones said the Zoning Board of Adjustments and Appeals is already set up but it doesn't have to be done this way – however this way gives the surrounding property owners the option to say if they want it
- Council Member Roccaforte asked what does the City do now when someone comes in with plans for a barndominium – Mr. Jones said he tells them they can't build it in Bridge City
- Council Member Harbert asked what if someone comes in and challenges the City – Mr. Jones said the Zoning Ordinance says you can't build a barndominium in the City
- Mayor Rutledge stated that if the City can handle this with the present ordinances then he doesn't see a need to enact another one – if there's something lacking then an ordinance should be crafted
- Council Member Harbert said he just doesn't want to restrict the growth of the City
- Council Member Andrus said he liked Mr. Jones solution – it favors both parties
- Mr. Jones said this was the only way he could think of to get the public involved that lives around it and has to be granted a permit to do it

- Discussion on process was held

The following topics were discussed regarding Beach Cabin style homes:

- Is it 4 feet or 5 feet above the ground before you call it a beach cabin?
- Defining is the hard part
- Council Member Fields asked if it could be done the same way as barndominiums
- Mr. Jones said the difference is a beach cabin is a single family residence
- Beach style cabins already exist in the City
- How do you define where it stops being a house on piers and starts being a house on pilings?
- Mr. Jones asked how does Council want staff to handle it. The City has nothing that says staff can say no to a beach cabin style home – The Flood Insurance Group says raise your house so the City can't say no don't raise a house
- Mr. Jones said the question is does Council want to control the beach cabin style homes
- Mayor Rutledge said he thinks it's neighborhood integrity and he agrees with handling it in the same process as barndominiums
- Mr. Fukuda said he thinks what Mr. Jones is saying is - right now - the City can't say no so it wouldn't go through the appeal process – they can just put it in
- Mr. Jones said it could be put in an ordinance that all beach cabin style homes will go through the process with the Zoning Board of Adjustment – It could go through the same ordinance specifying barndominiums and beach cabin style homes will go through the same process
- Mr. Fukuda told Mr. Jones he will need a definition for a barndominium
- Discussion was held on a legal description for a beach house
- Extensive discussion held on BFE (Base Flood Elevation) and what should be required

At the conclusion of discussion, Mr. Jones said he would get with Mr. Fukuda tomorrow with a definition on barndominiums and beach cabin style homes so an ordinance can be created.

(g) Discussion of possible creation of an ordinance pertaining to regulations of the placement of boats, trailers, etc., in front yards

The following discussion was held on regulations of the placement of boats, trailers, etc., in front yards:

- Council Member Andrus said you usually see boats in front yards on a driveway and asked Mr. Jones what was the problem with this
- Mr. Jones said he has been getting a lot of calls requesting the City get trailers, cars, and boats out of front yards
- Mr. Jones spoke to Groves today and what they do is as long as the boat or car or trailer is registered with current year registration and is on a cement or asphalt slab or some type of driveway it's okay – it cannot be on the grass in the front yard – their idea is a driveway can be put in the front yard as long as it's not more than 50% of the front yard – if you are going to park something you have to have a place to park it
- Mr. Jones said what he is really after is someone that pulls a boat trailer and parks it in the front yard and leaves it on the grass and it stays there for six months – this is what he wants to be able to control

- He said they are getting a lot of calls and they really don't have something that says that
- Council Member Fields said so it has to be registered and parked on a hard surface – Mr. Jones said that is what they are trying to do
- Mr. Fukuda asked about surfaces – Mr. Jones said gravel, asphalt, concrete, anything that is weatherproof
- Mr. Jones said the City already has registration and licensing established – it's the hard surface that isn't

Consensus of Council was in favor of the ordinance.

(h) Discussion of possible creation of an ordinance not allowing businesses to be housed in portable buildings

Mr. Jones said up and down Texas Avenue, every once in a while, someone comes in and wants to put a portable building on skids and wants to operate a business out of it. It can't be done because they have to meet the electrical code, the building code, conduit, bathrooms for the public, etc. You can't dump a portable building in and start operating out of it. He said they have not let anybody do that but the City really doesn't have anything on the books about this. The snow cone stands have been grandfathered in. The snow cone stand on Roundbunch put conduit it and did everything.

Mr. Fukuda asked Mr. Jones don't they have to have a certificate of occupancy before they can operate, and the City wouldn't issue this unless they had all the things. Mr. Jones said yes. Mr. Fukuda said the City wouldn't issue this unless they had all the things. Mr. Jones said that is correct. Mr. Fukuda said he didn't know if the City really needed this ordinance – that's where he's coming from. Mr. Jones said he's probably right but because they tell so many people that they can't be there he would just wanted something that backed them up. He explained that the Certificate of Occupancy is required before they turn on electricity and water, basically saying it is all acceptable.

Mr. Jones said the reason they do this is aesthetics. There's not a bunch of portable buildings on Texas Avenue where they are operating a business. Mr. Fukuda says what he's saying is no portable buildings - a ban of portable buildings in commercial zones? Mr. Jones said yes. You could say no business operates out of a portable building – if you don't build it on a slab it's a portable building.

Consensus of Council was in favor of the ordinance.

(i) Discussion of possible creation of an ordinance pertaining to maintenance of ditches in front yards

Mr. Jones told Council there's a couple of things about this one. He called Groves City Manager today because they were going to pass an ordinance to make everyone clean ditches in their front yards. The City Manager told him that their legal staff said they should probably back off from that one because it's City property - not the individuals who live in the house. You can't fine the individual for something that is on the City's property. He said he thinks this can be

handled through the beautification committee that Council is forming. They can do a PR deal and will get more results for this.

(j) Discussion of trailer located on property at 320 Rosen which is under an order by District Judge to be removed

Mr. Jones had the following update for where 320 Rosen is now:

- Legal means is there
- Thought they had a place to pull it but that's not an option
- She is not living in it – all her stuff has been pulled out
- Only thing that has to be done to move it is disconnect service line to the trailer and call Gulf States to do it now
- Don't know where to go with the trailer
- Some wrecker services will pick some of these up and take it off but they don't want this one because they know wherever they tow it – it's going to stay – they can't get their money back
- Can't tear it down – it's not been found a dilapidated structure right now – the house is but not the trailer
- Mr. Fukuda said we can legally tow it off and take it to storage but who is going to pay for storage? There's no value in the trailer because it was flooded again
- Chief Davis said the property could be called abandoned property after proper notice
- Chief Davis said it could be put in the back corner of the property here at City Hall and store it – no costs would be accrued – it would be out of the public's eye
- Chief Davis said the City would be obligated for the move
- Mr. Jones said they would go with Chief Davis' idea
- Mr. Fukuda told Mr. Jones they could move it now because the of the court order from the District Judge
- Mr. Fukuda said Ms. Ruby needed to be given notice of where the trailer is located

Mr. Jones said he talked to Mr. Zoch today (175 W. Darby), and they have cleaned the carport again. Operation Blessing was coming over after the rain stopped. They were going to look at it the first of next week and see if they can do something. If not, they will tear it down. They will help her one way or another.

5. ADJOURN

Council Member Andrus made a motion to adjourn the meeting at 8:28 p.m., seconded by Council Member Fields.

MOTION CARRIED.

Ayes: Mayor Rutledge, Mayor Pro-Tem Fissette, Council Members Harbert, Roccaforte, Andrus, and Fields.

Noes: None. **Absent:** Council Member Gauthier.

/s/ David Rutledge

David Rutledge, Mayor

ATTEST:

/s/ Sherry Tisdale

Sherry Tisdale, City Secretary