

**CITY COUNCIL TOUR AND WORKSHOP**  
**November 9, 2006 at 8:30 a.m.**

**CITY COUNCIL OF THE CITY OF ABILENE, TEXAS**  
**COUNCIL CHAMBERS, CITY HALL**

The City Council of the City of Abilene, Texas, met in a Special Session on November 9, 2006 at 8:30 a.m. in Council Chambers of City Hall, 555 Walnut Street. Mayor Norm Archibald was present and presiding with Councilmen Sam Chase, Stormy Higgins, Joe Spano, and Councilwomen Laura Moore and Celia Davis. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, Jill Flores Assistant to the City Manager and Mayor, and various members of the City staff. Councilman Anthony Williams was absent.

Mayor Archibald called the meeting to order and stated the Council would go on a trolley tour for approximately one hour, during which time code compliance and the proposed nuisance ordinance would be discussed. Following the tour Council will reconvene in the Council Chambers to conduct a workshop regarding code compliance and the proposed nuisance ordinance. Council moved from the Council Chambers to the trolley for the community tour.

Lesli Andrews, Community Enhancement Division Manager briefed the Council on what code enforcement issues would be discussed during the tour and workshop.

During the tour Council and staff discussion included: 1) concerns that there are no City codes in place to address the issue of appliances on front porches, in front yards, and visible outdoor storage; 2) the issue of an uninhabitable home being attached to a habitable home and Council's concerns surrounding enforcement issues; 3) staff's desire to enable Code Enforcement to address furniture on front porches of residences, as well as cars, boats, and RV's parked in the front yards of residences; 4) the property owner being the responsible party for illegal dumping; 5) staff clarifying that citizens who hold a garage or yard sale everyday are in violation of the zoning ordinance; 6) Council's concerns that inoperable junked vehicles are parked in front yards and staff clarifying the current allowable time is 120 days, but staff is proposing the state code be adopted which will change the allowable time to 30 days; 7) safety issues and possible enforcement concerning deteriorating fences of homeowners; 8) Council's concerns of the need to decide what areas to enforce in regards to health, safety and/or aesthetics; 9) staff noting no ordinance is in place to enforce the issues of dead trees on property; 10) staff clarifying that the backyards of residences having visible outdoor storage from the right-of-way can be enforced; 11) barbeque pits not being in violation and are not being considered in the proposed ordinance; 12) health issues concerning the outdoor storage of indoor furniture; 13) the possibility of commercial businesses being in violation concerning inoperable cars being parked outside of their businesses, as well as the aesthetic issues; 14) the possibility of the adoption of state laws concerning illegal dumping to allow the City's Code Enforcement division to enforce the law, and; 15) Council's concerns of new homes being built and occupied before they are finished and staff noting this violation is covered under the International Property Maintenance Code.

## **COUNCIL WORKSHOP**

Immediately following the community tour Mayor Archibald reconvened the Council in the Council Chambers for a workshop to further discuss code enforcement issues and the proposed nuisance ordinance. Councilmembers present were Councilmen Sam Chase, Joe Spano, Stormy Higgins, and Councilwomen Celia Davis and Laura Moore. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, Jill Flores Assistant to the City Manager and Mayor, and various members of the City staff. Councilman Anthony Williams was absent.

Mayor Archibald stated appreciation to staff for the arrangements made for Council to be able to view some of the issues under consideration.

City Manager Larry Gilley expressed his appreciation to Council and staff for their time spent in exploring the issues concerning the proposed nuisance ordinance. Mr. Gilley stated the proposed nuisance ordinance would be considered on the Regular Agenda for first reading at the November 16<sup>th</sup> Council meeting and the second and final reading of the proposed ordinance would be considered at the December 7<sup>th</sup> Council meeting. Mr. Gilley noted strengthening the code will create some degree of inconvenience for property owners and stated the importance of receiving Council input on the proposed ordinance.

Lesli Andrews, Community Enhancement Division Manager briefed the Council on the following subjects concerning the proposed nuisance ordinance amendments:

- Appliances – working or nonworking, left, stored, abandoned or junk
- Hazard – accumulation of object or matter
- Trees – dead or diseased that may constitute a hazard to life or property or harbor insects or disease
- Fences – deteriorated condition and subject to falling down
- Graffiti
- Storage – items that are not intended for use or storage outside
- Furniture
- Illegal Dumping – violations of Chapter 365, the Texas Litter Abatement Act
- Vehicles – violations of Chapter 683 of the State of Texas Transportation Code
- Vehicles in Yard

Council and staff discussion included: 1) the possibility of assisting citizens in the removal of dead trees; 2) distinguishing between the aesthetic, health and safety issues regarding deteriorating fences; 3) being sensitive to private property rights; 4) the need for community input; 5) staff addressed graffiti issues and noted these issues are nation wide but also noted the availability of grant funds to address these issues; 6) the need to balance health, safety, welfare and aesthetic components that affect the quality of life; 7) staff's proposal to strengthen restrictions regarding storage in public view; 8) adopting state laws regarding illegal dumping and junked vehicles; 9) how state codes would affect local businesses; 10) code implementation issues and budget ramifications; 11) issues that will be addressed through the Land Development Code versus the Nuisance Ordinance, and; 12) the need to move forward with regulatory ordinances, including the zoning and nuisance ordinances and the Land Development Code.

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Mayor Archibald expressed his appreciation to staff for the presentation and to the media for keeping the public informed on the code compliance and nuisance ordinance issues.

No Council action was required.

There being no further business, the meeting was adjourned at 10:35 a.m.

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Jill Flores  
Recording Secretary

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Norm Archibald  
Mayor

ATTEST

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Jo Moore  
City Secretary