

**MECHANICAL, PLUMBING, ELECTRICAL, AND SWIMMING POOL  
BOARD OF APPEALS  
MINUTES**

**May 8, 2012**

Public notice having been posted, a public hearing of the MPE Board was held at 4:00 p.m., Tuesday, May 8, 2012, in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

**MPE BOARD MEMBERS PRESENT:** Jay Wyatt, Chairman  
Terry Williams  
James Wheeler  
Rick Kelley  
Kenneth Rich  
Melissa Sparks  
Ronnie Carlson - Absent

**STAFF PRESENT:** Dan Santee  
David Sartor  
James Prescott

**GUESTS:** Scott Yungblut  
Pam Yungblut

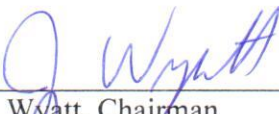
1. The meeting was called to order by Jay Wyatt, Chairman, at 4:03 PM.
2. The next item to come before the board was the approval of the December 13, 2011 minutes. Mr. Williams made a motion to approve the minutes as written. Mr. Wheeler seconded the motion and said motion unanimously passed.
3. The next matter to come before the board was the consideration of a request of Scott and Pam Yungblut for approval of the creek behind their residence at 1409 Tanglewood Rd as a natural barrier in accordance with Article 15.3 of the City of Abilene Swimming Pool and Spa Code. Mr. Sartor addressed the board and identified that the swimming pool code requires fencing or a barrier in accordance with Article 15.3 must be installed around a residential swimming pool and there is an exception which allows the board to consider approval of a natural barrier in lieu of fencing. Mr. Sartor presented a PowerPoint slide show with pictures of the existing fencing on the south and north side property lines and the back fence which is an existing chain link fence approximately four foot tall across the back of the property. Mr. Sartor stated that Mr. and Mrs. Yungblut intend to install fencing as per the swimming pool code on the north and south sides and are seeking approval of the creek as a natural barrier for the back of the property. Mr. Rich asked if the existing chain link fence was going to remain. Mr. Sartor stated his understanding was the back fence would remain. Ms. Sparks asked if the board had approved similar cases as natural barriers. Mr. Sartor stated that the board had in the past approved the creek as a natural barrier in the same area as this property and section of the creek.

After some discussion, Mr. Wyatt opened the public hearing and asked if anyone wanted to speak to this request. Mr. Scott Yungblut addressed the board and stated that they had already installed fencing on the north and south side which complies with the swimming

pool code and that the back chain link fence would remain since they had several dogs in the backyard. He also described the slope of the creek and stated the creek bank dropped off approximately fifteen feet then flattened out and then had another steep slope down to the creek bottom. He stated that the creek has water in it about 90 percent of the time. Mr. Rich asked how far it was from the back fence to where the bank started to slope down. Mr. Yungblut stated it was about four feet. Mr. Sartor asked Mr. Yungblut if it would be possible to extend the side fences out to the point where the creek bank started to slope. Mr. Hall stated this was his question as well. Mr. Yungblut stated he would be willing to extend the side fences to the point where the slope started.

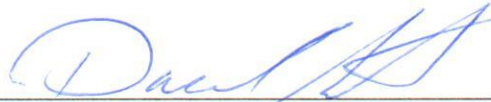
Mr. Wyatt closed the public hearing and asked for board discussion and or a motion. After some discussion Mr. Williams proposed a motion to approve the creek as a natural barrier with the provisions that the back chain link fence stay in place and the side fences be extended to the point at which the creek bank started to slope down. The motion was seconded by Mr. Rich and the motion was approved by a unanimous vote.

4. Upon motion made and seconded, the meeting adjourned at 4:25 PM.



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Jay Wyatt, Chairman



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David Sartor, Acting Secretary