

STREET MAINTENANCE ADVISORY AND APPEALS BOARD
MEETING MINUTES FOR A SPECIAL CALL MEETING ON FEBRUARY 4, 2019

Public notice having been posted, a Special Called Meeting of the Street Maintenance Advisory and Appeals Board was held on Monday, February 4, 2019 at 555 Walnut Street, 2nd Floor, Council Chambers, Abilene, Texas 79604.

Board Members Present:

Kenneth (Ken) B. Martin
James Bridwell
Wayne Lanham
Kristina C. Davis
Matthew M. Lubin, Sr.
Michael H. Schultz

Others Present:

Greg McCaffery, Director of Public Works
Michael Rice, Assistant City Manager
Stanley Smith, City Attorney
Ruth Garcia, Executive Assistant

Board Members Absent:

Louis Rangel

1. The meeting was called to order at 5:32 p.m. by chair Ken Martin.

2.a.1. Michael Rice states to the Board that 634 S. 11th St., a warehouse, is a commercial business not open to the public being used for private storage only and therefore, Mark Faught, believes that classification as warehouse is not appropriate and requests to be in a different category. Mr. Faught is asking for a lower Street Maintenance Fee (SMF) of \$25 per month instead of the \$45 fee. Mr. Rice explains that there is no classification for private use property, and that staff has come up with a potential category, a privately owned property classification which is not in the ITE Code. There is a land use 160, data center, which is a free standing warehouse facility and staff is willing to create this and send to City Council for consideration. Wayne Lanham made a motion to deny appeal and move forward to create a new category. Kristina C. Davis seconded the motion. Motion carried with all members present voting "Yes". Mr. Rice added that Mr. Faught would then send another letter to the City Manager asking for the appropriate classification and that staff would be willing to credit him for the fee being charged under current classification.

a.2. Mr. Rice states that Sterling Robertson says his property of 326 Butternut is for private use and private storage, but does not identify a category that he thinks is appropriate. He explains that staff will reach out to citizens making an appeal to let them know that there is an addition to the Table and it will be up to each of them to send another letter making a re-classification request. James Bridwell makes a motion to deny appeal. Mr. Lanham seconds motion and all vote "Yes" to deny the appeal.

a.3. Mr. Rice explains that the ITE uses averages and Mr. Ratliff of 241 Cypress, feels that he falls below the average and not in the high-turn over restaurant category, and therefore appeals his classification. Matthew Lubin makes the motion that 241 Cypress be classified as a specialty retail restaurant. Mr. Bridwell seconds the motion. All present are in favor voting "Yes" and appeal is granted.

a.4. 2117 Palm St, Belmont Baptist Church is classified as a 560 Church use. Mr. Rice explained that the fee for churches is based on square footage, not on membership. Mr. Jimmy Griffith feels that \$55 a month is too steep for their small congregation. Additionally they do not use the second floor of their building. Mr. Lubin asked if the City is bound by sq. footage or can it be by membership. Mr. Rice said the City is bound by sq. footage until there is an ordinance change, and there is no way of knowing what membership is. Mr. Martin asked if there is another classification other than sq. footage in the ITE for churches and Mr. Rice said he is not aware of another one but will go back and look at the ITE and report back to the Board at the next meeting. Mr. Lanham asked if the City is bound to having an ITE classification or if there is a special use classification. Mr. Rice said yes the City is bound to having an ITE classification and he is not aware of a special classification. Mr. Lanham made the motion to table the

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request by Mr. Griffith so that staff can have an opportunity to make a recommendation to the Board. Mr. Lubin seconded the motion. All voted “Yes” to table the item so that staff can have some answers for the Board at the next scheduled meeting of March 21, 2019.

2.b.1. Single building, single use. Mr. Rice explained that there are many buildings that have multiple water meters and the Ordinance states that each water meter that serves a property must pay the SMF. Staff supports a new exemption: a single use, single building exemption where if you have a single building with multiple water meters you would only pay the SMF one time. It would be an actual ordinance change to bring before the City Council for their consideration and action. Ms. Davis made a motion to approve the staff’s recommendation. Mr. Bridwell seconded the motion and all members present voted “Yes” in favor of staff’s recommendation.

b.2. Abilene Aero Inc., 2850 Airport Blvd, is an airport hangar complex with multiple buildings with multiple meters. Lynn Beard is requesting an abatement of the SMF and believes since they are a single business they should only pay one SMF. He is requesting an Ordinance revision allowing a flat rate fee on additional meters. Mr. Rice explained that does not line up with the way the Ordinance is written but the Board can move to recommend an Ordinance revision to the City Council for consideration. There is not an airport hangar use classification so those are classified as warehouse. Mr. Lubin made a motion to have the Council consider an ordinance revision for this particular situation. Mr. Martin asked for an explanation on this. Mr. Rice stated that if there is a facility with multiple meters, then the facility would pay the SMF and then a fee that Council decides for additional meters for the same facility. If the Board believes that this is appropriate then staff can come up with some language , but it is something they would not do in a rush, and would present it to the Board in written form so that the Board can see exactly what the language looks like. Mr. Lubin amended his motion to: Once the language is written and comes back to the Board for review, then they can move forward. No one seconded the motion and therefore the motion died.

2.c.1. ITE CODE 947. Mr. Rice explained that staff has determined that automated car washes are paying less SMF than the self-service car wash. Staff finds this to be in-equitable and actually wrong and recommends a change in that the automated car wash would still stay as is but the self-car wash would go to 108 per location and not per stall. Ms. Davis makes the motion to remove the language of per stall and change it to location. Mr. Schultz seconded the motion. All voted “Yes” in favor of the motion.

2.c.2. ITE CODE 920. Mr. Rice stated that staff has received a letter from Randy Wilkerson who believes that an ITE code was omitted from the original Table adopted by Council and he believes that Code 920 best fits his business and is recommending for the Board to recommend to Council to adopt this code. Currently he is classified Code 814 variety store. He believes that he should be classified as a print shop but there is no classification for that. Mr. Rice explains that this is not an appeal but a request for a new classification. Mr. Lanham asked if Board has the availability to all of the codes. Mr. Rice says there are 2 manuals with all the information and recommends sending the Board the table of contents that lists the different classifications so that they can see if there is a title where they would want more information and then staff can send that information to Board. Ms. Davis made the motion to accept staff’s recommendation to ask Council to add Code 920 to the ITE Code for the City of Abilene. Mr. Bridwell seconded motion. Motion carried with all voting “Yes”.

3. There being no further business to discuss the meeting adjourned at 7:18 p.m.

Approved: 
Ken Martin, Chairman