

**Building Appeals & Advisory Board  
Meeting Minutes  
Monday, March 26, 2018  
Turk Cannady Briefing Room, Government Center**

Members Present

Jack Frost  
Mike Bechdol  
David McDaniel  
Joe Pitt  
Mark Dale  
Tom Tahaney  
Deborah Fulwiler  
George Ferguson

Staff Present

Gail Lux

Legal Council

Ron McFarlane

**I. Call meeting to order.**

Chairman Joe Pitt called the meeting to order at 7:00pm declaring it an open meeting and that all notices had been properly posted and verified.

**II. Approve minutes of the December 8, 2017 meeting.**

Jack Frost made a motion to approve the minutes for the December 8, 2017 meeting. George Fergusson seconded the motion. The motion was approved by all.

**III.** Closed Session called pursuant to Section 551.071(2) of the Texas Government Code. Consultation with attorney on a matter in the attorney's duty of confidentiality to the Building Appeals and Advisory Board, pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the provisions of the Texas Open Meetings Act.

**IV. Review and consider a request by Charlene Nijmen, Green Education Foundation for an exception to the Cedar Hill Code of Ordinance Section 10-108(e) to allow a donation collection container measuring 20 ft. x 8 ft. and 8.5 ft. in height on Lot 6, Block A, Acs 2.57, Pleasant Run Towne Crossing, more commonly known as 747 N. J Elmer Weaver Frwy.**

Chairman Pitt opened the public hearing for anyone wishing to speak in favor of this request.

Charlene Nijmen of Green Education Foundation spoke in favor of the exception to the ordinance. She stated that she is aware that the

donation collection container does not meet the size requirements of the ordinance due to the necessity to have four solar panels to operate the surveillance equipment and router for 24 hour a day monitoring. The collection container was designed this size to accommodate this equipment. Without this equipment, we would not be able to monitor the site, guarantee that the site stay orderly, debris, and graffiti free. If this is not possible, I would ask the board to allow the current bin to be exempt because it has been operating since 2015 and have been paying rent on the property before the ordinance was enacted. We were also not given the ability to participate on the new ordinance drafting. These units were designed as a central collection point for communities by offering a safe convenient location. This unit is a used shipping container and is equipped with an off the grid solar system to operate the equipment at a central surveillance dispatch center. Local employees visit the unit on a daily basis and drivers are dispatched to the location as needed for pickup. We have had units like this in operation since 2013 with great success and there has been little vandalism at these sites because of the surveillance monitoring 24/7.

David McDaniel asked how many communities in the North Texas area do you have these bins and how many employees do you have?

Charlene explained that they have approximately 20 in the state of Texas but the closest one is in Waxahachie. They employ two contractors to monitor and empty this particular bin.

David McDaniel asked how many permits do they have and the response was that most cities do not require permits just business licenses.

Deborah Fulwiler asked if all their units were the same size and was responded with yes to accommodate the solar panels and equipment. Charlene explained that they have talked with cities and try to address concerns of illegal dumping and graffiti and that is one of the reason for the surveillance equipment.

George Ferguson asked about the monitoring system and it was explained that they are on a motion sensor.

Joe Pitt asked where they are monitored and it was explained that they are monitored 24/7 in Guatemala.

Jack Frost asked if they have revisited the size of the units with the new technology of the equipment taking less power to operate.

Deborah Fulwiler asked what is the frequency of service. It was explained that it is based on the volume of the site. This unit is serviced at least once a week and sometimes twice a week.

Deborah Fulwiler asked why they have been still operating without a permit and the response was they did not know they needed one.

Gail Lux explained that notices were sent to all locations when the ordinance was adopted in September 2015.

Deborah Fulwiler asked if the units are anchored to the ground and the response was no not at this site but it could be. She also asked if they had records of the amount of collections taken from this site and was responded with yes they have records of amounts and frequency this unit is serviced.

Charlene explained the process that the items donated never go in the landfill they are repurposed and sold or recycled into another product.

George Ferguson made a motion to table this item until the April 16 meeting and seconded by Mike Bechdol. The motion was approved by all.

**V. Review and consider a request by Kathy Creeach, Starlite Sign for an exception to the Cedar Hill Code of Ordinance Section 4-244 (2) b.1 and b.4 to allow a single sign greater than 100 sq. ft. and a sign letter or logo greater than 30" in height on Lot 8RA1, Block C, Acs 15.595 Cedar Hill Crossing more commonly known as 432 N J Elmer Weaver Frwy.**

Chairman Pitt opened the public hearing for anyone wishing to speak in favor of this request.

Travis Alvarado of Excel Fitness and Planet Fitness franchisee spoke in favor of the exception of the ordinance. He explained that Cedar Hill is a big hole that need to be filled to offer a fitness club such as Planet Fitness. However, the size of the sing letters are not visible from FM 1382 and Hwy 67 and to adequately support the business a larger sign is needed for more visibility.

Mike Bechdol asked if there were any other signs in the area and was explained that there is two multi-tenant signs that are being used.

Gail Lux explained the size restrictions base on the size of the building and height of the sign. He also explained that the current sign on the building meets the requirements.

Travis Alvarado explained that a sign just a little bit bigger would help with the visibility of Planet Fitness.

Debora Fulwiler asked what the size requirements of the sign are and it was explained all the regulations.

David McDaniel asked if they could go back and try to redesign the sign letters and raise the sign to bring the sign more into compliance.

David made a motion to table the request for an exception to the Cedar Hill Code of Ordinance Section 4-244 (2) b.1 and b.4 to allow a single sign greater than 100 sq. ft. and a sign letter or logo greater than 30" in height. George Ferguson seconded.

**VI. Review and consider the property at Lot 29, Block D Northwood Trails Inst. 2 more commonly known as 426 Northwood Trails a public nuisance and direct staff to abate the nuisance.**

Chairman Pitt opened the public hearing for anyone wishing to speak in favor of this request.

Gail Lux spoke in favor of the request. He said this property has large amount of trash and debris in the backyard, the violation was discovered on January 31, 2018. The code officer has issued a citation. The property remains in violation. The board reviewed the violation timeline and the pictures of the violation taken today.

Chairman Pitt opened the meeting for anyone wishing to speak in opposition to the request no one spoke and the public hearing was closed.

George Ferguson made a motion to declare the property at 426 Northwood Trails a public nuisance and directed staff to give the property owner a 10 day notice and if violation is not resolved directed staff to abate the nuisance. Jack Frost seconded the motion. The motion was approved by all.

**VII. Review and consider the property at Lot 5, Block 4, Highlands North Phase 2 more commonly known as 746 Lowe St. a public nuisance and direct staff to abate the nuisance.**

Chairman Pitt opened the public hearing for anyone wishing to speak in favor of this request.

Gail Lux spoke in favor of the request. He said the fence violation was discovered on February 16 2018. He said on the property has a fence down on the rear of the house. The property remains in violation.

The board reviewed the pictures of the property and the violation timeline. Gail Lux asked the board to declare the property a public nuisance and direct staff to abate the nuisance.

Jack Frost made a motion to declare the property at 746 Lowe Drive a public nuisance a directed staff to give the property owner a 10 day notice and if the issue is not resolved directed staff to abate the nuisance. Tom Tahaney seconded the motion. All approved the motion.

**VIII. Adjourn.**

George Ferguson made a motion to adjourn. Tom Tahaney seconded the motion. The motion was approved by all.

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Gail Lux