

**WHITE OAK CITY COUNCIL
REGULAR MEETING
WHITE OAK CITY HALL
APRIL 9, 2013
6:00 P.M.**

MEMBERS PRESENT : Mayor Rick May, Lance Noll, Kyle Kutch, Charlie Owens, Kelly Mitchell

MEMBERS ABSENT : Mayor Pro-Tem Barbara Ray

STAFF PRESENT : Charlie Smith, Sherry Roberts, Mike Self, Billy Morgan, Tracey Fears

CALL TO ORDER

Mayor May called the meeting to order at 6:00 p.m. Councilmember Kutch led the invocation and Mayor May led the Pledge of Allegiance.

CONSENT AGENDA

- A. Review of Financials for March 2013.
- B. Consider and/or approve City Council minutes from March 12, 2013.

Councilmember Mitchell made the motion to approve, seconded by Councilmember Noll. Carried unanimously.

CITIZEN COMMENTS

None.

PUBLIC HEARING regarding a Specific Use Provision for Mary Tackett, to locate a resell/used merchandise store at 305 W. Highway 80

Mayor May opened the public hearing at 6:02 p.m. City Coordinator Smith explained Ms. Tackett had something come up and could not attend the meeting.

Councilmember Mitchell questioned if all merchandise would be inside. City Coordinator Smith explained there is not much room to put merchandise outside with public parking.

Mayor May stated with no one in the audience to speak, he would close the public hearing at 6:04 p.m.

CONSIDER AND/OR APPROVE Specific Use Provision for Mary Tackett, to locate a resale/used merchandise store at 605 W. Highway 80

Mayor May stated the Planning & Zoning Commission had unanimously approved the Specific Use Provision.

Councilmember Owens made the motion to approve, seconded by Councilmember Kutch. Carried unanimously.

EXECUTIVE SESSION in accordance with Texas Government Code, Subchapter D,

- Section 551.074: Personnel Matters – Fire Marshal and Code Enforcement Positions and job descriptions.
- Section 551.071: Consultation with Attorney regarding pending or contemplated litigation with Red River Construction.

Council exited open session into executive session at 6:05pm.

RECONVENE INTO OPEN SESSION to Consider and/or Act upon any deliberation regarding:

- Section 551.074: Personnel Matters – Fire Marshal and Code Enforcement Positions and job descriptions.
- Section 551.071: Consultation with Attorney regarding pending or contemplated litigation with Red River Construction.

Council exited executive session into open session at 6:37 p.m. Personnel Matters: Motion to take applications for this position made by Councilmember Mitchell. second Councilmember Noll. Carried unanimously.

CONSIDER AND/OR APPROVE Ordinance 2013-06 amending Section 10-42 of the City Code of Ordinances to reduce the required minimum distance between occupied buildings or dwellings and enclosed structures for poultry or other domestic fowl.

City Coordinator Charlie Smith explained to the Council the current ordinance states that there is a 200ft barrier from the coop to the neighbor's house. He is suggesting this be reduced to 25ft. If there becomes an issue with too many chickens then it would fall into a sanitary issue.

Motion to approve made by Councilmember Mitchell, seconded by Councilmember Owens. Carried unanimously.

CONSIDER AND/OR APPROVE Baseball/Softball Contracts

City Coordinator Smith stated he does not have the contracts yet, however both sides have come to agreement on everything and the contracts will be revised. He suggested this item be tabled for now.

CONSIDER AND/OR APPROVE Water Cut-Off Policy.

City Coordinator Smith passed out a copy of the policy he created. He stated the auditors brought to our attention that we needed a formal policy on disconnects. If the customer has not paid by the day of cutoffs, service will be disconnected unless the customer has made prior arrangements for and extension not to exceed five days. If by the fifth day the water account is not paid, service will be disconnected. A \$50 reconnect fee will be assessed. There was \$2,300 in disconnect revenue for March.

Councilmember Owens questioned if there is a written warning issued. City Coordinator Smith answered that bills are due on 10th, the late notice which is a red bill is mailed on 11th. If a customer's service is disconnected, there is a notice placed in the meter box which stated that if the meter is tampered with, there is a \$225 tampering fee. Councilmember Noll questioned if the

customers could ask for this five-day extension every month. City Coordinator Smith answered yes and this is not a problem. The account is noted, but the customer must call.

Motion to approve made by Councilmember Owens, seconded by Councilmember Noll. Carried unanimously.

DISCUSSION regarding walking trail from baseball complex to Bingham Park

City Coordinator Smith explained that Mr. Person would not give the City the needed easement for 600 linear feet and 8ft wide for this project. Plan B is an alternate route which is all on school property. Mr. Smith stated that he and Mayor May wanted to approach the church one more time about going up south side of the church and behind the building. He stated there might be three other property owners they could talk to and maybe they would relinquish 5ft of their property to make the trail fit. The previous problem with the church was the cemetery. Councilmember Mitchell questioned the possibility of condemning the property. City Coordinator Smith stated there was legislation being discussed at this time regarding eminent domain for parks but has not heard anything about it so far. He stated that he could speak to the city attorney about it, but he felt as if it would be a lengthy process. Public Works Director Mike Self stated that it was a shame to lose this project because of one person. The property is not even usable.

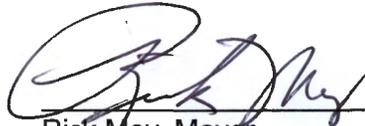
CITY COORDINATOR ITEMS

A. Police Department Generator Grant

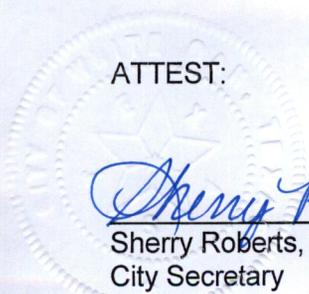
City Coordinator Smith explained this is an East Texas Council of Governments grant for the police department to have a generator.

ADJOURNMENT

Motion to adjourn at 6:54 p.m. made by Councilmember Owens, seconded by Councilmember Noll. Carried unanimously.


Rick May, Mayor

ATTEST:



Sherry Roberts, TRMC
City Secretary