

**WHITE OAK CITY COUNCIL
SPECIAL MEETING
WHITE OAK CITY HALL
MAY 16, 2017
5:00 P.M.**

MEMBERS PRESENT : Mayor Kyle Kutch, Lance Noll, Thomas Cash, Greg Hulett, Dr. Barbara Ray, Kevin Hood

STAFF PRESENT : Charlie Smith, Sherry Roberts, Terry Roach, Billy Morgan, Jason Maxted, Tracey Fears, Beaux Huey, Brannon Robertson, Randy Dodson, Andy Willeford

CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance

Mayor Kutch called the meeting to order at 5:00 p.m. Mayor Kutch led the invocation and the Pledge of Allegiance.

CONSIDER AND/OR APPROVE Resolution 2017-07; Canvassing the Election Results for the May 6, 2017 General & Special Elections.

Mayor Kutch read the results of the election. Mayor Pro-Tem Hulett made the motion to approve, seconded by Councilmember Hood. Carried unanimously.

OATH OF OFFICE for newly elected City Council members.

Mayor Kutch presented each newly elected councilmember with the oath of office.

CONSENT AGENDA

- A. Consider and/or approve payment of bills for April 2017
- B. Consider and/or approve City Council minutes from April 18, 2017

Councilmember Cash made the motion to approve, seconded by Councilmember Ray. Carried unanimously.

CITIZEN COMMENTS

Residents in the area of Little John and Archer voiced their concern regarding the timing of street repairs in their neighborhood. Mayor Kutch explained that while he is not allowed to comment back under Citizen Comments, those that wished could speak with City Coordinator Smith after the meeting.

PUBLIC HEARING for the 2017 TxDOT Transportation Alternatives Set-Aside program (TASA) grant application for the development of facilities for pedestrians within the City.

*Mr. Traylor was late to the meeting; therefore, this item was postponed until his arrival.

Mayor Kutch opened the public hearing at 5:26 p.m.

Gary Traylor with Traylor & Associates addressed the Council. He explained the TxDOT program with an 80/20 cost-sharing for the actual construction of the sidewalk. \$655,537 of federal money to be used in combination of \$313,892 local funds. The description is a 6' wide sidewalk which would run from the school north to Bermuda. It would provide a safe place to walk for children to school and adults getting exercise. There would be ADA crosswalks. The project was heavily supported in 2015, but was not awarded by TxDOT. One reason it was not funded was because TxDOT prefers the City pay the engineering costs and that was not included in the 2015 application. A second point was that there was no budget for the relocation of utilities, which has been included this time. The Longview Metropolitan Planning Organization (MPO) and White Oak ISD have each given a letter of support for this project. Mr. Traylor then passed out a hard copy of a presentation that was previously presented to the Longview

MPO by City Coordinator Smith.

David Newkirk, 315 Nancy Street, stated that the State of Texas views a bicycle as a vehicle and vehicles are not allowed on sidewalks for safety reasons. Mayor Kutch asked Mr. Traylor if this was correct. Mr. Traylor answered that he was not an expert on traffic law; however, he does not know the difference in the way the law is applied between adults on bicycles and children on bicycles. Councilmember Cash asked if a curb would be taking out in an existing yard or will it be curb, grass then sidewalk. Mr. Traylor answered that the design of the sidewalk will be controlled by the amount of right-of-way that exists along White Oak Road. A citizen asked if the 80% grant portion was coming from the state and 20% from the City of White Oak. Mr. Traylor answered yes and that the state receives the money from the federal government that is earmarked for this purpose. Mr. Hogg stated he lives two houses past the post office and their street has been in bad repair for years. He stated he is not for or against the project. His opinion is that the City needs to get our streets into shape before money is spent on sidewalks.

Councilmember Ray explained that the government is going to give somebody \$655,537 for sidewalks. Why shouldn't White Oak get this? However, if bicycles are not allowed on the sidewalks, she wondered how many people would walk on it. Councilmember Cash explained that adults who ride bikes at a fast pace would not utilize the sidewalks for riding, but kids would love it.

Mayor Kutch closed the public hearing at 5:47 p.m.

CONSIDER AND/OR APPROVE Resolution 2017-06 to certify funding and support for the submission of the statewide Transportation Alternatives Set-Aside program (TASA) application for 2017 with the Texas Department of Transportation for the development of facilities for pedestrians within the City.

Mayor Hulett questioned the accuracy of the project amount. The sidewalk is needed, but a little over one mile of sidewalk is nearly \$1 million. He then questioned about doing the project outside of a grant and would it be the same amount of money to the City. Mr. Traylor asked the Council to keep in mind that this project is intended to be constructed entirely within the state right-of-way. If the City were to construct the sidewalk at this same location, it would be required to so under the rules and regulations of TxDOT. City Coordinator Smith acknowledged that the City is at TxDOT's mercy on this project. Mayor Pro-Tem Hulett questioned if there would be a need to obtain any right-of-way. City Coordinator Smith answered no.

Councilmember Ray asked if anyone had an estimate on the number of people who walk up and down White Oak Road. When the question went unanswered, Councilmember Cash stated there were a lot of track students and just people in general that walk the road. He also said he could see more people utilizing the sidewalk to get to football games rather than drive.

City Coordinator Smith asked if TxDOT will be responsible for maintenance. Mr. Traylor answered the City will be responsible for any maintenance; however, it should be low maintenance because of the sub-grade material. Mr. Traylor then explained that TxDOT will be doing the inspections and it will be a first-class product.

City Coordinator Smith asked when the City can walk away from the project. Mr. Traylor answered that the City's match will be provided to TxDOT in two stages. After the project is approved, TxDOT will send a contract for approval and to return it with a check for \$21,376 for a portion of the City's share of TxDOT's administration cost. After TxDOT's review of the construction plans and environmental documents, the balance of the administration costs will be due. This is when the City can terminate the project, but will not receive a refund of any administration costs previously paid to TxDOT.

Councilmember Hood made the motion to approve, seconded by Councilmember Cash. Carried unanimously.

CONSIDER AND/OR APPROVE agreement for professional services contract with Traylor & Associates, Inc. for the TxDOT Sidewalks Improvement Grant Project.

Motion to approve made by Mayor Pro-Tem Hulett, seconded by Councilmember Hood. Carried unanimously.

CONSIDER AND/OR APPROVE Traylor & Associates Work Order No. 1 related to the TxDOT Sidewalk Improvements Grant Project.

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

PUBLIC HEARING to receive comments from the public regarding the request from:

- a. Thompson Builders, LLC to rezone AB 38 W H Castleberry Survey TR 47 Sec 6 on E. Center Street from Single-Family 8 to Single-Family 5.5.
- b. Elke Crump on behalf of Patricia Penn for a Special Use Provision (SUP) to build an accessory building for living quarters at AB 38 W H Castleberry Survey TR 83 Sec 8 or more commonly known as 107 W. Old U.S. Hwy 80., which is located in a Local Retail zoning district.

Open at 5:07 p.m. No one chose to speak about either request. Closed at 5:10 pm.

CONSIDER AND/OR APPROVE request from:

- a. Thompson Builders, LLC to rezone AB 38 W H Castleberry Survey TR 47 Sec 6 on E. Center Street from Single-Family 8 to Single-Family 5.5.

Mayor Pro-Tem Hulett explained that he would like to make sure the City does not get into spot zoning; however, after looking at the area, he does not believe there would be a problem. Councilmember Hood asked what the builders planned on doing. City Coordinator Smith answered they would like to reduce the size of the lots from 60-foot wide to 50-foot wide and will build single-family residences. Councilmember Hood agreed with Mayor Pro-Tem Hulett but wanted to know if Single-Family 5.5 allows for townhomes. All agreed that SF-5.5 does allow for the building of townhomes. City Coordinator Smith stated this was not discussed during the Planning & Zoning meetings. The Thompson's wanted to build duplexes in the beginning, but was discouraged. Mayor Pro-Tem Hulett asked what the Thompson's intended on building. City Coordinator Smith said single-family homes.

Mayor Hulett made the motion to send the Thompson Builders request back to the Planning & Zoning Board for further clarification, seconded by Councilmember Hood. Carried unanimously.

- b. Elke Crump on behalf of Patricia Penn for a Special Use Provision (SUP) to build an accessory building for living quarters at AB 38 W H Castleberry Survey TR 83 Sec 8 or more commonly known as 107 W. Old U.S. Hwy 80., which is located in a Local Retail zoning district.

Mayor Pro-Tem Hulett asked if the accessory building would fit behind the pump jack. City Coordinator Smith answered it would fit and the only concern was accessibility of a fire truck, if needed.

Motion to approve the request made by Councilmember Noll, seconded by Councilmember Ray. Carried unanimously.

CONSIDER AND/OR AWARD bid for the TCDBG Street Improvements Project Contract #7216491.

City Coordinator Smith explained that Stan Hayes from Hayes Engineering is here to discuss the bid opening. Bid opening was today and there were seven (7) bidders. Mr. Hayes explained the bidding sheet. The lowest bidder came in \$31,000 over budget. One of the options is to remove a portion of Sun Camp Road, another option is to rebid the project, the last option is to add more from city funds for the overage. Mr. Hayes explained the area has to be low to mid income. Mayor Pro-Tem Hulett asked what if the City left one-half mile of South Sun Camp out. Mr. Hayes called references on contractors. B & E Construction is a start-up company from 2015, they have been a sub-contractor to a major company that does state contract work. This will be their first project standing alone.

Mayor Pro-Tem Hulett made the motion to approve B & E Construction per their lowest bid, seconded by Councilmember Cash. Carried unanimously.

CONSIDER AND/OR APPROVE nominations for the replacement of two (2) Planning & Zoning Board Members.

Mayor Kutch informed the Council that Chris Siegley is now on the school board and Don Anderson has resigned. Councilmember Noll made nominations for Randy Brint and Kevin Barry, seconded by Mayor Pro-Tem Hulett. Carried unanimously.

CONSIDER AND/OR APPROVE Ordinance 2017-06 amending the City of White Oak Code of Ordinances, Chapter 6 related to Alcoholic Beverages.

City Coordinator Smith explained that White Oak Foods ("The Roughneck") is the only business that would be affected by any type of distance provision.

TABC Representative Billy Keeling addressed the City Council regarding outside advertising and the type of advertising that is allowed by beer and wine retailers. Mayor Pro-Tem Hulett inquired about the application process to where TABC representative Stephanie Moore explained the process.

City Coordinator Smith started the discussion by asking what the Council wanted as far as a distance provision. The current ordinance has a 300' distance provision and changing it to 200' front door to front door will be sufficient.

The Council made all the decisions necessary for the contents of the ordinance.

Motion made by Mayor Pro-Tem Hulett to approve the ordinance as just amended from the draft, seconded by Councilmember Hood. Carried unanimously.

CONSIDER AND/OR APPROVE Ordinance 2017-07 amending the City of White Oak Code of Ordinances, Chapter 14 related to Signs.

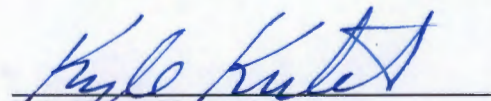
No action taken.

CITY COORDINATOR ITEMS

- a. TxDOT Landscaping Project
City Coordinator Smith informed the Council about the beautification project TxDOT is planning for the corners of Highway 80 and White Oak Road similar to other cities.
- b. City Hall roof
The material will be delivered next week.


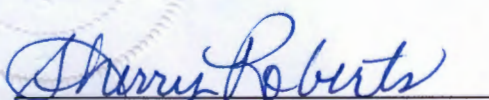
ADJOURNMENT

Motion to adjourn at 6:57 p.m. made by Councilmember Noll, seconded by Councilmember Cash. Carried unanimously.



Kyle Kutch, Mayor

ATTEST:

Sherry Roberts, TRMC, CPM
Asst. City Manager/City Secretary