

**MINUTES OF REGULAR TELEPHONE CONFERENCE/VIDEO MEETING**

**November 10, 2020**

**MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

Mayor Sara Countryman declared a quorum was present and called the meeting to order at 6:00 p.m.

Present:	Sara Countryman	Mayor
	Kevin Lacy	City Council Place # 1
	Randy Burleigh	City Council Place # 2
	T.J. Wilkerson	City Council Place # 3
	Rebecca Huss	City Council Place # 4
	Tom Cronin	City Council Place # 5

Absent:

Also Present:	Richard Tramm	City Administrator
	Dave McCorquodale	Assistant City Administrator
	Susan Hensley	City Secretary
	Alan Petrov	City Attorney

**INVOCATION**

T.J. Wilkerson gave the Invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item, but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Rebecca Huss said it has been an honor to serve the City, businesses, and residents for the last six and a half years and it has also been a privilege to work with the professional team they have assembled at City Hall and she wants to thank everyone for their time and patience and she looks forward to seeing everyone in a less professional setting. Rebecca Huss said she appreciated everyone's time and professionalism over the years.

Mayor Countryman said all of Rebecca Huss' help will be missed and she has done a great job on Council. Mayor Countryman thanked Rebecca Huss for all she has done.

**CONSENT AGENDA:**

1. Matters related to the approval of minutes of the August 31, 2020, Budget Workshop, and October 27, 2020, Regular Meeting.
2. Consideration and possible action regarding adoption of the following Resolution:  
RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF MONTGOMERY, TEXAS,  
DESIGNATING THE COURIER NEWSPAPER AS THE OFFICIAL NEWSPAPER FOR  
THE CITY OF MONTGOMERY AND AUTHORIZING THE CITY ADMINISTRATOR  
TO EXECUTE A CONTRACT.

Tom Cronin said he had a question regarding item #2. Tom Cronin asked Mr. Richard Tramm why they do not use a local newspaper because they do print legal notices. Mr. Tramm said they do not have the distribution that is required.

Tom Cronin moved to approve the Consent Agenda as presented. Rebecca Huss seconded the motion, the motion carried unanimously. (5-0)

**CONSIDERATION AND POSSIBLE ACTION:**

3. Consideration and possible action regarding adoption of the following Proclamation:  
A PROCLAMATION RECOGNIZING GRADUATING MONTGOMERY HIGH SCHOOL  
MONTGOMERY BEARS THAT ARE SERVING THEIR COUNTRY.

Mr. Tramm read the following Proclamation into the record:

*WHEREAS, the City of Montgomery, Texas Mayor and Members of City Council are pleased and honored to pay tribute to the dedicated veterans who have served this great nation with such distinction, both in peacetime and in war; and*

*WHEREAS, our community has a continuing sense of gratitude to those who have given so much in the defense of the freedoms which we all continue to enjoy; and*

*WHEREAS, Americans have an abiding faith in the ideals and strengths on which our great nation was founded, in our democratic process, and in the men and women of the armed forces who have served our Country so well; and*

*WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of a people dedicated to the principles of freedom and democracy; and*

*WHEREAS, the City would like to honor the Montgomery High School Montgomery Bears who have graduated in the last four years and we know are now serving our Country:*

*Dillon Coleman – Class of 2019 – United States Marine Corps  
Daniel McCoy Jr. – Class of 2019 – United States Marine Corps  
Isaiah Prince – Class of 2019 – United States Air Force  
Davis Payne – Class of 2019 – United States Navy  
Brady Smith – Class of 2019 – United States Navy  
Noel Spurlock – Class of 2019 – United States Navy  
Scott Spurlock – Class of 2016 – United States Navy*

*WHEREAS, on this patriotic occasion, let us all commit ourselves to the great need of fostering a spirit of rededication to the ideals that have served as the foundation of this great country – “One nation, under God, indivisible, with liberty and justice for all.”*

Mayor Countryman stated that she and the members of City Council of the City of Montgomery, do hereby proclaim November 11, 2020, as:

## Honor Our Veterans Day

in the City of Montgomery, and urge all our citizens to honor our veterans and rededicate themselves to the preservation of our liberties under the Constitution.

Rebecca Huss moved to adopt the Proclamation as stated by Mayor Countryman. Randy Burleigh seconded the motion, the motion carried unanimously. (5-0)

4. Consideration and possible action regarding Certificate of Acceptance for public water and public sanitary sewer infrastructure to serve the Shoppes at Montgomery Retail Plaza Public Waterline Extension (Dev. No. 1018) including acceptance of maintenance bond.

Mr. Tramm said this work serves the Shoppes of Montgomery Retail Plaza which is located on SH 105 on the east side of the City.

Mr. Roznovsky, City Engineer stated this is a 300-foot waterline that goes between the retail center spaces and along the driveway of Starbucks.

Rebecca Huss said Mr. Roznovsky's letter seemed lacking in any request for additional activity or comment and asked if this was because it was done exactly to standards. Mr. Roznovsky said they had the final inspection, and it has been completed. Mr. Roznovsky said the one-year warranty is from October 16, 2020, until October 16, 2021. Mr. Roznovsky said Mr. Randy Roan was the contractor who does great work so the list of items that were on there was minor such as painting the boxes and things like that. Mr. Roznovsky said Mr. Roan knows what he is doing, and they have a good reputation with him, and it was a simple project.

Randy Burleigh moved to issue a Certificate of Acceptance for public water and public sanitary sewer infrastructure to serve the Shoppes at Montgomery Retail Plaza Public Waterline Extension (Dev. No. 1018) including acceptance of maintenance bond and begin the contractor's one-year warranty as of October 16, 2020. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

5. Consideration and possible action regarding variances, as recommended by the Montgomery Planning and Zoning Commission, to City Code of Ordinances, Chapter 78 – Subdivisions, Sections as detailed below:

- a) Section 78-125 - Streets: A request for non-residential driveway spacing of approximately 60-feet adjacent left corner clearance and approximately 100-feet adjacent right corner clearance instead of the required 185-foot spacing on secondary streets for Moon Over Montgomery located at 1062 Clepper Street.

Mr. Tramm said the Planning and Zoning Commission has considered and approved the request for the variance.

Mr. Roznovsky said the ordinance says they cannot deny a driveway for commercial development if they do not have the spacing. Mr. Roznovsky said what they have proposed is fine. Mr. Roznovsky said the driveway for Jim's Hardware is a back entrance so there is not a lot of traffic and they did not have any issues with what they were proposing.

Randy Burleigh asked if this driveway coming into the circle is going to be one-way. Mr. Roznovsky said this is only in reference to their driveway onto Clepper Street and not their site plan specifically. Randy Burleigh said that may change then. Mr. Roznovsky said that is correct and said they have gone through a couple of variations and do not know if this is current or not, but they are following the number of spacing requirements for a Special Use Permit which is one and a quarter per cottage.

Rebecca Huss said basically what Mr. Roznovsky is saying is that Council is required to give them driveway access to their property and that this driveway itself makes sense from a safety perspective given the site plan itself and then relative to all the other activity going on at Clepper Street. Mr. Roznovsky said it does. Mr. Roznovsky said their main concern was there is a cross street immediately behind the Community Center and then you have Jim's Hardware driveway and going either direction is the best where they have it.

Rebecca Huss moved to approve the request for a non-residential driveway spacing of approximately 60-feet adjacent left corner clearance and approximately 100-feet adjacent right corner clearance instead of the required 185-foot spacing on secondary streets for Moon Over Montgomery located at 1062 Clepper Street. T.J. Wilkerson seconded the motion, the motion carried unanimously. (5-0)

- b) Section 78-96 – Parking Requirements: A request to use the TrueGrid paving system in lieu of concrete or asphalt for the parking lot surface of the proposed Montgomery Food Truck Park located at 21806 Eva Street.

Mr. Tramm said this is specifically to use as an alternative surface in lieu of concrete or asphalt to allow for a more permeable surface.

Mr. Jonathan White, Senior Project Manager, Partner with L Squared Engineering said the concept of this project is proposed to be a food truck venue and it is not going to be a low-end park. Mr. White said there have been several of these around that have been very successful. Mr. White said with preserving canopy trees around picnic areas, and potential cornhole and volleyball courts, the Truegrid system blends well with the overall concept they are trying to achieve. Mr. White said that is why they are trying to proceed with a variance on the driveway because blacktop concrete or black asphalt does not blend very well with the product they are trying to create.

Mr. White said the project is a moving target in the sense that they may do less parking initially just with COVID-19 and things that may be coming up in the future. Mr. White said Truegrid is a very expensive product and is more expensive than concrete and so not knowing what is to come, they may shrink this down and this may not be the final product. Mr. White said he wanted everyone to know that considering the variance.

Mr. White said the Truegrid product is a green pavement system and a pervious surface with eight inches of cross-sections of a crushed aggregate with a locked grid system that is placed over the top and then backfilled with the same aggregate. Mr. White said they have chosen to do the heavy-duty load so it will be able to carry the weight of an 8,000-pound fire truck. Mr. White said it has a 25-year life span and they have used it

in a few locations. Mr. White said when Jones & Carter was speaking with the Planning and Zoning Commission they mentioned they used it in some of their projects as well.

Randy Burleigh asked if this is what was used for the parking lot at Hodge Podge Lodge. Mr. White said this is a far more superior product. Mr. White said it is a lock-in grid system that has an aggregate backfill that allows the pavement to still be permeable.

Rebecca Huss said Whole Foods used this in a couple of their parking lots and it stands up to some very aggressive traffic usage. Mr. Roznovsky said their only comment was to extend the driveway off of SH 105 because of the potential high speeds coming off the highway but they have no objection to using the system.

Mayor Countryman asked if including 101 parking spots was correct. Mr. White said yes on this project and it might not be the pavilion, but it will be a few food trucks. Mr. White said the people that are doing this project are food truck owners and not a series of investors. Mr. White said they will probably do a lot less parking upfront to be able to meet code minimums and as the business expands and they continue to get capital then the project can expand.

Mayor Countryman asked what happens when the food truck fad goes away, what will happen to this area. Mr. White said hopefully it does not but the people who are planning this project have a very good inroad with the cornhole community and they plan on hosting large events, and hopefully expand it to the volleyball community and things like that so they are hoping to be able to host events as some of the events have been televised by ESPN so that is the kind of thing they are trying to bring here and the fad just will not fade away. Mr. White said it is like self-storage and RV parks and does not see those ever going away.

Rebecca Huss said the first time she saw the Truegrid system was maybe five years ago and she thinks the system is better than asphalt as it provides super permeability, lower heat, a smaller impact on the environment, and is a better system and the solution for parking.

Mayor Countryman asked if there was a name for the project. Mr. White said it is Montgomery Food Trucks right now. Mr. White said they are not ready to reveal the actual food trucks but thinks they will be exciting once they can come to the table with more details.

Tom Cronin said he thinks it is a great idea and they should go for it as he thinks it would be good for the City. Tom Cronin said he liked the different technology being utilized and he sees it as more beneficial than asphalt or concrete and it is an excellent product.

Tom Cronin moved to approve the variance to use the Truegrid paving system in place of asphalt or concrete for the parking lot at 21806 Eva Street in Montgomery, Texas. T.J. Wilkerson seconded the motion.

Discussion: Randy Burleigh asked if the motion would include the 75-foot that was recommended by Jones & Carter from the main road SH 105. Tom Cronin asked if it should be a separate motion and said he was under the impression the motion was just regarding the Truegrid paving system. Mayor Countryman said she thought the 75-foot was already included in the plat.

Mr. Roznovksy said it is a bit different and thinks they are proposing 45 or 55-feet. Mr. Roznovsky said to be efficient, wording the motion that makes it more general it is 75-feet since it does sound like their site plan is changing and that they provide a sufficient driveway of concrete coming off of SH 105 as approved by staff. Mr. Roznovsky said the wording could be something to that effect, so they do not have to come back if they change their site plans slightly. Rebecca Huss said she thinks you can sort it out when you do the plat. Mr. Roznovsky said when they do the site plan that will all be approved.

Rebecca Huss asked if they are leaving the motion alone and will deal with it administratively as it comes.

The motion carried unanimously. (5-0)



- c) Section 78-3 – Purpose, statutory authority; territorial jurisdiction, (d) water and sanitary sewer service: A request to waive the platting requirement for a property to receive water and sanitary sewer service for Texas Twist and Shakes, LLC located at the northeast corner of Caroline and Liberty Streets in the historic downtown.

Mr. Tramm said this lot has already been paved and previously used as a parking lot downtown, a former Laughter property, and it will have temporary surface uses and there are not going to be new permanent structures erected and the pavement is not being removed to put permanent buildings in place. Mr. Tramm said staff is supportive of the variance request.

Mr. Dave McCorquodale, Assistant City Administrator said due to his vacation schedule and Mr. Roznovsky being out, Planning and Zoning did not have the benefit of being able to have the opinion of the engineer when they made their recommendation to approve the variance. Mr. McCorquodale said the rationale he follows is to obtain water and sewer taps you must plat when there is no development taking place and he and Mr. Roznovsky are both on the same page. Mr. McCorquodale said to him it is almost like the chicken and the egg in that is our utility taps in and of themselves development or is the stuff that comes after the taps the development.

Mr. Bill Clevenger, the Developer said he is bringing in a food vendor piece of equipment and the type of equipment will not be as mobile as is for a typical food truck because the machines inside cannot be powered off of a generator and he needs a constant source of electricity. Mr. Clevenger said with the lot being in the City and having access to water and sewer, he wanted to make a clean situation by hooking up the City's water and sewer to it, and that way it is a nice neat package for the entity itself.

Tom Cronin asked if it will be secure so other food trucks or something of that nature would not be able to come in and utilize the equipment and water and sewer taps. Mr. Clevenger said he does not believe in doing anything that would bring any detriment to the City or the aesthetics to the Historic District so it would be nice and clean and secure and done by professional contractors that currently do business in the City.

Rebecca Huss asked where the sewer lines run in that area. Mr. Roznovksy said they are along McCowan Street, the backside of the property and then the water is on the opposite side of Caroline Street. Rebecca Huss asked would the sewer pipe run above ground from the front part of the lot to the back part of the lot. Mr. Clevenger said no it would be buried.

Mr. Clevenger said what he explained to Mr. Tramm and Mr. McCorquodale was there is currently an electric pole on the property the City is currently utilizing, and it was mentioned they would have to move that pole. Mr. Clevenger said there is no need to move the pole and create any more expense for the City. Mr. Clevenger said the pole can remain where it is.

Mayor Countryman said for water and sewer she understands the trailers must use it and asked if there is going to be a restroom on site. Mr. Clevenger said no, he has access to a restroom.

Mayor Countryman asked if this is semi-permanent. Mr. Clevenger said it is semi-permanent.

Tom Cronin said it is right next to his property and he has no problem with it at all. Tom Cronin thinks it will be good for the City and bring more families downtown since it is a different product than is currently being offered in the Historic District.

Mr. Clevenger said as he explained to the Planning and Zoning Commission, they want to compliment all the restaurants in the historic downtown area including the fact that he knows there is some parking there. Mr. Clevenger said he is open to working with all groups during festival time and strategically next store is the Cozy Grape. Mr. Clevenger said he is not there to make a hindrance to the City but to compliment the City and all businesses.

Mr. Tramm said the whole area is used for parking space today and asked if some of that space that is on Mr. Clevenger's property remains available for parking at any time. Mr. Clevenger said yes.

Mr. Tramm asked Mr. Clevenger if he understands that it is his responsibility to make sure both the wastewater and water service there is secure if his truck is not hooked up to it so that no one else can have access to it. Mr. Clevenger said absolutely.

Mr. Roznovsky said the request in front of City Council is just a variance to not have to go through the platting process for this property. Mr. Roznovsky said it is not yes or no concerning the development as they do not have any concern with the development itself, it is just the platting process. Mr. Roznovsky said what the Planning and Zoning Commission approved was to recommend the variance, and their recommendation is to not, and the reason is it is a development of the property so it follows the rule of a development plat. Mr. Roznovsky said it does not need to go through the whole process, it is something that is prepared by their surveyor which he already has and it is just like they did on the Heritage parking lot and other things of that nature. Mr. Roznovsky said in his opinion, Mr. Clevenger is developing a property based on those two definitions he put in his letter. Mr. Roznovsky said it is not anything against the development, it is just the fact of skipping the step of doing the development plat.

Randy Burleigh asked if the Planning and Zoning Commission was aware of Mr. Roznovsky's comments and still wanted to approve it. Mr. Roznovsky said this memo was not delivered to the Planning and Zoning Commission and he was not in attendance and does not know if that came up as a discussion point.

Mr. McCorquodale said correct and the fact that it was not on the Planning and Zoning Commission's agenda, the ball got dropped on his end with going on vacation and then the very next week Mr. Roznovsky was out. Mr. McCorquodale said he has spoken with Mr. Jeff Waddell about it to ensure him this is not going to happen in the future.

Mayor Countryman asked what the advantage is of not platting and why would they want to plat or why would they not want to plat. Mr. Roznovsky said from the City's perspective, having it platted sets your building lines and sets any easement setbacks, etc. that are required. Mr. Roznovsky said the development plat is the simplest form you can do or allowed by the ordinance, which can be done by a surveyor which he already has a survey of the site, and it is approved on the staff level. Mr. Roznovsky said the benefit to not doing it is the time and cost perspective because there is a cost to preparing the document and preparing the request, but it is minimal in comparison to going through the platting process. Mr. Roznovsky said as this goes down the road and this food truck goes away and now there is a permanent water and sewer connection there it becomes a permanent snow cone stand or something like that and

the difference here is the whole permanent versus non-permanent and thinks it is a gray area. Mr. Roznovsky said they recommend that all the properties you are serving water and sewer are platted and that is the rule that you have them platted. Mayor Countryman asked if he had not made any exceptions before. Mr. Roznovsky said he thought of ones similar to this and Snoballs by Jim's Hardware is on a platted property and has a separate water and sewer connection. Mr. Roznovsky said the food truck park is going to have to go through the platting process and any new development that has been platted. Mr. Roznovsky said Best Donuts tore down and rebuilt and went through the platting process and said at least since their tenure as City Engineer, he cannot think of any taps that were allowed specifically for commercial or non-single family that did not have a plat on the property of some type. Mayor Countryman said that is typically what they have seen and have not made exceptions.

Mr. McCorquodale said it is worth noting too that this may be the only time a business has asked for taps and it is not proposing to build anything and is just another point of consideration. Mr. Clevenger said right and the fact that there is no permanent structure and so in the future, there would be something constructed that would have a foundation, a pad, etc. then he could foresee it.

Mayor Countryman asked what happens if this is wildly successful and you decide to go ahead and build a storefront like a drive-thru, then would they have to go back and ask to plat the new building or how would that work if they approved the variance tonight. Mr. Tramm said they see the variance as operating only for bringing a truck item out there and the minute that some kind of permanent structure or its own free-standing structure that is not on wheels is looking to be added, it will trigger the platting requirement. Mr. Roznovsky said correct.

Mayor Countryman asked if you need an ordinance for semi-permanent. Rebecca Huss said that makes sense to put it in the motion to dispel any doubt that this is purely for the current situation either for a change of use or a change of ownership that a plat would be required. Mr. Tramm said he thinks staff would have no objection to that.

Randy Burleigh asked if that would affect the size of the tap and the impact fee related to that tap size. Mr. Roznovsky said correct and if it is not platted, theoretically it would fall in the 200 percent rule and not the impact fee rule. Mr. Roznovsky said the ordinance states that

before the impact fee ordinance you pay a cost-plus 200 percent and post-impact fee ordinance you pay the impact fee and then the true cost for the taps. Randy Burleigh asked if you are required a plat like everyone else then you would have to pay an impact fee. Mr. Roznovsky said that is correct. Randy Burleigh said so it gets around the impact fee, but it is called the 200 percent. Mr. Roznovsky said correct, he would not have to pay the impact fee, but he would pay the cost, plus 200 percent. Mr. Clevenger said which is almost equal according to the Planning and Zoning Commission. Mr. Roznovsky said correct, it is a close number especially when we are talking about the amount of water that is a residential size tap. Mr. Clevenger said correct, he would not even be utilizing more than a single-family home because he is not cooking anything and there is no grease trap, there is nothing.

Tom Cronin said the Planning and Zoning Commission has approved it and staff has no problem with it and he thinks it is somewhat of a unique situation and there is not going to be any permanent building as of right now. Tom Cronin said Mr. Roznovsky keeps talking about development, but this is a food trailer, and it is semi-permanent and again if it changes, then the City addresses that situation.

Rebecca Huss said let them go ahead and make the motion with the caveat that any change of use or change of ownership or both are included in the variance. Rebecca Huss asked Mr. Alan Petrov, City Attorney if that was okay for a variance like this and the tap will still be there but then obviously the need for a plat will come back up. Mr. Petrov said you can certainly add that condition where a change would then necessitate the development plat.

Mayor Countryman asked if this is going to set a standard moving forward with others asking for a variance. Mr. Tramm said in this particular case where this is such a unique situation and putting handcuffs on it with the motion that has been put forward and this also had a staff concurrence before it ever came to the Planning and Zoning Commission or City Council. Mr. Tramm said he thinks that is a very narrow path for anyone to try and replicate and does not see another situation that matches everything exactly.

Mayor Countryman said Tom Cronin has typically been against food trucks and asked if he is sure this is good and said she is excited to see that he likes them. Tom Cronin said he mentioned the food truck development that Mr. Chris Cheatham is working on and thinks it is great. Tom

Cronin said he does not like a mishmash of food trucks in the Historic District because they do not pay property taxes and there are a lot of reasons why he does not. Tom Cronin said Mr. Clevenger bought the property and he is paying property tax and just like any other business downtown, it just happens to be a semi-portable trailer rather than a permanent structure. Mayor Countryman said she just wanted to make sure he was good with it. Tom Cronin said he does not have a problem with it at all and thinks it is something new and unique and he thinks it would bring people downtown.

Mr. Clevenger said that when everyone does get to see the design, it will truly be a nice compliment to Montgomery, Texas. Mayor Countryman said there are ordinances as to how that must look because that is in the Historic District. Mr. Clevenger said according to the Planning and Zoning Commission everything looked good. Mayor Countryman said she just wants to make sure and would not want for him to have it painted or wrapped and then it not be as aesthetically pleasing then have to go back and do it again or be against the ordinance and that is why she wanted to mention that. Mr. Clevenger said he appreciates that and thanked Mayor Countryman.

Kevin Lacy asked Mr. Clevenger how soon he would be open. Mr. Clevenger said he would like to bring the trailer in the middle of the month and have it set there so they can begin to start the process of checking out measurements and lines. Mr. Clevenger said the trailer is ready and it is just the fact of getting it set and properly marked and go through the process of submitting the application for the water and the sewer and getting the electric hooked up. Mr. Clevenger said he is in no major rush but just wants to start getting things where they need to be.

Rebecca Huss moved to approve the request to waive the platting requirement for the property to receive water and sanitary sewer service for Texas Twisted Shake, LLC located at the northeast corner of Caroline and Liberty Streets in the Historic Downtown District and this variance is void upon change of use or change of ownership.

Randy Burleigh said maybe next time the Planning and Zoning Commission and staff could be sure the City Engineer gets a chance to look at the information before it gets this far down the road.

Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

6. Consideration and possible action regarding adoption of the following Ordinance:

AN ORDINANCE BY AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 64, "PEDDLERS, SOLICITORS, AND VENDORS," ARTICLE II, "PERMIT," SECTION 64-30, "CLASSIFICATIONS; TERMS; FEE," AND SECTION 64-31, "APPLICATION," OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS TO INCREASE THE TERM FOR PERMITS ONE MONTH TO SIX MONTHS, AMEND ASSOCIATED FEES AND AMEND CERTAIN APPLICATION REQUIREMENTS FOR PEDDLER, SOLICITORS, HAWKERS, AND VENDORS; REPEALING ALL OTHER CONFLICTING ORDINANCE PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Tramm said this ordinance was revised earlier this year and staff realized there were a couple of items they wanted to come back and revisit with Council. Mr. Tramm said they intended to add a 6-month term option in addition to a 1-month term for the permits for all classes. Mr. Tramm said this is aimed at the food trucks that want to regularly come to the City because there is a certain hurdle that comes with having to come in and apply for that permit each month and there have been some complaints about that and this would make it easier for them to do repetitive business with the City and that is contained within Sec 64-30. Mr. Tramm said also they want to better specify the entity information they receive from vendors and essentially they were getting very basic information and now they are requesting the same information they would have for any business that is permitted for doing business in the City which is in Sec 64-31. Mr. Tramm said those are the primary changes.

Mr. Tramm said one of their concerns was that some of these classes might be people that are operating door to door or operating from temporary locations, they would have a better record of who it is that is operating there should they need to know that information later.

Mayor Countryman asked if this also allows them to 100 percent capture tax revenue. Mr. Tramm said they are still dependent on the businesses properly filing them, but that is one thing they will be discussing at the time of permitting and reminding them of the legal

requirement. Mr. Tramm said they want to make sure they are properly capturing every tax dollar.

Tom Cronin asked if they address liability insurance issues at all. Mr. Tramm said that is one of the requirements for being able to obtain the permit and to get the permit at the 6-month level they must provide proof of insurance.

Randy Burleigh asked if they are still working on the other sections as he knows some other sections that Council gave recommendations to change in August. Mr. Tramm said he was not certain what Randy Burleigh was specifically referring to. Rebecca Huss said she thinks that the motion they made in August included changes they would have made before they codified it so they made the motion subject to changes like the hours and that does not include them because that was part of the motion to change the hours. Mr. Tramm said correct.

Rebecca Huss moved to approve the additional changes to the ordinance amending Chapter 64. Randy Burleigh seconded the motion, the motion carried unanimously. (5-0)

7. Consideration and possible action regarding review of the City of Montgomery Draft Comprehensive Plan.

Mr. Tramm said the Draft Comprehensive Plan was presented to City Council on October 27, 2020, and discussed. Mr. Tramm said staff has taken input from that discussion and made changes to the Draft Comprehensive Plan which resulted in the updated version that is being presented tonight. Mr. Tramm said the changes made include updating the Draft Plan to more clearly state the intent and desire to provide mobility and connectivity throughout all community areas in the City of Montgomery, provide clearer detail to elements of the Plan, and include general grammar descriptive updates as well.

Mr. Tramm said the City has been working on the Comprehensive Plan for some time and it is important to note for the record that this Draft Comprehensive Plan was developed through a series of five community meetings held during 2019 to receive input from both residents and local businesses. Mr. Tramm said the City also held a virtual Town Hall Meeting on July 8, 2020, to review the original version of the draft of this Draft Comprehensive Plan. Mr. Tramm



said the actual draft document was originally developed by Walter Peacock, a community planning specialist with Texas A&M University's Texas Sea Grant and Community Resilience Collaborative Programs.

Mr. Tramm said Comprehensive Plans guide public policy in areas such as transportation, land use, recreation, and housing while also serving to assist City Council when setting budget priorities for future projects. Mr. Tramm said additionally the Plan serves as the legal basis for future land use zoning and is required for many grant funding opportunities.

Mr. Tramm noted there are population-based numbers included which should use Census numbers versus locally derived numbers, which means the City will need to update such numbers within the Comprehensive Plan after new Census data becomes available to the City next year.

Mr. Tramm said since the last Council meeting they have also received some additional comments from Council. Mr. Tramm said Mr. McCorquodale did all the work and will now share some of the specific details versus the broad version he glossed over.

Mr. McCorquodale said you will notice a difference just in the overall formatting and a cleaner look of the document. Mr. McCorquodale said rather than hit on all the highlights, he would be happy to address any specific questions or comments that Council may have.

Randy Burleigh said it is a much cleaner document and thanked Mr. McCorquodale.

Mr. Tramm said he received additional comments from Randy Burleigh and T.J. Wilkerson came in and spent some time with Mr. McCorquodale last week going through the document.

Mr. McCorquodale said Councilman Wilkerson's comments touched on all aspects of the Plan and as he reviewed it there were a couple of instances where the north side, or the Martin Luther King community was called out a lot of the time and the document, but they do not get down to specifics such as a flashing yellow light at a specific intersection in town or sidewalks on a specific street in town, it talks more about the broad level of the mobility in town or the traffic safety in town. Mr. McCorquodale said as he was speaking with T.J. Wilkerson this

evening trying to explain why there might not be exactly what was changed, he would be happy to run through those points to show where in the Plan those comments are addressed.

T.J. Wilkerson said they talked about the sidewalks, pathways, and the traffic conditions on Martin Luther King Drive and a sign would also be something to include. T.J. Wilkerson said they want to make everything equal and not just that he is the one that represents the north side but thinks they all should represent all parts of Montgomery. T.J. Wilkerson said he had a concern because people have said they drive by and look at all the parks that have a bench except Homecoming Park and he is always asked why that park does not have a bench like all the other parks. T.J. Wilkerson said when they start, their advantage point has always been the way you stand in life is always how you see things, and where they stand, they did not see that inclusion of the Comprehensive Plan where they would tie into the culture and the history and the makeup of Montgomery and that is one of the things which everyone wants to feel unity and be a part of. T.J. Wilkerson said they will continue to push sidewalks because that is a safety issue and he thinks they could do that and tie into the Historical District somewhere and they can go back and clean up a lot of the history. T.J. Wilkerson said this man from Katy must have interviewed a lot of older people and does not know where he got a lot of his research from but that is easy to go back and redo, but for the development or sidewalks or putting in aesthetic beauty or trying to get more grants for homes, these are some of the things that will benefit not only that part of town but the whole City because if everyone rises up that means there is more revenue for the City and not just limited for one part of town. T.J. Wilkerson said these are some of the things they can continue to work on as a group and they do not have to tackle them all but they can say they will work on the sidewalks or the history and can start with one element and work their way through this Comprehensive Plan. T.J. Wilkerson said for some reason the Comprehensive Plan is not reaching out to the people who feel like they are left out all the time and they need to keep working on that.

T.J. Wilkerson said he likes the sign of the design of Montgomery and somewhere in Montgomery would be a nice time to display it throughout the City or even display it on the side of a building somewhere. T.J. Wilkerson said those are some of the ideas and he has a lot more.

Mr. Tramm said as they continue moving forward, they want to keep hearing stuff like that. Mr. Tramm said some of the things that involved specific details that were discussed at the last meeting are those items that Public Works is working on and would expect to have in place by March 31, 2021. Mr. Tramm said some of those address some of the park items and roadway signs. Mr. Tramm said in terms of sidewalk space, they are trying to determine what the cost would be, and the issue along FM 149 is it is a State highway and not a City road so that is a State right-of-way and once they have a cost they will look at what it would take to coordinate with TxDOT. Mr. Tramm said those are actions they are planning in the short to medium-term future as well.

Mr. Tramm said he wants to say for the record they are actively working on some of these items right now and plan to have addressed in the coming months. Mr. Tramm said he realizes it does not happen overnight, but he wants to make sure it is understood that the work is moving forward.

T.J. Wilkerson asked if they have a good relationship with the County and State representatives to work with them to work with TxDOT. Mr. Tramm said they have their own relationship with TxDOT that he feels is pretty good as well as his intention if necessary to approach their State delegation, State representatives, and particularly at the State Senate level if that is a place where they might need assistance. T.J. Wilkerson said when they do reach out to them they need to let them know that they represent everyone and not just certain people of color. Mr. Tramm agreed and said certainly the northern corridor as it is an important gateway and entry into the town and not just for the residents that live on the north side of town but for the people that enter the town from the north.

Kevin Lacy asked Mr. Tramm if certain concerns were or were not put into the Comprehensive Plan. Mr. McCorquodale said many of them were already in there and he would be happy to run through the comparative list of Councilman Wilkerson's comments where they are in the Comprehensive Plan right now.

Mr. McCorquodale said the first couple of comments were on mobility and two of the comments were to provide sidewalks or improve conditions between the north side and downtown and add sidewalks along Martin Luther King Drive. Mr. McCorquodale said on

page 84 of the Draft Comprehensive Plan the first few sentences speak to the fact that the City needs these sidewalks. Mr. McCorquodale said he lives on Old Plantersville Road and there are no sidewalks there but the Comprehensive Plan is not going to say we need a sidewalk on Old Plantersville Road or on Martin Luther King Drive, it is going to say there are sidewalk issues. Mr. McCorquodale said on page 97 in the goals section there you will see prioritize improvements needed along existing roads taken into consideration for the infrastructure and things like that. Mr. McCorquodale said that is where the question of how many folks are walking down Old Plantersville Road and there are nine and then how many folks are walking down Martin Luther King Drive and their data says 35, that is how the sidewalk project is born and that is an example on the sidewalks.

Mr. McCorquodale said there were a few comments on transportation. Mr. McCorquodale said one comment was to install a caution light at the intersection of the curve at FM 149 and Martin Luther King Drive and again that is a TxDOT road so it is something the City can reach out to but there is not an intersection by intersection look that is in the Comprehensive Plan.

Mr. McCorquodale said also to install speed limit signs in both sections along Martin Luther King Drive and while there are speed limit signs there, there is certainly an opportunity for them to look as he and Mr. Mike Muckleroy were out today looking to see if they could add signs alerting cars to the fact there are kids at play. Mr. McCorquodale said if you look at the speed limit signs, signage, and caution lights on page 95 on the transportation goals you will see these studies and mobility items are all addressed. Mr. McCorquodale said it does not address each street, but it speaks to the need for these items on all the City streets. Mr. McCorquodale said on page 60 where it talks about a safe and efficient roadway network, one of the things the Comprehensive Plan recommends is the traffic study to identify these high crash areas. Mr. McCorquodale said they know based on the number of times the drivers have gone off the road and hit the telephone pole or the power pole there at the curve, that is a high crash area so calling it out here in the Plan certainly makes sense because it is one of the more memorable spots for routine accidents in the City.

Mr. McCorquodale said another topic was housing and two of T.J. Wilkerson's points were the need to address aging homes in the area either through replacement or through a grant

program like the Home Grant that they just finished and assuring that affordable homes are available throughout the City.

Mr. Tramm said because of the difficulties of it being the TxDOT right-of-way on FM 149 while they are trying to ascertain what costs would be, they will be approaching TxDOT to try and find ways they can work with them to make sidewalk space work between as a mobility corridor both for foot traffic as well as potential bike traffic from that north end of town into the downtown area.

Mr. Tramm said as he mentioned earlier, some of the things they are coordinating with Public Works on which will occur during the remainder of this fiscal year are upgrading some of the speed limit signs, two types of signage which have lights on them to get better attention for the Martin Luther King corridor. Mr. Tramm said he also had a conversation since the last Council meeting with the Police Chief so they will look into options to help control speeding there and knows for a lot of people their first reaction would be to use speed bumps and that is not always the first direction the Police Department wants to go so it is on their radar in looking for alternatives. Mr. Tramm said maybe that is the right direction and maybe it is not, but that is a law enforcement question, and they will take their cues from the law enforcement personnel.

Mr. Tramm said Public Works is ordering park benches and making sure they have the same type of benches that are located in other places of the City and at Homecoming Park as well. Mr. Tramm also said the basketball court over at Homecoming Park is going to be painted, updated, and refreshed and a fresh look applied at the pavilion space and the park itself. Mr. Tramm said recently some of the parking-bollards at the park were painted as part of what they are doing all across the City to put the Texas flag emblem on a selection of parking-bollards all around the City.

Mr. Tramm said those are items they are working on specifically in this fiscal year and those are the kind of specific details that do not get called out in the broader scope of the Comprehensive Plan whereas Mr. McCorquodale was pointing out specific roads, neighborhoods, and examples that have been updated to be included in the Comprehensive

Plan that is in different parts of the City and inclusions of Martin Luther King Junior Boulevard as a corridor and other references to the north side as well as other areas of town.

Mr. Tramm said he believes they have met the threshold of showing that they are trying to meet the accommodations for all the residents in all parts of the City. Mr. Tramm said what you do not see for a document like this is how they are implementing those specific details and working to bring those throughout all the community, but specifically the northern part of the community.

T.J. Wilkerson asked if SH 149 would be considered an arterial road. Mr. McCorquodale said it would be and in the County's Thoroughfare Plan, FM 149 would certainly be considered an arterial road in his view. T.J. Wilkerson said on page 60 it states roads and sidewalks cannot be part of arterial roads, so they do not have to consider that one with TxDOT.

Mr. Roznovsky said yesterday morning they had a call with TxDOT to get an update on all of the projects in and around the City and one thing they were going to look into further is how they could fit more of a shared-use lane along FM 149 that spacing would not allow sidewalks by themselves especially when you get to the bridges at Town Creek etc., but they were going to look into some alternatives and get back with them. Mr. Roznovsky said he does not think it is completely off the table, but they are still working through it.

Randy Burleigh said they could do something like a bike path but that is not to say people could not walk on it also. Mr. Roznovsky said that was correct and that is what they were looking at as he believes what they had proposed in the Project was adding between 3-foot and 5-foot shoulders on each side and offsetting it to get more of a shared-use space onto one side of the street.

Rebecca Huss asked if Mr. Roznovsky found out about their plan from ages ago that included a path or a trail. Mr. Roznovsky said what they were telling them today is the current plan is really on hold. Rebecca Huss said what she is talking about is something from long ago where they had something that had a separate pedestrian situation. Mr. Roznovsky said they did not and that is one of the things they were going to investigate but where they left it was from Clepper or Berkley to SH 105. Mr. Roznovsky said one of the questions they asked was exactly

what Randy Burleigh and everyone else asked, could they do more of a shared-use or bike lane or something else they could use for that spacing. Rebecca Huss said if they have 60-80 feet of right-of-ways then clearly space is not an issue. Mr. Roznovsky said right, and it just depends on TxDOT requirements and what they can put in versus true space.

Rebecca Huss said she would just like to see what their previous drawing and previous plans were so that when they come with their plans for downtown it should have a vision for connecting their whole City to their new downtown. Mr. Roznovsky agreed.

T.J. Wilkerson said in that deal wasn't it to widen FM 149. Mr. Roznovsky said no it was more of an overlay so redoing the road and adding the shoulders was not necessarily a full widening of FM 149. Mr. Roznovsky said the turn lane specifically at SH 105 and FM 149 northbound where they talked about but that was it on FM 149. Mr. Roznovsky said there is a whole lot more coming on SH 105 and a couple of things at FM 2854, but on FM 149 there was not much widening in that scope due to space limitations.

Police Chief Solomon said last year when they were talking about FM 149, part of the issue was no one could tell that was a curve and so they had curve signs installed. Chief Solomon said TxDOT was supposed to widen those shoulders, but they did not have the money for it. Chief Solomon said they were supposed to come back this year and start to widen those shoulders which will help both walking traffic and road traffic.

Kevin Lacy asked Rebecca Huss if TxDOT had plans to put in bike paths going all the way up into the forest along SH 149. Rebecca Huss said she did not think all the way to the forest as it would have ended at FM 1097 and it would have been more than five or six years ago.

Kevin Lacy said as far as he was concerned he feels between the last Council meeting and this Council meeting there is plenty of record of what they want the Comprehensive Plan to include so he does not know if rewriting the whole Comprehensive Plan is needed but thinks they have a record of what they all want to see happen in the future and does not think there is a doubt that there is anyone that does not want to see these great things happen.

Mr. Tramm said he thinks Councilman Lacy's comments are good because what he is saying is exactly how they see it from staff and from that discussion that is where they take some of their direction on how they were planning through the budget process several months ago and that outlines a lot of broad priorities but leaves a lot of room for staff to have some discretion and Council to have some discretion regarding individual items later. Mr. Tramm said it carries through from a discussion like that towards power planning to implement some of those things throughout the next six or seven months. Mr. Tramm said some of that discussion was broader and that discussion was not lost on them between some of the additional work they will have to do with TxDOT in terms of whether it is pathways that are on the side of the road or wider shoulders but how do they address the safety of those that are either walking or cycling from the north part of town to downtown and back. Mr. Tramm said that is going to be a dynamic discussion they will have to have with them and it is not something they have all the cards in their favor but it is something they are participating in and will continue to do.

Rebecca Huss said she thinks it might be a good idea to put it on the calendar to get on a cycle of refreshing one section of this every year so that it does not all pile up to try and do it all at once.

Mr. Tramm said he does not think this is the way a lot of cities look at their Plan and likes Rebecca Huss' suggestion because if they are looking at a different section every year it maintains keeping the overall Comprehensive Plan in the front of their minds and as a continuing priority. Mr. Tramm said even if they are not reviewing that particular section that year he is sure people are going back to look at it and stay fresh on it. Mr. Tramm said he is going to try and make note of that so they can review it on an annual basis and rotate those sections around so it is not a cumbersome task but at the same time, there is a bit more regularity in making sure they are keeping this current and something they are paying attention to. Rebecca Huss said otherwise you run the risk of having put all this work into it and it becomes something no one ever thinks of again beyond the year. Mr. Tramm said he thinks that is what happens in a lot of places. Mayor Countryman said they had that happen in 2008 or 2009 and nothing ever came of it and this has been two and a half years in the making so this is good, and we will keep it relevant. Rebecca Huss said two and a half years they should make it last, make it relevant as long as possible.



Mr. Tramm said when he was hired this was one of those extended projects that were put on his plate to try and bring it to a point of approval and hopes he has done that here tonight and they also know it is something they are going to come back to time and time again and not just for updates but an annual review. Mr. Tramm said he will commit to doing his part.

Kevin Lacy said the Plan can continue to be reviewed, but the specific things they want to get on quicker like working with TxDOT on getting the bike lanes, but shame on us if they do not make the things they need or want happen so it is not so much about the document as it is them talking and acting. Kevin Lacy said he is happy with the way things are happening and appreciates the work that was put into the document.

Kevin Lacy moved to approve the Montgomery, Texas Draft of the Comprehensive Plan. Rebecca Huss seconded the motion.

Discussion: T.J. Wilkerson said he who starts out behind will always remain behind and run faster than the man in front, so they really must work on it and make it come to fruition.

The motion carried with 4-Ayes and 1-Nay by T.J. Wilkerson. (4-1)

8. Discuss and consider authorizing MEDC expenditure of budgeted funds to Contract for Services for the Downtown Design and Streetscape Improvements Project.

Mr. Tramm said the MEDC has been working toward developing a downtown design for several years and recently the MEDC issued a Request for Qualifications for the project and the review committee selected Gunda Corporation as the design firm from the submitted proposals.

Mr. Tramm said City Council must approve the work since the contract exceeds \$10,000 and the City has approval of all item expenses from the MEDC in excess of \$10,000. Mr. Tramm said the MEDC budget had a total of \$112,000 budgeted for downtown streetscape improvements which were in the budget that City Council approved back in September. Mr. Tramm said the design contract was not finalized by the time the agenda packet was sent out, but late Friday evening they received the final total of \$108,150.50 which is within the budget

amount. Mr. Tramm said since the copy did not get sent out he would like to provide additional information.

Mr. Tramm said it includes four phases of work consisting of background and development, design master plan concepts, draft design master plan, and the design master plan. Mr. Tramm said those are phases of work and each contains multiple tasks and is scheduled to completion from start-up to 210 days. Mr. Tramm said just as a matter of verifying that this cost is good, he did consult with an engineer he knows both personally and professionally who he asked for some assistance in reviewing this and they did not have any financial interest and their firm did not even submit on a project like this. Mr. Tramm said they did advise him that in their opinion this price was within reasonable expectations and the MEDC did vote to move forward with the contract so they are seeking City Council's concurrence to go along with that and keeping in mind that at \$108,150.50 it is within the budget that Council has already approved. Mr. Tramm said he would like to get City Council approval so they can move forward.

Kevin Lacy asked if there is a need to discuss this or is everything ok. Rebecca Huss said like Mr. Tramm said it was within the budget that the MEDC set and both boards approved in September. Mayor Countryman said it is just a courtesy. Mr. Tramm said correct and this is just coming back as a formality because the dollar amount exceeds \$10,000 and Council has already authorized up to \$112,000 within the MEDC budget and they are bringing it back to City Council for approval for this specific item and letting Council know this is how the MEDC is expending the funds that were approved for this budgeted item.

Kevin Lacy moved to approve the proposed project and contract as it is presented. Tom Cronin seconded the motion, the motion carried unanimously. (5-0)

**EXECUTIVE SESSION:**

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property),551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

### COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

Mr. Tramm said he wants to mention that on November 17, 2020, at 6:00 p.m. they will have the canvassing meeting for the election and are currently attempting to make sure they can operate that as a hybrid meeting where Council can attend remotely and have the candidates sworn in at City Hall live. Mr. Tramm said before the end of this week they will relay that information confirming they will be able to do that. Rebecca Huss asked if Mr. Tramm wanted existing Council present. Mr. Tramm said yes. Ms. Susan Hensley, City Secretary said Judge Mack was going to be there to prepare oaths of office.

Mr. Tramm said since they have two terms that are ending, Councilwoman Huss and Councilman Burleigh, one of them has served much longer than he has been with the City and the other came on Council after him and said he wanted to relay to both of them it has been a pleasure to be able to work with both of them in this time and also knows he is going to be running into both of them in the community as time continues and he looks forward to that with each of them.

Mayor Countryman said the City has been working with Randy Burleigh as long as he has been here and knows will continue to do so as well as Rebecca Huss. Mayor Countryman thanked Rebecca Huss and Randy Burleigh for their service. Mayor Countryman said not everyone wants to step up because of sometimes scrutiny or name-calling so she appreciates them wanting to step up and for Rebecca Huss who stayed on as long as she did. Mayor Countryman said she appreciated it. Rebecca Huss said absolutely, service is in the family.

Kevin Lacy asked if they can take down the orange fencing in front of the Community Center. Mr. Tramm said he just got the final word on the insurance items on Friday and today he received the first quote on removing the wall which he will need to obtain additional quotes, but they are trying to move forward. Kevin Lacy asked in the meantime if they could clean up the broken rocks. Mr. Tramm said they will start cleaning that up this week now that the insurance part of it is settled. Mr. Tramm said

they are going to preserve the material as best they can and reuse it when the wall is put back together and hopefully, they will be able to move it inward for greater security of the wall.

Randy Burleigh said when you go around Memory Park there are homes there that he does not think have an HOA and their sidewalks are in disarray. Randy Burleigh asked how the City handles that and does the City communicate that to the homeowner that they need to fix the sidewalk in front of their residence. Randy Burleigh said there are probably other areas in the City as well that have sidewalks that are not being maintained. Mr. Tramm said where there are City sidewalks the City would maintain. Mr. Tramm said he would drive out in those areas and have Public Works look at them and he was not entirely sure of the answer to the question because if they are not City property he does not think it is something Council is expecting or desiring to expend funds on when it is not their property, but in terms of mobility it certainly is something he would like to take a look at and they probably do need to figure out a way for it to be addressed. Randy Burleigh asked if they have any grounds to request the homeowner to maintain those sidewalks. Mr. Tramm said they can certainly bring it to their attention and asked the City Engineer and City Attorney if they have seen a similar situation with any of their other clients and what may have been done there.

Mr. Roznovsky said he thinks they need to look at the specifics because there are so many of those streets that are private and he does not think Bessie Owens itself is, but the areas around it are and it is only on Bessie Owens and they will take a look. Mr. Roznovsky said if it is a public street and public right-of-way he thinks it is a public sidewalk to take care of. Mr. Roznovsky said in some of those other areas mentioned, it is the homeowner and/or HOA responsibility.

Mr. Alan Petrov, City Attorney said he does have some cities that have specific ordinances related to maintaining sidewalks, but he has not checked Montgomery's concerning that.

Randy Burleigh said when he went through the Comprehensive Plan it says a lot about sidewalks and mobility around the City, but when they go and put sidewalks in and do not have any means requiring people to keep them maintained it will be a losing battle eventually unless they do their homework upfront. Randy Burleigh said Buffalo Springs deed restrictions do require the homeowner to maintain it but then there are areas of the City where the sidewalks can just totally crumble, and it is a gray area. Rebecca Huss said it is their responsibility to maintain in this case.

Mr. Tramm said they will have those sidewalks looked at and if it is something that falls on them to maintain then they will find a way to get it done.


Mayor Countryman asked Mr. Petrov if any of his cities have creative ordinances that would address this. Mr. Petrov said they have some that place the burden on the homeowner and those always tend to be problematic and some cities take it upon themselves and say it is too much trouble to try and get the residents to maintain it and so they built it into their budget to have so much money for sidewalk maintenance each year.

T. J. Wilkerson asked Mr. Roznovsky if he has any idea when they are going to come back and finish the bridgework at Town Creek. Mr. Roznovsky asked if he was referencing Buffalo Springs Drive. T.J. Wilkerson said no, SH 149. Mr. Roznovsky said no he does not have a timeframe but will follow up.

**ADJOURNMENT**

Randy Burleigh moved to adjourn at 7:49 p.m. Kevin Lacy seconded the motion, the motion carried unanimously. (5-0)

Submitted by:

  
Susan Hensley, City Secretary

Date Approved:

12/08/2020

  
Mayor Sara Countryman

