

JUNE 24, 2019

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 24th day of June, A.D., 2019 at 9:00 A.M. came on to be had a Special Meeting of the Commissioners' Court of Wise County, Texas held in the County Court at Law Court Room (3rd) Floor in County Courthouse of said County in the town of Decatur with the following members present and presiding:

J.D. Clark	County Judge
Danny White	Commissioner, Precinct No. 1
Kevin Burns	Commissioner, Precinct No. 2
Harry Lamance	Commissioner, Precinct No. 3
Gaylord Kennedy	Commissioner, Precinct No. 4

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court by Amanda Knox, Chief Deputy when and where the following proceedings were had, to-wit:

All attachments referred to in the minutes of the Wise County Commissioners' Court are designated original or copy and are provided at the time of action by the Court unless otherwise indicated by provider.

County Judge Clark votes aye on all agenda items unless otherwise indicated.

- 1) Clark called the meeting to order at 9:00 AM. All court members were present.
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Community Forum: None
- 5) County Correspondence: None
- 6) Clark presented Wise County Historical Commission Chair Kerry Clower the Distinguished Service Award for the 2018 service year. (See attachment) Clark asked Clower to briefly report on the updates at the Wise County Heritage Museum. Clower discussed the current project of window restoration; cost of project and donation amount received to-date. Clower commented that the donated funding is almost completely used up. (See attachment)
- 7) Precinct Coordination/Cooperation:

Burns thanked the other commissioners for their assistance on recent projects. White stated he may be laying asphalt on the 25th and welcomes help.

- 8) The court tabled action regarding the final plat review of Raheem Estates, Lots 1 & 2, Block A, located in Precinct No. 1. Clark commented that this item has been presented twice already with no plat present and requested that this item not be placed on a future agenda until

plat is received by the County Judge's office. (See attachment from Kimley-Horn and Associates, Inc.)

9) The court tabled action regarding the replat review of Nickell School Oaks, Lots 8R-1 and 8R-2, Block 2, located in Precinct No. 2. Clark commented that this item has been presented twice already with no plat present and requested that this item not be placed on a future agenda until a plat is received by the County Judge's office. (See attachment from Kimley-Horn and Associates, Inc.)

10) Motion made by Burns seconded by White and unanimously adopted by the Court to approve the final plat and performance bond for Rolling Hills Ranch, Phase 1, located in Precinct No. 2, as presented, including an Irrevocable Letter of Credit No. 28177-s in the amount of \$224,657.00. (See attachment)

11) Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to approve the Preliminary Plat of West Pecan Creek Estates, located in Precinct No. 4, as presented, including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

12) Motion made by Burns seconded by White and unanimously adopted by the Court to approve the Indigent Health Care Program Services for FY2020, as presented, with supplements included. Indigent Health Services Director Beverly Kalisek stated there are no changes from the current services and the county currently services eleven (11) clients. (No attachment provided for this item.)

13) Clark asked if any court members or public have questions regarding the updates?

Mark Duncum, Developer of Double Creek Capital commented that while these Development Rules and Regulations (DRR) updates may have been in the works for a while not many of the public are aware of these updates to the DRR. Duncum outlined the following three concerns about the updates to the DRR:

- Reduction of number of lots from ten (10) to three (3) that do not require both a Preliminary Plat and Final Plat. Duncum commented about the increase in fees for those smaller developments that are over three lots.
- Private Road requirements for areas servicing five acres or more. Duncum commented that private roads not built to county standard have to provide construction plans and expressed concern about the county regulating things that aren't up to the county. Duncum suggested that a notation be made on the deed stating that the road is a private road and is the owner's responsibility to maintain and not the county's.
- Design driveway locations at the crest of a hill. Duncum requested comment from the court.

Burns commented that there have been several accidents because of driveways constructed over the crest of a hill. Burns commented that the county didn't have a written rule about this until

this time. Burns commented if the property owner has an opportunity to move the driveway to another area on the lot for sight distance. Burns commented that the accidents could have been prevented with some cooperation. Duncum and Burns discussed lot accommodations. Burns commented to Duncum that the driveway requirement will be engineered for sight distance according to TxDOT guidelines for miles-per-hour on the county road and sight distance.

Duncum asked if this applies to property that isn't platted? Burns and Clark stated this only applies to subdivisions. Burns commented there is a driveway permit process that encourages property owners to do the same thing for safety purposes. Duncum asked if there will be a notation on the plat? Burns commented about the engineering standard for this process.

County Engineer Chad Davis stated this goes off of the American Association of State Highway and Transportation Officials (AASHTO) safety guidelines. Duncum and the court further discussed this topic.

Clark asked Davis if he wants to discuss review of construction plans for private roads that are not ever to be county roads. Burns asked if this is regarding shared access driveways? Duncum confirmed.

Kennedy commented about the six (6) lot maximum for a private road. Kennedy discussed funding by lot owners toward the maintenance of the private road. The court discussed private roads as well as notation on the plat about the road status.

The court explained that the private road must meet county standards for public safety purposes and this is for ingress/egress. Davis explained the three types of roads in the county: private road; public private that the county does not maintain (private ownership and maintenance with public use); public road that the county maintains. Davis asked Duncum the purpose of NOT doing this? Duncum commented about subdivision size/type and the road size/type/cost. Burns and Kennedy discussed this further with Duncum and the court.

The court discussed Duncum's first question about lot size. Burns commented this was added to allow for in-house review of plats 3 lots or less. The court and Duncum discussed this further. Clark and the court discussed that those people in the 3-10 lot range will have to do a preliminary plat. Davis explained the purpose of this rule based on a developers actions that took advantage of the rules. Clark and the court discussed that there will be developers that exploit the rules no matter what the changes are. The court discussed this further.

Commissioners Court Attorney Thomas Aaberg told the court that this was proposed by Kimley-Horn and Associates, Inc. during committee meetings. This was discussed further. Public Works Director Joey Highfill told the court that the plat will be reviewed whether it is a final plat or preliminary plat, and if the developer makes changes then a replat will be required.

Clark commented that he'd be okay leaving it at 10 lots. Burns commented that the county can still change the fee schedule and still look at 3 lots or under locally. Highfill commented that the "3 and under" is not in the DRR and is just something the committee decided procedurally.

Page Three, June 24, 2019 Mtg...

Clark commented that he doesn't see a big gain in changing it. White commented about the developer that was subdividing 9 lots or less.

Kennedy asked how long this has been discussed in committee and by the court? Clark confirmed the county began this process in October. Kennedy stated that the rules need to stay just as they're presented today.

The court discussed and possible changes; Clark discussed changing items in the future as needed. Burns commented if it is changed in the future it will require new public hearings.

Duncum told the court that he appreciates the deliberation of the court on this issue. Duncum continued that he feels the county adds more administrative engineering costs to a relatively small subdivision. Duncum commented that the land dictates what the development looks like. Duncum continued that he recognizes there are developers that try to get around the spirit of the DRR and wishes that weren't the case. Duncum continued that he feels another layer of cost is being added to development. Duncum commented about review of plans and the addition of the preliminary plat as another layer of cost. Burns commented that if a development is uphill from his property then he feels it is necessary. Burns commented he'd want a drainage study in that scenario if he's a downhill neighbor to a new development.

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to adopt the Wise County Development Rules and Regulations as presented, in accordance with Texas Government Code 232. (See attached)

Clark commented that if things don't work as intended the court can reconsider changes. Burns, White and Clark commented appreciation of Duncum's observations. Burns commented that all of the county Development Rules are because of bad actors that run roughshod over new customers to the county. White commented that it is unfortunate to have to "punish" good developers and he doesn't like it. White commented that most of the good developers are "home-grown". Clark commented that updates are much-needed. Burns commented this is not about cost it is about getting the engineer reviews.

Burns and Clark commented about future DRR committee meetings.

14) Donations: None

15) Bids:

Asset Control Officer Diana Allen presented the following for court consideration:

- Proposed Bid List for FY2020 (See attachment)
- Proposed Bid Extension List for FY2020 (See attachment)
- Special Requests list for FY2020 including DIR State contract for long-distance ATT for the WCSO only. (See attachment)

Page Five, June 24, 2019 Mtg...

Allen asked the court re: copiers if the court wishes her to present other vendor options as they come up? Burns commented that unless department heads come to the court requesting different vendors the court doesn't need to bother with it.

Motion made by Burns seconded by White and unanimously adopted by the Court to approve the Proposed Bid List for FY2020; Proposed Bid Extension List for FY2020; and Special Requests list for FY2020, as presented, with additions noted.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve the purchase of a new 2019 Tahoe via cooperative for the County Attorney's office for \$32,460.00 with capital expenditure funds. (No attachment)

Allen stated the August 2019 auction list was provided to the court via Dropbox and requested approval with the exception of Asset Number 13671 current Tahoe for the County Attorney and all equipment that is in it all to be transferred to the WCSO. (See attachment)

Motion made by Burns seconded by White and unanimously adopted by the Court to approve the August 2019 auction list, as presented, with the exception above; the destruction of old playground equipment and an old port-a-potty at Public Works; and, finally, a DVR that has a hard-drive that cannot be removed that is maintained by DIR.

16) Consent Agenda Item:

- a) Minutes: June 10, 2019 Regular Meeting; June 17, 2019 Public Hearing for Taking Impact Assessment; June 17, 2019 Public Hearing regarding updates to the Wise County Development Rules and Regulations; and, June 17, 2019 Special Meeting. (No attachment)
- b) Department Head Reports:
 - Asset Control Inventory Report required per Fixed Asset Policy (items valued at \$500.00 or more). (See attachment)
 - Auditor's Report for May 2019 (See attachment)
- c) Budget Amendments: FY19-09 for various line items; recognition of the two capital projects; salary line item adjustments in various departments.
- d) Capital Expenditures: None additional
- e) Claims/Payroll:
 - Registers as listed in Dropbox (No attachments)
 - US Bank for the WCWC payment of \$1,648,668.75 (reimbursed); and Rosebrush Services for animal control software for \$3,135.00.
- f) Utility Requests: Davis commented he has received notification of two from Targa but doesn't have any documents to provide to the court.

g) Interlocal Agreements/Contracts:
(Original Interlocal Agreements and Contracts are filed in the Asset Control Office by Diana Allen.)

- Fully Executed List (See attachment): West Law CCL#1 and County Attorney (See attachments); Komatsu Architects for Wise County Court Center (See attachment); Wise County Fire District #1 Ad Valorem; Official Payments/Vantiv for additional credit cards for offices (See attachment).

Motion made by Burns seconded by White and unanimously adopted by the Court to approve all items listed under the consent agenda item, as presented.

17) Project Agreements for Road Repair:

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to approve the Project Agreement for Road Repair for the City of Lake Bridgeport to blade in and roll asphalt for various roads. (No attachment; no number assigned)

18) Right-of-Way Improvements: None

19) Burn Ban: None

20) Committee Reports:

The court discussed trash dumpsters on county roads being a safety hazard in the county right-of-way. The court discussed various ways to remedy this situation and agreed to contact a company representative about removal and remove it from the roadway as necessary.

Back to item 5: Correspondence

Burns publically thanked Precinct No. 2 resident Bill Kline for removing a tree overnight that was in the roadway on a county road in Burns' precinct.

21) Clark announced Thursday, July 4, 2019 as a county holiday.

22) Clark announced the next meeting as Monday, July 8, 2019 and told the court that agenda items need to be presented to the County Judge's office by end-of-day Tuesday, July 2, 2019.

23) Clark adjourned the meeting at 10:06 AM there being no further business to be had by the court.

Minutes approved this 8th day of July, 2019, as printed.



J.D. Clark, County Judge, Wise County



Danny White, Commr. Pct. No. 1



Kevin Burns, Commr. Pct. No. 2

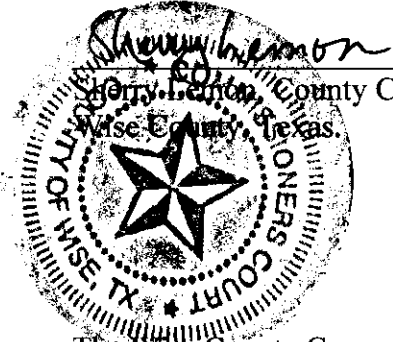


Harry Lamance, Commr. Pct. No. 3



Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:



Sherry Linton, County Clerk and Ex-Officio Clerk of Commissioners' Court,

The Wise County Commissioners' Court adopted revised **Rules of Procedures, Conduct & Decorum at Meetings of Wise County Commissioners' Court** on March 25, 2019.