

**City Council Regular Meeting  
MINUTES  
June 11, 2024 at 6:00 PM**

**CALL TO ORDER:**

Mayor Sara Countryman called the meeting to order at 6:01 p.m.

Present:	Sara Countryman	Mayor
	Carol Langley	City Council Place #1
	Cheryl Fox	City Council Place #4
	Stan Donaldson	City Council Place #5
Also Present:	Gary Palmer	City Administrator
	Dave McCorquodale	Director of Planning & Development
	Maryann Carl	Finance Director
	James Greene	City Secretary
	Joe Belmares	MPD Lieutenant
	Kimberly Duckett	Court Administrator
	Eric Standifer	Public Works Foreman
	Tiana Smith	Waste Management
	Jeff Warner	Enterprise Fleet Management

**INVOCATION:**

CM Fox Gave the invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS:**

Pledges to the American and Texas Flag were conducted.

**VISITOR/CITIZENS FORUM:**

Merrily Thompson addressed Council. She said she does not live in the City of Montgomery, but she does own two properties in the historic district: 914 and 920 College Street. I am here because the drainage problems that are occurring, Carol my neighbor probably knows this as well, have become catastrophic. So I have a little video of what happened with the recent rains, and I am almost about to be flooded because of the drainage problems. So if I can step forward I'd be happy to show you that video.

Mayor Countryman invited her to step to the dais.

Thompson explained while showing the video that this is my driveway, this is the bridge. You can see that it is quite deep, its going over the road and its going into my garage. Its not in my house yet, but my tenants, its halfway up the wheels of their tires on my driveway. So we have a big issue there. Here are some pictures of the current drainage pipes that are in place that are undersized and causing the problem.

Mayor Countryman asked Thompson to return to the podium so that she could be recorded for the record.

Thompson said my concern is that I have owned these properties for twenty years and when I bought the property, it was a very small ditch. The gentleman who is my tenant stood in the ditch today and it is this deep with him with no water in it. With the water in it, it would be over his head and its not only problematic for the flooding issue, but it's a danger. I would ask that the city, with their planning & zoning, fix the problem before we have a catastrophe.

Mayor Countryman verified Thompson's property addresses.

Thompson verified the addresses and said that there is a home in between us and they actually have some retaining wall damage because the water is rushing through and is beginning to bow their wall as well. It can't be ignored any longer.

Mayor Countryman thanked Thompson.

Tyler Cooper addressed the council. The following is a transcript of his address submitted by Cooper.

My name is Tyler Cooper and I live at 118 Anna Springs Lane. I am here to voice my concerns around the development of unapproved plans on the Cornerstone Community Church property and to inquire about actions the city and/or church may need to take to rectify the situation.

Ever since the church purchased, cleared, sodded, and paved the neighboring lot, heavy rainfall has overwhelmed our drainage ditch and French drain system, flooding my pool with mud and debris every soaking rain event. I believe it has also contributed to the further washing out of our driveway. We have lived here for 4 years and never experienced this amount of flooding and rushing water. All four flooding events I am referencing herein have occurred since October 26<sup>th</sup>, 2023, which to me, is not a coincidence in timing as it relates to the development of the church property.

I have emailed Gary Palmer about the issue who stated that this is a private property issue, and the city can't do much without clear-cut code violations. Officer Tilly visited our property to survey the issues and take pictures, but stated last week that it remains a civil matter between private property owners.

This is where I respectfully disagree with Mr. Palmer. After reviewing both the Planning and Zoning Commission and the City Council agendas and minutes, I made the following discoveries which I've documented in chronological order. I also aligned the ordinances that pertain to each article in the packet that I will leave with you. For time purposes, here is a short summary to this point:

- April 4<sup>th</sup>, 2023, Planning and Zoning Commission Meeting:
  - The P&ZC approved the rezoning to "Institutional" from "Residential". During the meeting (available on YouTube), the committee discussed various concern for neighboring residents. Mr. McCorquodale assured that all ordinances and approvals would be followed, especially since the property was being replatted and developed next to abutting residents.
  
- April 11<sup>th</sup>, 2023, City Council Meeting:
  - The City Council approved the rezoning motion after a brief discussion, also available on YouTube. Mr. Olson asked if the rezoning would allow for the church to build a parking lot without further rezoning. Mr. McCorquodale confirmed saying it would require them going through whatever governmental process is required to build a parking lot.

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This brings me to my point of why I don't believe this is a private civil issue. If this property was replatted and developed according to the new rezoning, it should be subject to several ordinances, including:

1. Chapter 78, Article III, Sec. 78-60 – 78-64
2. Chapter 78, Article IV, Sec. 78-96
3. Chapter 78, Article V, Sec. 78-123
4. Chapter 78, Article V, Sec. 78-126
5. Chapter 78, Article VI, Sec. 78-161 – 78-162
6. Chapter 98, Article III, Sec. 98-239

Many of which require the approval of the city engineer and/or city council. And since their approval is warranted, my questions are:

1. Did the church go to the county and file for replatting then file for the appropriate approvals for the work completed?
2. If so, were these approvals granted?
3. If those approvals were granted, did the city engineer or inspector physically visit the site before approving any alterations to the property?
4. What inspections were conducted, and by what means?
5. If the church did not adhere to the standards contained within, does that not warrant enforcement of or mitigation for any infractions?
6. If there are obvious infractions, why is the Code Enforcement Officer not able to act?
7. If they filed the appropriate paperwork, is it incompetence from within the city that they blindly approved the plans with no actual follow-ups or recommendations, did not follow through on their end of the ordinance guidelines, or simply not care as to avoid strife with the church?

Please understand that we have no issue with the rezoning of the church or take umbrage of their existence. It is a welcomed addition to the community with many great parishioners. Our issue lies with the physical and financial damage to our property due to the poor drainage of their property, and the potential incompetence and inaction of the city.

I have provided a packet with emails, invoices, damage pictures, timelines, and ordinances in question, along with quotes directly from the previous City Council and P&ZC meetings. I also have video evidence of our concerns during the last storm (May 30<sup>th</sup>, 2024), which I can share via text or email. Lastly, I invite anyone to visit our property anytime; my contact information is included in the packet.

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## Timeline of Rezoning and Approvals of Cornerstone Church Property

I have combed through the Planning and Zoning Commission agendas and minutes as well as the City Council's agendas and minutes and made the following discoveries. I have documented each of those in chronological order below:

- The April 4<sup>th</sup> Planning and Zoning Commission Agenda shows where it was brought forth and sent to City Council, the approval of the Rezoning Request to rezone the newly purchased plot of land from Residential to Institutional.
  - In the comments section of the satellite imagery draft, it states, “Future uses could include facility or parking expansion projects” and “Ensure any future development provides buffer for adjacent residential uses per City Code”.
  - In the Planning and Zoning Commission Recommendation Report in which the rezoning was approved, one of the points states that “Adequate development regulations are in place to ensure no negative effects on surrounding properties if the rezone is approved. The church property is currently being platted to reflect a 25-foot vegetative setback (Sec. 78-162) and the side & rear yards (Sec. 98-239), adjacent to single family properties.
  - Mrs. Julie Davis can be heard saying off camera on the YouTube upload that “they are operating on driveway variance and so if the intention is to buy this 1/3 of an acre and extend this driveway around the side of the building, then you need to keep in mind that whatever we make them jump through now, we’re going to make them jump through it with that driveway when they expand it. I believe they have crushed granite now”. It was agreed upon by the committee members.
  - Mrs. Merriam Walker can also be seen and heard talking about the light and noise concerns from the church.
  - Mr. McCorquodale can be seen and heard saying “the development of it would require the same type of review as any other type of development would with the city engineer.
  - Mrs. Walker asked “I know when they started developing it they asked about the special use for the type of pavement that they are to use and we approved what it is they have now, do they have to come

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back to us if they want to extend that parking lot for the same request”?

- Mr. McCorquodale said “yes...yes”.
- Mrs. Walker continued “they can’t just do it because we said yes to this”
- Mr. McCorquodale said “yes, right, that area that is parking lot was not as big as it could ever get”.
  - Sec. 78-162, Provision A reads: “Vegetative setbacks of 25 feet in width shall be maintained at all times where commercial, multifamily, industrial, church, public buildings or school properties abut any single-family residential property or adjacent acreage that may in the future become single family residential.
  - Sec. 78-162, Provision C reads: “The vegetation setback must also provide a visual barrier”.
  - Sec. 98-239, Provision A reads: “Barrier. A visual barrier shall be constructed and permanently maintained on any lot adjoining or abutting R or PD District”.
- In the minutes report of the April 4<sup>th</sup> Regular Meeting on Page 3, point number 5, it reads “Mrs. Julie Davis said the church had a variance to their parking surface and to be mindful of parking lot expansions”.
  - I’m not sure what that means, but I am assuming that since this is now being rezoned to “Institution”, a paved parking surface and/or larger parking lot must be provided to meet the minimum standards in Article IV – Off Street Parking.
  - If this assumption is correct, under Sec. 78-123 – General policies regarding improvements; payment and costs of improvements. – “Policies, terms, and conditions to be followed in paving work and the extending of water lines, sewer lines, and drainage must be approved by the city council and city engineer. All improvements shall be installed by the developer at his expense”.
- Also, in the minutes of the April 4<sup>th</sup> Regular Meeting on Page 4, point number 6, it reads: “Staff reviewed the draft report. Jeff Waddell noted the requirements in the report that future development of the church property needed to meet the city regulations on buffering lights and noise from adjacent homes. Mr. McCorquodale said the church was platting the property which requires a 25-foot vegetative

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buffer adjacent to homes. Staff confirmed new development on the site would need to follow all current city regulations”.

- According to Article III - Plats, Sec. 78-60 through 78-65, any sort of Plat (Replat, Minor Plat, or Final Plat) would need to follow the rules set forth in the Final Plat instructions.
  - This means in the least, it would need to be approved by the city engineer if not more approvals by the City Council.
- According to Sec. 78-64 Development Plats:
  - “A development plat must be prepared by a registered professional land surveyor”.
  - “Development may not begin on the property until the development plat is filed with and approved by the city in accordance with this chapter”.
  - “Approval. Development plats shall be submitted to the city and may be approved and signed by the city engineer and city administrator”.

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## **CONSENT AGENDA:**

1. Consideration and possible action on the May 28, 2024 Regular Meeting Minutes

Mayor Countryman introduced the item.

CM Langley said she had a question about item 13 on the minutes. It said that Bryan Lucas with Hayes Utility was present. I thought that gentleman's name was Phillip Wright. Can we check into that and make sure because if it is Bryan Lucas, I need to call him and apologize to him for calling him Phillip Wright.

Mayor Countryman asked for a motion.

CM Fox made a motion to approve the minutes of May 28, 2024 with corrections if needed and the motion was seconded by CM Langley with all Councilmembers voting AYE, motion carried.

## **CONSIDERATION AND POSSIBLE ACTION:**

2. Consideration and possible action regarding approving execution of an Interlocal Agreement with Montgomery Independent School District

Mayor Countryman introduced the item.

Palmer said thanks Mayor. You may recall that this item has been on a workshop agenda regular council meeting, MISD is building the CTE Center on Lonestar Parkway just west of Buffalo Springs and in that development, there is a water line that we require to be extended. It's a loop that services that area and if you recall we offered to pay \$75,000, not to exceed \$75,000 for that. The attorney drafted up the agreement and MISD accepted that agreement. It's in your packets and tonight the approval will bind us to that \$75,000 which will likely come out of fund balance. Happy to answer your questions.

Mayor Countryman said just something I noticed; on the signature page it has Nici's name. Do we need to get a new page with Dr. Ruffin's signature on it maybe? Or if we can I don't know mark it out, if it'll be acceptable if he marked it with Mr. Greene's name.

Palmer said if you guys approve it tonight then we can make that change.

Mayor Countryman said OK, I just didn't know if it's going to have to come back because of the page. OK. Thank you. Council, what is your pleasure?

CM Langley made a motion to approve the Interlocal Agreement with MCISD as presented and CM Fox seconded the motion with all Councilmembers voting AYE, motion carried.

3. Consideration and possible action regarding approving expenses for emergency relocation of an 8" force main located on the southern edge of Lone Star Parkway approximately 100 yards east of SH149

Mayor Countryman introduced the item.

Katherine Vu addressed the council. Good evening Mayor and Council. As you all may be aware, you received in your email notification that we were doing an emergency relocation of the Lift Station number 8 forced main along Lonestar Parkway just West of Town Creek. While Wright



Solutions was performing the repairs to the 4-inch forced main it was also discovered that the eight inch forced main coming from Lift Station 2, which heads East, was also exposed and in danger of being compromised. We asked Wright Solution to put together an estimate which is included in your packet. Since then, we have had to do a realignment to move the forced main further away from the creek bank because it is continuing to erode, and we want to make sure that it's no longer in danger regardless of the erosion as much as we can control. So there is an updated estimate which I passed out to you. The updated estimate comes in at \$60,300. The difference between what I handed out to you and what is in your packet is an additional 100 feet to account for relocating it closer to the pavement of Lonestar Parkway, again to try to get away from the creek.

CM Fox asked but that includes 100 more feet? Is that what you are saying? So that's the difference of the \$6,550?

Vu said that's correct. It's 100 additional feet so this is the forced main coming from Lift Station 2 which carries over half of the flow of the entire city that takes it up the hill to a manhole on the east side of Lonestar Parkway and Buffalo Springs. So this is a very critical force.

CM Donaldson asked if this size is going to be adequate for our future developments that we're going to speak of later on?

Vu said it is. The other thing to consider is when the Town Creek wastewater treatment plant gets rebuilt, this forced main will go offline temp, it'll stay in place, but it will not be in use because everything that comes to Lift Station 2 will be treated at the Town Creek Wastewater Treatment plant. This forced main is going to stay in place in case we ever need to take that plant down for service. We can continue to pump it back to the Stuart Creek Plant so we want to be able to have an alternate just in case the plants needs to come down for service. But yes, this will be plenty to accommodate future growth.

CM Fox made a motion to approve the expenses for the Emergency Relocation of the eight-inch forced main with the additional 100 ft for the additional cost of \$6,550 and the motion was seconded by CM Donaldson with all Councilmember voting AYE, motion carried.

4. Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ARTICLE III, "IMPACT FEES" OF CHAPTER 90 "UTILITIES" OF THE CITY CODE OF ORDINANCES BY INCREASING THE IMPACT FEES FOR WATER AND WASTEWATER IMPROVEMENTS THAT ARE ATTRIBUTABLE TO NEW DEVELOPMENT IN THE CITY'S WATER AND WASTEWATER IMPACT FEE SERVICE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY; AMENDING CITY ORDINANCE NO. 2018-06, DATED MARCH 27, 2018; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AFTER PUBLICATION.

Mayor Countryman introduced the item.

Vu said what is in front of you is the impact fees that I understand have been presented to you all a few times. You had a public hearing on these as well just to remind you. These were reviewed by the Capital Impact Advisory Committee which was the P&Z acting as the CIAC as well. The public hearing as I mentioned was held. So, a brief review on this, we are proposing about a 9% increase for all meter sizes across the board. This will alleviate the cost of necessary infrastructure improvements because of growth over the next five to ten years. This is in line with other municipalities around, this is not anything that's out of line with what other local governments are doing.

CM Donaldson asked what was the five or ten years for?

Vu said we do a ten-year projection of all the capital projects that will be needed because of growth and that's the cost that is used to help determine what the impact fees are going to be as well as the number of connections that we're anticipating over the next five to ten years.

CM Donaldson said ok. So, this is the six-year update. You recommend we do it more often than that?

Vu said you can do it as often as you like. What I would recommend is no longer than about five years. It gives you a chance to review your project list again, refresh your connection counts, and account for any changes in growth trends, if development slows or really speeds up even more than it already is, gives you a chance to accommodate for that if something major and catastrophic happens in the market or in the city project needs. We can always revisit it at any time. The law actually requires you to do it at least every five years.

Mayor Countryman asked if any of the developers are already grandfathered in because they've already got developments going? So, this is moving forward once it's adopted, correct?

Vu said impact fees are assessed at the time of platting so whenever the final plat is recorded, that's when the impact fees or that day are assessed and locked in for that platted section whether it be a single-family section or a development or whatever it may be. It may be with these new impact fees going into place there's a ninety-day grace period, so any developments that come in within the next ninety days would still go under the current impact fees, and then after ninety-days, everything would be subject to these new impact fees.

CM Fox asked upon final plat?

Vu said yes, final plat. So, they are assessed at the time of final platting and due at the time of connection to the system unless otherwise outlined in a development agreement.

Mayor Countryman asked if there is a motion or other questions?

CM Donaldson made a motion to accept item four as stated and CM Langley seconded the motion with all Councilmembers voting AYE, motion carried.

5. Discussion of the Annexation Process and Direction on the Request of the Havenshire Subdivision (located on east side of FM2854 ~ ¼ mile south of SH105) to be Annexed into the City.

Mayor Countryman introduced the item.

Palmer asked if Council would like a recap?

Mayor Countryman said yes please.

Palmer said we had a request from one of the homeowners from Havenshire a couple weeks ago. I believe they came and spoke at our workshop agenda last month asking if the city would annex them. So, we decided to put it on the agenda for discussion. So, I'll just defer, I don't know if anybody from Haven Sire is here that wants to speak on behalf of the subdivision, but I would like to open it up for discussion. Ok, is there anyone that would like to approach the podium?

Several residents of Havenshire asked if they could all come up.

Mayor Countryman said yes, sure.

The resident said we've got several people from Havenshire here. We really just want to try to save our neighborhood. It's twenty houses, it's one street. I live at the end of the cul-de-sac and there's a development over in Conroe on the other side of the creek that plans on connecting our cul-de-sac. They've built a little bridge and from everything we have, and I have prepared, and I don't know if you need anything. I know I've probably given you all these before, but based on their schematic plot, they are proposing our street as our secondary access and that is a five-hundred house subdivision and we don't want the traffic. So, what we want to do is keep our street closed to all pass through traffic, and if the way to do that is annexation with the City of Montgomery then that's more than likely what we want to do. We really just need to see if that's possible that we can make sure that they can't still tie into the street, even if we Annex. That's our fear.

Mayor Countryman said so I know, Alan, we have to be asked by the residents and then we, should we need to look at several factors, right? The roads, infrastructure, how would that look? What would that look like? And impact to the city, and then of course, once Council is presented with that, they can make the decision then whether they would like to annex or not?

Petrov said the process is pretty straightforward, you know. It can go a couple of ways depending on whether you have all of the property owners requesting annexation or only some portion and not 100%. So, assuming properties in the City's ETJ which have been told what it is then it's possible to Annex the property. Annexation these days begins with a petition from the property owners. If you have 100% of the property owners sign off on the petition, then the process is pretty simple, a public hearing, and involves negotiation of services to the area and then council, after hearing, approves service. If you don't have 100% of the property owners sign off, then an election is required. There would have to be scheduled for an election on one of the uniform election times, so it really depends on the residents filing a petition at the beginning of the process. And if they're interested in where they find the petition, they should contact an attorney to assist them.

Resident asked I have a question about the 100% property owners. Is it 100% of the property owners or property owners governed by the HOA? We are in an HOA, so as long as we have a motion passed and signed by our HOA Council, is that 100% participation of the property?

Petrov said 100% of the property owners. And it goes by the tax roles. You get a certified copy of the tax roles and based on that is how you get your 100%.

Resident said I think we could get 100% if I can tell them that it will stop that development from using the road, but I don't know if I can tell them, oh maybe. Do you want to pay city taxes for maybe, then I don't know. So, I kind of like, I need to know that what we need can actually happen. That we can close that cul-de-sac.

Petrov said I can tell you that if the property is in the city, council could vote to close the road and prevent the connection. But again, that would take a vote of the City Council.

Resident said there is no way to know. That would be following annexation, the vote to close the road.

CM Fox asked isn't the road is a dedicated County Road?

Resident said it is a County Road right now.

CM Fox said let me ask you one other question that's kind of a curiosity thing, and I know when I ask it its going to be kind of strange. The house sitting north of y'all on the acreage, is that part of your subdivision?

Resident said yes, and he's on board with it. If we were to go to our homeowners and try to propose annexation or get people to sign a petition, what other kinds of benefits could we offer them as becoming part of the city.

Mayor Countryman said so the city provides infrastructure, which I believe you all have. And we, that's part of entertaining this idea is, what does sewer look like? What does water look like? How good are your wells, you know. How old are the wells? Because if the city takes you in, and then two years, we have to put in a whole new subdivision, basically. That's got to be taken into consideration. So we would want to also look at the street that comes in is in good shape also. So, there's some things that's got to be considered, and then once those are presented. So, then we would maintain that. And then you get Emergency Services as well. So, you get City taxes, nothing changes with your ISD. You just pay city taxes and then your infrastructure, meaning your water and sewer, is maintained by us, then the road is maintained by us, and then we could cut it off.

Resident asked so then city water would come?

Mayor Countryman said that's part of like, do you have City, I know you don't have City water now, but do you want it? And that's part of all the discussion that we would have in the interim.

Petrov said that typically becomes part of the discussion as you say of the service plan, whether we would run a water line and the number, and they receive emergency services, City Police.

Resident said yeah, that'd be great. Those type of things like sewer and water and of course the road would be things that I think we would need to communicate to our homeowners to be able to sign the petition. And that sort of study, would you not be able to perform that until after you have a petition signed by the homeowners? Or can that study of those services happen simultaneously so we can use that information to kind of go forward and get a petition?

Mayor Countryman asked so Alan, would you suggest that we take an inventory of how their water and sewer is provided today?

Petrov said yeah, I think so. You got a little bit of the Chicken and Egg kind of situation going. How much time and money do you want to invest if you aren't sure that they're sure. And by the same token, how much time and money do you want to invest if you aren't sure that the city is sure. The homeowners and the city, you know, we have to agree to work together and see if we can close the gaps.

Mayor Countryman said yeah. And we don't know what we don't know. We don't know what the water and sewer and the road conditions are, but that's something that we could, I guess, potentially start working on Gary, or ask how that's provided today? I believe you have got individual wells?

Resident said we have one well and then individual septic.

CM Langley said I drove down there, and I drove all the way to the end so. I like her little street.

Resident asked what about the front entrance. Like we have the brick structure and yard person to maintain that front area. Would that be part of the city services or would that still?

Mayor Countryman said that's typically HOA that does that.

Resident asked if we did do this, and the portion between the cul-de-sac and the property line is unpaved, the whole problem I feel like if I live right there, I want that into my property. We replatted it after annexing, do I have to have the adjoining property owner permission. The developer that's trying to use our road. Do they have to sign off on my owning that piece or once it's city ...

Petrov said that depends on what it is that you are replatting. The owners of the property would have to sign off and your subdivision plat that I've seen appears to me nobody.

Resident said no, it's just Havenshire right of way. They just extended it to the property line. But I was told by the county before we start looking into annexation, that in order for me to try to take that, that I would have to get the developers permission which is obviously not going to happen. So, I'm just trying to make sure with annexation.

Petrov said as long as it does not create a landlock situation on the other side, then I disagree.

Resident said I have one more question if you don't mind. We were told that while the county could vote to close the road in a council meeting, sorry, the city could vote to close the road in a council meeting, it wouldn't be a forever guarantee. Because a future City Council could change their minds or for whatever reason. What would be a reason that a future City Council might want to open that road back up if the property on the opposite side is Conroe or Conroe's jurisdiction. Would there be a reason you would think of that the City of Montgomery would, would it be in their best interest to open our road?

Mayor Countryman said if they want to pay us ten million dollars to open it, I don't know.

CM Langley said there is no telling what the other council would want to do or the situation might be.

Resident said like Conroe ETJ over there where they could approach government and say we'll give you ten million if you let us use that road and all of a sudden even though we're part of the city and we annex, I have the same problem again. That's why we are scared.

Mayor Countryman said they could dangle a carrot, they could not dangle a carrot. I mean, we don't know what we don't know.

CM Fox said yeah that's true, but for Conroe right now, I don't think they got their budget.

Resident asked number one, who do we negotiate with the city as far as getting the paperwork we need to go forward. We do it with the City Attorney, you have someone else negotiate with Council?

Mayor Countryman said I would suggest go to Gary Palmer, he's our City Administrator.

Palmer said as the City Administrator I am the liaison to council.

Resident said perfect. Thank you. Also, a couple other questions. Let's say we become annexed. Should we turn that street over to the city, does that imply ownership?

Petrov said yes.

Resident asked so the city would own the street?

Petrov said it's not a private street. It's a County street, right?

Resident said it is a county road right now.

Mayor Countryman affirmed that it is a County Road.

Resident said some say it's a county road but I said its not a County road. But that's a whole different thing, ok. What I'm saying, my problem is that right now I don't think it's a county road. I think they're blocked from coming in there. I think the developers block, I think they're interfering when they gave a permit to bridge across that creek, that's what I think. And I've got paperwork that says that. My fear is that I've dealt with a lot of City Councils. A lot of City Councils and Counties and so forth. My fear is that today, I mean, I may not be around anyway, but in the future, if we give this to the city, nothing would prevent the City Council from coming in and saying we open that road. Am I correct?

Mayor Countryman said I can't imagine a need, but I mean, sure, I mean they probably always. They can ask, the county can ask.

Resident said it's a matter if that is right? Ok? That's my concern. Now if we go as she was talking about, that portion of the street, county road, whatever you want to call it, from over the cul-de-sac to the creek. OK? Not paved, never has been paved. County sign saying no through street, ok? All of that. Nothing, I've never seen a document that gives that road to the county. Never seen a document, etc., etc. However, if we are annexed, if the city takes control of that road, that street down to that cul-de-sac, which is right in front of Naomi's house. If we could get that portion. That eighty feet given to Naomi as part of her property replat. Give it to Naomi. Would that prevent the city, without using or some other, would it prevent them from opening that street up.

Petrov said yes. But, as you know, the city has the ability of eminent domain. But I agree with you.

Resident said thank you.

Mayor Countryman asked if Council had anything to add to the discussion? With that, we'll move right along. We have nothing for executive session this evening, so how about Council Inquiry? No inquiry. Ok, all right, with that then I'll entertain a motion to adjourn.

**ADJOURNMENT:**

CM Langley made a motion to adjourn and the motion was seconded by CM Fox with all Councilmembers voting AYE, motion carried.

Meeting adjourned at 6:41 p.m.

Submitted by: \_\_\_\_\_

James Greene, City Secretary

Date Approved: \_\_\_\_\_

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Mayor, Sara Countryman