

**ATHENS MUNICIPAL WATER AUTHORITY**  
**June 12, 2019**

The Board of Directors of the Athens Municipal Water Authority ("AMWA" or "Authority") met in Regular Session on Wednesday, May 12, 2019, 8:00 a.m. at the Athens Municipal Water Authority Headquarters, with the following members present, to-wit:

Mike Peek, President  
Ed Gatlin, Vice-President  
Don Foster, Secretary  
Milburn Chaney, Board Member  
Frank Lunceford, Board Member

others present: Bill Casey, AMWA Executive Director; Martin Bennett, AMWA Attorney; Beth McConnell, Office Manager

guests of note: Monte Montgomery, Mayor City of Athens; Aaron Smith, Councilmember City of Athens; Randy Williams, City of Athens Utility Director; Corey Frentress, Frentress Engineering; Tyler Hendrickson, Velvin & Weeks Engineering Consultants

constituting a quorum at which time the following proceedings were enacted to wit:

**CALL TO ORDER**

The meeting was called to order at 8:00 a.m. by President Peek

**DECLARATION OF CONFLICT OF INTEREST**

No conflicts of interest were declared.

**OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN**

Mr. Cliff McKenzie requested that his time be moved after the presentation to move the marina no wake buoys.

**CONSENT AGENDA**

A motion was made by Director Gatlin, seconded by Director Chaney, to approve the consent agenda. The consent agenda included the minutes from the May 8, 2019, Regular session, the May 8, 2019 Workshop, and the approval of the monthly statements and payment of bills. This motion carried unanimously.

**FINANCIAL REPORT**

A motion was made by Director Gatlin, seconded by Director Foster, to approve a resolution establishing a 12-month certificate of deposit, with a principal balance of \$2,000,000. This motion carried unanimously.

A motion was made by Director Lunceford, seconded by Director Foster, to approve a resolution establishing a "water development capital project monetary fund," with a principal balance of \$500,000. This motion carried unanimously.

A motion was made by Director Gatlin, seconded by Director Chaney, to accept the budget amendments as presented. This motion carried unanimously.

A motion was made by Director Gatlin, seconded by Director Chaney, to accept and authorize Executive Director Casey to execute the tax collection contract with the Henderson County Tax office for the 2020 fiscal year. This motion carried unanimously.

The Board was reminded that if they have any recommendations for the fiscal year 2020 budget to please let staff know.

**PRESENTATION REGARDING EXISTING UTILITY EASEMENT FOR EXISTING 14" WATER LINE UNDER POWDER RIVER RANCH (E. KEAHEY)**

Eric Keahey, owner of the Powder River Ranch properties adjacent to the well farm, spoke regarding an existing agreement to potentially impound a lake over a portion of the 14" water line easement. He also spoke on how he believes that the easement is not valid as it does not have a grantee listed.

**WATER DEVELOPMENT**

A motion was made by Director Gatlin, seconded by Director Foster to approve a resolution prioritizing capital infrastructure projects of the Authority. This motion carried unanimously.

A motion was made by Director Foster, seconded by Director Gatlin, to authorize Executive Director Casey to execute an engineering services agreement with S.D. Kallman, L.P. for Powder River Ranch Phase 1. This motion carried four to one, with Director Lunceford opposed.

A motion was made by Director Gatlin, seconded by Director Foster, to authorize Executive Director Casey to execute a professional services agreement with Thornhill Group, Inc. for Powder River Ranch Phase 1. This motion carried four to one with Director Lunceford opposed.

**DISCUSS AND CONSIDER DECLARING THE FOLLOWING PROPERTIES AS EXCESS, WITH A POTENTIAL OF A FUTURE SALE**

Director Lunceford made a motion, seconded by Director Foster, to declare 6.991 acres in the D Cherry Survey, Abstract 135, as excess property for a potential future sale. This motion carried unanimously.

Director Lunceford made a motion, seconded by Director Chaney, to declare 74.93 acres, J Loop Survey, Abstract 460, Tract 7A, as excess property for a potential future sale, pending the resolution of the agreement with the City of Athens to use the property for water treatment plant sludge disposal. This motion carried unanimously.

**PRESENTATION/DISCUSSION AND CONSIDERATION OF A LAKE RESIDENT PETITION TO MOVE THE "NO WAKE/IDLE SPEED" BUOYS CURRENTLY LOCATED JUST SOUTH OF THE MARINA (N. PERRYMAN)**

Kris Perryman gave a presentation on the petition to move the buoys to the Fishery Center's raw water intake, to increase safety for boaters and kayakers.

At this time, Cliff McKenzie was invited to use his three minutes to oppose the petition.

A motion was made by Director Lunceford, seconded by Director Chaney, to move the "No Wake/Idle Speed Only" buoys to the Fishery Center's intake. This motion carried unanimously.

**DISCUSS AND CONSIDER DECLARING THE 2006 KENNER BOAT AND 2015 YAMAHA MOTOR AS EXCESS PROPERTY AND SUTHORIZE STAFF TO PREPARE ITS SALE AT PUBLIC AUCTION**

Executive Director Casey explained that Nautical Mile Marine only offered \$7,000 in trade-in value on the Kenner boat and motor. His belief is that we can bring in more, since the motor alone is worth approximately \$7,000.

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A motion was made by Director Lunceford, seconded by Director Foster, to declare the 2006 Kenner boat and 2015 Yamaha motor as excess property and for staff to prepare its sale at public auction. This motion carried unanimously.

**DISCUSS AND CONSIDER REVISIONS FOR THE RENEWAL OF THE RAW WATER CONTRACT WITH LAKE ATHENS PARTNERS, LLC AND AUTHORIZE EXECUTIVE DIRECTOR CASEY TO EXECUTE THE CONTRACT WITH ANY APPROVED REVISIONS**

A motion was made by Director Lunceford, seconded by Director Chaney, to authorize Executive Director Casey to execute a renewal contract with Lake Athens Partners, LLC, with no changes. This motion carried unanimously.

**DISCUSS AND CONSIDER A VARIANCE REQUEST TO THE RULES & REGULATIONS GOVERNING LAKE ATHENS, ARTICLE 2, SECTION 1, AREA OF A PIER OR BOATHOUSE**

A motion was made by Director Chaney, seconded by Director Foster to approve a variance request for South Platte Lot 9A (L. Ensign), for an additional 723 square feet over allowed. This motion carried unanimously.

A motion was made by Director Gatlin, seconded by Director Foster to approve a variance request for Peninsula Point Lots 56A, 57, and 58 (Parker) for an additional 187 square feet over his variance that was approved in April 2018. This motion carried unanimously.

**DISCUSS AND CONSIDER PREVIOUSLY PROPOSED RULES & REGULATIONS GOVERNING LAKE ATHENS CHANGES REGARDING LIGHTING RESTRICTIONS ON THE 448 MSL**

This item was originally on the agenda in January 2019. Mr. Rick Rollow, of P A Taylor subdivision, recapped that he believes AMWA should put in place low wattage restriction on boathouse lighting.

No motion was made.

**EXECUTIVE DIRECTOR REPORT**

Executive Director Casey gave his report as Executive Director.

**EXECUTIVE SESSION: PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE: SECTION 551.074 – DISCUSSING PERSONNEL**

A motion was made by Director Gatlin, seconded by Director Foster, to enter into Executive Session at 9:23 A.M. This motion carried unanimously.

A motion was made by Director Gatlin, seconded by Director Foster, to return from Executive Session at 9:55 A.M. This motion carried unanimously.

**DISCUSS AND CONSIDER ACTION RESULTING FROM EXECUTIVE SESSION: PURSUANT TO THE OPENMEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE: SECTION 551.074 – DISCUSSING PERSONNEL**

President Peek stated that a committee will be formed to negotiate a retirement settlement with Executive Director Casey, as it is his intention to retire when his contract expires in December 2019. This committee will consist of President Peek and Director Chaney.

**ADJOURN**

A motion was made by Director Lunceford, seconded by Director Foster, to adjourn the meeting at 9:57 A.M.

**PASSED AND APPROVED on this 10<sup>th</sup> day of July, 2019.**

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Mike Peek, President

ATTEST:

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Donald A. Foster, Secretary