

**ATHENS MUNICIPAL WATER AUTHORITY**  
**July 12, 2017**

The Board of Directors of the Athens Municipal Water Authority ("AMWA" or "Authority") met in Regular Session on Wednesday, July 12, 2017, 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  
Milburn Chaney, Board Member  
Frank Lunceford, Board Member

absent: Don Foster, Secretary

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

guests of note: Monte Montgomery, City of Athens Mayor; Mike Finney, City of Athens; Ryan Adams, City of Athens; Ed McCain, City of Athens, Barbara Holly, City of Athens, Philip Rodriguez, City of Athens

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

**CALL TO ORDER**

The meeting was called to order at 8:01 a.m. by President Peek

**DECLARATION OF CONFLICT OF INTEREST**

No conflicts of interest declared.

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

Mayor Montgomery thanked AMWA for working with TCEQ to get the remaining violations at the Water Treatment Plant resolved. The Mayor has also heard from many citizens regarding the outstanding work that AMWA has recently completed on Lake Athens dam. The Mayor also wanted to let the Authority's Board of Directors know that any questions regarding the City of Athens being the permit authority over boathouses on Lake Athens, did not come from him, as the current Mayor.

Mr. Bob Bushnell, of the Rose Pointe subdivision, spoke on the inundation of lily pads in the Lake Front Shores/ Rose Point cove, and how the properties that are not going to mechanically remove them are inadvertently causing the lily pad issue to worsen for others in the cove.

Mr. Ken Geeslin, supports Mr. Bushnell's statements. Mr. Geeslin believes that the TPWD maximum area that each property can clear of 5,625 square feet maximum, is not adequate and that cut vegetation can drift. Mr. Geeslin believes that AMWA should petition TPWD to allow the Lake Front Shores/Rose Point Cove to chemically treat the lily pads with an aquatic herbicide called Rodeo.

**CONSENT AGENDA**

A motion was made by Director Gatlin, and seconded by Director Lunceford to accept the minutes of the June 21, 2017 Regular Session Board Meeting, as presented. This motion carried unanimously.

**COMMITTEE REPORTS**

Director Gatlin presented the financial statements.

Director Gatlin presented the monthly bills for payment. A motion was made by Director Gatlin and seconded by Director Chaney for payment of those bills. This motion carried unanimously.

The Board of Directors and Executive Director Casey discussed the preliminary budget proposal from Executive Director Casey.

A motion was made by Director Chaney, seconded by Director Lunceford, to have a public hearing to adopt a proposed tax rate of \$0.119729 (unchanged) at the August 9, 2017, Board meeting. This motion carried unanimously.

Director Gatlin gave the investment report, as prepared by Executive Director Casey.

**DISCUSS AND ACT UPON PLACING A LIEN ON LAKE ADJACENT PROPERTY, P A TAYLOR LOT 48, OWNED BY TIM BEST, FOR THREE YEARS OF NON-PAYMENT OF AMWA FEES**

After a brief discussion, a motion was made by Director Chaney, seconded by Director Lunceford, to place a lien on the property owned by Tim Best, for three years of non-payment of AMWA fees. This motion carried unanimously.

**DISCUSS DISPUTE BETWEEN LAKE ATHENS ADJACENT PROPERTY OWNERS REGARDING BOATHOUSE CONSTRUCTION (M. CARROLL, P A TAYLOR LOTS 40-41)**

At the May 10, 2017 regularly scheduled Board meeting the Authority's Board of Directors approved a boathouse size variance for Kevin Sutherlin (P A Taylor Lot 39). Since that Board meeting construction has started and the boathouse is 85-90% complete. Mr. Mark Carroll, neighboring Mr. Sutherlin's property to the west, feels that Mr. Sutherlin was not truthful as to where the boathouse would be placed, when Mr. Carroll approved of Mr. Sutherlin's variance request.

Mr. Carroll believes that Mr. Sutherlin's boathouse is not in compliance with the 15' setback rule in the Authority's Rules & Regulations, if you follow the rule that speaks about property line being perpendicular to the shoreline and within the same vertical plane.

Executive Director Casey explained to the Board and others present, that he explained to Mr. Carroll, that as long as the boathouse was not constructed within fifteen feet of the property lines, AMWA would not tell Mr. Sutherlin where he could build it. It is AMWA's opinion that the location of the boathouse has been constructed within the constraints of the Rules & Regulations.

Mr. Carroll then invited the Board to come to his property to view the boathouse in questions, so they may take some form of action at a later time.

**DISCUSS AND ADVISE EXECUTIVE DIRECTOR CASEY REGARDING COMMUNICATION FROM THE CITY OF ATHENS DIRECTOR OF PLANNING, THAT THE CITY OF ATHENS SHOULD BE THE PERMITTING ENTITY FOR BOATHOUSES TO BE CONSTRUCTED ON THE 448**

Executive Director Casey gave background information on this topic:

In response to the topic discussed above, one of the complaining neighbors in the dispute contacted the City of Athens, in an effort to halt the boathouse construction. In response to this, a voicemail was left for Executive Director Casey on Thursday, June 29 (while Executive Director Casey was on vacation), from Barbara Holly, City of Athens Managing Director of Planning and Development. The voicemail stated that the City should be the permitting authority for all boathouses, since the 448 msl is within the City limits.

Approximately a week later, AMWA Office Manager Beth McConnell spoke with Ms. Holly, asking whose authority was the new permitting directive coming from. Ms. Holly stated that it was not so much a directive, but more a question, as she was still new to the City. Ms. Holly

asked Office Manager McConnell if there was a contractual reason or precedent that the City was not the permitting authority for boathouses.

Office Manager McConnell told her both. AMWA believes that the current contract with the City of Athens states that AMWA is the policing and regulating authority for Lake Athens. Also, AMWA has 55 years of precedent being the permitting authority for boathouses on Lake Athens. Office Manager McConnell forwarded, via email, the current contract to Ms. Holly with the relevant passage highlighted.

Shortly after, Executive Director Casey and Office Manager McConnell received an email from Ms. Holly stating, "Thank you so much. And, to reiterate, there is no directive on this; it's just a question and probably due to my newness with the city. "

Executive Director Casey stated that this email lead him to believe that the issue of who the permitting authority should be moot.

At this point, Ms. Holly stood up, and speaking over Executive Director Casey, stated that it was not a moot point and that the City should be the permitting Authority. At this time, Ms. Holly was told to be seated, since she was out of order by Executive Director Casey.

Mr. Bennett then read the portion of the contract between the City of Athens and the Authority that reads:

*"Notwithstanding the City being responsible for the duties identified in the Section, the Board of Directors of the Authority shall have and shall continue to have the right to exercise its police power with respect to regulating and protecting reservoir use for recreational purposes or otherwise."*

Ms. Holly then stood up, a second time without being recognized by the Board, and exclaimed that the City attorney does not interpret the contract that way.

At this time, AMWA Counsel Martin Bennett told Ms. Holly again that she was out of order, needed to be seated and recommended Ms. Holly have the City attorney reach out to him.

**DISCUSS AND PASS A RESOLUTION AUTHORIZING THE SALE OF 0.260 ACRES OF EXCESS PROPERTY, FM TRIMBLE SURVEY, ABSTRACT 766, TO JAMES AND CAROLYN RAY**

At the June 21, 2017 Board meeting the Authority's Board of Directors declared 0.260 acres of land located between the 448 and the Ray's property to be excess land.

A motion was made by Director Gatlin, seconded by Director Chaney, to sell 0.260 acres of excess property, located in the F M Trimble Survey, Abstract 766, to James and Carolyn Ray for \$2,500, with no excess cost the Authority. The motion carried unanimously

**EXECUTIVE DIRECTOR'S REPORT**

Executive Director Casey gave his Executive Director and Chief of Police reports.

Executive Director Casey's report included updates on TPWD's mandated restrictions on aquatic vegetation control, TCEQ violations, and the beginnings of Region C's 2021 population projections.

**ADJOURN**

A motion was made by Director Gatlin and seconded by Director Lunceford to adjourn the meeting at 9:12 A.M.

**PASSED AND APPROVED on this 9<sup>th</sup> day of August 2017.**

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Mike Peek, President

ATTEST:

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Donald A. Foster, Secretary