

**ATHENS MUNICIPAL WATER AUTHORITY**  
**February 14, 2020**

The Board of Directors of the Athens Municipal Water Authority ("AMWA" or "Authority") met in Regular Session on Wednesday, February 14, 2020, 8:00 a.m. at the Athens Municipal Water Authority Headquarters, with the following members present, to-wit:

Mike Peek, President  
Frank Lunceford, Vice-President  
Don Foster, Secretary  
Milburn Chaney, Board Member  
Marty Lindsey, Board Member

absent: none

others present: Ed Gatlin, AMWA Executive Director; Beth McConnell, AMWA Office Manager; Randy Williams, City of Athens; Corey Fentress, Fentress Engineering; Tyler Hendrickson, Velvin & Weeks Consulting Engineers

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**

Director Carroll submitted a conflict of interest for the following agenda items:

- a. Discuss and consider an application for variance to the *Rules & Regulations Governing Lake Athens, Article 2, Section 1, Area of a Pier or Boathouse, P A Taylor Lots 42 & 43 (Inman)*
- b. Discuss and consider an application for variance to the *Rules & Regulations Governing Lake Athens, Article 2, Length of a Pier or Boathouse, P A Taylor Lots 42 & 43 (Inman)*

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

Lawrence Loicano, of Bear Creek, wrote a letter expressing his support for a no wake buoy to be placed in the northern portion of the Bear Creek Cove.

John Shultz, of Bear Creek Estates, expressed a no wake zone was needed in the Bear Creek cove for safety.

Ralph Terry, Bear Creek Estates, also expressed his support for a no wake zone in Bear Creek Cove, for safety.

Jim Adams, Bear Creek, expressed support for a no wake zone in Bear Creek, for safety and because some fishermen do not realize that it is a dead end. Mr. Adams also expressed support to limiting wake boats on Lake Athens.

Mark Abadie, Oakwood, expressed support of wake boat limitations on Lake Athens. He stated he has lost 4' of shore due to the erosion of wake from wake boats.

Jon Zimmer, of Bear Creek Road North, expressed his support for a no wake zone in Bear Creek Cove, as wakes have become more frequent and larger over the last 25 years.

Bob Garrett, Bear Creek Estates, expressed his support of a no wake zone in Bear Creek Cove. He stated that he has clocked some boats at 45 mph in that cove at the dead end. He believes that his retaining wall collapsed due to wake and he has lost 25' of shoreline due to wake.

Don Price, Bear Creek Estates, also expressed his support of a no wake zone in Bear Creek Cove, both for safety and erosion control.

### **CONSENT AGENDA**

A motion was made by Director Foster, seconded by Director Lunceford, to approve the consent agenda, including:

- a. Approval of the January 10, 2020 Regular Session minutes
- b. Approval of the January 17, 2020 Special Session minutes
- c. Approval of the statements and payment of bills

The motion carried unanimously.

### **DISCUSS AND ACT UPON APPROVAL OF THE 2018-19 FISCAL YEAR AUDIT**

Following a presentation by Cody Wilson of Smith, Lambright & Associates, a motion was made by Director Lindsey, seconded by Director Lunceford, to accept the 2018-19 Fiscal Year Audit. His motion carried unanimously.

### **DISCUSS AND CONSIDER AUTHORIZING EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT TO PERFORM SOIL CONTAMINATION TESTING AT THE CUASTIC CONTAINMENT BASIN AT THE WATER TREATMENT PLANT**

A motion was made by Director Foster, seconded by Director Lindsey, to authorize Executive Director to enter into an agreement with E TTL Engineering Consultants to perform soil contamination testing, in the amount of \$3,840. This motion carried unanimously.

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

A motion was made by Director Lindsey, seconded by Director Foster, to grant Dorsey Estates Lot 7 (Mark Immel) a 60 square foot area variance, for a total boathouse size of 876 square feet. This motion carried unanimously.

A motion was made by Director Lunceford, seconded by Director Foster, to approve a 123 square foot area variance for P A Taylor Lots 42 & 43 (Garrett Inman) for a total boathouse size of 1,170 square feet. This motion carried 4-0, with Director Carroll having filed a conflict of interest.

### **DISCUSS AND CONSIDER AN APPLICATION FOR VARIANCE TO THE RULES & REGULATIONS GOVERNING LAKE ATHENS, ARTICLE 2, SECTION 5, LOCATION OF A PIER OR BOATHOUSE**

A motion was made by Director Lunceford, seconded by Director Foster to approve a location variance for P A Taylor Lots 42 & 43 (Garrett Inman). This variance is for 10 feet within the setback. This motion carried 4-0, with Director Carroll having filed a conflict of interest.

### **DISCUSS AND CONSIDER AN PETITION TO PLACE A NO WAKE BUOY IN THE BEAR CREEK ROAD NORTH/BEAR CREEK ESTATES COVE, AS TABLED FROM THE JANUARY 10, 2020 MEETING**

A motion was made by Director Lunceford, seconded by Director Foster, to place a no wake buoy in the Bear Creek Road North/Bear Creek Estates Cove, as petitioned by the property owners. This motion carried unanimously.

### **PRESENTATION AND DISCUSSION REGARDING WAKE SURF BOATS ON LAKE ATHENS (LAKE ATHENS PROPERTY OWNERS ASSOCIATION)**

Richard Griffin gave a presentation on behalf of the Lake Athens Property Owner's Association, regarding the wakes created by the new class of wake surf boats.

**INSPECTION REPORT**

Inspector Dugan gave the inspection report.

**POLICE DEPARTMENT**

Chief Dugan gave the police department report.

**EXECUTIVE DIRECTOR REPORT**

Executive Director Gatlin gave his report as Executive Director.

**EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 PRIVATE CONSULTATION WITH THE ATTORNEY OF THE AUTHORITY & SECTION 551.072 DISCUSS PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY (SUNSET PENINSULA, 6.991 ACRES IN D CHERRY SURVEY, ABSTRACT 135)**

A motion was made by Director Lunceford, seconded by Director Foster, to enter into executive session at 9:31 A.M. This motion carried unanimously.

**DISCUSS AND CONSIDER ACTION RESULTING FROM EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 PRIVATE CONSULTATION WITH THE ATTORNEY OF THE AUTHORITY & SECTION 551.072 DISCUSS PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY (SUNSET PENINSULA, 6.991 ACRES IN D CHERRY SURVEY, ABSTRACT 135)**

A motion was made by Director Lunceford, seconded by Director Lindsey, to return to regular session at 10:11 am.

A motion was made by President Peek, seconded by Director Foster, for the Executive Director to negotiate contracts for both properties, based on minimum terms for a private sale, to be approved by the Board of Directors, and to enter into said contract. This motion carried unanimously.

**ADJOURN**

A motion was made by Director Lindsey, seconded by Director Carroll, to adjourn the meeting at 10:15 A.M.

**PASSED AND APPROVED on this 13<sup>th</sup> day of March, 2020.**

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Mike Peek, President

ATTEST:

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Donald A. Foster, Secretary