

ATHENS MUNICIPAL WATER AUTHORITY
October 9, 2020

The Board of Directors of the Athens Municipal Water Authority ("AMWA" or "Authority") met in Regular Session on Friday, October 9, 2020, 8:00 a.m. at Authority Headquarters, 5302 FM 2495, with the following members present, to-wit:

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

absent: Mark Carroll, Board Member

others present: Ed Gatlin, AMWA Executive Director; Beth McConnell, AMWA Office Manager; Gary Dugan, Athens Municipal Water Authority Chief of Police; Martin Bennett, Authority Counsel; Randy Williams, City of Athens Utility Director

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

No concerns were presented at this time.

CONSENT AGENDA

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

- a. Approval of the September 11, 2020 Regular Session minutes
- b. Investment Report, as presented
- c. Monthly statements

The motion carried unanimously.

WATER/WATER DEVELOPMENT

A motion was made by Director Lunceford, seconded by Director Lindsey, to authorize the Executive Director to execute change order #1 with Ironhorse Unlimited, for the caustic tank and containment basin. This motion carried unanimously.

EXECUTIVE DIRECTOR REPORT

Executive Director Gatlin gave his report.

LAKE ATHENS RECREATION

Chief Dugan gave his Police and Inspection reports.

Authority staff gave an update on the previous found violations of *Rules & Regulations Concerning the Quality of Water and Use & Enjoyment of Lake Athens*, Article 17, Destruction of Authority Property, found below the 448 adjacent to Viewpoint Lot 12. The property owner has complied with all directions

given to them by the Board at the September 2020 Board meeting. No further action was taken at this time.

At the September 2020 meeting, the Board decreed that the boathouse currently under construction at Peninsula Point Lots 56A-58, where the permit extension had expired, must be ready to pass a final inspection no later than September 21, if they chose to finish the boathouse. Authority staff explained that while the construction was complete, the boathouse could not pass final inspection since it was not constructed according to the diagrams provided by with the approved permits.

A motion was made by Director Lunceford, seconded by Director Lindsey, to assess civil fines to the property owner based on the fine schedule approved at the September meeting, since the boathouse did not pass final inspection, adding to \$2,100. This motion carried unanimously.

Mr. Billy Young, of PR 7706 Tract 4A2, pled his case with the Board regarding his square foot overage for the constructed firepit (23.6% over allowed) and the construction of a road/ATV trail (4,439 square feet) and walking path (920 square feet) without a permit.

A motion was made by Director Lunceford, seconded by President Peek, to accept the variance request from Mr. Young, for the overage on the firepit square footage. This motion carried unanimously.

A motion was made by Director Lunceford, seconded by Director Foster, to accept the variance for the road/ATV trail and walking path, and approve these as constructed. The motion carried unanimously.

Authority staff explained the alleged violations for Zueler Hawley Lots 2 & 3, including the destruction of Authority property by removing large trees and the placement of plastic sheeting over the aquatic vegetation as a means of mechanical removal.

A motion was made by Director Lunceford, seconded by Director Foster to assess \$1,500 in civil penalties for violations of Article 17, Destruction of Authority Property, for the removal of large trees below the 448 msl, for Zueler Hawley Lots 2 & 3. If payment for this fine is not remitted within 10-days, the following additional penalties will apply:

Days 1-15 with no remittance: \$100 per day
Days 16-30 with no remittance: \$200 per day
Days 31-45 with no remittance: \$400 per day

The property owner must also provide staff with a property management plan, that includes the replacement of the destroyed trees. This motion carried unanimously.

A motion was made by Director Lindsey, seconded by Director Foster, to assess \$1,000 in civil penalties for violations of Article 26, Section 3, Mechanical Control/Removal of Aquatic Vegetation, for Zueler Hawley Lots 2 & 3. This motion carried unanimously.

Office Manager McConnell read into the record a letter from Doug Reader, of Windward East Lots 7 & 8, regarding his boathouse not being able to pass final inspection.

Office Manager McConnell stated that Mr. Reader has submitted a variance request that will be on the November agenda.

Chief Dugan explained that Mr. Reader's boathouse could not pass inspection since the walkway was made wider than 5' to accommodate the staircase to the second story deck. Since the walkway was wider than 5', the walkway no counts toward the square footage of the boathouse, placing the footprint over the allotted maximum in the *Rules & Regulations*.

A.M.W.A. Minutes

October 9, 2020

Page 3

The Board took no action, as a variance will appear on next month's agenda.

Office Manager McConnell read into the record a letter from John Parker, of Peninsula Point Lots 56A-58, regarding the inability of his newly constructed boathouse, due to the final floorplan differing from the floorplan submitted during the variance and permit applications.

Office Manager McConnell read a letter from Geri Moran, of Peninsula Point Lots 54-56, expressing her approval of the boathouse that Mr. Parker constructed.

Chief Dugan went over both the submitted/approved plans and what was constructed, showing the difference in layout and square footage.

A motion was made by Director Lunceford, seconded by Director Lindsey, to approve the boathouse as constructed, however absolutely no additions or changes can be made to the boathouse without prior Board approval. This motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE

A motion was made by Director Foster, seconded by Director Lunceford, to enter into Executive Session, at 9:18 A.M.:

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

This motion carried unanimously.

A motion was made by Director Lunceford, seconded by Director Lindsey, to return to regular session at 9:40 A.M. This motion carried unanimously.

A motion was made by President Peek, seconded by Director Lunceford, to authorize Executive Director to negotiate and enter into a contract for the offered amount, with the direction set forth by the Board in Executive Session, for the sale of Sunset Peninsula. This motion carried unanimously.

ADJOURN

A motion was made by Director Lindsey, seconded by Director Foster, to adjourn the meeting at 9:43 A.M.

PASSED AND APPROVED on this 13th day of November 2020.

Mike Peek, President

ATTEST:

Donald A. Foster, Secretary