

REGULAR SESSION

OCTOBER 9, 2017

The City Council of the City of Athens met in Regular Session on Monday, October 9, 2017, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 W. Corsicana St., Athens, Texas with the following members present, to-wit:

Monte Montgomery, Mayor
Tres Winn, Mayor Pro-Tem
Ed McCain
Toni Clay
Joe Whatley

Gary Whittle, Interim City Manager
Bonnie Hambrick, City Secretary

others present: Thanasis Kombos, Ryan Adams, Barbara Holly, Marty Coursey, John McQueary, Buddy Hill, Jennifer Robertson, Betty Foster, Donna Meredith, Will and Shannon Traxson, Sherri Skeeters, Deborah Deas, Gary Penn, Mary Waddell, Commissioner Ken Geeslin, Johnny Ballow, Steve Barksdale, Marcy Warren, Kerry Assa, Jeff Weinstein, Lisa Montgomery, Michael Hannigan, Lacey Lowry, Berta Winn, Kevin and Jeaneane Lilly, Jeff Weinstein, and other interested citizens;

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

INVOCATION

The invocation was given by Steve Barksdale.

DECLARATION OF CONFLICT OF INTEREST

Mayor Montgomery filed a Conflict of Interest for the following item: Consent Agenda; item d) Consider final reading of an Ordinance concerning a request Triton Athens I, LLC for site plan approval and a specific use permit for retail, restaurant (with drive through), and office development at 1006, 1010, and 1012 E. Tyler Streets (Lot 4, 81, 8B, and 10, Block 119 and 23) (Z-06-17-001). Mayor Montgomery stated he was involved in financial discussion while off the City Council and that he may be involved in bidding the job at a later time.

Councilmember McCain asked if the item d) would be removed from the Consent Agenda with Mayor Montgomery stating yes.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE SEPTEMBER 25, 2017 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE SEPTEMBER 29, 2017 SPECIAL SESSION
- c) AUGUST 2017 FINANCIALS
- e) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM THE CITY OF ATHENS, TEXAS FOR A TEXT CHANGE FOR THE PLANNED DEVELOPMENT DISTRICT STANDARDS TO REDUCE THE MINIMUM SIZE FROM THREE ACRES TO ONE ACRE (Z-06-17-002)
- f) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM REGENCY MOBILE HOME PARK FOR A SPECIFIC USE PERMIT TO ALLOW FOR RV'S AT THE MOBILE HOME PARK (Z-07-17-001-SUP)

- g) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM THE CITY OF ATHENS, TEXAS TO AMEND ARTICLE III, CHAPTER 10 OF THE CODE OF ORDINANCES TO PROVIDE TIME LIMITS FOR TRASH RECEPTACLES TO BE AT THE CURB (Z-08-17-001)
- h) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM HVAC MANUFACTURING FOR A SPECIFIC USE PERMIT TO ALLOW INTELLIGENT WEAPONS DESIGN AND MANUFACTURING AT 1010 W. CORSICANA (LOTS 10A, 11 AND 12 A OF THE T. PARMER SURVEY (Z-09-17-001 SUP)
- i) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM ATHENS TRAILER AND TRUCK SALES, LLC, FOR A SPECIFIC USE PERMIT TO ALLOW HEAVY EQUIPMENT SALES AT 1200 HWY. 175 WEST (Z-09-17-002 SUP)

Mayor Montgomery stated item d) Consider final reading of an Ordinance concerning a request Triton Athens I, LLC for site plan approval and a specific use permit for retail, restaurant (with drive through), and office development at 1006, 1010, and 1012 E. Tyler Streets (Lot 4, 81, 8B, and 10, Block 119 and 23) (Z-06-17-001) will be discussed separately

Bonnie Hambrick, City Secretary read the Ordinances aloud.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the Consent Agenda. The motion carried unanimously.

- d) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST TRITON ATHENS I, LLC FOR SITE PLAN APPROVAL AND A SPECIFIC USE PERMIT FOR RETAIL, RESTAURANT (WITH DRIVE THROUGH), AND OFFICE DEVELOPMENT AT 1006, 1010, AND 1012 E. TYLER STREETS (LOT 4, 81, 8B, AND 10, BLOCK 119 AND 23) (Z-06-17-001)

Mayor Pro-Tem Winn took charge of conducting the meeting. He asked if there were any comments from citizens regarding item d) final reading of an Ordinance concerning a request Triton Athens I, LLC for site plan approval and a specific use permit for retail, restaurant (with drive through), and office development at 1006, 1010, and 1012 E. Tyler Streets (Lot 4, 81, 8B, and 10, Block 119 and 23).

Marcy Warren stated she would like to see the wall constructed before construction of the development.

Councilmember McCain stated it is a masonry wall that would be constructed.

Ms. Hambrick read the following comments from staff. "The City Council discussed the need for screening around the drainage pond and recommended solid masonry or masonry coupled with cedar fencing".

Barbara Holly, Managing Director of Development Services stated the Ordinance currently requires solid masonry.

Gary Whittle, Interim City Manager, asked Ms. Holly to explain the site plan process. Ms. Holly explained that the site plan requirements allow the City Council to have input and make changes to the submitted site plan.

Kerry Assa, Real Estate Manager Firebird Restaurant Group, LLC. Horn Commercial and Triton Development stated as a developer he wants to share his intent to build a development that everyone is proud of. He further stated they want to do everything to appease the people. He stated they are willing to work with the homeowners and Council to do anything that other developers are required to do. He stated a wood fence is a better option based on the fact there will be expansion.

Jim Kerlin, stated his main concern is light pollution.

Councilwoman Clay stated there is a valid concern for the ground shifting, she asked if staff had a recommendation with Ms. Holly stating a masonry wall.

After discussion, Ms. Hambrick read aloud the Ordinance.

A motion was made by Councilmember Whatley, seconded by Councilmember McCain, to approve final reading of an Ordinance concerning a request Triton Athens I, LLC for site plan approval and a specific use permit for retail, restaurant (with drive through), and office development at 1006, 1010, and 1012 E. Tyler Streets (Lot 4, 81, 8B, and 10, Block 119 and 23) to include solid masonry fencing opposed to masonry and wood.

The motion carried by the following vote: Ayes: Councilmembers, Whatley, McCain, Winn and Clay, Nays: None, Abstain: Mayor Montgomery.

Conducting of the City Council meeting was resumed by Mayor Montgomery.

CITIZENS COMMUNICATIONS

Ms. Deborah Deas invited the City Council and citizens to the East Texas Arboretum and Botanical Society's Fall Festival on Saturday, October 14, 2017.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO THE APPOINTMENT OF SHANNON TRAXSON TO THE ZONING BOARD OF ADJUSTMENTS

Ms. Hambrick informed the City Council that Todd Fowler submitted his letter of resignation from the Zoning Board of Adjustments (ZBA) due to scheduling conflicts. She stated that Shannon Traxson currently serves on the ZBA as an alternate and has expressed interest in filling the unexpired term of Mr. Fowler.

A motion was made by Councilwoman Clay, seconded by Councilmember Winn to appoint Shannon Traxson to the Zoning Board of Adjustments. The motion carried unanimously.

DISCUSS FIRST READING OF AN ORDINANCE AMENDING FISCAL YEAR 2017 BUDGET

Marty Coursey, Finance Director, explained the Ordinance is amending the appropriations that were previously approved and not in the original budget adopted Fiscal Year 2017.

Ms. Hambrick read the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE AMENDING FISCAL YEAR 2018 BUDGET AND REALLOCATING FUNDS FOR THE O.D. BAGGETT PARK PROJECT

Thanasis Kombos, Assistant City Manager, explained that in the Fiscal Year 2018 Budget the City Council appropriated \$85,000 for the O.D. Baggett Park renovation. He stated in September of 2016 the City Council approved a Resolution for staff to write a grant for Texas Parks and

Wildlife Department and in April of 2017, the City was informed by Texas Parks and Wildlife Department that Baggett Park had received \$75,000 in grant funds to go towards the renovation project. He informed the City Council the Ordinance is to amend Fiscal Year 2018 Budget and reallocate funds for the O.D. Baggett Park Project.

Mr. Whittle also informed the Council and citizens that a ground breaking for the O.D. Baggett Park Project will occur at the park on Thursday, October 12, 2017 at 3:00 p.m.

Ms. Hambrick read the Ordinance aloud.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
APPROVING AN ECONOMIC FEASIBILITY STUDY FOR ATHENS
MUNICIPAL AIRPORT

Mr. Kombos explained that on June 26, 2017 the City Council approved an agenda item to implement the Airport Master Plan. He stated one of the first things discussed was an Economic Feasibility Study.

Mr. Kombos recognized Commissioner Ken Geeslin. He further stated that the County appropriated \$15,000 towards the Economic Feasibility Study for Athens Municipal Airport.

Mr. Kombos stated on September 14, 2017, the Airport Advisory Board recommended to the City Council to approve a proposal with R. A. Wiedemann & Associates, Inc. (contract administered by Garver Engineering) for delivery of an Economic Feasibility Study for Athens Municipal Airport. He identified the recommended scope for the study which includes the following:

- Runway/Airport Construction Impacts
- Industrial Park Construction Impacts (estimated)
- Industrial Park Operational Impacts (estimated)
- Three Case Studies of similar sized airports and the impact of jet-capable facilities on business development
- Work products:
 - Executive Summary
 - Promotional Video

A motion was made by Councilmember McCain, seconded by Councilmember Whatley, to approve an Economic Feasibility Study for Athens Municipal Airport. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
APPROVING THE CLOSURE OF THE CITY PARKING LOT AND ALLEY

Mr. Kombos explained that City Staff received a request for temporary closure of the City Parking Lot and alley from Stephen Howell and Katie Love to reserve the downtown City Parking Lot for a private event (wedding rehearsal dinner and wedding reception).

Mayor Montgomery stated his only concern is the City setting a precedent. He asked if there were any charges associated with a citizen's request for a closure, with Mr. Kombos stating the City currently does not have a fee but with the opening of the Texan the City should develop a fee for private use.

Buddy Hill, Chief of Police, stated to his knowledge the City has never had an individual request to close the City Parking Lot and typically the City does not charge fees for events. He stated the City does require liability insurance and the requestor must be willing work with the City's safety guidelines.

Councilmember McCain stated it is a good learning opportunity for the City and good foresight and run through for use of the Texan.

Councilmember Winn stated he does not feel the City is setting a precedent and feels the City should allow the closure. He stated it is a good practice run.

Chief Hill informed the Council that the requestor has secured the insurance.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the temporary closure of the City Parking Lot and alley. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO A GRANT OF UTILITY EASEMENT AT 1317 S. PALESTINE FROM SUSAN SHARP

Ms. Holly explained that Dollar General is purchasing the property immediately south of Susan Sharp's medical building at 1317 S. Palestine. She stated the Dollar General needs to connect to the water line and that no easement was shown protecting the existing water line and this grant corrects that and allows Dollar General to make the connection to serve their future facility. She further stated it will provide a 15' wide utility easement protecting the existing waterline on the East side of South Palestine.

A motion was made by Councilmember Winn, seconded by Councilwoman Clay to grant a utility easement at 1317 S. Palestine from Susan Sharp. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO ABANDONING A DRAINAGE AND SEWER EASEMENT CREATED BY PLAT AND DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO ACCEPTING A DRAINAGE AND SEWER EASEMENT BY SEPARATE INSTRUMENT, TO RESOLVE A TWO FEET +/- ENCROACHMENT FOR JOHNNY BALLOW

Ms. Holly explained that Mr. Ballow discovered the plat he has been using to lay out his development is not the same plat that was ultimately recorded. She stated it has led to an encroachment from the footing of Lot 4 into a utility easement. She stated staff is recommending the abandonment of the platted easement, and grant a new 15' easement that is slightly shifted towards Lot 5 to remove the encroachment.

A motion was made by Councilwoman Clay, seconded by Councilmember McCain to approve abandoning a Drainage and Sewer Easement created by plat and discussion and consideration of all matters related to accepting a Drainage and Sewer Easement by separate instrument to resolve a two feet +/- encroachment for Johnny Ballow. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

The City Council adjourned to Executive Session at 6:13 p.m.

The City Council returned to Regular Session at 6:32 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

A motion was made Councilmember Winn, seconded by Councilmember McCain to authorize the Athens Development Corporation Board of Directors Board President to enter into a contract for the purchase of real property on West College in the amount of \$130,000. The motion carried unanimously.

MAYOR, CITY COUNCIL AND/OR INTERIM CITY MANAGER UPDATES INVOLVING COMMUNITY EVENTS AND ISSUES OF PUBLIC SAFETY

- Mayor Montgomery stated that he and Councilmember McCain attended the Annual Texas Municipal League Conference last week. He stated it was very productive. He stated there was a large turnout
- Councilmember McCain stated the opening remarks were by an astronaut who spent 6 months on the Russia Space Station. He stated the astronaut experienced a fire and his remarks resonated with him
“Couldn’t care about yesterday’s fire because he had today to worry about” he stated that is similar to what the Council and staff does. We must learn from our mistakes and keep moving forward, can’t worry about yesterday’s fire, we must worry about tomorrow’s success
- Councilmember McCain stated the City of Lancaster won the City Council of the year award, with their Citizen’s Leadership Academy and community involvement. Ryan Adams, Managing Director of Public Services explained the programs are 6-10 weeks and builds relationships working with staff
- Councilmember McCain stated he would like to see more individuals understand the process
- Mr. Whittle announced the promotion of Adrianna Hinds as Community Services Coordinator

MAYOR AND CITY COUNCIL’S REQUEST FOR FUTURE AGENDA ITEMS

- Councilmember McCain requested a future agenda item regarding Wastewater Management to develop a strategic plan to earmark monies remaining from the Certificates of Obligations for Wastewater improvements
- Councilmember Winn announced his resignation from Athens City Council, Place 4. He stated Chris Tinsley has expressed interest in filling the vacancy. Councilmember Whatley stated Councilmember Winn has done an outstanding job. Mayor Montgomery stated Councilmember Winn has a real commitment to citizens. There was a round of applause.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 23rd DAY OF OCTOBER 2017.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary