

REGULAR SESSION

April 10, 2017

The City Council of the City of Athens met in Regular Session on Monday, April 10, 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:

Jerry D. Vaught, Mayor
Tres Winn, Mayor Pro-Tem
Joe Whatley
Ed McCain
Aaron Smith

Philip Rodriguez, City Manager
Bonnie Hambrick, City Secretary
Blake Armstrong, City Attorney

others present: Ryan Adams, Thanasis Kombos, Barbara Holly, Gary Whittle, John McQueary, Rodney Williams, Adrianna Hinds, Gordon Mayer, Lisa Denton, Bob and Peggy Gould, Tom and Lynn Leatham, James Robertson, Bill Sekel, Melvin and Judie Bateman, Lacey Lowry, Chet Patel, Chris Tinsley, Suzanne Peyton, Colin Bible, Ken Geeslin, John and Felicia Cain, Steve Grant, Gary Penn, Carol Morton, Berta Winn, Wayne Weeks, Sherri Robson, Michael Hannigan, Ann Perryman, Christy Turner, Angelia Snow, Kelley Townsend, Jennifer Morrison, Rich Flowers, Monte Montgomery, Richard Haynie, Charles Tidmore, Kevin and Jeaneane Lilly, and other interested citizens;

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

INVOCATION

The invocation was given by Gary Whittle.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PROCLAMATION – NATIONAL TELECOMMUNICATION OPERATOR APPRECIATION WEEK

Mayor Vaught read aloud a Proclamation for National Telecommunication Operator Appreciation Week.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE MARCH 27, 2017, REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE MARCH 30, 2017 SPECIAL SESSION
- c) CONSIDER A RESOLUTION SUPPORTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S COMMUNITY DEVELOPMENT GRANT TO ATHENS TEENAGE BASEBALL, INC. IN THE AMOUNT OF \$22,500
- d) CONSIDER A RESOLUTION SUPPORTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S COMMUNITY DEVELOPMENT GRANT TO HENDERSON COUNTY REGIONAL FAIR PARK IN THE AMOUNT OF \$16,000

- e) CONSIDER FINAL READING OF AN ORDINANCE RECOMMENDING APPROVAL OF CHANGES TO CHAPTER 4 AND 5 OF THE CODE OF ORDINANCES, AND THE ZONING ORDINANCE TO ELIMINATE FARMING AND RANCHING OPERATIONS FROM RESIDENTIAL ZONING DISTRICTS; ALLOWING NO MORE THAN SIX HENS AS BACKYARD CHICKENS, OR ONE HORSE PER ACRE IN RESIDENTIALLY ZONED DISTRICTS; ESTABLISHING A MAXIMUM NUMBER OF FARM ANIMALS ALLOWED PER ACRE IN AGRICULTURAL ZONED LANDS; AND ESTABLISHING THE MINIMUM SIZE OF FUTURE AGRICULTURAL LOTS TO BE FIVE ACRES
- f) CONSIDER A RESOLUTION SUPPORTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S COMMUNITY DEVELOPMENT GRANT TO ATHENS TEENAGE BASEBALL, INC. IN THE AMOUNT OF \$22,500
- g) CONSIDER A RESOLUTION SUPPORTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S COMMUNITY DEVELOPMENT GRANT TO HENDERSON COUNTY REGIONAL FAIR PARK IN THE AMOUNT OF \$16,000
- h) CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE WARRANTY DEED AND ACCEPT A PROMISSORY NOTE ON BEHALF OF THE CITY TO BE EXECUTED BY TRINITY VALLEY COMMUNITY COLLEGE FOR THE SALE OF CENTRAL PARK PROPERTY
- i) CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT ALL CIVIL RIGHTS AND FAIR HOUSING POLICIES AND APPOINTING A CIVIL RIGHTS OFFICER
- j) CONSIDER A RESOLUTION OF THE CITY OF ATHENS AUTHORIZING SIGNATORIES FOR FINANCIAL MANAGEMENT FOR GRANT # 7216132

Mayor Vaught stated that item j) Consider a Resolution of the City of Athens authorizing signatories for Financial Management for Grant # 7216132 is being pulled from the Consent Agenda and not discussed.

Bonnie Hambrick, City Secretary read the Resolutions and Ordinance aloud.

Councilmember McCain stated he would like to pull item e) Consider final reading of an Ordinance recommending approval of changes to Chapter 4 and 5 of the Code of Ordinances, and the Zoning Ordinance to eliminate farming and ranching operations from residential zoning districts; allowing no more than six hens as backyard chickens, or one horse per acre in residentially zoned districts; establishing a maximum number of farm animals allowed per acre in Agricultural zoned lands; and establishing the minimum size of future Agricultural lots to be five acres) from the Consent agenda for further discussion.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the following Consent Agenda items a), b), c), d), f), g), h) and i). The motion carried unanimously.

Councilmember McCain stated he had received three (3) calls from citizens regarding the amount of hens allowed on property. He stated the citizens inquired as to how the City reached the number six (6) for hens.

Barbara Holly, Managing Director of Development Services, explained that Senate Bill 1620 would exempt out anything under six hens throughout the state of Texas. She stated that seemed like a good starting point. Ms. Holly further explained that she searched cities of similar size and Tyler and Palestine allow for six (6) hens.

Ms. Holly stated that she had received inquiries regarding 4-H and FFA activities. She stated that 4-H and FFA activities were exempted in all residential classifications.

Councilmember McCain stated the citizens who have backyard chickens are harvesting eggs to feed their family members. After further discussion it was the consensus of the City Council to amend the Ordinance to reflect no more than twelve (12) hens be allowed as backyard chickens.

A motion was made by Councilmember McCain, seconded by Councilmember Whatley to approve final reading of an Ordinance recommending approval of changes to Chapter 4 and 5 of the Code of Ordinances, and the Zoning Ordinance to eliminate farming and ranching operations from residential zoning districts; allowing no more than twelve (12) hens as backyard chickens, or one horse per acre in residentially zoned districts; establishing a maximum number of farm animals allowed per acre in Agricultural zoned lands; and establishing the minimum size of future Agricultural lots to be five acres; with an amendment to allow no more than twelve (12) hens as backyard chickens. The motion carried unanimously.

CITIZENS COMMUNICATIONS

There was no discussion.

UPDATE ON WOOD STREET PROJECT

Gordon Mayer, Interim City Engineer, provided Council an update on the Wood Street Project. Mr. Mayer stated the City is now in position to begin the repairs. He discussed the history of the project and options for repairing Wood Street. Mr. Mayer stated the recommendation from Staff consists of reconstruction of the existing pavement and subgrade as cement stabilized base with a new asphalt overlay.

HEAR PRESENTATION FROM GARVER ENGINEERING REGARDING THE ATHENS MUNICIPAL AIRPORT MASTER PLAN

Thanasis Kombos, Managing Director of Community Services, introduced Garver representatives.

Frank McIlwain with Garver Engineering, presented components of Athens Municipal Airport Master Plan. He explained in the plan the expansion of the runway would be done in phases. The first five years is preparing and getting things in place for the new runway, the next five years is the start of construction. He stated the long range plan would cover another ten (10) years with the ultimate runway length being expanded to about 6,500 feet.

There was discussion regarding the Airport Master Plan.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVING THE ATHENS MUNICIPAL AIRPORT MASTER PLAN

Mayor Vaught thanked the committee which consisted of: Ken Geeslin, Steve Grant, Charlie Tidmore, Michael Bynum, Jess Laird, Philip Rodriguez, Thanasis Kombos and Mayor Vaught for its work during the Master Plan process. He stated the committee was instrumental in making decisions regarding the Airport Master Plan.

A motion was made by Councilmember Whatley, seconded by Councilmember McCain to approve all matters related to the Athens Municipal Airport Master Plan. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVING A SUPPLEMENTAL BUDGET REQUEST IN THE AMOUNT OF \$24,270 FOR IMPROVEMENTS TO KIWANIS PARK

Mr. Kombos explained the local Athens Kiwanis Club is ready to make a very significant contribution to Kiwanis Park. He stated “through a combination of some diligent fundraising, and some very generous donations from local residents, they voted to invest \$50,000 for improvements to the park over the course of this year”. He explained the proposed park improvement would consist of the following:

- Replacement of the existing 8 bay swing set
- The existing swing set is several decades old and not in compliance with existing playground safety standards, including playground surfacing requirements.
- The new swing sets will include a more robust 8 bay, hot dipped galvanized swing set with hot dipped galvanized basket swing (see attached photo). The basket swing is accessible for most children with mobility challenges (e.g., children in wheel chairs).
- Installation of playground surfacing
- Currently there is no surfacing for the existing swing set. This park improvement will call for recessing gravel surfacing to near ground level (enhancing access) and bordering with poured concrete beams
- The basket swing will also include a handicap ramp and a poured pad of bonded rubber playground surfacing for children with mobility challenges.

After discussion, a motion was made by Councilmember Winn, seconded by Councilmember Smith to approve all matters related to approving a supplemental budget request in the amount of \$24, 270 for improvements to Kiwanis Park. The motion carried unanimously. There was a round of applause.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO THE ACCEPTANCE OF THE INDEMNITY AGREEMENT BETWEEN THE CITY OF ATHENS, ATHENS ECONOMIC DEVELOPMENT CORPORATION (AEDC) AND FUTURE MATRIX INTERVENTIONAL, INC.

Mr. Rodriguez explained the item is related to a new roadway located at Athens Industrial Park. He stated it is contingent on jobs added and future investments with Future Matrix Interventional. He stated it is an indemnity agreement between the City of Athens and primarily AEDC, which states if Future Matrix is unable to fulfil its part of the agreement, AEDC will be responsible for any remaining dollars associated with the project.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve all matters related to the acceptance of the Indemnity Agreement between the City of Athens, Athens Economic Development Corporation (AEDC) and Future Matrix Interventional, Inc., pending the City Attorney’s final approval. The motion carried unanimously.

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

1. Mayor Vaught thanked Gordon Mayhall and group for sponsoring “Celebrating the Texan” he stated there was an incredible turn out
2. Councilmember McCain stated that parks were a bright shining star in Athens, with the City seeing economic dollars come in from the improvements at the parks. He further thanked the Parks Advisory Board and City employees that worked at Cain Park

3. Mr. Rodriguez reemphasized there was an economic impact of the “Celebrating Texan Event”. He thanked Thanasis Kombos and Community Services, Shannon Easley and staff for a good job. There was a round of applause.

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no request for future agenda items.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 24th DAY OF APRIL, 2017.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary