

REGULAR SESSION

November 27, 2017

The City Council of the City of Athens met in Regular Session on Monday, November 27, 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
Ed McCain, Mayor Pro-Tem
Toni Clay
Joe Whatley
Robert Gross

Gary Whittle, Interim City Manager
Bonnie Hambrick, City Secretary
Blake Armstrong, City Attorney

others present: Thanasis Kombos, Ryan Adams, Marty Coursey, Gordon Mayer, Buddy Hill, Barbara Holly, Jennifer Robertson, John McQueary, Adrianna Hinds, Brian Roberts, Gene Keenon, Zack Briscoe, Kristy Johnson, Lisa Denton, Denise York, Larry Ball, Lacy Lowry, Carol Morton, Mary Waddell, Lisa Montgomery, Tom and Lynn Leathem, Michael Hannigan, Rich Flowers, Deborah Deas and other interested citizens;

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

INVOCATION

The invocation was given by Mayor Montgomery.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

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

Gary Whittle, Interim City Manager, provided the following updates:

- 2017 Christmas Parade is scheduled for Saturday, December 2, 2017 at 6:30 p.m.
- Thanked Republic Services, Kevin Lilly's McDonalds, Athens Screen Printing, and ATMOS Energy for their sponsorship
- Announced the retirement of Marty Coursey, Director of Finance, effective December 14, 2017
- Daniel Crawford will begin on Monday, December 11, 2017 as Interim Finance Director

Mayor Montgomery thanked Ms. Coursey for her service.

Councilmember McCain stated that he and Mayor Montgomery judged the City of Athens Annual Chili Cook off, he further stated that a cornbread category was added this year.

Councilwoman Clay stated due to her office Thanksgiving Lunch she was unable to attend.

CITIZENS COMMUNICATIONS

There was no discussion.

CONSENT AGENDA

Councilmember Gross requested item c) October 2017 Financials be removed the Consent Agenda for further discussion.

A) CONSIDER APPROVING THE MINUTES OF THE NOVEMBER 7, 2017 SPECIAL SESSION B) CONSIDER APPROVING THE MINUTES OF THE NOVEMBER 13, 2017 REGULAR SESSION

A motion was made by Councilmember McCain, seconded by Councilwoman Clay, to approve items a) Consider approving the minutes of the November 7, 2017 Special Session and b) Consider approving the minutes of the November 13, 2017 Regular Session of the Consent Agenda. The motion carried unanimously.

C) OCTOBER 2017 FINANCIALS

Councilmember Gross stated he met with Gary Whittle, Interim City Manager and Marty Coursey, Finance Director. He requested going forward that Staff create a variance analysis for year over year numbers. He further asked for clarification on the Capital Improvement Fund, listed on page 17 of the Financial Report.

Ms. Coursey explained that a variance analysis could easily be added to the Financial Report. There was discussion regarding the Capital Improvement Fund listed on page 17 of the October Financials.

After brief discussion, a motion was made by Councilmember Gross, seconded by Councilmember Whatley to approve item c) October Financials of the Consent Agenda. The motion carried unanimously.

STAFF REPORTS AND PROJECT UPDATES:

A) PUBLIC SERVICES

Ryan Adams, Managing Director of Public Services, provided the following updates:

1. 8-inch force main break occurred on Monday, November 20, 2017
2. New City website launches on Friday, December 1, 2017

B) DEVELOPMENT SERVICES

Barbara Holly, Managing Director of Development Services, provided the following updates:

1. Twelve (12) building permits issued for the month of October with a total value of \$655,555 year to date
2. Ms. Holly stated as requested by the Council an annual analysis of Substandard Structure action has been provided. She explained this is separate from Code Enforcement as the houses are unfit to be inhabited.

Ms. Holly introduced Brian Roberts, GIS Mapping / Planning-Development Services.

Mr. Roberts provided an update on progress being made in the Planning and Development group. He stated Development Services has secured services with IworQ for a permit and code enforcement management system. He stated the system will allow inspectors and code enforcement personnel the ability to capture data in the field including images and locations. Mr. Roberts highlighted benefits of the system such as the ability search and retrieve details on permits, inspections, and violations much quicker than current capabilities.

Mr. Roberts thanked the Henderson County Appraisal District, Bill Jackson and his teams for providing the parcel data.

After the presentation Mayor Montgomery stated the mapping is invaluable.

Councilmember Whatley stated it is amazing how all the data was integrated.

Councilmember McCain stated this is more than giving lip service to wanting to grow. He stated you must grow responsibly and be prepared to grow. He stated the progress in Planning and Development along with the new City's website are tools that will aid the City to prepare for growth.

C) COMMUNITY SERVICES

Thanasis Kombos, Assistant City Manager, provided the following updates:

1. Street Department has completed overlay of Impala Point and Impala Circle
2. Completion of street overlay and reconstruction of Columbia and Bogota will occur by the weekend
3. Parks Department continues to assist the baseball association at Coleman Park renovating the two (2) larger ball fields
4. O.D. Baggett Park 25% complete
5. Airport Advisory Board will consider a recommendation regarding the Airport Pavement Maintenance Project

UPDATE ON COLLECTION STATION, CURBSIDE BULK PICK UP ALTERNATIVES AND COST

Ryan Adams stated this issue was briefly discussed at the June 19, 2017 Council Budget Workshop. The Council requested that staff return with a formal presentation with more detailed cost and logistics information.

Mr. Adams presented current Bulk Garbage:

Dispose at City Collection Station

- Open Saturdays from 8:30 AM – 3:30 PM
- Accepts residential waste with proof of residency
- Rates generally lower – DOES NOT COVER FULL COST

Dispose at County Waste Stations

- Open Weekdays and Saturday
- Rates generally higher
- Takes all refuse

He further presented challenges with the Collection station.

Councilmember Whatley asked the cost for operating the collection site, with Mr. Adams stating the City received a little over \$14,000 in fees last year and the cost of operation was about \$50,000.

Mr. Adams introduced Gene Keenon and Zack Briscoe, Representatives from Republic Services.

Mr. Adams presented the following options for Bulk Garbage Pick-up:

- Option #1
Twice per month pick up
The cost is \$1.03 per account, per month
3 cubic yards
Excess garbage allowed
Call 48 hours ahead

- Option #2
As needed concierge service
Cost charged to only those who use service
\$50 per pickup

Mr. Adams also presented the following options for the City Council to consider:

- Move toward curbside bulk pick-up with a corresponding closure of Collection Station
- Move toward curbside bulk pick-up keeping Collection Station open for brush only
- Continue Collection Station operations with objective for full cost recovery (with necessary fee adjustments)
- Discontinue Collection Station operations (residents use County stations)

There was additional discussion.

Mayor Montgomery challenged the City Council to speak with their constituents.

DISCUSS ZONING OF 412 N. PALESTINE

Mayor Montgomery stated a letter was received from a citizen concerned with the zoning of 412 N. Palestine. He stated Ms. Kristy Johnson is living in a commercially zoned area. Mayor Montgomery stated he requested a copy of the plot plan and it was delivered today. He stated he asked for the item to get the process started.

Ms. Johnson addressed the Council. She stated her concern is with the sequence of events. She stated her neighbor has the same living situation. Ms. Johnson provided her opinion regarding the sequence of events that transpired. She stated she wanted to do everything she can to make the zoning residential.

Mayor Montgomery recommended that with the plot Ms. Johnson needs to visit with Ms. Holly to request a zoning change.

Ms. Holly recommended the Fire Marshal inspect the property. She stated the reason people do not live in commercial structures is they are not suitable for people to sleep in due to fire danger.

There was discussion between the City Council and staff.

Mayor Montgomery stated the zoning could be for a Specific Use Permit (SUP). Ms. Holly stated the city code does not authorize a SUP for living in a Commercial area.

Blake Armstrong, City Attorney, stated he would need to review the Ordinance.

After discussion it was stated and Ms. Johnson agreed to go see Ms. Holly on Tuesday, November 28, 2017 to begin the application process for a zoning change.

PRESENTATION ON DESIGN STANDARDS FOR SUBDIVISION IMPROVEMENTS

Gordon Mayer, PE, stated the design standards for subdivisions were adopted in 1962 and last amended in 1984 and the informal standards have been used for many years. He stated the item is to inform planners and engineers of the basic procedures and requirements for construction plans for public facilities in subdivisions in Athens

Mr. Mayer presented the following:

Design standards

- Paving and Drainage
- Water and Sewer
- Design and Material Appendices
- Standard Details

After the presentation, Mr. Mayer stated that staff will bring forth an Ordinance to adopt Design Standards for Subdivision Improvements on a future agenda.

Mayor Montgomery stated the water and sewer breakdown is very well organized. On the road construction designs, he stated he would like to see input from local designers incorporated into the Ordinance.

No action taken.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
AUTHORIZING ENCROACHMENT AGREEMENT FOR FUTURE PROSPERITY
DRIVE IN THE INDUSTRIAL PARK ON BEHALF OF ATHENS ECONOMIC
DEVELOPMENT CORPORATION

Ms. Holly explained the agreement is for a potential roadway between Enterprise and Old Tyler Highway. She stated it will encroach into an ONCOR easement. She stated although the road is not planned to be constructed at this time, the agreement secures the right to do so in the future.

After a brief discussion, a motion was made by Councilmember McCain, seconded by Councilmember Gross to authorize Encroachment Agreement for future Prosperity Drive in the Industrial Park on behalf of Athens Economic Development Corporation. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO RATE
INCREASES AT ATHENS MUNICIPAL AIRPORT
a) T-HANGARS
b) GROUND LEASES

Mr. Kombos explained that on November 16, 2017 the Airport Advisory Board recommended the following lease rate increases:

- 1) T-Hangar lease increase from \$175 per month to \$200 per month
- 2) Ground lease increase from \$0.05/square foot per year to \$0.06/square foot per year.

A motion was made by Councilwoman Clay, seconded by Councilmember Whatley to approve rate increases at Athens Municipal Airport for the following amounts:

- a) T-Hangars lease increase from \$175 per month to \$200 per month
- b) Ground leases increase from \$0.05/square foot per year to \$0.06/square foot per

The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO THE
APPROVAL OF FULL TIME EMPLOYMENT FOR THE POSITION OF
DEVELOPMENT TECHNICIAN EFFECTIVE OCTOBER 1, 2017

Gary Whittle recommended to the City Council the agenda item be pulled for additional evaluation and study.

There was no discussion.

DISCUSS FIRST READING OF AN ORDINANCE AMENDING ORDINANCE O-45-
16, CLASSIFICATION PLAN FOR POLICE OFFICERS AND FIRE FIGHTERS

Police Chief Buddy Hill explained part of the Fiscal Year 2017 budget, the City of Athens and the Athens Independent School District (AISD) entered into an agreement in which the Police Department would assume law enforcement responsibilities on AISD campuses through a School Resource Officer (SRO) program. The agreement stipulated that four (4) SROs would be

assigned to the program to meet the needs of AISD. The SROs consisted of one (1) Sergeant, one (1) Corporal, and two (2) Patrol Officers. To facilitate the on-boarding and training required to fill this project, the City Council authorized four (4) positions as part of the FY17 budget. At the time of their creation, the positions were classified as entry-level Patrol Officers.

Chief Hill stated it is anticipated that the Police Department will assume the responsibilities of the SRO program beginning in January 2018. In order to fill the positions that were originally agreed upon, two (2) of the positions must be reclassified from Patrol Officer positions to one (1) Sergeant position and one (1) Corporal position. He stated since this reclassification deals with positions already in existence, the total number of sworn personnel remains unchanged.

Bonnie Hambrick, City Secretary, read the Ordinance aloud.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO THE
TEMPORARY ROAD CLOSURE OF COLLEGE STREET AS REQUESTED BY FIRST
BAPTIST CHURCH OF ATHENS**

Police Chief Buddy Hill explained the First Baptist Church will conduct their annual Christmas Program on Sunday, December 3, 2017 from 5:00 p.m. to 8:00 p.m. at the Recreation Outreach Center (ROC) Building. He stated the event has grown and in an effort to provide safe crossing they asked for the street to be closed.

Chief Hill presented the streets involved in the temporary closure to the City Council. He stated the closure is from 3:00 p.m. to 10:00 p.m. to allow for set-up and take down.

Chief Hill stated that First Baptist Church has FBC completed the event permit application and has provided the City with proof of an insurance.

A motion was made by Councilmember McCain, seconded by Councilmember Whatley to approve the temporary road closure of College Street as requested by First Baptist Church of Athens.

The motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
AUTHORIZING THE MAYOR TO EXECUTE THE FISCAL YEAR 2017 FEDERAL
EQUITABLE SHARING AGREEMENT AND CERTIFICATION**

Police Chief Buddy Hill explained the Federal Equitable Sharing Agreement and Certification Form. He stated it is similar to the State version, this form is the Federal Version of the Chapter 59 Report. In order for the City of Athens to get a share of the assets seized by the Federal Government, this report must be filed. It will have to be filed electronically, by the body head, which is Mayor Montgomery. He stated there was no activity for this year.

A motion was made by Councilmember Gross, seconded by Councilwoman Clay, to approve executing the Federal Equitable Sharing Agreement and Certification Form on behalf of the Mayor. The motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
CONDUCTING AND APPROVING THE CHAPTER 59 ASSET FORFEITURE
REPORT AND AUDIT FOR FISCAL YEAR 2017**

Police Chief Buddy Hill explained that this Audit must be conducted annually and filed with the Attorney General for State level seized and forfeited funds.

A motion was made by Councilmember McCain, seconded by Councilmember Whatley, to approve the Chapter 59 Asset Forfeiture Report and audit for Fiscal Year 2017. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,
SECTION 551.074 (PERSONNEL MATTERS; CLOSED MEETING)
DELIBERATIONS REGARDING FUTURE DUTIES AND EMPLOYMENT OF THE
PROSPECTIVE CITY MANAGER

The City Council adjourned to Executive Session at 7:22 p.m.

The City Council returned to Regular Session at 8:57 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE
SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.074
(PERSONNEL MATTERS; CLOSED MEETING) DELIBERATIONS REGARDING
FUTURE DUTIES AND EMPLOYMENT OF THE PROSPECTIVE CITY MANAGER

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Mayor Montgomery requested an agenda item regarding fluoridation on the December 11th City Council agenda.

ADJOURN

The meeting adjourned at 8:59 p.m.

PASSED AND APPROVED THIS THE 11th DAY OF DECEMBER, 2017.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary