

REGULAR SESSION

JANUARY 14, 2019

The City Council of the City of Athens met in a Regular Session on Monday, January 14, 2019, 5:30 p.m. in the Council Chambers of the City Hall Annex, 501 N. Pinkerton St, with the following members present, to-wit:

Monte Montgomery, Mayor
Ed McCain, Mayor Pro Tem
Aaron Smith
Toni Clay

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

others present: Buddy Hill, Thanasis Kombos, Russ Marshall, Jennifer Robertson, Audrey Sloan, Randy Williams, Marion Klutts, Sherri Skeeters, Lisa Denton, Kevin and Jeaneane Lilly, Lacey Lowry, Mark Carroll, Denise York, Deborah Deas, and other interested citizens;

with the following member absent: Councilmember Robert Gross

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

INVOCATION

The Invocation was given by Councilmember Aaron Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

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

Mayor Montgomery personally thanked the First Baptist Church for their annual Christmas Event they have each year. He stated there was a huge turnout.

Mayor Montgomery thanked the Utility department for their work assisting a citizen.

Elizabeth Borstad, City Manager, announced the 2019 Chamber Gala is scheduled for Friday, January 18, 2019 at Athens Country Club.

CITIZENS COMMUNICATIONS

There was no discussion.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE DECEMBER 10, 2018 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE DECEMBER 12, 2018 WORK SESSION
- c) CONSIDER APPROVING THE MINUTES OF THE DECEMBER 17, 2018 REGULAR SESSION

- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TYLER BRANCH OF CORE AND MAIN FOR THE CONTINUED INSTALLATION OF AUTOMATED METER READING (AMR) SYSTEM IN THE AMOUNT OF \$87,480.00
- e) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO BOX HANGAR LEASE AGREEMENTS FOR THE FOLLOWING HANGARS AT ATHENS MUNICIPAL AIRPORT FOR LH1 AND LH2

A motion was made by Councilwoman Clay, seconded by Councilmember McCain to approve the Consent Agenda. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE CITY OF ATHENS HOSTING THE DIXIE YOUTH
BASEBALL DIVISION TWO WORLD SERIES

Mayor Montgomery stated he received a call from Chris Tinsley regarding the City hosting the Dixie Youth Baseball Division Two World Series. He stated there are time constraints that prevented the item from being heard at the Parks Advisory Board prior to being on the City Council Agenda.

Chris Tinsley presented the item. He stated in order to bid on the tournament there has to be a commitment from the City of Athens.

He presented background information regarding the bidding on the state tournament. Mr. Tinsley presented the following items needed from the City:

- Trophies
- Team Event
- Fireworks
- Flags
- Parade of teams
- Food
- Construction of batting cages
- Construction/expand entrance at Coleman

Throughout Mr. Tinsley's presentation questions were answered. Mr. Tinsley explained the bid letter is due February 1, 2019 to the Dixie Youth Baseball Division.

After discussion, a motion was made by Councilwoman Clay, seconded by Councilmember McCain to approve the City of Athens hosting the Dixie Youth Baseball Division Two World Series contingent upon meeting between the Baseball Board and City Staff to ensure requested items can be fulfilled. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPOINTMENT OF CHRIS TINSLEY TO THE
PLANNING AND ZONING COMMISSION

Bonnie Hambrick, City Secretary, explained there was a vacancy on the Planning and Zoning Commission due to Mr. Barksdale having served two (2) terms and illegible for reappointment. Chris Tinsley expressed interest in serving.

A motion was by Councilwoman Clay, seconded by Councilmember Smith to approve the appointment of Chris Tinsley to the Planning and Zoning Commission. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION AS NECESSARY,
CONCERNING THE APPOINTMENT OF MARK CARROLL TO THE
PLANNING AND ZONING COMMISSION

Ms. Hambrick explained there was a vacancy on the Planning and Zoning Commission due to the resignation of Kari Wilmeth. She stated Mark Carroll expressed interest in serving.

A motion was by Councilmember Smith, seconded by Councilwoman Clay to approve the appointment of Mark Carroll to the Planning and Zoning Commission. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPOINTMENT OF TERE LAWYER TO THE PARKS
ADVISORY BOARD

Ms. Hambrick explained there was a vacancy on the Parks Advisory Board due to the resignation of Jay Eckert. She stated Ms. Lawyer has expressed interest in serving.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve the appointment of Tere Lawyer to the Parks Advisory Board. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM FRANCISCO
SALAZAR FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-
FAMILY RESIDENTIAL – 5 (SF-5) TO COMMERCIAL (C) FOR LOT 9B OF
BLOCK 92 OF THE T. PARMER SURVEY A-782

Audrey Sloan, Director of Development Services, explained the property is located in the 800 Block of West Tyler and the property owner is proposing to construct a new building consisting of a shop and three retail spaces.

The Public Hearing was opened.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A
REQUEST FROM FRANCISCO SALAZAR FOR APPROVAL OF A ZONING
CHANGE FROM SINGLE-FAMILY RESIDENTIAL – 5 (SF-5) TO
COMMERCIAL (C) FOR LOT 9B OF BLOCK 92 OF THE T. PARMER
SURVEY A-782

Ms. Hambrick read aloud the caption of the Ordinance.

PUBLIC HEARING CONCERNING A PROPOSED AMENDMENT TO
SECTION 35.1 OF THE ZONING CODE TO REMOVE THE MAXIMUM
SQUARE FOOTAGE REQUIREMENT OF ONE HALF OF THE AREA OF THE
MAIN STRUCTURE FOR ACCESSORY BUILDINGS LOCATED IN
AGRICULTURE (A) AND SINGLE-FAMILY – 15 RESIDENTIAL (SF-15)
ZONING DISTRICTS

Ms. Sloan explained the item is a proposed amendment to Section 35.1 of the Zoning Code to remove the maximum square footage requirement of one half of the area of the main structure for accessory buildings located in Agriculture (A) and Single-Family – 15 Residential (SF-15) zoning districts.

The Public Hearing was opened.

Lacey Lowry asked for the clarification regarding the moratorium on barbed wire fencing in residential districts. Ms. Sloan explained the fence moratorium.

Deborah Deas asked for further explanation, with Ms. Sloan explaining the size restriction.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A PROPOSED AMENDMENT TO SECTION 35.1 OF THE ZONING CODE TO REMOVE THE MAXIMUM SQUARE FOOTAGE REQUIREMENT OF ONE HALF OF THE AREA OF THE MAIN STRUCTURE FOR ACCESSORY BUILDINGS LOCATED IN AGRICULTURE (A) AND SINGLE-FAMILY – 15 RESIDENTIAL (SF-15) ZONING DISTRICTS

Ms. Hambrick read aloud the caption of the Ordinance.

PUBLIC HEARING CONCERNING A REQUEST FROM MICHAEL VICKERS FOR APPROVAL OF THE REPLAT OF TRACTS 45, 45B, 45B1 & 46A OF THE T. PARMER SURVEY A-782 CREATING LOTS 45B3, 45B4 & 45B5

Ms. Sloan explained the property is located on Mill Run Road. She stated the proposed replat is creating three new residential lots approximately 1.4 acres each in size on Mill Run Rd. Letters of notification were sent to the 17 surrounding property owners within 200 feet. One approval and three (3) protests were returned. She stated the protesting property owners have expressed concern with the effect the new residential development will have on drainage in the area. Drainage plans will be required as part of the permit review process. The development will be required to be designed so that it does not adversely impact drainage onto adjacent properties.

The Public Hearing was opened.

Ms. Lowry asked for the location of the property; with Ms. Sloan providing the location of the property.

The Public Hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM MICHAEL VICKERS FOR APPROVAL OF THE REPLAT OF TRACTS 45, 45B, 45B1 & 46A OF THE T. PARMER SURVEY A-782 CREATING LOTS 45B3, 45B4 & 45B5

A motion was made by Councilmember Smith, seconded by Councilmember McCain to approve the replat of Tracts 45, 45B, 45B1 & 46A of the T. Parmer Survey A-782 creating Lots 45B3, 45B4 & 45B5. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM BYRON KELLEY FOR APPROVAL OF THE REPLAT OF LOT 2 OF BLOCK LL6 AND LOTS 1, 2, PART OF 3, PART OF 6, ALL OF 7 AND 8 OF BLOCK 25 OF THE T. PARMER SURVEY A-782, CREATING LOT 8R OF BLOCK 25

Ms. Sloan explained the proposed replat is combining multiple parcels located within Block 25 into one lot to be used for commercial purposes. She stated the plat does comply with the City's subdivision and zoning ordinances.

The Public Hearing was opened.

The Public Hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM BYRON KELLEY FOR APPROVAL OF THE REPLAT OF LOT 2 OF BLOCK LL6 AND LOTS 1, 2, PART OF 3, PART OF 6, ALL OF 7 AND 8 OF BLOCK 25 OF THE T. PARMER SURVEY A-782, CREATING LOT 8R OF BLOCK 25

A motion was made by Councilwoman Clay, seconded by Councilmember McCain to approve the replat of Lot 2 of Block LL6 and Lots 1, 2, part of 3, part of 6, all of 7 and 8 of Block 25 of the T. Parmer Survey A-782, creating Lot 8R of Block 25. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION SUPPORTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS ASSISTANCE GRANT TO RICHARD GALLO IN AN AMOUNT UP TO \$9,667.00

Lisa Denton, Athens Economic Development Corporation Executive Director, stated the criteria for Business Assistance Grants were revised to ensure the focus was on improving distressed properties. She stated she spoke with the Appraisal District to ensure there was an understanding on what would constitute an improvement in property value. She stated four (4) applications were received, however, only two (2) were approved by the AEDC Board.

She explained a Business Assistance Grant was received from Richard Gallo, Silver Line Roofing-Construction. She stated the property owner proposes the following improvements to the facility:

- Reface façade with stone, glass and stucco
- Install fencing and landscaping

Ms. Denton explained the improvement bids total \$14,409 and the AEDC Board approved a grant, up to \$9,667.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve a Resolution supporting Athens Economic Development Corporation's Business Assistance Grant to Richard Gallo in an amount up to \$9,667.00. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL ON FIRST READING A RESOLUTION SUPPORTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS ASSISTANCE GRANT TO JOHN JOHNSON IN AN AMOUNT UP TO \$12,500.00

Ms. Denton explained John Johnson has purchased the property located at 215 N. Prairieville St. She stated the property owner proposed to refurbish into two (2) retail spaces, two (2) lofts and office space. She explained the new improvements include the following:

- New façade
- Store front doors and windows
- Canopy and masonry repair

She stated the improvement bids total \$25,180 and the AEDC Board approved a grant, up to the maximum allowable of \$12,500. She stated the Public Hearing was held on December 18, 2018 during AEDC's meeting.

Mayor Montgomery asked for clarification regarding the total bid amount that the \$25,000 was not just for the front of the building, with Ms. Denton explaining the \$25,000 is only for the front repair work, however the owner is doing other work on the inside of the building to make retail spaces.

Mayor Montgomery expressed concern with the cost of the improvements for the front.

Councilmember McCain also expressed concern with the cost of improvements.

Discussion occurred.

Ms. Hambrick read aloud the caption of the Resolution.

A motion was made by Councilmember Smith, seconded by Councilwoman Clay to approve on the first reading of a Resolution supporting Athens Economic Development Corporation's Business Assistance Grant to John Johnson in an amount up to \$12,500.00.

The motion failed by the following vote: Ayes: Councilmember Smith, and Councilwoman Clay, Nays: Mayor Montgomery, and Councilmember McCain, Abstain: None.

Mayor Montgomery requested additional information regarding the construction methodology and materials used.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL ON SECOND READING A RESOLUTION SUPPORTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS ASSISTANCE GRANT TO JOHN JOHNSON IN AN AMOUNT UP TO \$12,500.00

The item was not discussed.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING) DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECT: PROSPECT #1724

The City Council adjourned to Executive Session at 6:37 p.m.

The City Council returned to Regular Session 7:03 p.m.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS CLOSED MEETING) DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECT: PROSPECT #1724

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve the incentive package of the AEDC for Dillion Manufacturing Company for up to \$50,000 for job creation and capital expenditures. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Borstad read aloud the following future agenda items:

- Building Codes
- Water rate study review
- 405 Lindsey Lane

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Councilwoman Clay asked that the City Council revisit traffic plan for square.
Mayor Montgomery stated he received a phone call from a citizen regarding a TxDOT issue.
Mayor Montgomery suggested a work session with TxDOT representatives.

ADJOURN

The meeting adjourned at 7:09 p.m.

PASSED AND APPROVED THIS THE 28th DAY OF JANUARY, 2019.

Ed McCain, Mayor Pro Tem

ATTEST:

Bonnie Hambrick, City Secretary