

REGULAR SESSION

OCTOBER 25, 2021

The City Council of the City of Athens met in Regular Session on Monday, October 25, 2021, 5:30 p.m. in the Civic Hall of the Cain Center 915 S. Palestine Street, Athens, Texas.

with the following members present to-wit:

Toni Clay, Mayor
Aaron Smith, Mayor Pro Tem
Robert Gross
SyTanna Freeman
Mark Carroll

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: John Densmore, Chief of Police; Audrey Sloan, Director of Development Services; Tim Perry, Public Works Director; Chris Baker, Cain Center Director; Noemi Lopez, Administrative Clerk; Katie Birk, Tourism and Cultural Resources Coordinator; Sissy Geddie, Human Resources Manager; Mandie Quigg, Finance Director; Randy Williams, Utilities Director;

Others present: Michael Hannigan, Scott Deskins, Dot Mason, JoAnne McElroy, Staci Hurst, Roy Clay, Pastor Kyle Henderson, Kay King, Lynne Stultz, Charles Hawn, Sarah June Brown, Chip Perryman, Anne Perryman, Jefferey Enoch, Steve Grant.

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

INVOCATION

The Invocation was given by Kyle Henderson, First Baptist Church, Pastor.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC COMMUNICATIONS

There was no discussion.

RESOLUTION – “HONORING THE CITY OF ATHENS”

Representative Keith Bell read a Resolution Honoring the City of Athens.

PROCLAMATION – “GINGER MURCHISON WEEK”

Toni Clay, Mayor, proclaimed November 6, 2021 as Virginia Lucille “Ginger” Murchison Day.

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

Elizabeth Borstad, City Manager, announced the following events:

- Oct 28: Halloween at the Hatchery from 6:00 p.m. – 8:00 p.m. at the Texas Freshwater Fisheries Center.

- Oct 30: Athens Farmers Market will be at the Henderson County Regional Fair Park Complex instead of the City Parking Lot
- Oct 30: Cornhole Tournament starting at 10:00 a.m. at the Henderson County Regional Fair Park Complex hosted by the Athens Chamber of Commerce.
- October 31: Majority of local churches are doing their Trunk or Treats
- Nov 5: Athens Varsity Football vs Mabank at Bruce Field. Kickoff at 7:30 p.m.
- Nov 6-7: Dressage at the Henderson County Regional Fair Park Complex.
- Nov 20: Fall Clean up coming, that is a date change. 8:00 A.M. collection site is open until 3:00 p.m. or until full

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE OCTOBER 11, 2021 REGULAR SESSION
- b) CONSIDER A RESOLUTION VOTING ON HENDERSON COUNTY APPRAISAL DISTRICT BOARD OF DIRECTOR PLACE 2
- c) CONSIDER A RESOLUTION AWARDED A CONSTRUCTION BID TO MAGNUM MANHOLE AND UNDERGROUND COMPANY INC., FOR THE MANHOLE REHABILITATION PHASE 2 FOR THE CITY OF ATHENS PROJECT #7219011
- d) CONSIDER A RESOLUTION APPROVING A LIST OF PRE-QUALIFIED PROFESSIONAL ENGINEERING AND CONSULTING SERVICE PROVIDERS AND AUTHORIZING THE CITY MANAGER TO SELECT CONSULTANTS FROM THE APPROVED LIST
- e) CONSIDER A RESOLUTION DESIGNATING BXS INSURANCE AS THE INSURANCE AGENT OF RECORD FOR THE CITY OF ATHENS

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

RESOLUTIONS

- a) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE SUBMITTAL OF ONE OR MORE DR-4586 HMGP APPLICATIONS TO THE TEXAS DIVISION OF EMERGENCY MANAGEMENT, AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE APPLICATION, AND COMMITTING MATCHING FUNDS

Ms. Borstad explained the item and presented the five (5) different grant projects and the grant match amount.⁶

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve a Resolution authorizing the submittal of one or more DR-4586 HMGP applications to the Texas Division of Emergency Management, authorizing the Mayor and City Manager to act as the City's authorized representatives in all matters pertaining to the application, and committing matching funds. The motion carried unanimously.

- b) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR EMPLOYEE HEALTH AND ANCILLARY BENEFITS, AS PROVIDED BY BXS INSURANCE FOR PLAN YEAR 2022

Jeff Summers presented the Health Insurance renewal policy he compared the current policy to the proposed policy for 2022.

A motion was made by Councilmember Carroll, seconded by Councilmember Gross to approve a Resolution authorizing the City Manager to enter into agreements for Employee Health and Ancillary Benefits, as provided by BXS Insurance for Plan Year 2022. The motion carried unanimously.

- c) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR PROPERTY, LIABILITY, AND WORKERS' COMPENSATION INSURANCE TOTALING \$355,446 AND TO ENTER INTO INTERLOCAL PARTICIPATION AGREEMENT WITH THE TEXAS PUBLIC ENTITY GROUP PLUS

Ms. Borstad explained the increase in the insurance plan for 2022 is due to adding vehicles and the Cain Center added staff to the plan. She stated this is the third year with Travelers.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve a Resolution authorizing the City Manager to enter into agreements for Property, Liability, and Workers' Compensation Insurance totaling \$355,446 and to enter into Interlocal Participation Agreement with The Texas Public Entity Group Plus. The motion carried unanimously.

PUBLIC HEARING CONCERNING THE SALE OF THE FOLLOWING PROPERTIES: BLOCK 10, LOT 5 OF LARGE LOTS, T. PARMER SURVEY, A-782, ALSO KNOWN AS 415 E CORSICANA ST. (C1810), BLOCK 1, LOTS 6A, 6B, 7A, 7B & F OF MCDONALD ADDITION, T. PARMER SURVEY, A-782, ALSO KNOWN AS 507 E CORSICANA ST. (C122874) AND BLOCK 1, LOT 2 OF MCDONALD ADDITION, T. PARMER SURVEY, A-782, ALSO KNOWN AS 504 E TYLER ST. (C1974)

Ms. Borstad explained the Public Hearing is required by the City Charter. She stated it allows citizens to understand the City intends to place the properties on the market and the City will take comments from anyone wishing to speak.

Mayor Clay opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE AMENDING CHAPTER 3 AIRPORT, ARTICLE 2 AIRPORT ADVISORY BOARD, SECTION 3-21 OF THE CITY OF ATHENS CODE OF ORDINANCES

Tim Perry, Director of Public Works, stated the item was a correction to the previous Ordinance that was recently passed. He stated the change allows two members to live either in or outside the city limits.

Bonnie Hambrick, City Secretary, read the caption of the Ordinance aloud.

CONSIDER FINAL READING OF AN ORDINANCE AMENDING CHAPTER 9 SECTION 9-3 FEE ESTABLISHED, CHAPTER 21 SECTION 21-105, COLLECTION OF FEES, AND CHAPTER 21 SECTION 108 DISPOSALS OF SEPTIC TANK OR PORTABLE TOILET WASTES OF THE CODE OF ORDINANCES TO REFER TO CHAPTER 23 FEE SCHEDULE

Mandie Quigg, Finance Director stated there were no changes in the Ordinance since the first reading. She stated the Ordinance will consolidate all fees in one Chapter.

Ms. Hambrick read the caption of the ordinance aloud.

A motion was made by Councilmember Smith seconded by Councilmember Gross to approve an Ordinance amending Chapter 9 Section 9-3 Fee Established, Chapter 21 Section 21-105, Collection of Fees, and Chapter 21 Section 108 Disposals of septic tank or portable toilet wastes of the Code of Ordinances to refer to Chapter 23 Fee Schedule.

After roll call vote, the motion passed with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye
Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM OWNERS FAUSTINO & KARINA LANDEROS FOR APPROVAL OF A ZONING CHANGE FROM COMMERCIAL TO SINGLE-FAMILY – 5 WITH A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR BLOCK 2, LOT 13 OF WEST HYLANDS, T. PARMER SURVEY A-782, ALSO KNOWN AS 101 SLAGLE ST.

Audrey Sloan, Director of Development Services, stated there were no changes in the Ordinance since the first reading.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Carroll, seconded by Councilwoman Freeman to approve an Ordinance concerning a request from owners Faustino & Karina Landeros for approval of a zoning change from Commercial to Single-Family – 5 with a specific use permit for a manufactured home for Block 2, Lot 13 of West Hylands, T. Parmer Survey A-782, also known as 101 Slagle St.

After roll call vote, the motion passed with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye
Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM JEFF HAYGOOD OF GVD DEER PARK, LLC FOR APPROVAL OF A ZONING CHANGE FROM INDUSTRIAL TO PLANNED DEVELOPMENT WITH MULTI-FAMILY -5 BASE ZONING WITH A SITE PLAN FOR APARTMENT USE FOR LOT 1, BLOCK 1 OF THE DEER PARK ADDITION, J. B. ATWOOD SURVEY, ABSTRACT 19; LOCATED ON WOOD ST AND ALSO KNOWN AS AN 8.062-ACRE PORTION OF PROPERTY ID R133024. OWNER: ATHENS ECONOMIC DEVELOPMENT CORPORATION

Ms. Sloan explained minor changes in the Ordinance since the first reading:

- fencing shall not have sharp points
- any plant shown on the approved landscaping plan that dies, shall be replaced with another living plant that complies with the approved landscaping plan within 30 days.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman to approve an Ordinance concerning a request from Jeff Haygood of GVD Deer Park, LLC for approval of a zoning change from Industrial to Planned Development with Multi-Family -5 base zoning with a site plan for apartment use for Lot 1, Block 1 of the Deer Park Addition, J. B. Atwood Survey, Abstract 19; located on Wood St and also known as an 8.062-acre portion of Property ID R133024. Owner: Athens Economic Development Corporation.

After roll call vote, the motion passed with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye
Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM SCOTT DESKINS OF SCC DEVELOPMENT FOR APPROVAL OF A SITE PLAN FOR RESTAURANT USE IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT FOR LOTS 1-3 OF THE SCC ATHENS ADDITION BEING A REPLAT OF THE ST. EDWARD CATHOLIC CHURCH LOT, R. A. CLARK SURVEY, ABSTRACT 171; ALSO KNOWN AS 904 E TYLER ST. OWNER: ST. EDWARD’S CATHOLIC CHURCH

Ms. Sloan presented an updated site plan that would save the Pecan tree and remove two (2) parking spots.

Ms. Hambrick read the caption of the ordinance aloud.

A motion was made by Councilmember Gross, seconded by Councilmember Carroll to approve an Ordinance concerning a request from Scott Deskins of SCC Development for approval of a site plan for restaurant use in the Planned Development – 1 zoning district for Lots 1-3 of the SCC Athens Addition being a replat of the St. Edward Catholic Church Lot, R. A. Clark Survey, Abstract 171; also known as 904 E Tyler St. Owner: St. Edward’s Catholic Church.

After roll call vote, the motion passed with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye

Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

CONSIDER FINAL READING OF AN ORDINANCE AMENDING SECTION 22-32(H) OF THE CITY CODE OF ORDINANCES TO INCORPORATE THE USES OF INDOOR SHOOTING RANGE AND OUTDOOR SHOOTING RANGE, AND AMENDING CHAPTER 22, APPENDIX A, A-3 TO PROVIDE DEFINITIONS FOR SAID USES

Ms. Sloan presented the proposed definitions for the shooting ranges as follows:

- Indoor shooting range – Any public or private indoor facility or portion thereof operated for the purpose of discharging firearms for testing, training, or recreational purposes.
- Outdoor shooting range – Any public or private outdoor facility or portion thereof operated for the purpose of discharging firearms for testing, training, or recreational purposes.

Much discussion occurred relating to the different options.

Ms. Hambrick read the caption of the ordinance aloud.

A motion was made by Councilmember Carroll, seconded by Councilmember Smith. to allow Indoor Shooting Ranges in Commercial and Industrial Zonings with a Specific Use Permit and no Outdoor Shooting Ranges allowed.

After roll call vote, the motion passed with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Nay
SyTanna Freeman, Councilmember	Nay
Mark Carroll, Councilmember	Aye

Voted in favor of the motion	3
Voted against the motion	2
Motion carried	3-2

CONSIDER FINAL READING OF AN ORDINANCE AMENDING CHAPTER 14, SECTION 14-4 OF THE CITY CODE OF ORDINANCES REGARDING THE DISCHARGE OF FIREARMS AND OTHER GUNS WITHIN THE CITY LIMITS

Ms. Sloan explained the proposed amendment removes “repetitive shooting” from the list of prohibited activities since it is difficult to define. The activities of “testing”, “training” and “recreational shooting” are added in its place and in addition, the proposed amendment adds an exception that would allow the discharge of firearms for the purpose of hunting on a contiguous tract of undeveloped land larger than 20 acres, as long as no projectile from the firearm crossed onto another property when discharged.

After discussion, a motion was made by Councilmember Gross, seconded by Councilmember Carroll to table the item. The motion carried unanimously.

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

The City Council convened in Executive Session at 6:27 p.m.

The City Council returned to Regular Session at 6:47 p.m.

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

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Hambrick provided the following future agenda items:

- Property maintenance code Ordinance
- Future use for current Police Station

ADJOURN

The meeting was adjourned at 6:48 p.m.

PASSED AND APPROVED THIS THE 8th DAY OF NOVEMBER 2021.

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary