

REGULAR SESSION

MARCH 14, 2022

The City Council of the City of Athens met in Regular Session on Monday, March 14, 2022, 5:30 p.m. in the Civic Hall, Room 216 of the Cain Center 915 S. Palestine Street, Athens, Texas.

with the following members present to-wit:

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; Noemi Lopez, Administrative Clerk; Joanie Ahlers, Director of Economic Development; Randy Williams, Utilities Director; Tim Perry, Public Works Director; Derek Whiteley, Director of Information Technology.

Others present: Rich Flowers, Michael Hannigan, Jeffery Enoch Sr., Staci Hurst, Steve Grant, Sumaia Almoud, Deborah Deas, Scott Barrett, Debra Wilson.

with the following member absent: Mayor Toni Clay.

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

INVOCATION

The Invocation was given by Mayor Pro Tem Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC COMMUNICATIONS

There were no public comments.

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

Elizabeth Borstad, City Manager, stated the Fisher High Memorial Dedication was a successful event. She stated the event occurred Saturday morning.

Ms. Borstad announced the following events:

- April 2: Fishing Fools Day and 5K at the Texas Freshwater Fisheries Center from 9:00 a.m. to 3:00 p.m.
- April 2: Lone Star High School Rodeo will be at the Henderson County Regional Fair Park.
- April 8-10: World Series Team Roping at the Henderson County Regional Fair Park.
- April 9: Athens Tx Farmers Easter Pop Up Market at TVCC from 11:00 a.m. to 1:00 p.m.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE FEBRUARY 28, 2022, REGULAR SESSION
- b) CONSIDER A RESOLUTION AMENDING POLLING LOCATIONS FOR THE MAY 7, 2022, CITY OF ATHENS SPECIAL ELECTION
- c) CONSIDER A RESOLUTION AUTHORIZING THE APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES FOR THE MAY 7, 2022, CITY OF ATHENS SPECIAL ELECTION
- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASING AGREEMENT WITH CORE AND MAIN OF TYLER, TEXAS FOR THE PURCHASE OF AUTOMATED METER READING (AMR) EQUIPMENT
- e) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH VELVIN AND WEEKS CONSULTING ENGINEERS FOR WATER LINE IMPROVEMENTS, LOCATED AT EDMONSON STREET & CREAM LEVEL ROAD
- f) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATHENS AND FANDOM EVENTS FOR THE TEMPORARY USE OF THE CITY PARKING LOT TO HOST AN ANIME CONFERENCE AND CONCERT ON APRIL 30 AND MAY 1, 2022, AS REQUESTED BY JOSH WILSON
- g) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATHENS AND OLD FIDDLERS REUNION FOR THE TEMPORARY USE OF THE CITY PARKING LOT TO HOST A CARNIVAL DURING OLD FIDDLERS REUNION WEEKEND FROM MAY 22 TO MAY 28, 2022, AS REQUESTED BY TRACI WILKES
- h) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE LAND LEASE RENEWAL AGREEMENT WITH CHARLES TIDMORE FOR LOT 3 AREA 3B, AT ATHENS MUNICIPAL AIRPORT
- i) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE LAND HANGAR LEASE RENEWAL AGREEMENT WITH EDWIN TORBETT FOR #LH3 AT ATHENS MUNICIPAL AIRPORT
- j) CONSIDER A RESOLUTION AUTHORIZING ATHENS ECONOMIC DEVELOPMENT CORPORATION TO RETURN \$114,500.00 TO THE USDA RURAL BUSINESS ENTERPRISE GRANT FUNDING AND CLOSE OUT THE GRANT ACCOUNT

Councilmember Carroll requested Consent Agenda Item f) Consider a Resolution authorizing the City Manager to enter into an agreement between the City of Athens and Fandom Events for the temporary use of the City Parking Lot to host an Anime Conference and Concert on April 30 and May 1, 2022, as requested by Josh Wilson be removed from the Consent Agenda for discussion.

A motion was made by Councilwoman Freeman, seconded by Councilmember Gross to approve Consent Agenda items:

- a) CONSIDER APPROVING MINUTES OF THE FEBRUARY 28, 2022, REGULAR SESSION
- b) CONSIDER A RESOLUTION AMENDING POLLING LOCATIONS FOR THE MAY 7, 2022, CITY OF ATHENS SPECIAL ELECTION
- c) CONSIDER A RESOLUTION AUTHORIZING THE APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES FOR THE MAY 7, 2022, CITY OF ATHENS SPECIAL ELECTION
- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASING AGREEMENT WITH CORE AND MAIN OF TYLER, TEXAS FOR THE PURCHASE OF AUTOMATED METER READING (AMR) EQUIPMENT

- e) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH VELVIN AND WEEKS CONSULTING ENGINEERS FOR WATER LINE IMPROVEMENTS, LOCATED AT EDMONSON STREET & CREAM LEVEL ROAD
- g) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATHENS AND OLD FIDDLERS REUNION FOR THE TEMPORARY USE OF THE CITY PARKING LOT TO HOST A CARNIVAL DURING OLD FIDDLERS REUNION WEEKEND FROM MAY 22 TO MAY 28, 2022, AS REQUESTED BY TRACI WILKES
- h) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE LAND LEASE RENEWAL AGREEMENT WITH CHARLES TIDMORE FOR LOT 3 AREA 3B, AT ATHENS MUNICIPAL AIRPORT
- i) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE LAND HANGAR LEASE RENEWAL AGREEMENT WITH EDWIN TORBETT FOR #LH3 AT ATHENS MUNICIPAL AIRPORT
- j) CONSIDER A RESOLUTION AUTHORIZING ATHENS ECONOMIC DEVELOPMENT CORPORATION TO RETURN \$114,500.00 TO THE USDA RURAL BUSINESS ENTERPRISE GRANT FUNDING AND CLOSE OUT THE GRANT ACCOUNT

The motion carried unanimously.

- f) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATHENS AND FANDOM EVENTS FOR THE TEMPORARY USE OF THE CITY PARKING LOT TO HOST AN ANIME CONFERENCE AND CONCERT ON APRIL 30 AND MAY 1, 2022, AS REQUESTED BY JOSH WILSON

Ms. Borstad stated Fandom Events is renting The Texan for their Anime Conference, and they are requesting to use the parking lot for a concert.

Discussion with Josh Wilson, Owner, of Fandom Events occurred regarding the use of the parking lot, ticket sales, stage, and seating.

After discussion, a motion was made by Councilmember Carroll, seconded by Councilmember Gross to approve a Resolution authorizing the City Manager to enter into an agreement between the City of Athens and Fandom Events for the temporary use of the City Parking Lot to host an Anime Conference and Concert on April 30 and May 1, 2022, as requested by Josh Wilson. The motion carried unanimously.

RESOLUTIONS

- a) CONSIDER FINAL READING OF A RESOLUTION APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S COMMUNITY DEVELOPMENT GRANT GUIDELINES AND AUTHORIZING A TOTAL BUDGET AMOUNT OF \$75,000 FOR FISCAL YEAR 2022

Joanie Ahlers, Director of Economic Development, stated there are no updates since the first reading of the Resolution and this is the second reading.

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

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve a Resolution approving Athens Economic Development Corporation's Community Development Grant Guidelines and authorizing a total budget amount of \$75,000 for Fiscal Year 2022.

The motion carried unanimously.

- b) CONSIDER FINAL READING OF A RESOLUTION APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS ASSISTANCE GRANT GUIDELINES AND AUTHORIZING A TOTAL BUDGET AMOUNT OF \$75,000 FOR FISCAL YEAR 2022**

Ms. Ahlers stated there are no updates since the first reading of the Resolution and this is the second reading.

Ms. Hambrick read the caption of the Resolution aloud.

A motion was made by Councilmember Carroll, seconded by Councilwoman Freeman to approve a Resolution approving Athens Economic Development Corporation's Business Assistance Grant Guidelines and authorizing a total budget amount of \$75,000 for Fiscal 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 EXECUTE AN ADVANCE FUNDING AGREEMENT (AFA) WITH THE STATE OF TEXAS DEPARTMENT OF TRANSPORTATION AND TO FUND CONSTRUCTION COSTS IN SUPPORT OF THE BUSINESS SH-31 PEDESTRIAN IMPROVEMENTS PROJECT**

Ms. Borstad stated the sidewalks are from downtown Carroll Street to 2495. The Texas Department of Transportation has an Advance Funding Agreement and the city's match will be small. The construction could possibly start in October.

A motion was made by Councilmember Gross, seconded by Councilmember Carroll to approve a Resolution authorizing the City Manager to execute an Advance Funding Agreement (AFA) with the State of Texas Department of Transportation and to fund construction costs in support of the Business SH-31 Pedestrian Improvements Project. The motion carried unanimously.

- d) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADVANCE FUNDING AGREEMENT (AFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ALTERNATIVES SET-ASIDE (TASA) PROJECT**

Ms. Borstad presented the item, she stated this is the second grant the city has received for sidewalks on both sides of SH-19 to Ben Belt. She stated the city would not have a match, due to receiving development credits.

A motion was made by Councilmember Carroll, seconded by Councilwoman Freeman to approve a Resolution authorizing the City Manager to execute an Advance Funding Agreement (AFA) with the Texas Department of Transportation for a Transportation Alternatives Set-Aside (TASA) Project. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM STEVE GRANT OF BB & G PROPERTIES, INC. FOR APPROVAL OF A ZONING CHANGE FROM INDUSTRIAL TO MULTI-FAMILY – 2 FOR TRACT 46, J. B. ATWOOD SURVEY, ABSTRACT 19; LOCATED AT THE NORTHWEST CORNER OF OLD TYLER HWY AND SHORT ST, ALSO KNOWN AS PROPERTY ID R1759

Audrey Sloan, Director of Development Services presented the item. She stated the property is located on Old Tyler Hwy and is currently vacant. She stated the property is currently zoned Industrial and the owner is requesting a change to Multi-Family – 2 for the purpose of constructing a duplex. The property does meet the minimum size requirements for MF-2 zoning districts.

Ms. Borstad asked if the size of the lot fit the requirement of an Industrial business.

Ms. Sloan stated with the parking lot requirements in Industrial Zoning the lot does not qualify to be operated as Industrial. She stated nine (9) letters of notification were sent out to surrounding property owners within 200 ft; with one (1) approval being received from Athens Economic Development Corporation.

Mayor Pro Tem Smith opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM STEVE GRANT OF BB & G PROPERTIES, INC. FOR APPROVAL OF A ZONING CHANGE FROM INDUSTRIAL TO MULTI-FAMILY – 2 FOR TRACT 46, J. B. ATWOOD SURVEY, ABSTRACT 19; LOCATED AT THE NORTHWEST CORNER OF OLD TYLER HWY AND SHORT ST, ALSO KNOWN AS PROPERTY ID R1759

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM AMIR ALI JAFRI FOR APPROVAL OF A ZONING CHANGE FROM COMMERCIAL TO SINGLE-FAMILY – 7 FOR LOT D, C. L. LOPER, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 206 W CAYUGA ST.

Ms. Sloan stated the property is located on W. Cayuga Dr. between Edna St. and Belmont. The property was previously used as a daycare. The property owner is requesting a zoning change from Commercial to Single-Family – 7 to allow the structure to be used single family residential purposes. Letters of notification were sent to eleven surrounding property owners within 200 ft. and no written responses were received.

Mayor Pro Tem Smith opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM AMIR ALI JAFRI FOR APPROVAL OF A ZONING CHANGE FROM COMMERCIAL TO SINGLE-FAMILY – 7 FOR LOT D, C. L. LOPER, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 206 W CAYUGA ST

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM SCOTT BARRETT OF RED DOT CORPORATION FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO COMMERCIAL FOR LOTS 1, 3, 5, 7, 9 & 17A OF BLOCK 4 AND LOTS 2-15 OF BLOCK 5 OF WEST HYLANDS, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 1209 W CORSICANA ST, AND ALSO KNOWN AS PROPERTY IDS C2557, C2558, R81189, R81191, R81193, R81194, R81196 & C122818

Ms. Sloan presented the item and stated the property is located off W Corsicana. Currently the property is zoned Single Family-5 while some are zoned Commercial. The purpose of this request is to clean up the zoning. Letters of notification were sent to the twenty-one surrounding property owners within 200 ft and two responses were received.

Mayor Pro Tem Smith opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM SCOTT BARRETT OF RED DOT CORPORATION FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO COMMERCIAL FOR LOTS 1, 3, 5, 7, 9 & 17A OF BLOCK 4 AND LOTS 2-15 OF BLOCK 5 OF WEST HYLANDS, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 1209 W CORSICANA ST, AND ALSO KNOWN AS PROPERTY IDS C2557, C2558, R81189, R81191, R81193, R81194, R81196 & C122818

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM SCOTT BARRETT OF RED DOT CORPORATION FOR APPROVAL OF THE CLOSURE AND ABANDONMENT OF AN APPROXIMATELY 590-FOOT PORTION OF WILSON STREET RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN LOTS 2, 4, 6, 8, 10, 12 & 13 OF BLOCK 6 AND LOTS 3, 5, 7, 9, 11 & 13 OF BLOCK 5 OF WEST HYLANDS, T. PARMER SURVEY, ABSTRACT 782

Ms. Sloan stated Scott Barrett of Red Dot is requesting to close and abandon the portion of the Wilson Street ROW that is immediately adjacent to property owned by Red Dot on either side. City staff has reviewed the request and does not have any objections. There are water and sewer lines in the ROW, so an easement would be required over the full width and length of the area to be closed. Both ONCOR and Atmos have requested for utility easements to be retained over their respective infrastructure. The adjacent property owners of Lot 1 of Block 5 of West Hylands were notified of the request but have not responded with any comments or concerns.

Discussion occurred.

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM SCOTT BARRETT OF RED DOT CORPORATION FOR APPROVAL OF THE CLOSURE AND ABANDONMENT OF AN APPROXIMATELY 415-FOOT PORTION OF POOL STREET RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN LOTS 2, 4, 6, 8, 10 OF BLOCK 5 AND LOTS 1, 3, 5, 7, 9 OF BLOCK 4 OF WEST HYLANDS, T. PARMER SURVEY, ABSTRACT 782

Ms. Sloan stated Scott Barrett with Red Dot Corporation, has requested for the City to close and abandon the portion of the Pool Street ROW that is immediately adjacent to property owned by Red Dot on either side.

The property owners of Lots 11, 13 & 15 were notified of the request but have not responded with any comments or concerns. Their property would still be accessible via the northernmost portion of Pool St that would remain open.

If approved, Red Dot would be required to install and maintain a hammerhead turn around designed to City specifications at the end of Pool St.

Red Dot will also be required to provide a survey with metes and bounds descriptions of the area to be closed and abandoned.

Discussion occurred.

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM ROGUE ARCHITECTS FOR APPROVAL OF SITE PLAN FOR MINOR AUTOMOTIVE REPAIR USE LOCATED IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT FOR LOT 7A OF ATHENS CENTER, R. A. CLARK SURVEY, ABSTRACT 171; LOCATED AT 1101 E TYLER ST. OWNER: SCC EAST TYLER ATHENS LLC.

Ms. Sloan presented the item and stated the property is located on the corner of E Tyler Street and Wood Street. The property is the former location of the Car Bath full-service car wash facility.

The property is zoned Planned Development-1 and the property owner is proposing to develop the front half of the property as a Take 5 Oil Change, with the Future Land Use Plans designates the area for retail use.

She stated all signage complies with the City requirement with the exception of the directional signs.

Directional signs have a logo and usually are not allowed however if council approves it in the Site Plan it would be allowed.

She stated letters of notification were sent to the nine (9) surrounding property owners within 200 feet and no responses were returned.

Mayor Pro Tem Smith opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM ROGUE ARCHITECTS FOR APPROVAL OF SITE PLAN FOR MINOR AUTOMOTIVE REPAIR USE LOCATED IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT FOR LOT 7A OF ATHENS CENTER, R. A. CLARK SURVEY, ABSTRACT 171; LOCATED AT 1101 E TYLER ST. OWNER: SCC EAST TYLER ATHENS LLC.

Ms. Hambrick read the caption of the Ordinance aloud.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Hambrick read the following future agenda items:

- Mayor Clay requested a recap of 2021/22.
- Councilmember Gross asked staff to review the sign Ordinance.
- Mayor Pro Tem Smith requested the total cost of the Cain Center Project, upon completion of the AV system.
- Councilmember Carroll requested an agenda item to revisit an Event Coordinator for The Texan.

Councilmember Carroll stated AEDC has requested a Work Session to discuss 380 Agreements. He also requested an item to discuss the Master Plan.

ADJOURN

The meeting was adjourned at 6:21 p.m.

PASSED AND APPROVED THIS THE 28th DAY OF MARCH 2022.

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary