

REGULAR SESSION

MARCH 25, 2019

The City Council of the City of Athens met in a Regular Session on Monday, March 25, 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
Robert Gross
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, Katie Birk, Lisa Denton, Rich Flowers, Deborah Deas, Denise York, Michael Hannigan, Bob and Carol Morton, Samuel Smith, Will Pruitt, Chet Patel, Gary Penn, Kevin and Jeaneane Lilly, Kelley Townsend, John Trent, and other interested citizens;

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

INVOCATION

The Invocation was given by Mayor Monte Montgomery.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PROCLAMATION – KEEP ATHENS BEAUTIFUL SPRING CLEANUP

Mayor Montgomery read a Proclamation declaring April 6, 2019 as Keep Athens Beautiful Spring Cleanup Day.

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

Mayor Montgomery announced the following Chamber events:

- Thursday, March 28th: A Better Way to Handle Joint Pain Lunch & Learn Athens Partnership Center at 11:30 am-1 pm Presented by Baylor Scott & White Texas Spine & Joint
- Tuesday April 2nd: Open House HC Help Center Maggie's House 5:30-7 p.m.

Mayor Montgomery read a letter from The Literary Society of The Henderson County Woman's Club thanking the City for its funding for the recent remodeling project of the Gathering Room in The Woman's Club Building at the East Texas Arboretum and Botanical Society.

Katie Birk, Tourism and Cultural Resources Coordinator, announced the following:

- March 31st at 4 p.m. Trinity Valley Community College is hosting a free jazz concert by Greg Piccolo at The Texan

CITIZENS COMMUNICATIONS

There was no discussion.

Councilmember McCain requested item f) Consider a Resolution authorizing the City Manager to enter into lease agreement with Athens Teenage Baseball Association for use of Coleman Park be pulled from the Consent Agenda.

Councilmember Smith requested item b) Consider approving the minutes of the March 15, 2019 Special Session be pulled from the Consent Agenda.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE MARCH 11, 2019 REGULAR SESSION**
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATHENS AND ATXFM, INC. (DBA: ATHENS TEXAS FARMERS MARKET) FOR THE TEMPORARY USE OF THE CITY PARKING LOT TO CONDUCT A FARMER'S MARKET BEGINNING MAY 4, 2019, AS REQUESTED BY D.J. WARREN**
- d) CONSIDER A RESOLUTION AUTHORIZING TRAYLOR ASSOCIATES, INC. AS THE GRANT WRITER/ADMINISTRATOR FOR THE CITY OF ATHENS FOR THE 2019 FAST GRANT AS ADMINISTERED BY THE TEXAS DEPARTMENT OF AGRICULTURE**
- e) CONSIDER A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF COLEMAN STREET ON APRIL 27, 2019 FROM 9:00 A.M. – 6:00 P.M. AS REQUESTED BY ST. EDWARDS CATHOLIC CHURCH**
- g) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT WITH HENDERSON COUNTY GIRLS SOFTBALL ASSOCIATION FOR USE OF CAIN PARK, PHASE I**
- h) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT WITH HENDERSON COUNTY GIRLS SOFTBALL ASSOCIATION FOR USE OF CAIN PARK, PHASE II**
- i) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT WITH JUST US GUYS (J.U.G.S.) FOR USE OF O. D. BAGGETT MEMORIAL PARK**

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve items a, c, d, e, g, h and i of the Consent Agenda. The motion carried unanimously.

- b) CONSIDER APPROVING THE MINUTES OF THE MARCH 15, 2019 SPECIAL SESSION**

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve item b) Minutes of the March 15, 2019 Special Session of the Consent Agenda.

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

- f) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT WITH ATHENS TEENAGE BASEBALL ASSOCIATION FOR USE OF COLEMAN PARK**

Councilmember McCain stated he wanted to ensure the lease agreement has a cost listed to use the fields by teams not members of Athens Teenage Baseball Association (ATBA) and a cost for ballfield lights per field for organizations not affiliated with ATBA.

Thanasis Kombos, Public Works Director explained the lease agreement has the following stipulations:

- The cost to use the fields by teams not members of Athens Teenage Baseball Association shall be levied by the City of Athens directly at a rate of \$10 per field, per hour
- During the year when not Daylight Saving Time (DST), local teams and organizations not affiliated with Athens Teenage Baseball Association may use the ballfield lights at a rate of \$15 per field per hour

After discussion, a motion was made by Councilmember McCain, seconded by Councilmember Gross to approve a Resolution authorizing the City Manager to enter into lease agreement with Athens Teenage Baseball Association for use of Coleman Park. The motion carried unanimously.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM MARISA GEORGE FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 10 (SF-10) TO TWO-FAMILY RESIDENTIAL (MF-2) FOR LOT 7 OF BLOCK 12 OF THE T. PARMER SURVEY A-782, ALSO KNOWN AS 801 MARYLAND DRIVE

Audrey Sloan, Director of Development Services, explained the property is a vacant lot located at the southeast corner of Maryland Drive and East Clinton Avenue. There was previously a Single-family home on the property that was demolished due to substandard conditions. Ms. Sloan explained the current zoning of the property is Single-Family -10 (SF-10). Notice letters were sent to the twelve surrounding property owners within two hundred feet. Two (2) protests were returned, and during the Planning and Zoning Commission meeting two (2) property owners protested. Ms. Sloan stated the Planning and Zoning Commission voted to recommend denial of the application due to concerns. She stated the applicant submitted an appeal letter. She explained that a three-fourths majority vote is required from Council to approve the zoning application.

Mayor Montgomery stated he would allow for Public Comment regarding the zoning change.

The following Citizens spoke in opposition of the zoning change: Samuel Smith, Al Bacher, Eric Garza, Ben Matta, and Camille Smith.

Will Pruitt stated his intent is to build one (1) duplex with rental being \$1,000 per month. He stated this would be an improvement to the neighborhood and increase the tax roll.

Patrick George stated for small investors there are not many properties available. Mr. George further stated they want to improve the neighborhood and that is the intention for building the value home there.

Councilmember Gross asked the size for the home, with Mr. George stating 1,200 - to 1,600-square-ft. duplexes that have three (3) bedrooms and two (2) bathrooms per side.

Mayor Montgomery stated the Zoning Commission did consider this as an issue, and it was unanimously voted to leave the zoning as Single-Family -10 (SF-10). He further stated there are other places in the city to build duplexes and he does not favor setting the precedence of allowing duplexes in this neighborhood.

Councilmember McCain stated the city needs to be careful in what is being said and the judgements being made about people, and renters. He stated he has been a renter and lived closed to duplexes and had no problem living there.

Councilmember Gross stated there are other duplexes on Prairieville.

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

A motion was made by Councilmember McCain, seconded by Councilmember Gross to approve final reading of an Ordinance concerning a request from Marisa George for approval of a zoning change from Single-Family – 10 (SF-10) to Two-Family Residential (MF-2) for Lot 7 of Block 12 of the T. Parmer Survey A-782, also known as 801 Maryland Drive

After roll call vote the motion FAILED by the following vote: Ayes: Councilmembers McCain, and Gross, Nays: Mayor Montgomery, Councilmembers Clay and Smith, Abstain: None.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING PROPOSED AMENDMENTS TO THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE REGARDING ACCESSORY BUILDING REGULATIONS: 14.2(A)(2) – (6), 14.3(A)(3), 14.4(B)(3), 14.5(D), 15.3(A)(2), 15.4(B)(3), 15.5(D), 16.3(A)(2), 16.4(B)(3), 16.5(D), 17.3(A)(2), 17.4(B)(3), 17.5(D), 18.3(A)(2), 18.4(B)(3), 18.5(D), 19.3(A)(2), 19.4(B)(3), 19.5(F), 19A.5(F)(2), 19A.5(I), 20.3(A)(2), 20.4(C)(3), 20.5(E), 21.3(A)(2), 21.4(B)(3), 21.5(E), 22.3(A)(2), 23.3(A)(2), 24.3(A)(4) & (5), 25.3(A)(2), 26.3(A)(2), 27.3(C)(2), 28.3(A)(2), 29.3(2) & (3), 35, AND A-3 DEFINITIONS: ACCESSORY BUILDING (RESIDENTIAL) & ACCESSORY BUILDING (BUSINESS OR INDUSTRY). THE PURPOSE OF THE PROPOSED AMENDMENTS IS TO ELIMINATE REDUNDANCIES AND CORRECT ERRORS IN THE EXISTING ACCESSORY BUILDING REGULATIONS AND TO COMPILE ALL SUCH REGULATIONS INTO SECTION 35 OF THE ZONING ORDINANCE

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilwoman Clay, second by Councilmember Gross to approve final reading of an Ordinance concerning proposed amendments to the following sections of the Zoning Ordinance regarding accessory building regulations: 14.2(A)(2) – (6), 14.3(A)(3), 14.4(B)(3), 14.5(D), 15.3(A)(2), 15.4(B)(3), 15.5(D), 16.3(A)(2), 16.4(B)(3), 16.5(D), 17.3(A)(2), 17.4(B)(3), 17.5(D), 18.3(A)(2), 18.4(B)(3), 18.5(D), 19.3(A)(2), 19.4(B)(3), 19.5(F), 19A.5(F)(2), 19A.5(I), 20.3(A)(2), 20.4(C)(3), 20.5(E), 21.3(A)(2), 21.4(B)(3), 21.5(E), 22.3(A)(2), 23.3(A)(2), 24.3(A)(4) & (5), 25.3(A)(2), 26.3(A)(2), 27.3(C)(2), 28.3(A)(2), 29.3(2) & (3), 35, and A-3 Definitions: accessory building (residential) & accessory building (business or industry). The purpose of the proposed amendments is to eliminate redundancies and correct errors in the existing accessory building regulations and to compile all such regulations into Section 35 of the Zoning Ordinance

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

Monte Montgomery, Mayor Aye
Ed McCain, Councilmember/Mayor Pro Tem Aye
Aaron Smith, Councilmember Aye
Toni Clay, Councilmember Aye
Robert Gross, Councilmember Aye
5 voted in favor of the motion and
0 voted against the motion

DISCUSS 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

Lisa Denton, Athens Economic Development Corporation Executive Director, explained the item was on the City Council's January 14, 2019 agenda for consideration. She stated at that time requested additional information. Ms. Denton explained the property owner did obtain an additional independent bid. She stated the property owner proposed to refurbish the building into retail, office and loft spaces. She explained the new improvements include the following:

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

Ms. Denton stated the Athens Economic Development Corporation Board reconsidered the item at their March 20, 2019 board meeting for improvements at the facility located at 215 North Prairieville and the board reaffirmed the December 18th approval of the project for a maximum of \$12,500.

After a brief discussion; Ms. Hambrick read the caption of the Resolution aloud.

DISCUSS FIRST READING OF AN ORDINANCE ADOPTING DROUGHT CONTINGENCY PLAN

Elizabeth Borstad, City Manager, explained the City is required to adopt a Drought Contingency Plan. She stated the last plan was adopted in 2016 and staff is recommending the adoption of the same plan. There are no needed changes to the plan at this time.

Ms. Hambrick read the caption of the Ordinance aloud.

UPDATE – TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) PENDING NOTICES

Randy Williams, Utilities Director, provided an update on Texas Commission on Environmental Quality (TCEQ) pending notices.

UPDATE – POLICE RECRUITMENT AND RETENTION

Buddy Hill, Chief of Police, provided an update on Police Recruitment and Retention He explained there were no significant changes in recruitment since implementing the new pay scale in December 2018.

UPDATE – STREET REPAIRS

Mr. Kombos provided an update on Street Repairs.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, APPROVING A RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT FISCAL YEAR 2019 STREET REHABILITATION AND SEAL COAT PROGRAM

Mr. Kombos explained the recommended Fiscal Year 2019 Street Rehabilitation and Seal Coat Program. He stated the estimated cost for the Overlay Program is \$192,182 and the estimated cost for the Seal Coat Program is \$154,965. He stated the following streets were identified and recommended for the 2019 program:

Fiscal Year 2019 Overlay Program

<u>Street Name</u>	<u>Section/Portion of Street</u>
• Faulk	Larkin to Massey
• E Clinton	Lucas to Robbins

- MLK Jr. Blvd First to MLK Jr. Circle
- Wood E. Tyler to Old Rail Road Tracks
- Colonial Arrowhead to Valle Vista
- Ford Massey to Allen
- Old Town Alley Entire Street
- College Palestine to Prairieville

Fiscal Year 2019 Seal Coat Program

<u>Street Name</u>	<u>Section/Portion of Street</u>
• Old Kaufman	Entire Street
• Athens Brick Rd.	Entire Street
• Airport Rd.	Entire Street
• Scott	Stirman to Rail Road Tracks
• Oval	Hillside to Hillside
• N. Prairieville	Larkin-Scott
• Wooded Creek	½ of East Section

Mr. Kombos presented a list for Alternate Overlay Streets if any funds are remaining.

<u>Alternate Street Name</u>	<u>Section/Portion of Street</u>
• Legacy	Entire Street
• E. Scott	N. Underwood to Faulk
• Alley (Tyler-Larkin beside Normans welding shop)	Entire Street
• Alley (Check Auto)	Entire Street
• Cook Alley	Entire Street

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve a Resolution authorizing the City Manager to implement Fiscal Year 2019 Street Rehabilitation and Seal Coat Program. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember McCain requested staff research a procedure that would require entities who incur damages to the city's streets while performing work, to have a bond to cover the cost of damages.

ADJOURN

The meeting adjourned at 6:47 p.m.

PASSED AND APPROVED THIS THE 8th DAY OF APRIL, 2019.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary