

REGULAR SESSION

MAY 11, 2020

The City Council of the City of Athens met in Regular Session on Monday, May 11, 2020, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St., Athens, Texas, via Facebook Live in order to advance the public health goal by avoiding social gatherings in groups of more than 10 people to slow the spread of the Coronavirus (COVID-19) [There will be no public access to the location described above.] with the following members present to-wit:

Monte Montgomery, Mayor
Ed McCain, Mayor Pro Tem
Aaron Smith
Robert Gross

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Buddy Hill, Police Chief; Audrey Sloan, Director of Development Services; Katie Birk, Tourism and Cultural Resources Coordinator.

others present: Michael Hannigan

with the following member absent: Councilwoman Toni Clay

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.

PUBLIC COMMUNICATIONS

Bonnie Hambrick, City Secretary, read aloud the following letter received from citizen Kay White.

Re: Traffic situation on Hillside Drive at Lazy Daisy Nursery

“My name is Kay White and I am a resident of the Cedar Bend subdivision. As such, I have been very concerned about the extremely dangerous traffic situation that has resulted since the opening of the Lazy Daisy Nursery.

I am writing this letter as a concerned citizen of Athens. Patty Thompson, owner of Lazy Daisy, was provided with a large parking area, but she chose to use it to expand her inventory, rather than providing her customers with safe parking.

I personally, have observed several “near misses” like a young mother crossing the street carrying a large plant in each arm, while two very small children followed behind, unattended, just to name one.

I could name several more and have heard similar stories from many others.

Never has a problem like this occurred with previous businesses.

I believe two things need to happen here to alleviate this danger:

- 1) A “no parking” sign on the southside of Hillside Drive, and
- 2) Ms. Thompson needs to provide additional parking on her property, even if that means reducing or re-locating some of her larger inventory. It’s called being a responsible business owner.

Thank you for considering my viewpoint and input.

Sincerely

Kay White”

Mayor Montgomery thanked Ms. White for her comments.

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

Elizabeth Borstad, City Manager, provided the following updates:

- Back on regular schedule for trash pickup including brush and limbs on Wednesdays
- Successful City-wide clean-up last week. Ms. Borstad further stated the Community Collection Site will reopen with its regular schedule for a fee

Mayor Montgomery asked if there were any events at The Texan. Katie Birk, Tourism and Cultural Resources Coordinator stated there are no events at The Texan at this time. She stated most of the individuals who have rented The Texan for community events or private events have re-scheduled to a later date or they have canceled.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE APRIL 27, 2020 REGULAR SESSION
- b) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATHENS AND OLD FIDDLERS REUNION FOR TEMPORARY USE OF THE CITY PARKING LOT ON MAY 30, 2020, AS REQUESTED BY MARY ENSIGN
- c) CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE GRANT DOCUMENTS AS THE CITY’S CERTIFYING OFFICIAL, AND AUTHORIZING CITY STAFF TO SUBMIT REQUESTS FOR PUBLIC ASSISTANCE FUNDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY THROUGH THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT FOR DR-4485 (TEXAS COVID-19 PANDEMIC)

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

PRESENTATION OF FISCAL YEAR 2021 BUDGET CALENDAR

Elizabeth Borstad, City Manager, presented the Fiscal Year 2021 Budget Calendar.

She stated that the first budget workshop with all departments is scheduled for June 10, 2020.

She stated there will be another workshop that will be incorporated into a council meeting on June 27, 2020. Ms. Borstad also stated that the public hearings and first readings of the Ordinances and tax rates will be on August 10, 2020. The final approval of these readings will occur on August 24, 2020.

DISCUSS FIRST READING OF AN ORDINANCE ALLOWING EMPLOYEES OF THE CITY OF ATHENS WHO HAVE TERMINATED PREVIOUS MEMBERSHIPS IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM, TO DEPOSIT THE SUMS SO WITHDRAWN, PLUS ANNUAL WITHDRAWAL CHARGES, AND ALLOWING AND UNDERTAKING THE COST OF THE ALLOWING ANY SUCH EMPLOYEE CREDIT IN SUCH SYSTEM FOR ALL SERVICE TO WHICH SUCH EMPLOYEE HAD BEEN ENTITLED AT DATE OF SUCH WITHDRAWAL, WITH LIKE EFFECT AS IF ALL SUCH SERVICE HAD BEEN PERFORMED AS AN EMPLOYEE OF THE CITY

Ms. Borstad presented the item. She explained the Ordinance was previously adopted regularly at the City, but it has been many years since it has been implemented. She stated if you are currently employed with the City, once you have two (2) years of service credit with the City of Athens, if you had previous service with the City of Athens or in the Texas Municipal Retirement System, you can buy back those credits if you had previously taken them out.

Councilmember Smith asked if employees could borrow money from their retirement or if it can be used for collateral.

Ms. Borstad stated that TMRS states employees are not allowed to borrow this money or use as collateral for any reason. The only way the employee gets the money is if they retire with the City of Athens or if they leave service with the City of Athens. If they leave service with the City of Athens, they are only entitled to the money that they contributed during their service time worked.

She also stated that this is something she thinks the City should consider since it works in conjunction with our lateral entry program. This makes it possible for an employee, who leaves the City and takes their money out of retirement, eligible to put the money back into the retirement system if they are rehired by the City.

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

DISCUSS FIRST READING OF AN ORDINANCE PROVIDING FOR SPECIAL SENIORITY PAY FOR NEWLY HIRED POLICE OFFICERS WITH PRIOR FULL-TIME, PAID, LAW ENFORCEMENT EXPERIENCE (LATERAL ENTRY PROGRAM)

Buddy Hill, Police Chief, presented the information and explained the Ordinance will provide for law enforcement officers with previous law enforcement experience at another agency to come to the City of Athens and receive partial credit for the amount of time that was spent at that agency. Chief Hill stated it is beneficial to hire experienced officers because there is less training required. He further stated the officers will be in a 16-week field training program.

Chief Hill explained since the City of Athens is a Civil Service City, this is a two (2) part program where the City Council sets and regulates items related to pay and Civil Service Commission actually puts into place the frame work under which the program runs. Chief Hill stated that there will be a Civil Service Board meeting at the end of this month in the event the City Council approves lateral pay.

Chief Hill provided the following update:

- Next test is scheduled for June 4, 2020, deadline to sign up for the test is May 28, 2020
- Two (2) Cadet positions open
- Hiring workshop scheduled for May 22, 2020 from 5:00-7:00 p.m.

Councilmember Gross stated he supports the item. He asked if the seniority pay would impact the budget, with Chief Hill stating there should not be any impact to the budget.

Councilmember Gross further asked if the June 4th test is waiving the requirement for having college credit with Chief Hill stating the college credit requirement is waived.

Councilmember Gross asked how will staff market the test and the hiring workshop, with Chief Hill stating contact has been made with Tyler Jr. College, advertisement through colleges and academies and Texas Municipal League.

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AMENDING THE CITY OF ATHENS DISASTER DECLARATION ADOPTED ON APRIL 2, 2020 DUE TO THE IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY AS A RESULT OF THE SPREAD OF THE CORONAVIRUS (COVID – 19), EPIDEMIC, AS DECLARED BY THE WORLD HEALTH ORGANIZATION AS A PANDEMIC ON MARCH 11, 2020

Ms. Borstad explained after changes to the Governor's Order, the item is back for the City Council to review the City's Declaration. She stated the City Council amended the City of Athens Disaster Declaration and The City of Athens closed all City Parks to group activities and the use of playground equipment will not be allowed.

After a lengthy discussion, a motion was made by Councilmember Gross, seconded by Councilmember McCain to approve a Resolution amending the City of Athens Disaster Declaration adopted on April 2, 2020 due to the imminent threat to Public Health and Safety as a result of the spread of the Coronavirus (COVID – 19), Epidemic, as declared by the World Health Organization as a Pandemic on March 11, 2020 and reopen all City Parks to group activities and the use of playground equipment is allowed. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE HENDERSON COUNTY GIRLS SOFTBALL ASSOCIATION FOR FISCAL YEAR 2020 TOURISM DEVELOPMENT GRANT

Ms. Birk presented the item. She stated Athens Teenage Baseball Association was awarded \$11,250.00 to host the state tournament, however, they did not win the bid to have the state tournament in Athens, so they had to forfeit their Tourism Development Grant putting \$11,250.00 back into the Aid to Other Organizations Hotel Occupancy budget.

She stated the Tourism and Cultural Resources Department received an application for the Fiscal Year 2020 Tourism Development Grant from the HCGSA for \$9,925.00 to host a 6U State Tournament and HCGSA would be eligible to receive up to \$7,443.75 in Hotel Occupancy Tax Funding.

After discussion, a motion was made by Councilmember McCain, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to enter into an agreement with the Henderson County Girls Softball Association (HCGSA) for Fiscal Year 2020 Tourism Development Grant. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM JEREMY FELLMAN FOR APPROVAL OF THE FINAL PLAT OF LOT 1 AND LOT 2 OF THE WINDSOR SUBDIVISION, B. C. WALTERS SURVEY A-797, ALSO KNOWN AS 951 HIGHWAY 175 WEST

Audrey Sloan, Director of Development Services, presented the item. The property is located on West US Highway 175 and is the location of Athens Iron and Metal. She stated the current zoning of the property is Commercial with a small portion of Agriculture zoning at the south end of the property. She stated the proposal is to subdivide the property into two lots and the plat is compliant with the City's zoning and subdivision ordinances. The Future Land Use Plan designates this area as Commercial. The Planning & Zoning Commission voted unanimously to recommend approval of the plat.

After discussion, a motion was made by Councilmember Smith, seconded by Councilmember Gross to approve a request from Jeremy Fellman for approval of the final plat of Lot 1 and Lot 2 of the Windsor Subdivision, B. C. Walters Survey A-797, also known as 951 Highway 175 West. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Smith requested an update on development activity. Ms. Borstad further clarified an update on South 19 Subdivision.

Councilmember McCain requested an update on the SCADA system.

Councilmember McCain stated he was asked if Council could have a specific meeting each month where an update on the Cain Center is provided.

Councilmember Gross asked if EDC has an agenda item for any funding for the Cain Center, with Ms. Borstad stating there is not an item on this month's agenda, however, she will ensure there is a future item to discuss this funding.

ADJOURN

The meeting adjourned at 6:11 p.m.

PASSED AND APPROVED THIS THE 26th DAY OF MAY, 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary