

REGULAR SESSION

JUNE 22, 2020

The City Council of the City of Athens met in Regular Session on Monday, June 22, 2020 at 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St., Athens, Texas, This meeting was open to the public; however, seating was limited to maintain social distancing.

with the following members present to-wit:

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

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Buddy Hill, Police Chief; Audrey Sloan, Director of Development Services; Joanie Ahlers, Economic Development Director; Tim Perry, Public Works Director

others present: Michael Hannigan, Sytonia Freeman, Deborah Deas, Marisa Gunstanson, Val Franklin, Mark McCain, Paul Cast, Michele' Parolini, John Trent, Cliff Bomer, Brent Muecke, Kenny Stowe, Robert Haberle.

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.

PUBLIC COMMUNICATIONS

Brent Muecke expressed concern with hazards and safety issues at Kiwanis Park. Mr. Muecke presented pictures of the park.

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

Councilwoman Clay read the following statement:

“To my fellow Athenians, my friends, my neighbors, the business owners and community leaders who are instrumental in the prosperity of our city:

I address you today both as a proud 43-year resident of Athens and as a city leader compelled to sound the alarm out of love for my neighbors. We find ourselves in a clear and present danger. While in the beginning, we saw through a glass darkly, the picture is increasingly clear regarding how the COVID-19 virus is spread and how *quickly* it is spreading. The news is not good.

We — and I include myself — have thought ourselves here in rural East Texas to be somewhat buffered against the sharp edge of the virus; and I fear we may come to regret our approach. In his statewide address just hours ago, Gov. Abbott called the rate of COVID-19 spread “unacceptable.” While it has been argued that the higher numbers are misleading because increased *testing* results in increased positives, I believe we can all agree that increased testing does not lead to increased *hospitalizations*. Consider then that Texas is averaging more than 3,200 hospitalization per day. That is nearly double the amount seen just one month ago. Let me underscore that: Texas has had 10 consecutive days of record-high hospitalization for coronavirus, with a 146% increase since Memorial Day. Since YESTERDAY alone, we are up 9%.

So, what can we do? Do we shut down businesses again? It seems clear that the very *least* disruptive thing we can do to protect both our personal health and the health of our economy and local business owners is to wear masks consistently.

A recent study by a team of researchers led by my alma mater, Texas A&M University, found that not wearing a face mask dramatically increases a person’s chances of being infected by the COVID-19 virus. Researchers looked at trends and mitigation procedures in China, Italy and New York City and found that using a face mask reduced the number of infections by more than 78,000 in Italy over a one-month period and by over 66,000 in New York City from April 17 over a three-week period. The results send a clear message that wearing a face mask is essential to combating COVID-19.

The governor issued an executive order this month banning local governments from imposing fines or penalties on people who do not wear masks in public. Practically speaking, that leaves us with few options as a city government. This is why I am asking business owners to implement, wherever possible, face mask requirements for entering their premises, just as businesses regularly require shirts and shoes in return for service. I am also asking my fellow Athenians to wear masks of their own accord — not for their own sakes, but out of concern for the well-being of their neighbors. And, yes, I am referring to the Biblical edict that we should love our neighbors and put their welfare, their comfort, before our own.

In closing, I believe we do not see more people wearing masks because it is uncomfortable to wear masks when we see so few others doing it. I wore a mask into this meeting and, yes, it felt a little odd. But as more and more people wear masks consistently, and as more businesses require masks consistently, it will become odd *not* to wear one.

I have spoken to our city manager about what we can do to encourage such efforts. The City of Athens received a direct allocation of \$149,000, 75% of which must be used on medical-related expenses — such as masks and hand sanitizer. In the coming days, our city staff will work toward ordering both masks and hand sanitizer to be given to local businesses for distribution to their customers. There are details to be worked out, but it is intended as a concrete way we can help one another live out the exhortation in Philippians to look not only to our own interests, but also to the interests of others.”

Mayor Montgomery stated the City had leveled off and dropped down, however, the numbers are going up with the pandemic. He stated it is not mandatory to wear a mask. He stated he wholeheartedly agrees with Councilwoman Clay that everyone should make an effort to wear a mask.

Elizabeth Borstad, City Manager, stated that staff must work out the details and how the masks are distributed.

Councilmember Smith stated as time goes by, people get weary of complying with the guidelines and safety requests. He stated we need everyone to stay diligent with their social distancing and preventative measures that are put in place.

Ms. Borstad informed the Council the City has received a grant using TxDOT Pedestrian Improvement Program funds for sidewalks from Carroll Street downtown to Wal-Mart. She stated the project value estimate is \$1,535,179 with the City's match being 7.5%. She stated engineering should start in the fall and construction in 2021.

Ms. Borstad stated construction has begun on the traffic signal at the intersection of SH 31 and FM 1616.

Ms. Borstad explained the Texas Water Development Board provided financial assistance in the amount of \$466,000.00 in forgivable principle for the sewer line. She stated there is a lot of infrastructure work going on in the City of Athens.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE JUNE 8, 2020 REGULAR SESSION
- b) CONSIDER APPROVING MINUTES OF THE JUNE 10, 2020 AMWA JOINT WORK SESSION
- c) CONSIDER APPROVING MINUTES OF THE JUNE 10, 2020 BUDGET WORK SESSION
- d) MAY 2020 MONTHLY REVENUE AND EXPENSE REPORT

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

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING THE REPEAL AND REPLACEMENT OF SECTION 31A OF THE ZONING ORDINANCE, IN ITS ENTIRETY, REGARDING TEMPORARY USE PERMITS

Audrey Sloan, Director of Development Services, explained one amendment was made to the Ordinance since the first reading. She stated it is to clarify how the farmers market will be regulated. Ms. Sloan read aloud the amendment change as follows: *All Farmers Markets shall be authorized by the City Council. Council approval shall address the location, schedule and duration of the market.*

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 the repeal and replacement of Section 31A of the Zoning Ordinance, in its entirety, regarding Temporary Use Permits

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

Monte Montgomery, Mayor	Aye
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, Councilmember	Aye
Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

CONSIDER FINAL READING OF A RESOLUTION AUTHORIZING ATHENS ECONOMIC DEVELOPMENT CORPORATION TO DEVELOP AND IMPLEMENT THE ATHENS COVID-19 SMALL BUSINESS SUPPORT AND RECOVERY GRANT PROGRAM AND AUTHORIZE REQUIRED BUDGET AMENDMENT IN THE AMOUNT OF \$100,000

Joanie Ahlers, Economic Development Director, stated since the first reading of the Resolution, a Public Hearing was held during Athens Economic Development Board of Directors meeting. She stated as a result of feedback received, adjustments were made to the application. She presented the changes and updates to the Athens COVID-19 Small Business Support and Recovery Grant Program.

There was discussion and questions were answered throughout the presentation.

Mayor Montgomery allowed business owners to address the Council.

Mr. Kenny Stowe expressed how his business has struggled during COVID-19. Mr. Stowe asked the City Council to consider supporting the Athens COVID-19 Small Business Support and Recovery Grant Program.

Michele' Parolini stated the struggles her business has encountered during COVID-19. She spoke in favor of the Athens COVID-19 Small Business Support and Recovery Grant Program.

Additional discussion occurred.

Ms. Hambrick read the caption of the Resolution aloud.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve final reading of a Resolution authorizing Athens Economic Development Corporation to develop and implement the Athens COVID-19 Small Business Support and Recovery Grant program and authorize the required Budget Amendment in the amount of \$100,000. The motion carried by the following vote: Ayes: Mayor Montgomery, Councilmember McCain, Councilwoman Clay, Councilmember Smith, Nay: Councilmember Gross, Abstain: None.

DISCUSS FIRST READING OF AN ORDINANCE TO REPEAL IN ITS ENTIRETY AND RE-ESTABLISH CHAPTER 17 OF THE CITY CODE OF ORDINANCES ENTITLED SUBDIVISIONS

Ms. Sloan stated the existing Subdivision Ordinance was adopted in 1962 and is outdated and sparse. She stated the proposed replacement represents a comprehensive set of modern and commonly accepted rules and regulations regarding platting, the dedication of adequate public facilities, design standards, required public improvements, bonding requirements and enforcements and penalties.

Ms. Sloan stated a proposed Infrastructure Design Standards has been created to accompany the Subdivision Ordinance. The document establishes standards for water and sewer design and materials. Ms. Sloan stated this document will come to Council in the form of a Resolution on July 13th.

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE AMENDING ARTICLE III, ENTITLED CONSTRUCTION, OF CHAPTER 16 OF THE CITY CODE OF ORDINANCES

Ms. Sloan stated the item is to amend Chapter 16 by removing sections from the Ordinance that are outdated and/or redundant due to their inclusion in Chapter 17 specific to street and sidewalks.

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE TO REPEAL IN ITS ENTIRETY ARTICLE II, ENTITLED MAIN EXTENSIONS, OF CHAPTER 21 OF THE CITY CODE OF ORDINANCES AND RESERVING THE SAME ARTICLE FOR FUTURE USE

Ms. Sloan explained the Ordinance will remove Article II, entitled Main Extensions, of Chapter 21 as the extension of water and sewer mains, as this will be addressed in the proposed amendment to Chapter 17.

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO RE-ASSIGN THE FIXED BASED OPERATOR (FBO) LEASE AGREEMENT FROM YARDELLE INVESTMENTS, LLC. TO ADDCO AVIATION

Tim Perry, Public Works Director, explained that the item is to re-assign the Fixed Based Operator (FBO) Lease Agreement from Yardelle Investments, LLC. to ADDCO Aviation. He explained ADDCO Aviation, formerly known as Athens Jet Center, has been performing the day to day operations of the FBO's responsibilities on behalf of Yardelle Investments for the entire duration of the existing agreement that expires in September 2023.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to re-assign the Fixed Based Operator (FBO) Lease Agreement from Yardelle Investments, LLC. to ADDCO Aviation. The motion carried unanimously.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND LEASE AGREEMENT WITH ADDCO AVIATION FORMALLY KNOWN AS YARDELLE INVESTMENTS LLC. FOR AREA 1 LOT #3 AT ATHENS MUNICIPAL AIRPORT

Mr. Perry explained ADDCO Aviation, formerly known as Athens Jet Center, is requesting a 20-year Hangar Land Lease Agreement that Yardelle Investments LLC. formerly had with the City. Mr. Perry updated the Council on the terms of the agreement.

After a brief discussion, a motion was made by Councilmember Gross, seconded by Councilmember McCain to approve a Resolution authorizing the City Manager to enter into a Land Lease Agreement with ADDCO Aviation formerly leased by Yardelle Investments LLC. For area 1 Lot #3 at Athens Municipal Airport. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Gross asked the date of the next budget meeting, with Ms. Borstad stating the meeting is scheduled for July 10, 2020.

Mayor Montgomery stated there was another wreck on S. Wofford, and Hwy. 175 E. He asked staff to arrange a meeting with TxDOT representatives to discuss accident counts.

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ADJOURN

The meeting adjourned.

PASSED AND APPROVED THIS THE 13TH DAY OF JULY 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary