

REGULAR SESSION

JANUARY 13, 2014

The City Council of the City of Athens met in Regular Session on Monday, January 13, 2014, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry Don Vaught, Mayor
Carol Barton
Monte Montgomery
Elaine Jenkins
Aubrey Jones

Pam Burton, City Administrator
Pam Watson, City Secretary

others present: Martin Rochelle, Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, David Hopkins, Haven Cox, Sherri Skeeters, Wylie Pirkle, Martin Bennett, Jane Joslin, Sue Pirkle, Lowayne Scarbrough, Brian Malone, Rich Flowers, Charles Elliott, Joe Whatley, Michael Hannigan, Tracy Martin, Tyler Hendrickson, Tres Winn and other interested citizens;

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

The invocation was given by Councilmember Jenkins.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSIDER SECOND AND FINAL READING OF AN ORDINANCE TO DISSOLVE THE ATHENS MUNICIPAL WATER AUTHORITY, PURSUANT TO SECTION 43.074 OF THE TEXAS LOCAL GOVERNMENT CODE

City Secretary Pam Watson read the Ordinance aloud.

Attorney Martin Bennett objected, expressing his feelings that it will be a violation of the Texas Open Meetings Act if action is taken due to agenda wording.

Attorney Martin Rochelle with the Law Firm of Lloyd Gosselink Rochelle & Townsend, stated that Mr. Bennett has a lot of opinions and that is one of them, but he disagrees with it.

A motion was made by Councilmember Barton, seconded by Councilmember Jones to approve SECOND AND FINAL READING OF AN ORDINANCE TO DISSOLVE THE ATHENS MUNICIPAL WATER AUTHORITY, PURSUANT TO SECTION 43.074 OF THE TEXAS LOCAL GOVERNMENT CODE. The motion carried unanimously.

Councilmember Montgomery stated that this lawsuit brought by the Athens Municipal Water Authority (A.M.W.A.) is unacceptable to the citizens of Athens.

Attorney Martin Bennett stated that, as required by Statute, a petition with 374 signatures has been presented for the purpose of the City Council reconsidering this action at their next meeting and allowing A.M.W.A. to continue in force.

Councilmember Barton stated that all of the City Councilmembers are native Athenians, expressing her feelings that what A.M.W.A. has done is unspeakable and the worst thing that could have happened, and A.M.W.A. is not needed, as they are a redundant entity.

Councilmember Jones stated that the City has provided personnel and day-to-day operations for A.M.W.A. in providing water services for the citizens, this has never changed, and will not change when the city takes over full operations. He stated that the original purpose for the creation of

A.M.W.A. has been fulfilled, their job has been done, there is no need for a redundant entity to continue and there is nothing that is currently being done that can't be done by the City.

Mayor Vaught called for a reconfirmation of votes, with the motion carrying unanimously.

DISCUSS/CONSIDER AUTHORIZING OUTDOOR BURN ORDINANCE
VARIANCE, AS REQUESTED BY JANE JOSLIN/ROELLEN GIN COMPANY,
INC. (2860 F.M. 2495)

City Administrator Pam Burton explained that Ms. Joslin is requesting a variance to the Outdoor Burn Ordinance to allow for another one (1) year burn permit, due to the large amount of acreage that needs clearing, with the owner being required to provide insurance, meet all guidelines, notify the Fire Department prior to each burn and maintain the burn permit on site at all times. She stated that the request has been reviewed by the Fire Marshall, with there being no objections. A motion was made by Councilmember Jones, seconded by Councilmember Montgomery to authorize a variance to the Outdoor Burn Ordinance to allow for unlimited burns for a one (1) year period, as requested by Jane Joslin/Roellen Gin Company. The motion carried unanimously.

DISCUSS/CONSIDER AMENDMENTS TO BYLAWS OF ATHENS ECONOMIC
DEVELOPMENT CORPORATION, AS REQUESTED BY ATHENS ECONOMIC
DEVELOPMENT CORPORATION

Ms. Burton explained that these amendments were reviewed at the Special Session on 1/08/14 and included in the packet. A motion was made by Councilmember Montgomery, seconded by Councilmember Jenkins to approve the Amendments to Bylaws of Athens Economic Development Corporation, as requested. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENT TO ATHENS ECONOMIC
DEVELOPMENT CORPORATION

Ms. Burton explained that the Athens Economic Development Corporation Board of Directors is recommending Carmen Hunt for appointment to the A.E.D.C., to fill the unexpired term of Tere Lawyer which will expire 9/30/2014. After discussion, a motion was made by Councilmember Jones, seconded by Councilmember Barton to appoint Carmen Hunt to serve on the A.E.D.C. Board of Directors, as recommended. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENTS TO AIRPORT ADVISORY BOARD

A motion was made by Councilmember Jones, seconded by Councilmember Jenkins to reappoint John Cain, Steve Grant and David Stewart to serve another two (2) year term on the Airport Advisory Board. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENTS TO SUBSTANDARD BUILDING
COMMISSION

A motion was made by Councilmember Montgomery, seconded by Councilmember Jones to reappoint Tere Lawyer, Billy Murphree and Tim Jones to serve another two (2) year term on the Substandard Building Commission. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENTS TO ZONING COMMISSION

Ms. Burton informed the Council that the terms of Cody Robertson, Chris Tinsley and Donna Foster Meredith are expiring from the Zoning Commission, with Mr. Tinsley and Ms. Meredith agreeing to serve another term, however, Mr. Robertson is ineligible due to having served two (2) consecutive terms. A motion was made by Councilmember Barton, seconded by Councilmember Jenkins to reappoint Chris Tinsley and Donna Meredith to serve another two (2) year term on the Zoning Commission. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENTS TO ZONING BOARD
OF ADJUSTMENTS

A motion was made by Councilmember Jenkins, seconded by Councilmember Jones to reappoint Mamie Stafford and Jack Bateman to serve another two (2) year term on the Zoning Board of Adjustments. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENTS TO PARKS BOARD

A motion was made by Councilmember Barton, seconded by Councilmember Montgomery to reappoint Billy Si McCaleb, Lillian Bell, Steve Grant and Andrea Copeland to serve another two (2) year term on the Parks Board. The motion carried unanimously.

CONSENT AGENDA;

A) CONSIDER APPROVING MINUTES OF THE NOVEMBER 4, 2013 SPECIAL SESSION; NOVEMBER 8, 2013 SPECIAL SESSION; NOVEMBER 12, 2013 SPECIAL SESSION; NOVEMBER 20, 2013 SPECIAL SESSION; NOVEMBER 25, 2013 REGULAR SESSION; DECEMBER 4, 2013 SPECIAL SESSION; DECEMBER 9, 2013 REGULAR SESSION; AND DECEMBER 17, 2013 SPECIAL SESSION

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

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN
RELATING TO THE CITY OF ATHENS

1. Councilmember Elaine Jenkins,

Stated that the City staff has done a wonderful job, they are people of honor and integrity, and have managed the City well over the years.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,
SECTION 551.071 CONSULTATION WITH ATTORNEY; CONSULTATION
REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS
MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173RD
JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS

The City Council did not enter Executive Session.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE
SESSION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145,
ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE
173RD JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS

No action was taken.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 10TH DAY OF FEBRUARY, 2014.

ATTEST:

Jerry D. Vaught, Mayor

Pam Watson, City Secretary