

REGULAR SESSION

OCTOBER 26, 2020

The City Council of the City of Athens met in Regular Session on Monday, October 26, 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
Aaron Smith
Toni Clay

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Rodney Williams, Interim Chief of Police; Mandie Quigg, Director of Finance; Audrey Sloan, Director of Development Services; Katie Birk, Tourism and Cultural Resources Coordinator; Joanie Ahlers, Economic Development Director; Valerie Franklin, Office Manager

others present: Michael Hannigan, Ed Gatlin, Sytonia Freeman, George Dickson, Rev. Larry and Christine West, Eldress Mary Henderson, Garry Penn, Deborah Deas, Carolyn Tyler, Heather Fossis, Jeff Summers, Ronnie Irvine, Jeffrey Enoch, Nikki Enoch, Erika Ramirez, Mark Pflegar.

with the following member absent: Robert Gross

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

INVOCATION

The Invocation was given by Eldress Mary Henderson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PROCLAMATION – BREAST CANCER AWARENESS MONTH

Mayor Montgomery read aloud a Proclamation proclaiming October as Breast Cancer Awareness Month.

PUBLIC COMMUNICATIONS

Deborah Deas, East Texas Arboretum and Botanical Society, provided an update on the Fall Festival activities held at the Arboretum.

Heather Fossis, expressed concern with a gun range in North Athens at Hwy. 19 and Prairieville. She further stated no one in the neighborhood was informed of the gun range.

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

Councilwoman Clay stated everyone is suffering from “pandemic fatigue”, however, Texas is tied with California for having the most active COVID cases in the United States.

She stated cases are trending up in Henderson County. Councilwoman Clay encouraged all residents to social distance and to wear a mask, as it does make a difference.

Katie Birk, Tourism and Cultural Resources Coordinator provided a community event update:

- October 31: Drive thru Trunk or Treat and Drive in Movie at the Henderson County Regional Fair Park in partnership with Henderson County United Way
- October 31st through November 21st Fiddlin’ Around the Arboretum: 60 painted fiddles painted by the community are exhibited around the Arboretum
- Shop-vember: Athens Economic Development Corporation, City of Athens, Visit Athens, East Texas Independent Business Alliance, and Chamber of Commerce have partnered to create a Shop Local Campaign for the month of November to jumpstart the holiday shopping
- December 5: Christmas Parade at 6:30. Theme “Peace on Earth.” Entry packets are now available

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE OCTOBER 12, 2020 REGULAR SESSION
- b) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY OF ATHENS AND ATHENS ECONOMIC DEVELOPMENT CORPORATION
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH HENDERSON COUNTY FOR HAZARD MITIGATION
- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT/CONTRACTS FOR PROPERTY INSURANCE, LIABILITY INSURANCE AND WORKERS’ COMPENSATION INSURANCE

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

Mayor Montgomery stated the City Council will move to agenda item number 9.

DISCUSS BLACKSHEAR, FISHER, BISHOP HEIGHTS LEGACY
MEMORIAL WALL

Elizabeth Borstad, City Manager, explained the project is being presented by Bringing Athens Together. She stated the following exhibits were provided: picture of the wall, design and dimensions of the monument and an aerial view of the lot where the monument would be placed.

Mayor Montgomery stated that staff met with Rev. Larry West, Eldress Henderson, and Jeffrey Enoch on the possibilities of placing the monument on several occasions.

Rev. Larry West presented the history and purpose of the Blackshear, Fisher, Bishop Heights Legacy Memorial Wall. He stated the names of students who attended the Blackshear, Fisher, Bishop Heights schools during segregation would have their names on the legacy memorial wall.

Rev. West explained that Jeffrey Enoch has offered to donate the property at 726 Underwood and Bringing Athens Together would like to partner with the City to have this as a park maintained by the City.

Rev. West further stated that Mr. Enoch would like the park named after his late son.

There was discussion regarding available parking for neighbors across the street and concern was expressed regarding possible vandalism to the granite.

PUBLIC HEARING CONCERNING THE CITY OF ATHENS, TEXAS
APPLYING TO THE USDA RURAL DEVELOPMENT, COMMUNITY
FACILITY PROGRAM FOR FUNDING OF A POLICE FACILITY

Ms. Borstad explained the City of Athens has submitted a preliminary application to the USDA Rural Development, Community Facility Program for funding of a Police Facility. She stated there are opportunities for funding. She stated the public hearing allows for the community to be informed of the City's plan. She stated that staff believes the current location is ideal for expansion and the public hearing is step one.

There was discussion regarding the property location.

Mayor Montgomery opened the Public Hearing.

Deborah Deas stated technology needs should be considered, not only for today; but for an additional forty-two years.

The Public Hearing was closed.

PRESENTATION OF EMPLOYEE HEALTH AND ANCILLARY BENEFITS
CONTRACTS FOR CALENDAR YEAR 2021

Jeff Summers, Vice President of Employee Benefits with Bancorp South, provided an overview of employee health and ancillary benefits, claims and premiums paid. He also presented plans for consideration with quotes received by United Healthcare and Blue Cross Blue Shield.

There was discussion throughout the presentation.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE
CITY MANAGER TO ENTER INTO AGREEMENTS FOR EMPLOYEE
HEALTH AND ANCILLARY BENEFITS FOR CALENDAR YEAR 2021

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to enter into agreements for Employee Health and Ancillary Benefits Calendar Year 2021 as follows:

- health insurance renewal with United Healthcare Option AXKS Mod with KTX Rx Plan;
- Health, Dental and Vision Benefits will remain with United Healthcare and Standard Insurance for all remaining Ancillary Benefits

The motion carried unanimously.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A
REQUEST FROM MARIELA MARTINEZ FOR APPROVAL OF A SPECIFIC
USE PERMIT FOR A MANUFACTURED HOME FOR LOT 2, BLOCK 1 OF
THE WEST HYLANDS ADDITION, T. PARMER SURVEY, A-782, ALSO
KNOWN AS 804 WEST COLLEGE STREET

Audrey Sloan, Director of Development Services, stated this is the final reading of the Ordinance. There are no changes to the Ordinance since the first reading that occurred on October 12, 2020.

Councilmember Smith asked who the owner of the property is and if they authorized the change. Ms. Sloan stated the owners are Jose Luis Martinez & Julia Munoz and they approved the application.

Mayor Montgomery expressed concern with manufactured homes on the west and north side of town which are areas that the city is discussing revitalization.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilmember McCain to approve final reading of an Ordinance concerning a request from Mariela Martinez for approval of a specific use permit for a manufactured home for Lot 2, Block 1 of the West Hylands Addition, T. Parmer Survey, A-782, also known as 804 West College Street.

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
Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM ERIKA RAMIREZ FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO COMMERCIAL (C) FOR LOT A OF THE PAYNE SUBDIVISION, B. C. WALTERS SURVEY, A-797, ALSO KNOWN AS 801 NORTH PRAIRIEVILLE STREET

Ms. Sloan explained since the first reading, Michael Climer, Building Inspector, met with the owners onsite regarding the required parking spaces. She stated the location is required to have a minimum of ten (10) parking spaces with one (1) being an accessible space. She presented a diagram of the parking,

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve final reading of an Ordinance concerning a request from Erika Ramirez for approval of a zoning change from Agriculture (A) to Commercial (C) for Lot A of the Payne Subdivision, B. C. Walters Survey, A-797, also known as 801 North Prairieville Street

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
Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM GEORGE DICKSON FOR APPROVAL OF A ZONING CHANGE FROM COMMERCIAL (C) TO SINGLE-FAMILY – 5 (SF-5) FOR LOTS 1 THROUGH 3 OF BLOCK 23 OF LARGE LOTS, T. PARMER SURVEY, A-782, ALSO KNOWN AS 301 WEST LARKIN STREET

Ms. Sloan explained Mr. Climer inspected the property and the owner is aware of the required changes to make the proposed dwelling area compliant with the International Residential Code.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve final reading of an Ordinance concerning a request from George Dickson for approval of a zoning change from Commercial (C) to Single-Family – 5 (SF-5) for Lots 1 through 3 of Block 23 of Large Lots, T. Parmer Survey, A-782, also known as 301 West Larkin Street

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
Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE DISANNEXING A 7.848-ACRE TRACT OF THE DAVID CHERRY SURVEY, ABSTRACT 135 LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, AS REQUESTED BY ATHENS MUNICIPAL WATER AUTHORITY

A motion was made by Councilmember Smith, seconded by Councilmember McCain to approve final reading of an Ordinance disannexing a 7.848-acre tract of the David Cherry Survey, Abstract 135 located within the corporate limits of the City of Athens, as requested by Athens Municipal Water Authority.

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
Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE DISANNEXING A 16.505-ACRE TRACT OF THE DAVID CHERRY SURVEY, ABSTRACT 135 LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, AS REQUESTED BY ATHENS MUNICIPAL WATER AUTHORITY

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve final reading of an Ordinance disannexing a 16.505-acre tract of the David Cherry Survey, Abstract 135 located within the corporate limits of the City of Athens, as requested by Athens Municipal Water Authority

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING) DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECT:
A) PROSPECT #1806AIM

The City Council convened in Executive Session at 7:03 p.m.

The City Council returned to Regular Session at 7:13 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING)
a) PROSPECT #1806AIM

A motion was made by Mayor Montgomery, seconded by Councilmember McCain to approve the performance agreement and the incentive package for Prospect #1806AIM Athens Iron and Metal. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember McCain stated he received two (2) calls from citizens bragging on Interim Chief Rodney Williams in what a good job he has done during the job transition. He thanked Chief Williams.

Councilwoman Clay stated she receives calls from citizens regarding code violations, and each time she has provided the information to staff; with the issue being resolved.

Mayor Montgomery stated he has received a call from a citizen who thanked the Council for their work and staff who has handled their call immediately.

Ms. Hambrick read aloud the following future agenda items:

- Ordinance to regulate Rental Property
- Ordinance to Adopt and Enact the New Codified Code of Ordinances
- Budget amendment addressing library funding
- Modification to current disaster declaration, with Mayor Montgomery stating, due to current conditions he does not see a need for a change to the disaster declaration

Councilwoman Clay asked when the budget amendment for the library would appear on a future agenda, with Ms. Borstad stating public funding applications are being accepted. The item will appear on an agenda in November.

ADJOURN

The meeting adjourned at 7:17 p.m.

PASSED AND APPROVED THIS THE 9TH DAY OF NOVEMBER 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary