

REGULAR SESSION

NOVEMBER 29, 2021

The City Council of the City of Athens met in Regular Session on Monday, November 29, 2021, 5:30 p.m. in the Civic Hall, Room 216 of the Cain Center 915 S. Palestine Street, Athens, Texas.

with the following members present to-wit:

Toni Clay, Mayor
Aaron Smith, Mayor Pro Tem
Robert Gross
SyTanna Freeman
Mark Carroll

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: John Densmore, Chief of Police; Audrey Sloan, Director of Development Services; Katie Birk, Tourism and Cultural Resources Coordinator; Joanie Ahlers, Economic Development Director; Noemi Lopez, Administrative Clerk; Brooke Akins, Administrative Assistant,

Others present: Eldress Mary Henderson, Michael Hannigan, Jeffery Enoch, Lakita Hadnot, Jacqueline Barker, Blake Daniels, Rich Flowers.

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

INVOCATION

The Invocation was given by Mayor Toni Clay.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC COMMUNICATIONS

There was no discussion.

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

Elizabeth Borstad, City Manager announced the following events:

- December 2 & 3: Best Christmas Pageant Ever at the Henderson County Performing Arts Center starting at 7:00 p.m.
- December 3: Express Clydesdales and Toys for Tots Toy Drive at TVCC at 5:00 p.m. Face Painting. Food Trucks. Take your picture with the beautiful Clydesdales
- December 3: Henderson County United Way Wine and Dine Fundraiser at the Cain Center from 6:00 p.m. - 10:00 p.m.
- December 4: LSHSRA Rodeo at the Henderson County Regional Fair Park
- December 4: Cain Center Christmas Tree Silent Auction ends at noon
- December 4: Yuletide Market hosted by Keep Athens Beautiful at The Texan from 12:00 p.m. - 5:00 p.m.
- December 4: Santa's House opens on the Courthouse yard. Take your picture from 2:00 p.m. - 5:00 p.m.
- December 4: Tree Lighting Ceremony on the Courthouse yard at 5:00 p.m.

- December 4: " Candy Land" Christmas Parade starts at 6:30 p.m. The parade will leave from TVCC
- December 4 & 5: Best Christmas Pageant Ever at the Henderson County Performing Arts Center starting at 2:00 p.m.
- December 5: North Pole at First Baptist Church from 5:00 p.m. - 8:00 p.m.
- December 7 & 9: Santa's House is open on the Courthouse yard from 5:00 p.m. - 8:00 p.m.
- December 11: Athens Farmers Market Holiday Market at Nightingale Event Center from 11:00 a.m. - 4:00 p.m.
- December 11: Dash for Cash Buckle Bash for Stock Show Supporters at Henderson County Regional Fair Park
- December 11: Christmas with Shake Rattle & Roll and Beatlemainia64 presented by Stardom Entertainment at the Cain Center at 3:00 p.m.
- December 12: Santa's House is open on the Courthouse yard from 11:30 a.m. - 2:30 p.m.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE NOVEMBER 8, 2021 REGULAR SESSION**
- b) CONSIDER APPROVING MINUTES OF THE NOVEMBER 10, 2021 SPECIAL SESSION**
- c) CONSIDER A RESOLUTION AUTHORIZING THE TEMPORARY ROAD CLOSURE FOR A SECTION OF S. CARROLL STREET FROM E. CORSICANA TO E. COLLEGE AND A SECTION OF E. COLLEGE STREET, FROM S. CARROLL TO OLD TOWN ALLEY, AS REQUESTED BY FIRST BAPTIST CHURCH OF ATHENS**
- d) CONSIDER A RESOLUTION AUTHORIZING TOURISM DEVELOPMENT GRANT FUNDING ALLOCATIONS FOR FISCAL YEAR 2022 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO FUNDING AGREEMENTS**
- e) CONSIDER CONDUCTING AND APPROVING THE CHAPTER 59 ASSET FORFEITURE REPORT AND AUDIT FOR FISCAL YEAR 2021 FOR ATHENS FIRE DEPARTMENT/FIRE MARSHAL OFFICE**

Councilmember Carroll requested Consent Agenda item d) Consider a Resolution authorizing Tourism Development Grant Funding Allocations for Fiscal Year 2022 and authorizing the City Manager to enter into funding agreements be removed from the Consent Agenda for discussion.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve Consent Agenda items:

- a) Consider approving minutes of the November 8, 2021 Regular Session**
- b) Consider approving minutes of the November 10, 2021 Special Session**
- c) Consider a Resolution authorizing the temporary road closure for a section of S. Carroll Street from E. Corsicana to E. College and a section of E. College Street, from S. Carroll to Old Town Alley, as requested by First Baptist Church of Athens**
- e) Consider conducting and approving the Chapter 59 Asset Forfeiture Report and Audit for Fiscal Year 2021 for Athens Fire Department/Fire Marshal Office**

The motion carried unanimously.

- d) CONSIDER A RESOLUTION AUTHORIZING TOURISM DEVELOPMENT GRANT FUNDING ALLOCATIONS FOR FISCAL YEAR 2022 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO FUNDING AGREEMENTS**

Councilmember Carroll stated he wanted to discuss the \$50,000 Tourism Grant funding and the organizations being funded.

Katie Birk, Tourism and Cultural Resources Coordinator presented the Organization's requested funding, the 75% eligible budget request and the staff recommended allocation.

Ms. Birk also presented funding edits for the East Texas Arboretum as follows:

- ETABS 1 = \$2,025.00 out of "City Sponsored" budget
- ETABS 2 = \$3,900.00 will come out of "Advertising" budget

Ms. Borstad explained it is a reimbursable grant. Some discussion occurred.

After discussing the funding allocations, a motion was made by Councilmember Gross, seconded by Councilmember Carroll to approve a Resolution authorizing Tourism Development Grant Funding Allocations for Fiscal Year 2022 and authorizing the City Manager to enter into funding agreements with the modification of reducing the allocation for Fire it up Team Roping to \$7,250 and increasing allocation for HC Regional Fair Park to \$22,500. The motion carried unanimously.

RESOLUTIONS

a) NONE TO CONSIDER

CONSIDER FINAL READING OF AN ORDINANCE AMENDING SECTION 22-9 OF THE CITY CODE OF ORDINANCES TO REVISE CRITERIA USED TO DETERMINE UNDUE HARDSHIPS FOR VARIANCE REQUESTS

Audrey Sloan, Director of Development Services, stated there were no changes in the Ordinance since the first reading.

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

A motion was made by Councilmember Smith, seconded by Councilmember Carroll to approve final reading of an Ordinance amending Section 22-9 of the City Code of Ordinances to revise criteria used to determine undue hardships for variance requests.

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye
Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

CONSIDER FINAL READING OF AN ORDINANCE AMENDING SECTION 22-31 OF THE CITY CODE OF ORDINANCES TO ESTABLISH CRITERIA FOR THE EXPIRATION OF SPECIFIC USE PERMITS

Ms. Sloan stated there were no changes in the Ordinance since the first reading.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilwoman Freeman, seconded by Councilmember Gross to approve final reading of an Ordinance amending Section 22-31 of the City Code of Ordinances to establish criteria for the expiration of specific use permits.

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye
Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

CONSIDER FINAL READING OF AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE OF ORDINANCES TO CREATE ARTICLE XIV TO ADOPT THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

A motion was made by Councilwoman Freeman, seconded by Councilmember Smith to table the item. The motion carried unanimously.

CONSIDER FINAL READING OF AN ORDINANCE AMENDING CHAPTER 14, SECTION 14-4 OF THE CITY CODE OF ORDINANCES REGARDING THE DISCHARGE OF FIREARMS AND OTHER GUNS WITHIN THE CITY LIMITS

Ms. Sloan stated the item was tabled during the City Council's October 25th meeting. She presented the following recommended changes to the Ordinance:

- The proposed amendment removes "repetitive shooting" for the list of prohibited activities since it is difficult to define. The activities of "testing", "training" and "recreational shooting" are added in its place.
- In addition, the proposed amendment adds an exception that would allow the discharge of firearms for the purpose of hunting and sighting on a contiguous tract of private property larger than 20 acres, as long as no projectile from the firearm crossed onto another property when discharged.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilmember Carroll to approve final reading of an Ordinance amending Chapter 14, Section 14-4 of the City Code of Ordinances regarding the discharge of firearms and other guns within the city limits.

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Nay
Mark Carroll, Councilmember	Aye
Voted in favor of the motion	4
Voted against the motion	1
Motion carried	4-1

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING)
a) MHP PARTNERSHIP, LTD

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

a) DEER PARK APARTMENTS (GVD RENTALS)

The City Council convened in Executive Session at 5:52 p.m.

The City Council returned to Regular Session at 6:22 p.m.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING)

a) MHP PARTNERSHIP, LTD

A motion was made by Councilmember Carroll, seconded by Councilmember Smith to approve the modifications of the reimbursement for qualified expenditures of \$62,500.00 per quad building for each Certificate of Occupancy received. The motion carried unanimously.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

a) DEER PARK APARTMENTS (GVD RENTALS)

A motion was made by Mayor Clay, seconded by Councilmember Gross to approve the amendment for Deer Park Apartments (GVD Rentals) as presented. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Carroll requested a possible City Council Work Session to discuss the following agenda items:

- Comprehensive Master Plan
- Police Station

ADJOURN

The meeting was adjourned at 6:25 p.m.

PASSED AND APPROVED THIS THE 13th DAY OF DECEMBER 2021.

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary