

REGULAR SESSION

APRIL 11, 2022

The City Council of the City of Athens met in Regular Session on Monday, April 11, 2022, 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; Mandie Quigg, Finance Director; Audrey Sloan, Director of Development Services; Noemi Lopez, Administrative Clerk; Randy Williams, Utilities Director; Chris Baker, Cain Center Director; Whitney Warren, Tourism and Events Coordinator; Broderick Burton, Street Foreman.

Others present: Rich Flowers, Michael Hannigan, Deborah Deas, Tommie Thomas, Brad Rummel, Debra Wilson, LaKita Hadnot, Jacqueline Barker, Mistie Sharp, Mark Lee Dickson, Kathy Davidson, Candence Donnell, Lashonda Allen, Aaron Taylor.

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

INVOCATION

The Invocation was given by Mayor Clay.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC COMMUNICATIONS

Tommie Thomas expressed disappointment that the city has not adopted Athens as a Sanctuary City for the Unborn.

Mistie Sharp spoke in favor of the City of Athens adopting Athens as a Sanctuary City for the Unborn.

Mark Lee Dickson spoke in favor of the City of Athens adopting Athens as a Sanctuary City for the Unborn.

PROCLAMATION – POWERTALK 21®, MOTHERS AGAINST DRUNK DRIVING® (MADD)

Toni Clay, Mayor, proclaimed April 21, 2022, to be: PowerTalk 21® Day in the City of Athens, Texas.

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

Elizabeth Borstad, City Manager, introduced Whitney Warren as the Tourism and Events Coordinator for the City of Athens.

Ms. Warren provided the following updates:

**VISIT ATHENS**

- April 22- Books in Bloom
- April 22- HC First Responders Rodeo
- April 23- 2nd Annual Shootout Child Abuse Shotgun Shoot
- April 23- HC First Responders Rodeo
- April 30- 2nd Annual Cops & Kids Picnic
- April 30- Athens City Limits 2022 by Athens Public Education Foundation

**THE TEXAN**

- April 18- CPS Jury Selection
- April 23- Christi Tillman Gospel Concert
- April 25- TVCC Band Concert
- April 26- TVCC Choir Concert
- April 30- Anime Convention

**CHAMBERS OF COMMERCE**

- April 20- Job Fair at TVCC
- April 23- Lions Club Dinner in the Dark at Athens Country Club
- April 26- East Texas Giving Day

**ARBORETUM**

- April 12- Bluebonnets at Night painting class
- April 20- Spring Style Show & Lunch
- April 29- Fat Friday Crawfish Boil & Dance

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE MARCH 28, 2022, REGULAR SESSION
- b) CONSIDER A RESOLUTION APPROVING A REQUEST FROM DJ WARREN FOR THE ATHENS FARMERS MARKET TO BE LOCATED ON THE TRINITY VALLEY COMMUNITY COLLEGE CAMPUS AT 100 CARDINAL DRIVE, ALSO KNOWN AS LOT 2, BLOCK 68 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY A-782

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

HEAR AN UPDATE ON CINCO DE MAYO EVENTS SCHEDULED FOR MAY 7, 2022, AT THE CAIN CENTER

Chris Baker, Cain Center Director, announced events scheduled for Cinco de Mayo Celebration.

The carnival will be open May 4 – 7 and the following events will occur throughout the day on May 7, 2022:

- Indoor and Outdoor Vending
- Cultural Dance Showcase
- Taste of Mexico / Cooking Contest
- Pageant
- Guest Announcer
- Live Concert

**RESOLUTIONS**

- a) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE RENEWAL OF A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH BLAKE ARMSTRONG, PC TO SERVE AS LEGAL COUNSEL FOR THE CITY OF ATHENS, TEXAS**

Ms. Borstad stated Blake Armstrong was hired March of 2015. This is a request to increase his hourly rate.

A motion was made by Councilmember Gross, seconded by Councilmember Carroll to approve a Resolution authorizing the Mayor to execute the renewal of a Professional Services Agreement (PSA) with Blake Armstrong, PC to serve as Legal Counsel for the City of Athens, Texas. The motion carried unanimously.

- b) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION ESTABLISHING INTENDED USE OF CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS**

Ms. Borstad stated the City had budgeted the grant funds to improve infrastructure, and at the last meeting Council voted to provide funds to the hospital as reimbursements for fees they encountered during COVID-19. She stated the item is for record keeping. Ms. Borstad further stated the City currently has three (3) ongoing projects that the Coronavirus Relief Funds will be used for. In addition, the City will send \$100,000 to the Henderson County Hospital Authority.

Councilmember Gross stated he was disappointed in the process. He stated he asked for financial information from the hospital several times to show the need for the funds and the information was never received. He stated he would have voted against allocating funds to the hospital.

A motion was made by Councilmember Carroll, seconded by Councilmember Smith to approve a Resolution establishing intended use of Coronavirus Local Fiscal Recovery Funds.

The motion carried by the following vote: Ayes: Mayor Clay, Councilmember Smith, Councilmember Carroll, Nay: Councilmember Gross; Abstained: Councilwoman Freeman.

- c) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH RJN GROUP, INC. FOR THE MASSEY STREET SEWER ABANDONMENT PROJECT**

Randy Williams, Utilities Director, presented the item. He stated this is a Professional Services Agreement with RJN Group, Inc. to evaluate existing pipelines in and around the Massey and Edmondson area and then design improvements. The evaluation will include flow monitoring, smoke testing, and video inspection to find out what's good and can be kept and what's no longer usable. RJN will design improvements to consolidate, rehabilitate, or improve collection system piping as needed to reduce the infiltration amounts entering the North WWTP service area.

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman to approve a Resolution authorizing the City Manager to execute a Professional Services Agreement (PSA) with RJN Group, Inc. for the Massey Street Sewer Abandonment Project. The motion carried unanimously.

**d) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH PLUMMER ASSOCIATES, INC. TO CREATE A MASTER PLAN EVALUATION OF THE CITY’S WASTEWATER TREATMENT PLANTS**

Mr. Williams presented the item. He stated this was accepting a proposal from Plummer Associates, Inc. to prepare a Masterplan for both wastewater treatment plants. The planning effort would consider the option of consolidating the facilities into one location or if improving each independently from the other is a better choice. This Master Plan will provide information on what facilities are needed, where they should be constructed, the approximate cost, and when improvements should be constructed.

A motion was made by Councilwoman Freeman, seconded by Councilmember Gross to approve a Resolution authorizing the City Manager to execute a Professional Services Agreement (PSA) with Plummer Associates, Inc. to create a Master Plan evaluation of the City’s wastewater treatment plants. The motion carried unanimously.

**CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM HEATHER FOSSIS & EVELYN CUMMINGS FOR APPROVAL OF THE CLOSURE AND ABANDONMENT OF THE PORTION OF FIRST STREET RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN LOT 14, BLOCK 13 AND LOT 10, BLOCK 14 OF THE BISHOP HEIGHTS ADDITION, T. PARMER SURVEY A-782**

Audrey Sloan, Director of Development Services, stated this was for the closure and abandonment of a portion of First Street Right-of-Way, and no changes have been made since the first reading of the Ordinance.

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

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman to approve an Ordinance concerning a request from Heather Fossis & Evelyn Cummings for approval of the closure and abandonment of the portion of First Street Right-of-Way running north and south between Lot 14, Block 13 and Lot 10, Block 14 of the Bishop Heights Addition, T. Parmer Survey A-782.

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

**PUBLIC HEARING CONCERNING A REQUEST FROM LASHONDA ALLEN FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO MULTI-FAMILY – 4 FOR LOT 16, BLOCK 48 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 514 CHASE ST.**

Ms. Sloan presented the item. She stated this property is vacant and is located on the south side of Chase Street. The property is currently zoned Single-Family – 5 and they are requesting the change to Multi-Family – 4 to allow the property owner to build a triplex. She presented the site plan and stated it did not need Council’s approval however it does need to meet permit requirements and be reviewed by staff. Letters of approval were sent out to (15) surrounding properties with no responses received. The Planning and Zoning commission did recommend approval. She stated the property owner was present for any questions.

Mayor Clay opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM LASHONDA ALLEN FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO MULTI-FAMILY – 4 FOR LOT 16, BLOCK 48 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 514 CHASE ST.

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM CAFFREY FAVROT FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO COMMERCIAL FOR LOTS 1 & 2, BLOCK 1 OF THE T. C. BROWNING ADDITION, R. A. CLARK SURVEY, ABSTRACT 171; LOCATED AT 101 MARY BETH LN. OWNER: WESLEY PARNELL

Ms. Sloan presented the item. She stated this property is located on the Southwest corner of Marybeth Lane and Flat Creek Rd also known as 2495. She stated the property owner is requesting a zoning change from Single-Family – 5 to Commercial. She stated the lot currently has a single-family residential home. The Future Land Use Plan designates the property as commercial. Letters of approval were sent out to the surrounding property owners and one (1) approval was received.

Mayor Clay asked if the approval came from the house north of the property. Ms. Sloan stated it was not received from that property owner.

She presented the site plan and stated one of the entrances would be shared with Chicken Express. The site plan does not need to be approved by Council or Planning and Zoning but does need to be reviewed by staff and comply with requirements.

Mayor Pro Tem, Smith, asked staff to make another effort to reach out to the surrounding property owner with a single-family residential home.

Mayor Clay opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM CAFFREY FAVROT FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO COMMERCIAL FOR LOTS 1 & 2, BLOCK 1 OF THE T. C. BROWNING ADDITION, R. A. CLARK SURVEY, ABSTRACT 171; LOCATED AT 101 MARY BETH LN. OWNER: WESLEY PARNELL

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM AARON TAYLOR FOR APPROVAL OF A SPECIFIC USE PERMIT FOR TATTOO STUDIO USE LOCATED IN THE CENTRAL BUSINESS DISTRICT FOR LOT 3A, BLOCK 9 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 114 N. PALESTINE ST. OWNER: PAUL BENSON

Ms. Sloan presented the item. She stated the property is located on the East side of the square. The current zoning of the property is Central Business District. The Future Land Use Plan designates the property for Retail use. The property is the location of an internet café and coffee shop to be called Freelancers Café, currently under construction and not open to the public. The applicant is renting office space in the building for his graphic design business and art studio. He is also proposing to offer a tattoo studio out of the same space. Tattoos will be by appointment only and he does not plan on adding any signage to the building. A Specific Use Permit is required to operate a tattoo studio in the Central Business District. Letters of notification were sent out to surrounding property owners within 200 feet no written responses were received. Planning and Zoning Commission recommended approval.

Mayor Clay asked Mr. Taylor if he planned to have any signage.

Mr. Taylor stated he does not plan to have any signage apart from his office door that is located inside the building.

Discussion occurred regarding stipulations for signage on the building.

Mayor Clay opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM AARON TAYLOR FOR APPROVAL OF A SPECIFIC USE PERMIT FOR TATTOO STUDIO USE LOCATED IN THE CENTRAL BUSINESS DISTRICT FOR LOT 3A, BLOCK 9 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 114 N. PALESTINE ST. OWNER: PAUL BENSON

Ms. Hambrick read the caption of the ordinance aloud.

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

The City Council convened in Executive Session at 6:16 p.m.

The City Council returned to Regular Session at 6:49 p.m.

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

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Noemi Lopez, Administrative Clerk, announced the following future agenda items:

- Recap of 2021/22
- Review the sign ordinance.
- Total cost of the Cain Center Project, which includes the AV system
- Discuss 380 Agreements

ADJOURN

The meeting adjourned at 6:50 p.m.

PASSED AND APPROVED THIS THE 25<sup>th</sup> DAY OF APRIL 2022.

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Toni Clay, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary