

REGULAR SESSION

JUNE 23, 2014

The City Council of the City of Athens met in Regular Session on Monday, June 23, 2014, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry D. Vaught, Mayor
Monte Montgomery
Tres Winn
Charles Elliott

Pam Burton, City Administrator
Pam Watson, City Secretary
Conor Bateman, City Attorney

others present: Glen Herriage, Gary Crecelius, John McQueary, David Hopkins, Haven Cox, Sherri Skeeters, Kelly Morgan, Charles Spann, Rich Flowers, Michael Hannigan and other interested citizens;

with the following member absent: Joe Whatley;

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

The invocation was given by Councilmember Montgomery.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

DISCUSS/CONSIDER REPLAT OF LOTS 4C & 4D, SOUTH PLATTE SUBDIVISION, LOCATED IN THE CITY OF ATHENS EXTRA-TERRITORIAL JURISDICTION, OWNED BY MATT AND WENDY OTTABERRY AND WILLIAM P. AND EMMA E. TRIMBLE (3675 CR 4804)

Gary Crecelius, Director of Planning & Development, explained that this is a reconfiguration of two (2) lots, with the Zoning Commission approving the replat on 6/17/14. A motion was made by Councilmember Montgomery, seconded by Councilmember Elliott to approve the replat of Lots 4C & 4D, South Platte Subdivision, located in the City of Athens extra-territorial jurisdiction. The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF LOTS 211, 212, 213, 214 & 215, OAKWOOD ADDITION, LOCATED IN THE CITY OF ATHENS EXTRA-TERRITORIAL JURISDICTION, OWNED BY ROBERT PEDROLIE (7581 ANGELINA)

Mr. Crecelius informed the Council that this will replat five (5) lots into one (1) lot, with the Zoning Commission approving the replat on 6/17/14. A motion was made by Councilmember Winn, seconded by Councilmember Elliott to approve the replat of Lots 211, 212, 213, 214 & 215, Oakwood Addition, located in the City of Athens extra-territorial jurisdiction. The motion carried unanimously.

DISCUSS/CONSIDER PROVIDING ASSISTANCE WITH PUBLIC RESTROOMS FOR USE DURING ATHENS FARMERS MARKET, AS REQUESTED BY D.J. WARREN

City Administrator Pam Burton explained that Athens Farmers Market is requesting funding assistance for restrooms, explaining that the City Parking Lot is provided to Athens Farmers Market on Wednesdays and Saturdays at no cost.

Councilmember Montgomery expressed his feelings that Athens Farmers Market is wonderful and beneficial to the community, however, with the City's upcoming expenses the additional funding might not be the right decision, with Mayor Vaught and Councilmember Winn being in agreement.

No action was taken.

DISCUSS/CONSIDER AUTHORIZING RENEWAL OF LEASE AGREEMENT
WITH CARROLL DYSON (DYSON AVIATION COMPANY) FOR CITY
OWNED LAND AND IMPROVEMENTS (HANGAR LH#1) AT ATHENS
MUNICIPAL AIRPORT

Mr. Crecelius explained that Mr. Dyson is requesting a two (2) year renewal of his Lease Agreement for Hangar LH#1 (being approximately 60' x 60') at the rate of \$700 per year, with the Airport Advisory Board approving the renewal on 6/03/14.

Ms. Burton informed the Council that Mr. Crecelius has provided them with information comparing the hangar sizes and costs.

A motion was made by Councilmember Elliott, seconded by Councilmember Montgomery to authorize the renewal of Lease Agreement with Carroll Dyson (Dyson Aviation Company) for City owned land and improvements (Hangar LH#1), as requested. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING RENEWAL OF LEASE AGREEMENT
WITH ATHENS JET CENTER FOR CITY OWNED LAND AND
IMPROVEMENTS (HANGAR LH#2) AT ATHENS MUNICIPAL AIRPORT

Mr. Crecelius explained that Athens Jet Center is requesting a three (3) year renewal of their Lease Agreement for Hangar LH#2 (being approximately 60' x 45') at the rate of \$500 per month, with the Airport Advisory Board approving the renewal on 6/03/14.

A motion was made by Councilmember Elliott, seconded by Councilmember Montgomery to authorize the renewal of a Lease Agreement with Athens Jet Center for City owned land and improvements (Hangar LH#2) at the rate of \$650 per month. The motion carried unanimously.

DISCUSS/CONSIDER ASSISTANT CITY ADMINISTRATOR/CITY
SECRETARY POSITION AND AUTHORIZING STAFF TO ADVERTISE FOR
POSITION

Ms. Burton stated that in 2009 the City Secretary position was upgraded to Assistant City Administrator/City Secretary (Grade 29) and assumed the duties of supervision of Municipal Court, with the full-time Municipal Court Judge being eliminated and reducing the City's expenses approximately \$25,000 per year, plus benefits. She explained that there are a lot of duties with this position, recommending that the position be reclassified back to City Secretary only. She requested the Council's direction as to where to place the position on the pay scale. She stated that the position was on Grade 27 prior to the promotion, being equal to the Director of Planning & Development, with both supervising 5-8 employees.

Councilmember Montgomery asked if the Municipal Court duties will remain, with Ms. Burton stating that they will remain with the City Secretary position and recommending that the position be placed on Grade 27.

Mayor Vaught expressed his feelings that the Pay Grade should be equal to the Director of Planning & Development due to supervision of employees, the position stays extremely busy, and should start at \$65,741, being Pay Grade 27.

Ms. Burton explained the Step and Grade Plan, with \$65,741 being Step 1 of Pay Grade 27.

A motion was made by Councilmember Elliott to advertise for City Secretary with the same duties as the current City Secretary, excluding Assistant City Administrator, at Pay Grade 27. Councilmember Winn asked if anyone on Grade 26 supervises employees, with Ms. Burton stating that they do not. Councilmember Winn seconded the motion. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENT TO ZONING BOARD OF ADJUSTMENTS

Councilmember Montgomery reviewed the resume of Thomas Faulk and recommended him for appointment to the Zoning Board of Adjustments. After discussion, a motion was made by Councilmember Montgomery, seconded by Councilmember Winn to appoint Thomas Faulk to serve on the Zoning Board of Adjustments. The motion carried unanimously.

CONSENT AGENDA;

- A) CONSIDER APPROVING MINUTES OF THE JUNE 4, 2014 SPECIAL SESSION AND JUNE 9, 2014 REGULAR SESSION
- B) CONSIDER FINAL READING OF AN ORDINANCE ESTABLISHING A CHARGE FOR COLLECTION OF SOLID WASTE TO BE CHARGED FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMERS

City Secretary Pam Watson read the Ordinance aloud. A motion was made by Councilmember Winn, seconded by Councilmember Elliott to approve the Consent Agenda. The motion carried unanimously.

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

Charles Spann, 702 Mulberry Dr., Athens

- A) Expressed concerns with possible locations for storage of ammonium nitrate and the assurance to citizens of what is not stored.
- B) Presented packet to Council and stated that he would like it as an addendum.
- B) Discussed concerns with website and font size.

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; AND CASE NO. 12-14-00017, THE CITY OF ATHENS, TEXAS, A MUNICIPAL CORPORATION OF THE COUNTY OF HENDERSON, TEXAS V. ATHENS MUNICIPAL WATER AUTHORITY, A MUNICIPAL UTILITY DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF TEXAS, IN THE TWELFTH COURT OF APPEALS, TYLER, TEXAS

The City Council adjourned to Executive Session.

The City Council returned to Regular 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; AND CASE NO. 12-14-00017, THE CITY OF ATHENS, TEXAS, A MUNICIPAL CORPORATION OF THE COUNTY OF HENDERSON, TEXAS V. ATHENS MUNICIPAL WATER AUTHORITY, A MUNICIPAL UTILITY DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF TEXAS, IN THE TWELFTH COURT OF APPEALS, TYLER, TEXAS

A motion was made by Councilmember Montgomery, seconded by Councilmember Winn to authorize the City Attorney to work with Athens Municipal Water Authority's Attorney on tentative framework for a new Contract. The motion carried unanimously.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 14TH DAY OF JULY, 2014.

Jerry D. Vaught, Mayor

ATTEST:

Pam Watson, City Secretary