

REGULAR SESSION

JULY 8, 2019

The City Council of the City of Athens met in Regular Session on Monday, July 8, 2019, 5:30 p.m. in the Council Chambers of the City Hall Annex, 501 N. Pinkerton St. Athens, Texas, with the following members present, to-wit:

Monte Montgomery, Mayor  
Robert Gross  
Aaron Smith  
Toni Clay

Elizabeth Borstad, City Manager  
Bonnie Hambrick, City Secretary

Staff Present: Buddy Hill, Police Chief, Russell Marshall, Fire Chief, Jennifer Robertson, Director of Human Resources, Katie Birk, Tourism and Cultural Resources Coordinator, Randy Williams, Utilities Director, Audrey Sloan, Director of Development Services, Derek Whiteley, Director of Information Technology;

others present: Michael Hannigan, Marisa Gunstanson, Denise York, Sytonia Freeman, Mary Waddell, John and Lacey Lowry, Deborah Deas, Al Bachor, Ben Mata, Dede Sims, Bob and Carol Morton, Mark Carroll, Matthew Berry, Laura Cooley, DJ Warren, Garry Penn, John Trent, Keith Knighton, Tom and Lynn Leathem, Rich Flowers, and other interested citizens;

with the following member absent: Ed McCain.

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

INVOCATION

The Invocation was given by Councilmember Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

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

Marisa Gunstanson, President Athens Chamber of Commerce, provided the following updates:

- July 10<sup>th</sup>, Chamber Monthly Luncheon, Legislative update from Representative Keith Bell
- September 13<sup>th</sup> Bobbers & Birdies

Councilmember Smith stated the 8U Softball Tournament is being held at Cain Park this week.

Councilmember Gross asked the status of the EMS contract with Elizabeth Borstad, City Manager, stating the contract is under review by EMS attorneys.

Councilmember Gross asked if there were any updates from Union Pacific regarding the railroad crossing, with Buddy Hill, Chief of Police, explaining the process for pursuing improvements to the railroad crossing.

Mayor Montgomery provided the following updates:

- July 4<sup>th</sup> Fireworks at the Fishery
- July 4<sup>th</sup> 23rd Annual Bradley Street Parade was held and he also proclaimed “Charles Monroe Day” in the City of Athens.

Councilmember Smith stated on July 3<sup>rd</sup> a summer concert was held at The Texan and the talent was great.

#### CITIZENS COMMUNICATIONS

Laura Cooley, requested signage for the Farmers Market.

DJ Warren requested the City of Athens include Athens Farmers Market under the Visitors tab on the City’s website.

#### CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE JUNE 17, 2019 REGULAR SESSION
- b) CONSIDER THE REAPPOINTMENT OF CHET PATEL TO THE CULTURAL RESOURCES COMMISSION
- c) CONSIDER THE REAPPOINTMENT OF KELLEY TOWNSEND TO THE CULTURAL RESOURCES COMMISSION
- d) CONSIDER THE REAPPOINTMENT OF DEANNE BOSWELL TO THE CULTURAL RESOURCES COMMISSION
- e) CONSIDER A RESOLUTION AWARDDING BID TO REYNOLDS AND KAY FOR THE 2019 SEAL COAT PROGRAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH REYNOLDS AND KAY
- f) CONSIDER A RESOLUTION AWARDDING BID TO CAPPS-CAPCO CONSTRUCTION INC. FOR CARROLL STREET DRAINAGE IMPROVEMENTS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH CAPPS-CAPCO CONSTRUCTION INC.
- g) CONSIDER A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SALE OR DISPOSAL OF SAID PROPERTY

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve the Consent Agenda. The motion carried by the following vote: Ayes: Mayor Montgomery, Councilmember Smith, and Councilmember Gross, Nays: None, Abstain: Councilwoman Clay.

#### HEAR UPDATE ON CAIN CENTER PROJECT

Mayor Montgomery stated that he, Ms. Borstad and three representatives from the Cain Center Steering Committee met with architects, swimming pool engineer and mechanical engineer regarding the Cain Center Project. He stated the purpose was for the steering committee to get their information to the designers, He stated the architects are redefining their work to determine what it will take to use the existing documents and add new ones.

Ms. Borstad stated that it was determined that they want to make sure everything is brought up to code with the project. She stated there are a lot of things in the original set of plans specifically because they were not compliant with the current code.

Mayor Montgomery stated the City is moving forward with the Cain Center every day that we can.

#### UPDATE – DEVELOPMENT SERVICES ACTIVITIES

Audrey Sloan, Director of Development Services, presented Permits and Code Enforcement activity for the second quarter of 2019 which included May and June activity.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPOINTMENT OF NEW BOARD MEMBERS TO FILL  
VACANCIES ON THE ATHENS ECONOMIC DEVELOPMENT  
CORPORATION BOARD OF DIRECTORS

Mayor Montgomery explained there are currently two (2) vacancies on the Athens Economic Development Corporation Board of Directors, however, only one (1) is for consideration. He stated the AEDC recommended Morgan Jones for appointment.

Mayor Montgomery stated the following names have come forward for consideration:

- Steve Barksdale
- Mike Burton
- Danny Tidmore
- Mark Carroll

Councilmember Gross stated Danny Tidmore would be a great appointment.

Councilmember Smith, asked when the term expires, with John Trent stating the appointment is to fill the unexpired term of Cliff Barrett which expires September 30, 2019.

After discussion, a motion was made by Councilmember Gross, seconded by Mayor Montgomery to appoint Danny Tidmore to fill the unexpired term of Cliff Barrett.

The motion carried by the following vote: Ayes: Mayor Montgomery, Councilwoman Clay, and Councilmember Gross, Nays: None, Abstain: Councilmember Smith.

PUBLIC HEARING CONCERNING A REQUEST FROM MATTHEW BERRY  
FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 10 (SF-  
10) TO SINGLE-FAMILY – 7 (SF-7) FOR LOT 7 OF BLOCK 12 OF THE T.  
PARMER SURVEY A-782, ALSO KNOWN AS 801 MARYLAND DRIVE

Ms. Sloan explained the lot is located at the southeast corner of East Clinton Avenue and Maryland Dr. The current owner proposes to subdivide the property into two separate lots to construct a Single family home on each lot. She explained the current zoning of Single Family 10 does not meet the minimum size requirement to subdivide the property into two separate lots. She stated however, it would meet the minimum size requirements for two individual lots under a Single Family – 7 (SF-7) zoning.

Ms. Sloan explained letters were sent to the twelve surrounding property owners within two hundred feet, with three (3) written protest letters were received.

Several individuals spoke against the zoning request during the Planning and Zoning Commission meeting citing the following concerns:

- Increased traffic to the area
- Property being used for rental property
- Potential for the property to be used for manufactured homes

She explained the property owner has proposed to place a deed restriction on the property to restrict the use of manufactured homes.

Ms. Sloan stated the Planning and Zoning Commission voted to recommend denial of the zoning change due to the concerns expressed and the potential for manufactured homes.

Keith Knighton explained the need for housing in Athens.

Matthew Berry stated the intent is not to have manufactured housing, and proposes to add the deed restriction.

Councilmember Smith asked if the property owner would consider an additional deed restriction for 1200 square foot minimum.

Mayor Montgomery opened the public hearing.

Al Bachor, stated he would like to see the zoning remain Single Family 10.

Mark Carroll, Chairman of the Planning and Zoning Commission, stated the Planning and Zoning Commission recommended denial due to the possibility of a manufactured home being placed on the lot.

Ben Mata, expressed concern with a manufactured home on the lot.

Lacey Lowry asked for the size of the lot in acres, with Ms. Sloan stating one is .21 acres and one is .18 acre.

Garry Penn asked what the square footage is, with Mr. Berry stating 1200 square feet.

Councilmember Smith stated, regarding the deed restriction of 1200 square feet, he would like this identified as heated and cool square footage not total square footage

The public hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM MATTHEW BERRY FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 10 (SF-10) TO SINGLE-FAMILY – 7 (SF-7) FOR LOT 7 OF BLOCK 12 OF THE T. PARMER SURVEY A-782, ALSO KNOWN AS 801 MARYLAND DRIVE

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

PUBLIC HEARING CONCERNING A REQUEST FROM JAMES AND MARY ANN MCCLUNG FOR APPROVAL OF A REPLAT OF TRACT 14 OF THE JOHN ROYAL SURVEY, ABSTRACT 648, ALSO KNOWN AS 3101 RANCH ROAD

Ms. Sloan explained the property is being platted for single-family residential development. She stated the property is a vacant parcel located on Ranch Road north of Flat Creek Road. The parcel is split in two tracts by a small right-of-way under separate ownership. She stated Letters of notification were sent to the six surrounding property owners within 200 hundred feet. No responses were returned and the replat is compliant with the City's subdivision and zoning Ordinances.

The public hearing was opened. There were no comments.

The public hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM JAMES AND MARY ANN MCCLUNG FOR APPROVAL OF A REPLAT OF TRACT 14 OF THE JOHN ROYAL SURVEY, ABSTRACT 648, ALSO KNOWN AS 3101 RANCH ROAD

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve a request from James and Mary Ann McClung for approval of a replat of Tract 14 of the John Royal Survey, Abstract 648, also known as 3101 Ranch Road. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM SCOTT COULTAS FOR APPROVAL OF A REPLAT OF LOTS 5B AND 5D OF THE THOMAS PARMER LEAGUE, ABSTRACT 782, CREATING LOT 5-R, ALSO KNOWN AS 1010 WEST CORSICANA STREET

Ms. Sloan explained the property is the site of HVAC Manufacturing, Inc on West Corsicana Street and the replat is combining two (2) existing parcels into one (1) lot. She stated the Planning and Zoning Commission did recommend approval and the replat is compliant with the City's subdivision and zoning Ordinances.

The public hearing was opened. There were no comments.

The public hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM SCOTT COULTAS FOR APPROVAL OF A REPLAT OF LOTS 5B AND 5D OF THE THOMAS PARMER LEAGUE, ABSTRACT 782, CREATING LOT 5-R, ALSO KNOWN AS 1010 WEST CORSICANA STREET

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve a request from Scott Coultas for approval of a replat of Lots 5B and 5D of the Thomas Parmer League, Abstract 782, creating Lot 5-R, also known as 1010 West Corsicana Street. The motion carried unanimously.

PUBLIC HEARING CONCERNING PROPOSED AMENDMENTS TO THE FOLLOWING SECTION 32.4 AND SECTION 37.6 OF THE ZONING ORDINANCE REGARDING COMMUNICATION ANTENNA AND SUPPORT STRUCTURE REGULATIONS. THE PURPOSE OF THE PROPOSED AMENDMENTS IS TO REQUIRE A SPECIFIC USE PERMIT FOR COMMUNICATION ANTENNAE AND SUPPORT STRUCTURES LOCATED IN RETAIL AND COMMERCIAL ZONING DISTRICTS AND TO REQUIRE A MINIMUM SETBACK GREATER THAN OR EQUAL TO THE COLLAPSE ZONE OF THE TOWER AS DESIGNED BY A REGISTERED ENGINEER IN THE STATE OF TEXAS

Ms. Sloan explained current minimum setback regulations for commercial antenna support structures in nonresidential zoning districts are equal to twice the height of the support structure. The proposed amendment would reduce the minimum setback to one time the radius of the collapse zone as designed by a professional engineer. She stated the current ordinance only requires a specific use permit for certain installations of communication antennas and support structures. The proposed amendment would require a specific use permit to be approved for each new installation so that the surrounding property owners could be notified and so that Council may consider each application on a case by case basis.

Discussion occurred.

The Public hearing was opened.

Deborah Deas stated the specific site located on W. Corsicana was good for placing an antenna.

The public hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING PROPOSED AMENDMENTS TO THE FOLLOWING SECTION 32.4 AND SECTION 37.6 OF THE ZONING ORDINANCE REGARDING COMMUNICATION ANTENNA AND SUPPORT STRUCTURE REGULATIONS. THE PURPOSE OF THE PROPOSED AMENDMENTS IS TO REQUIRE A SPECIFIC USE PERMIT FOR COMMUNICATION ANTENNAE AND SUPPORT STRUCTURES LOCATED IN RETAIL AND COMMERCIAL ZONING DISTRICTS AND TO REQUIRE A MINIMUM SETBACK GREATER THAN OR EQUAL TO THE COLLAPSE ZONE OF THE TOWER AS DESIGNED BY A REGISTERED ENGINEER IN THE STATE OF TEXAS

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING FISCAL YEAR 2019 DOWNTOWN FAÇADE IMPROVEMENT PROGRAM ALLOCATIONS  
a) 103 E LARKIN STREET  
b) 105 EAST TYLER STREET

Katie Birk, Tourism and Cultural Resources Coordinator explained Tourism and Cultural Resources Department for the City of Athens received three applications for fiscal year 2019 Downtown Façade Improvement Program. She stated two (2) complied with the requirements. The Cultural Resources Commission recommends allocating \$25,000 to John Cain for 103 East Larkin Street and \$5,000 to Megan Sharron for 105 East Tyler Street.

Ms. Birk explained the improvements for the buildings.

Discussion occurred. Councilmember Gross stated the Façade Program is a good program, however, the property owners should have more investment in their building and suggested a revision to the Downtown Façade allocations from an 80/20 grant to a 60/40 grant.

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve a Resolution authorizing Fiscal Year 2019 Downtown Façade Improvement Program allocations in the amount of \$25,000 for 103 E Larkin and \$5,000 for 105 E. Tyler Street.

The motion carried by the following vote: Ayes: Mayor Montgomery, Councilwoman Clay, and Councilmember Smith, Nays: Councilmember Gross, Abstain: None.

#### MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Mayor Montgomery requested that an update on the Cain Center appear on the next agenda.

ADJOURN

The meeting adjourned at 6:53 p.m.

PASSED AND APPROVED THIS THE 25<sup>th</sup> DAY OF JULY, 2019.

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary