

REGULAR SESSION

AUGUST 23, 2021

The City Council of the City of Athens met in Regular Session on Monday, August 23, 2021, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St., Athens, Texas.

with the following members present to-wit:

Toni Clay, Mayor
Aaron Smith, Mayor Pro Tem
SyTanna Freeman

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Audrey Sloan, Director of Development Services; Mandie Quigg, Finance Director; Katie Birk, Tourism and Cultural Resources Coordinator; Sgt. Jason Bosher; Noemi Lopez, Administrative Clerk; Russell Marshall, Fire Chief; Sgt. Billy Westover.

others present: Michael Hannigan, Deborah Deas, Anne Perryman, Yeni Velazquez, Casey and Donnetta Cummings, Jeffrey Enoch, Staci Hurst, Bill McMahan, Jim Kerlin, Phyllis Cook, Lynda Smith, Debra Wilson, Gerald Spiva, Juan Moreno, Phyliss Cook, Linda Smith, Kiwana Hurd.

with the following members absent: Robert Gross, Mark Carroll.

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

INVOCATION

The Invocation was given by First Baptist Church of Athens, Bilingual Pastor, Juan Moreno.

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:

- August 25th & 26th TVCC is hosting a Resource Fair 10:00 a.m. – 1:00 p.m.
- August 24th Dallas Manufacturing Co. hosting a job fair 9:00 a.m. – 4:00 p.m.
- August 31st A.T. Staffing hosting a job fair 9:00 a.m. – 4:00 p.m.
- Aug 28th & 29th: LSHSRA Lone Star High School Rodeo at Henderson County Regional Fair Park.
- Sept 3rd: Athens Hornets Football vs Life Waxahachie at Bruce Field.
- Sept 4th: TVCC Cardinal Football vs ASA College (Miami) at Bruce Field. Kickoff at 1:00 p.m.
- Sept 4th & 5th: Fire It Up Productions will be at the Henderson County Regional Fair Park.
- Sept 7th: Henderson County 4-H Open House at The Texan from 6:00 p.m-7:30 p.m.
- Sept 10th: Athens Hornets Football vs Fairfield at Bruce Field.

- Sept 11th: TVCC Cardinal Football vs Northeastern Oklahoma A&M
- Sept 11th: 211 Gallery Art Show “Eye of The Beholder” from 10:00 a.m. – 6:00 p.m. with a reception from 5:00 p.m. -7:00 p.m.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE AUGUST 9, 2021, REGULAR SESSION
- b) CONSIDER APPROVING MINUTES OF THE AUGUST 17, 2021, SPECIAL SESSION
- c) JULY 2021 MONTHLY REVENUE AND EXPENSE REPORT

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

PUBLIC HEARING ON PROPOSED TAX RATE FOR FISCAL YEAR 2022

Mandie Quigg, Finance Director, presented the proposed Tax Rate for Fiscal Year 2022. She explained the City is required to hold one (1) Public Hearing. She stated the proposed tax rate is Maintenance and operations plus the debt service. Total Rate = \$0.645221/\$100 is a reduction to total tax rate by \$0.015 cents.

Mayor Clay opened the Public Hearing.

There were no comments.

Mayor Clay closed the Public Hearing.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION RATIFYING A
PROPERTY TAX REVENUE INCREASE FOR FISCAL YEAR 2022

On the following motion made by Mayor Clay, seconded by Councilwoman Freeman; “I move to approve a Resolution ratifying the tax revenue increase included in the Fiscal Year 2022 Annual Operation Budget.”

Councilmember Smith asked Ms. Quigg to explain the figure; with Ms. Quigg stating while there is a proposed reduction in the total tax rate there is an increase in property valuations. The difference of total tax revenue from the 2020 tax year to the 2021 tax year is an increase of \$213,595.

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
SyTanna Freeman, Councilmember	Aye

Voted in favor of the motion	3
Voted against the motion	0
Motion carried	3-0

CONSIDER FINAL READING OF AN ORDINANCE ADOPTING THE
FISCAL YEAR 2022 ANNUAL OPERATING BUDGET

Ms. Quigg stated there have been no changes since the Public Hearing.

Toni Clay, Mayor, stated she was impressed with the city’s ability to drop the tax rate.

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

On the following motion made by Mayor Clay, seconded by Councilwoman Freeman; “I move to approve the second reading of an Ordinance adopting the Fiscal Year 2022 Annual Operating Budget.”

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
SyTanna Freeman, Councilmember	Aye
Voted in favor of the motion	3
Voted against the motion	0
Motion carried	3-0

CONSIDER FINAL READING OF AN ORDINANCE ADOPTING THE TAX RATE FOR 2021 VALUATIONS FOR FISCAL YEAR 2022

Ms. Hambrick read the caption of the ordinance aloud.

On the following motion made by Mayor Clay, seconded by Councilwoman Freeman; “I move that the property tax rate be increased by the adoption of a tax rate of 0.645221, which is effectively a 3.5 percent increase in the tax rate.”

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
SyTanna Freeman, Councilmember	Aye
Voted in favor of the motion	3
Voted against the motion	0
Motion carried	3-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM OWNERS YENI VELAZQUEZ AND JUAN GARCIA FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE TO COMMERCIAL FOR TRACTS 120 & 120A OF THE C.M. WALTERS SURVEY A-800, ALSO KNOWN AS 2705 W STATE HIGHWAY 31

Audrey Sloan, Director of Development Services, provided an overview of the request for the zoning change.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman, to approve a request from owners Yeni Velazquez and Juan Garcia for a zoning change from Agriculture to Commercial for Tracts 120 & 120A of the C.M. Walters Survey A-800, also known as 2705 W State Highway 31.

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

Toni Clay, Mayor Aye
Aaron Smith, Mayor Pro Tem Aye
SyTanna Freeman, Councilmember Aye

Voted in favor of the motion 3
Voted against the motion 0
Motion carried 3-0

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION CONCERNING A REQUEST FROM GERALD SPIVA OF HALLOWED GROUNDS HAUNT PARK FOR A VARIANCE FROM THE REGULATIONS IN CHAPTER 22, ARTICLE III, SECTION 22-31A THE CODE OF ORDINANCES CONCERNING THE MAXIMUM DURATION FOR A TEMPORARY USE PERMIT. THE APPLICANT IS REQUESTING A VARIANCE TO OPERATE A HAUNTED HOUSE WITH A WAX MUSEUM, COMMERCIAL VENDORS AND FOOD VENDORS AT 2705 WEST STATE HIGHWAY 31 FROM THE HOURS OF 7:00 PM TO 12:00 AM FROM OCTOBER 1 – 31, 2021

Ms. Sloan stated Mr. Spiva is proposing to have a haunted house event for ten (10) days. She stated the temporary use permit specifies it should not exceed seven (7) days.

Mr. Spiva stated he has held this event for three (3) years in Malakoff and Canton.

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman to approve a Resolution concerning a request from Gerald Spiva of Hallowed Grounds Haunt Park for a variance from the regulations in Chapter 22, Article III, Section 22-31A the Code of Ordinances concerning the maximum duration for a temporary use permit. The applicant is requesting a variance to operate a haunted house with a wax museum, commercial vendors, and food vendors at 2705 West State Highway 31 from the hours of 7:00 p.m. to 12:00 a.m. from October 1 – 31, 2021. The motion carried unanimously.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM CASEY CUMMINGS FOR APPROVAL OF A ZONING CHANGE FROM MULTI-FAMILY – 5 TO PLANNED DEVELOPMENT WITH MULTI-FAMILY – 5 BASE ZONING FOR TRACT 102 A OF THE R. A. CLARK SURVEY A-171, ALSO KNOWN AS PROPERTY ID C122349 LOCATED ON N WOOD ST. OWNER: CUMMINGS PROPERTY GROUP LLC

Ms. Sloan stated there have been no changes to the item.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilwoman Freeman, seconded by Councilmember Smith, to approve an Ordinance concerning a request from Casey Cummings for approval of a zoning change from Multi-Family – 5 to Planned Development with Multi-Family – 5 base zoning for Tract 102 A of the R. A. Clark Survey A-171, also known as Property ID C122349 located on N Wood St. Owner: Cummings Property Group LLC.

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
SyTanna Freeman, Councilmember	Aye

Voted in favor of the motion	3
Voted against the motion	0
Motion carried	3-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM DAN HOLZSCHUH OF LANDMARK SIGN COMPANY FOR APPROVAL OF A SITE PLAN AMENDMENT INCLUDING THE SIGN PACKAGE FOR THE TAQUERIA LA VENTANA AND TWISTED ROOT BURGER COMPANY RESTAURANTS IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT FOR LOTS 1-5, BLOCK 1 OF THE TRITON ATHENS SUBDIVISION, R.A. CLARK SURVEY A-171, ALSO KNOWN AS 1006, 1010 AND 1012 EAST TYLER STREET. OWNER: TRITON ATHENS I, LLC

Jim Kerlin asked Council to send the item back to staff for review before Council makes a decision.

Ms. Sloan presented the landscaping plan.

Mr. McMahon, the Developer, stated that the landscaping and screening wall would be an adequate buffer between the development and the residential neighborhood behind. He discussed the desire for the development to be a good neighbor.

Anne Perryman expressed concern for property value on Crestway Dr.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman, to approve an Ordinance concerning a request from Dan Holzschuh of Landmark Sign Company for approval of a site plan amendment including the sign package for the Taqueria La Ventana and Twisted Root Burger Company restaurants in the Planned Development – 1 zoning district for Lots 1-5, Block 1 of the Triton Athens Subdivision, R.A. Clark Survey A-171, also known as 1006, 1010 and 1012 East Tyler Street. Owner: Triton Athens I, LLC with the additional stipulation that the murals on the east and west facades shall not be allowed to be painted higher than 18 feet as measured from the finished floor elevation.

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
SyTanna Freeman, Councilmember	Aye

Voted in favor of the motion	3
Voted against the motion	0
Motion carried	3-0

MAYOR AND CITY COUNCIL’S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Hambrick read the following future agenda items:

- First reading of an Ordinance adopting International Property Maintenance Code (IPMC)
- Airport hangar fees and land lease rates will appear in the fee schedule Ordinance
- Further define approved shooting range definitions for private and commercial use
- TxDOT Traffic study of the downtown square
- Work session to discuss Airport

ADJOURN

The meeting was adjourned at 6:10 p.m.

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

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary