

REGULAR SESSION

NOVEMBER 12, 2019

The City Council of the City of Athens met in Regular Session on Tuesday, November 12, 2019, 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:

Monte Montgomery, Mayor  
Ed McCain, Mayor Pro Tem  
Robert Gross  
Aaron Smith

Elizabeth Borstad, City Manager  
Bonnie Hambrick, City Secretary

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

others present: Deborah Deas, Marisa Gunstanson, Sytonia Freeman, Justin and Farrah Fincke, Henry Fincke, Penelope Fincke, John Fincke, Dewayne Nichols, Traci and Jackie Wilkes, Brian Garner, Rick Rollow, Kristina Jacobson, Beth Anding, Michael Hannigan.

with the following member absent: Councilwoman Toni Clay;

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

Mayor Montgomery stated that he, Councilmember Smith and Elizabeth Borstad attended a productive “meet and greet” at Schneider Electric.

Mayor Montgomery stated he attended the meeting of the East Texas Independent Business Alliance and answered questions.

Mrs. Traci Wilkes stated November 30, 2019 is Small Business Saturday and Shop Local at The Texan; which includes a car show with 25 businesses participating.

Mayor Montgomery had the following updates:

- 11<sup>th</sup> - Veterans Day Celebration at the Memorial Wall at East Texas Arboretum and Botanical Society. He thanked Deborah Deas for arranging and being a speaker at the event. Ms. Deborah Deas stated Mr. Larry West and Commissioner Ken Geeslin were speakers. She encouraged everyone to visit the Veterans Wall
- Veterans Meeting on November 10<sup>th</sup> at The Texan

- Love in Action located at 501 Maple has opened their doors for overnight stay for the homeless when the temperature goes below freezing. Elizabeth Borstad, City Manager, stated the overnight stay is temporary and only done during inclement weather.

Ms Borstad stated Schneider Electric has offered to donate turkeys to the Soup Kitchen for their Thanksgiving dinner.

#### PUBLIC COMMUNICATIONS

Farrah Fincke expressed concern with speeding on Ben Belt Dr. and asked the City Council to consider adding speed bumps, in addition to visible speed limit signs, on Ben Belt Dr.

#### CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE OCTOBER 28, 2019 REGULAR SESSION
- b) CONSIDER THE APPOINTMENT OF KRISTINA JACOBSON TO THE PARKS ADVISORY BOARD
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS AWARDED BIDS FOR CHEMICALS USED IN WATER AND WASTEWATER TREATMENT FACILITIES
- d) CONSIDER AUTHORIZING THE MAYOR TO EXECUTE THE FISCAL YEAR 2019 FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION
- e) CONSIDER CONDUCTING AND APPROVING THE CHAPTER 59 ASSET FORFEITURE REPORT AND AUDIT FOR FISCAL YEAR 2019
- f) SEPTEMBER 2019 MONTHLY REVENUE AND EXPENSE REPORT
- g) QUARTERLY INVESTMENT REPORT ENDING SEPTEMBER 30, 2019

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve the Consent Agenda. The motion carried unanimously.

#### PUBLIC HEARING CONCERNING A REQUEST FROM HENRY CUMBY FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO SINGLE-FAMILY – 7 (SF-7) AND A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 2-1 OF BLOCK 97 OF THE ATHENS ORIGINAL TOWN, B.C. WALTERS SURVEY A-797 ALSO KNOWN AS 1101 THIRD STREET

Audrey Sloan, Director of Development Services, presented the item. Ms. Sloan stated the applicant is requesting to install a manufactured home on the property. She stated the request requires a specific use permit and a zoning change. Ms. Sloan explained the property is located on Third Street near the intersection with Peach Street. The lot under its current zoning of Agriculture does not meet the minimum lot dimensions. According to the zoning ordinance, Agriculture lots should be a minimum of 1 acre in area. She stated letters of notification were mailed to the nine (9) surrounding property owners within two hundred feet and one (1) approval was returned, with the Planning & Zoning Commission voting unanimously to recommend approval of the request.

Mayor Montgomery opened the Public Hearing.

Mayor Montgomery stated he hopes with the long-range planning; a set of guidelines for manufactured homes is developed.

With no further comments the Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM HENRY CUMBY FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO SINGLE-FAMILY – 7 (SF-7) AND A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 2-1 OF BLOCK 97 OF THE ATHENS ORIGINAL TOWN, B. C. WALTERS SURVEY A-797 ALSO KNOWN AS 1101 THIRD STREET

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

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM SNOW RESIDENCES, LLC FOR APPROVAL OF THE FINAL PLAT OF LOTS 1-29 OF THE PARK NINETEEN SUBDIVISION LOCATED OFF OF SOUTH PALESTINE STREET ALSO KNOWN AS STATE HIGHWAY 19 (PROPERTY ID R000020371)

Ms. Sloan stated a preliminary plat was approved and the first developer did start the development project and he completed the installation of the water and sewer lines for the project. She stated since the approval of the preliminary plat, the property was sold to a new developer; Antonio Mendez with Snow Residences out of San Antonio. She explained before issuing a permit for him to continue the subdivision a final plat is required to be approved.

Ms. Sloan stated the applicant is requesting to subdivide the property into 29 single-family lots and the plat dedicates a 60 feet wide right-of-way for the new cul-de-sac named Central Park Court.

She further explained the final plat conforms with the zoning requirements for Single-Family – 7 lots and with the previously approved preliminary plat. The Future Land Use Plan designates this area as Low Density Residential. She stated the Planning & Zoning Commission voted unanimously to recommend approval of the final plat.

Ms. Sloan stated the owner intends to file a deed restriction to include masonry and a minimum 1700 square feet.

After discussion a motion was made by Councilmember Gross, seconded by Councilmember McCain to approve a request from Snow Residences, LLC for approval of the final plat of Lots 1-29 of the Park Nineteen Subdivision located off of South Palestine Street also known as State Highway 19 (Property ID R000020371). The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH UNITEDHEALTHCARE FOR HEALTH, DENTAL AND VISION INSURANCE AND STANDARD INSURANCE FOR REMAINING ANCILLARY BENEFITS

Jeff Summers, Vice President of Employee Benefits with Bancorp South, provided an overview of employee health and ancillary benefits, claims and premiums paid. He also presented plans for consideration and recommended United HealthCare.

After discussion a motion was made by Councilmember McCain, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to enter into an agreement with United Healthcare for Health, Dental and Vision Insurance and Standard Insurance for remaining Ancillary Benefits. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION  
AUTHORIZING THE CITY MANAGER TO ENTER INTO A  
MEMORANDUM OF AGREEMENT WITH TEXAS A&M FOREST  
SERVICE, AND AUTHORIZE THE CITY OF ATHENS TO  
PARTICIPATE IN SAID PROGRAM

Russell Marshall, Fire Chief/ EMC, presented the item. He stated The Texas All Hazard Incident Management Team (AHIMT) program is coordinated by the Texas A&M Forest Service and the mission of the program is to provide qualified Type 3 All Hazards Incident Management Teams (AHIMT) for the State of Texas and its political subdivisions capable of supporting and assisting in the management of natural and manmade emergencies, disasters, and acts of terrorism.

Chief Marshall provided a historical note that this program provided personnel to support the May 29, 2014 fertilizer plant fire, the Van tornado in 2015, the Canton tornado in 2017 and most recently the Alto tornados in 2019.

After discussion a motion was made by Councilmember McCain, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to enter a Memorandum of Agreement with Texas A&M Forest Service and authorize the City of Athens to participate in said program. The motion carried unanimously.

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) 405 LINDSEY LANE

The City Council convened in Executive Session at 6:27 p.m.

The City Council returned to Regular Session at 6:58 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 REAL PROPERTY; CLOSED  
MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE,  
LEASE, OR VALUE OF REAL PROPERTY  
a) 405 LINDSEY LANE

A motion was made by Councilmember Gross, seconded by Councilmember Smith to authorize the City Manager to enter into a contract with Neches Construction for the sale of real property located at 405 Lindsey Lane in the amount of \$175,600. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA  
ITEMS

Councilmember McCain inquired about a moveable speed measuring device for temporary use on streets. He stated this could be a visible reminder to citizens of their current speed. He stated he would like staff to research the investment cost and possibly include the item in the next Fiscal Year's Budget.

Councilmember Smith requested a future agenda item to discuss specifically Single Family (SF-7 through SF-15) for the minimum square footage requirement for residential dwelling units.

ADJOURN

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The meeting adjourned at 7:05 p.m.

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

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary