

REGULAR SESSION

JUNE 11, 2018

The City Council of the City of Athens met in Regular Session on Monday, June 11, 2018, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 W. Corsicana St., Athens, Texas with the following members present, to-wit:

Monte Montgomery, Mayor
Ed McCain, Mayor Pro-Tem
Aaron Smith

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

others present: Thanasis Kombos, Buddy Hill, John McQueary, Ryan Adams, Randy Williams, Adrianna Hinds, Denise York, Rich Flowers, Kristen Bennett, Cole Woodard, Greg Russell, Steve Grant, Corey Frentress, Mark Carroll, D.J. Warren, Nikki Enoch, Gene Keenon, Steve Barksdale, and other interested citizens;

with the following members absent; Councilwoman Clay, Councilmember Gross

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

INVOCATION

The invocation was given by Mayor Monte Montgomery.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PRESENTATION OF LIFE SAVING AWARDS

John McQueary, Fire Chief/EMC, presented Life Saving Awards to Kristal Johnson, Tyresa Killingsworth, and Cherry Brown.

Chief McQueary explained on May 19, 2018 Mr. and Mrs. Cofer, and their son were asleep in their burning home when Kristal Johnson, Tyresa Killingsworth and Cherry Brown's actions led to the successful rescue of the Cofer family. He stated the house was 50% engulfed when firefighters arrived.

Chief McQueary read The Athens Fire Department Life Saving Award Plaque.

There was a round of applause.

Mayor Montgomery stated the City Council would move to agenda item 6) Proclamation – Juneteenth Emancipation Celebration Day.

PROCLAMATION – JUNETEENTH EMANCIPATION CELEBRATION DAY

Nikki Enoch, Representative from the Henderson County Black Rodeo Association, thanked the City of Athens for acknowledging the Emancipation Proclamation.

Mayor Montgomery read a proclamation proclaiming June 19, 2018 as “Juneteenth Emancipation Celebration Day”.

Mayor Montgomery stated the City Council would move to agenda item 7) Proclamation – Farmers Market Day in Athens, Texas.

PROCLAMATION – FARMERS MARKET DAY IN ATHENS, TEXAS

D.J. Warren, ATxFM Director, thanked the City Council for coming out to the Farmers Market. She stated the first weekend there were eight (8) to twelve (12) different vendors and approximately two hundred (200) people that visited. She stated the second weekend there were nineteen (19) vendors and over five hundred (500) people visited the farmers market.

Mayor Montgomery read a proclamation proclaiming June 16, 2018 as “Farmers Market Day” in Athens, Texas.

Mayor Montgomery stated the City Council would move to agenda item 4) Presentation awarding Trinity Valley Community College scholarships.

PRESENTATION AWARDING TRINITY VALLEY COMMUNITY COLLEGE SCHOLARSHIPS

Kristen Bennett, Vice President of Institutional Advancement/Executive Director of the TVCC Foundation explained that in 2016 the City of Athens and Trinity Valley Community College formed a partnership awarding City of Athens Scholarships.

Mayor Montgomery stated during negotiations for the sale of the Old Armory building to the Trinity Valley Community College, the City Council was adamant about providing scholarships to citizens in Athens.

Ms. Bennett and Mayor Montgomery presented \$500 scholarships to the following:

Recipients present:

- Gerardo Costilla
- Kassandra Zapata
- Abigail Angle

Recipients not present:

- Callie Allen
- Brenda Areanas
- Victoria Bagley
- Adrian Givins
- Ramona Hutson
- Aamiyah Moore
- Kamion Tanner

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

Elizabeth Borstad, City Manager, provided the following updates:

- June 16th from 5:00-8:00 pm, The Texan will host the “Art on the Bricks” art opening/fundraiser event to support the fine arts in Athens, specifically Art Gallery 211, a non-profit community art gallery, for the promotion, education, and support of fine arts in the Athens community and surrounding areas.
- June 23rd The Texan Benefit Concert Performances from South of Disorder, Kadie Lynn, and The Tanner Sparks Band. Tickets are \$15.00 and seating is General Admission, first come/first served. She stated the event is BYOB, no glass allowed and free hamburgers and chips will be provided by event sponsor, Atmos Energy.

- Public Safety issue regarding the intersection of Highway 31 and FM 1616. She stated the City requested that TxDOT perform a traffic signal study at the intersection. She stated TxDOT has collected the raw data but they have not performed the traffic signal study, however, they will be working on this. Ms. Borstad stated this is an open item and staff is coordinating with TxDOT.

Mayor Montgomery provided the following update:

- Shane and Cheramie Surls found an original Athens Texan Theater ticket which appears to be from the fifties or sixties they had purchased, and would like to donate it to the City of Athens. He stated the ticket is very unique and hopes a collection of tickets can be displayed inside the lobby of the "The Texan Theater". Mayor Montgomery stated this may generate more memorabilia in "The Texan".

CITIZENS COMMUNICATIONS

Deborah Deas thanked Mr. Kombos and staff for their care of the grounds at the Cain Center for the Glow Run. She also thanked the Athens Police Department for traffic control. She invited everyone out on Friday, June 15, 2018 from 11-2 for all you can eat fish at the East Texas Arboretum and Botanical Society. She stated the cost is \$15.00.

Greg Russell expressed concern with the permit requirement for promotional signage and asked the City Council to reconsider the Ordinance. He stated the annual fee is not right and it should be a three (3) to five (5) year permit.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE MAY 29, 2018 REGULAR SESSION
- b) CONSIDER APPROVING MINUTES OF THE MAY 31, 2018 WORK SESSION
- c) CONSIDER APPROVING MINUTES OF THE JUNE 4, 2018 SPECIAL SESSION

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

PUBLIC HEARING CONCERNING A REQUEST FROM MORTON SMALL ANIMAL CLINIC TO REPLAT LOT 4C, R.A. CLARK SURVEY, ALL OF A CALLED 0.477 ACRE TRACT AND ALL OF A CALLED 2.681 ACRE TRACT INTO LOT 1, MORTON SMALL ANIMAL CLINIC ADDITION AT 1404 EAST TYLER STREET (P-06-18-001)

Ryan Adams, Managing Director of Development Services, explained the replat was requested by Morton Small Animal Clinic. He stated the replat will create one (1) lot into two (2) current lots. He stated the property owner proposes to build a newer building for the vet clinic. Mr. Adams stated the plat meets all Ordinance requirements and the Planning and Zoning Commission approved the replat on June 4, 2018 during their Regular Session.

Mayor Montgomery opened the Public Hearing.

Corey Frentress explained the current location of the building.

The Public Hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING, A REQUEST FROM MORTON SMALL ANIMAL CLINIC TO REPLAT LOT 4C, R.A. CLARK SURVEY, ALL OF A CALLED 0.477 ACRE TRACT AND ALL OF A CALLED 2.681 ACRE TRACT INTO LOT 1, MORTON SMALL ANIMAL CLINIC ADDITION AT 1404 EAST TYLER STREET (P-06-18-001)

A motion was made by Councilmember Smith, seconded by Councilmember McCain to approve a request from Morton Small Animal Clinic to replat Lot 4C, R.A. Clark Survey, all of a called 0.477 acre tract and all of a called 2.681 acre tract into Lot 1, Morton Small Animal Clinic Addition at 1404 East Tyler Street. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM ATHENS ECONOMIC DEVELOPMENT CORPORATION FOR A ZONE CHANGE FROM AGRICULTURAL SUP TO INDUSTRIAL FOR TRACTS 35 AND 64, J.B. ATWOOD SURVEY AT 1414 FM 1616 (Z-06-18-001)

Mr. Adams explained the item is a zoning change request from Agricultural SUP to Industrial. He stated thirteen (13) notices were mailed to surrounding property owners. Three (3) were received in opposition and one (1) in support. He stated the Planning and Zoning Commission approved the zoning change on June 4, 2018 during their Regular Session. Mr. Adams stated during the Planning and Zoning Commission meeting property owners expressed concern with the traffic in the Industrial Park.

Lisa Denton, Athens Economic Development Corporation's Executive Director, explained the Master Plan for Industrial Park. She stated the future plan is to construct a new road from Enterprise to Old Tyler, which would create an additional point of ingress and egress from the Industrial Park, and to later extend Enterprise Drive to FM 1616.

The Public Hearing was opened.

Steve Grant asked if there were plans to expand Old Tyler Street, with Mayor Montgomery stating there are plans to widen the street.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM ATHENS ECONOMIC DEVELOPMENT CORPORATION FOR A ZONE CHANGE FROM AGRICULTURAL SUP TO INDUSTRIAL FOR TRACTS 35 AND 64, J.B. ATWOOD SURVEY AT 1414 FM 1616 (Z-06-18-001)

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

PUBLIC HEARING CONCERNING A REQUEST FROM BRINNAN PIERCE AND BRUCE HINDS FOR A ZONE CHANGE FROM OFFICE TO SINGLE FAMILY- 5 (SF-5) FOR LOTS 14, AND 15, BLOCK 26A, PARK HIGHLANDS SUBDIVISION AT 609 AND 611 RICHARDSON (Z-06-18-003)

Mr. Adams explained the request is for a zoning change from Office to Single Family – 5. He stated eighteen (18) notices were mailed to surrounding property owners. One (1) returned in favor and zero in opposition of the request. He stated the Planning and Zoning Commission approved the zoning change on June 4, 2018 during their Regular Session.

The Public Hearing was opened.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM BRINNAN PIERCE AND BRUCE HINDS FOR A ZONE CHANGE FROM OFFICE TO SINGLE FAMILY-5 (SF-5) FOR LOTS 14, AND 15, BLOCK 26A, PARK HIGHLANDS SUBDIVISION AT 609 AND 611 RICHARDSON (Z-06-18-003)

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM AMPLER DEVELOPMENT LLC (BURGER KING) FOR PLAT APPROVAL TO CREATE LOT 1, BLOCK 1, EAST TYLER STREET MARKET SUBDIVISION AT 1004 EAST TYLER STREET (P-06-18-002)

Mr. Adams explained the request is from Ampler Development for the proposed Burger King for the creation of a new plat. He stated there were no pre-existing plats and staff went through the platting process. He stated the request conforms to all the City Ordinances and regulations with the Planning and Zoning Commission voting to recommend approval of the plat during their June 4, 2018 meeting.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve a request from Ampler Development LLC (Burger King) for plat approval to create Lot 1, Block 1, East Tyler Street Market Subdivision at 1004 East Tyler Street. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM TRITON ATHENS, LLC FOR PRELIMINARY PLAT APPROVAL TO CREATE LOTS 1, 2, 3, 4 AND 5, BLOCK 1, TRITON ATHENS SUBDIVISION AT 1006, 1010 AND 1012 EAST TYLER STREET (P-06-18-003)

Mr. Adams explained there were no existing plats for the property and the developer created the plat. He stated there are five (5) separate lots. He explained the item is a preliminary plat and the City Council will be presented with a final plat at a later time.

Councilmember Smith asked if there were two (2) retention ponds on the site plan? Mayor Montgomery expressed concern that the plans for drainage at the back of the property had been changed since the City Council approved the site plan.

Discussion occurred, and Ms. Borstad explained the developer will have to come back to the City Council for approval of the final plat.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve a request from Triton Athens, LLC for preliminary plat approval to create Lots 1, 2, 3, 4 and 5, Block 1, Triton Athens Subdivision at 1006, 1010 and 1012 East Tyler Street. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE; SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) CONSULTATION WITH ATTORNEY TO RECEIVE LEGAL ADVICE REGARDING VIRGINIA HILL WATER SUPPLY COMPANY CERTIFICATE OF CONVENIENCE AND NECESSITY

The City Council did not enter Executive Session.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE; SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) CONSULTATION WITH ATTORNEY TO RECEIVE LEGAL ADVICE REGARDING VIRGINIA HILL WATER SUPPLY COMPANY CERTIFICATE OF CONVENIENCE AND NECESSITY

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember McCain requested a future agenda item regarding permit fees, with Ms. Borstad stating she has requested that Mr. Adams research price comparison of other cities and staff would present updates during the budget workshop.

Ms. Hambrick read aloud the following future agenda items:

- Design Standards
- Budget Workshop is scheduled for June 28, 2018

ADJOURN

The meeting adjourned at 6:34 p.m.

PASSED AND APPROVED THIS THE 25TH DAY OF JUNE, 2018.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary