

REGULAR SESSION

NOVEMBER 23, 2020

The City Council of the City of Athens met in Regular Session on Monday, November 23, 2020, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St., Athens, Texas, This meeting was open to the public; however, seating was limited to maintain social distancing.

with the following members present to-wit:

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

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Rodney Williams, Interim Chief of Police; Russell Marshall, Fire Chief; Mandie Quigg, Director of Finance; Joanie Ahlers, Economic Development Director, Katie Birk, Tourism and Cultural Resources Coordinator; Audrey Sloan, Director of Development Services; Randy Williams, Utilities Director.

others present: Michael Hannigan, Deborah Deas, Kelly and Camille Barnes, Brandon Adams, Audra Tilley, Keven Adams, Carol Morton, Eric Berry.

with the following member absent: Councilmember Robert Gross.

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

INVOCATION

The Invocation was given by Councilwoman Clay.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC COMMUNICATIONS

Councilwoman Clay read a letter from Kristen Brown. Ms. Brown expressed concern with group gatherings, inside or outside, while social distancing cannot be assured. She expressed those events should be postponed due to increased number of COVID cases.

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

Elizabeth Borstad, City Manager, stated a community survey is being conducted for the City of Athens Chief of Police. She stated the link is on the City's website. She encouraged citizens to participate in the survey as it will provide information on characteristics citizens find important for the next police chief to possess.

Mayor Montgomery encouraged citizens to be considerate of others and to practice social distancing and to wear a mask.

Ms. Borstad stated the City Hall lobby is closed to the public the week of November 23rd. She stated the drive-thru is open with both lanes functioning,

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE NOVEMBER 9, 2020 REGULAR SESSION**
- b) CONSIDER APPROVING MINUTES OF THE NOVEMBER 16, 2020 SPECIAL SESSION**
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CORE AND MAIN OF TYLER, TEXAS FOR THE PURCHASE OF AUTOMATIC METER READING (AMR) IN THE AMOUNT OF \$90,526.70**
- d) CONSIDER A RESOLUTION AUTHORIZING PUBLIC FUNDING ALLOCATIONS FOR FISCAL YEAR 2021 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO FUNDING AGREEMENTS**

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

HEAR UPDATE ON CAIN CENTER PROJECT

Eric Berry with Berry & Clay provided the following update on the Cain Center Project:

- Progress on new roof
- Plumbing installation in kitchen area
- Excavation of elevator structure
- Progress on pool

Mr. Berry stated the project is 50% complete.

Councilwoman Clay expressed the desire to have glass openings. After discussion, Mr. Berry stated he would need to know the Council's desire by the end of February.

DISCUSS HENDERSON COUNTY'S HAZARD MITIGATION PLAN

Russell Marshall, Fire Chief, stated Henderson County is updating their current hazard mitigation plan, (Annex P), of the current basic emergency management plan. The City of Athens serves as a stakeholder on the planning committee. He presented the Henderson County's Hazard Mitigation Plan and stated the County will seek public comment through December 15, 2020. Chief Marshall stated the draft plan is on the City's website.

**DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING
STAFF TO:**

- a) PROCEED WITH THE CITY OF ATHENS 2020 ANNUAL CHRISTMAS PARADE AND IMPOSE RESTRICTIONS WITH REGARDS TO THE COVID - 19 PANDEMIC**
- b) CANCEL THE CHRISTMAS PARADE FOR THE 2020 HOLIDAY SEASON**

Ms. Borstad stated the item is a request from Council and staff is asking for direction from Council to proceed with the Christmas Parade with added restrictions or to cancel the Christmas Parade for the 2020 holiday season or proceed as in the past.

Councilwoman Clay read the following letter:

According to the Northeast Public Health District, the spread of COVID-19 is now designated as "substantial," which is defined as "large scale, uncontrolled community transmission."

Because I'm a visual person, I created a chart this afternoon using information from the Texas Department of State Health Services. You can see there in red the total new cases in Henderson County recorded each week going back 7 weeks. Again, these are not total cases; they're new cases. Most of those cases are centered in Athens.

Below that, in blue, I've included the percentage of the total hospital beds in our TSA (Trauma Service Area) that are occupied by COVID-19 patients for the past five weeks. Those percentages are from the last day of each one-week period on the chart. So, for example, the 8.19% was recorded on Oct. 24; the 9.15% on Oct. 31, etc., up to the 13.59% recorded this past Saturday.

I can tell you that within the last two weeks, UT Health Athens expanded its COVID-19 ward to accommodate more beds. I spoke with a longtime respected local doctor today who told me, and I quote, "This disease really has a deadly component that people are not respecting."

According to the governor's mandate, if our trauma area hits 15% or higher for 7 consecutive days - that's 15% or more of the available hospital beds being occupied by COVID-19 patients - what that means is businesses in Athens that are currently able to operate with a 75% occupancy, will have to drop down to 50 percent. That's hitting people in their pocketbooks - again - who can ill afford it.

You can see the trajectory we're on right now with the hospital bed occupancy rates. If it's sustained, we'll hit that 15% or higher mark by the date of the parade. And that's not taking into consideration the fact that virtually every medical professional in the country is warning that we'll see significant spikes due to Thanksgiving gatherings.

On a related note, but taking a different track, one of the loveliest elements of the annual Athens Christmas Parade is the participation of several local churches by entering floats which provide a narrative of the birth of Christ. My family has been on one of those floats in the past. I believe it's significant that at least four of the key congregations involved in this tradition have said if there is a parade, they will not be participating this year because of the spread of the virus in our community.

Advocating that we cancel a Christmas parade is not something I would ever have imagined doing as a member of this council. I'm aware that it will be unpopular for many and anger some. Nevertheless, I deeply believe it's the right thing to do.

We are very fortunate to live in a rural community, which has afforded us, so far, a good deal of insulation from the gravity of this pandemic. Even so, by now surely we all know someone personally (or at least OF someone not far removed from us) who has been hospitalized due to the virus. Even with full recovery, consider the hospital bills alone. To put the current impact of the pandemic in perspective, there are as many people dying currently in the United States from COVID-19 every three days, as we lost on 9-11. And there is growing evidence that many who do not lose their lives still continue to suffer long-term health issues.

With all that in mind, I urge my fellow councilmembers to vote not to hold the parade this year, as I implore everyone in our community to wear masks when in public and continue to practice social distancing. To do so is an act of compassion for others, especially the vulnerable.

After much vetting and deliberation, a motion was made by Councilwoman Clay, seconded by Councilwoman Freeman to cancel the Christmas Parade for the 2020 Holiday Season.

The motion FAILED by the following vote: Ayes: Councilwoman Clay and Councilwoman Freeman, Nays: Mayor Montgomery and Councilmember Smith.

A motion was made by Mayor Montgomery, seconded by Councilmember Smith to proceed with the City of Athens 2020 Annual Christmas Parade and impose restrictions to include social distancing and wearing masks.

The motion FAILED by the following vote: Ayes: Mayor Montgomery and Councilmember Smith, Nays: Councilwoman Clay and Councilwoman Freeman.

Ms. Borstad stated the parade for the 2020 holiday season will proceed as in the past following the CDC guidelines.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM KELLY BARNES FOR APPROVAL OF A ZONING CHANGE FROM CENTRAL BUSINESS DISTRICT (CBD) TO RETAIL (R) FOR LOTS 5B, 6 & 7, BLOCK 12 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, A-782, ALSO KNOWN AS 119 SOUTH PALESTINE STREET

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

A motion was made Councilmember Smith, seconded by Councilwoman Clay to approve final reading of an Ordinance concerning a request from Kelly Barnes for approval of a zoning change from Central Business District (CBD) to Retail (R) for Lots 5B, 6 & 7, Block 12 of Athens Original Town, T. Parmer Survey, A-782, also known as 119 South Palestine Street.

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

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

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM BRANDON ADAMS FOR APPROVAL OF A SITE PLAN FOR SAND, GRAVEL AND STONE STORAGE IN A PLANNED DEVELOPMENT – 2 (PD-2) ZONING DISTRICT FOR TRACT 99E OF THE C. M. WALTERS SURVEY, A-800, ALSO KNOWN AS PROPERTY ID C1042 LOCATED AT THE NORTHWEST CORNER OF WEST STATE HIGHWAY 31 AND NORTHWEST LOOP 7

Audrey Sloan, Director of Development Services, explained confirmation was received from TxDOT that only one (1) of the two (2) existing drive approaches would be approved.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman to approve final reading of an Ordinance concerning a request from Brandon Adams for approval of a site plan for sand, gravel and stone storage in a Planned Development – 2 (PD-2) zoning district for Tract 99E of the C. M. Walters Survey, A-800, also known as Property ID C1042 located at the northwest corner of West State Highway 31 and Northwest Loop 7.

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

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

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

DISCUSS FIRST READING OF AN ORDINANCE AMENDING THE
BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2021

Mandie Quigg, Finance Director, explained the item is to amend the budget for Fiscal Year ending September 30, 2021. Ms. Quigg reviewed the total appropriations.

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS FIRST READING OF A RESOLUTION APPROVING ATHENS
ECONOMIC DEVELOPMENT CORPORATION'S COMMUNITY
DEVELOPMENT GRANT GUIDELINES AND AUTHORIZING A TOTAL
BUDGET AMOUNT OF \$75,000 FOR FISCAL YEAR 2021

Joanie Ahlers, Economic Development Director, explained the item is first reading of a Resolution to approve the guidelines for Community Development with a total budget amount of \$75,000 for Fiscal Year 2021. Ms. Ahlers explained there is an evaluation criteria associated with the grant.

Ms. Hambrick read the caption of the Resolution aloud.

DISCUSS FIRST READING OF A RESOLUTION APPROVING ATHENS
ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS ASSISTANCE
GRANT GUIDELINES AND AUTHORIZING A TOTAL BUDGET AMOUNT
OF \$75,000 FOR FISCAL YEAR 2021

Ms. Ahlers explained the Resolution is to approve the Business Assistance Grant Guidelines and authorize a total budget amount of \$75,000 for Fiscal Year 2021.

Ms. Hambrick read the caption of the Resolution aloud.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT
CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATIONS; CLOSED MEETING) DELIBERATIONS
REGARDING:

- a) AEDC LAND SALE TO GVD CONSTRUCTION, LLC AND A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT

The City Council convened in Executive Session at 6:45 p.m.

The City Council returned to Regular Session at 7:05 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN
EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT
CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATIONS; CLOSED MEETING)
a) AEDC LAND SALE TO GVD CONSTRUCTION, LLC AND A CHAPTER
380 ECONOMIC DEVELOPMENT AGREEMENT

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA
ITEMS

Councilmember Smith requested staff to research the possibility of paying off the remaining debt on the Quint, Roller, and Loader; which would leave additional funds in the Interest and Sinking Fund Account. He further stated he would like to reserve money for a police station and the strategic plan.

Mayor Montgomery asked staff to begin looking at final planning and equipment costs associated with the Cain Center Project.

Ms. Borstad stated Councilmember Gross requested an update on Fund Balances.

Ms. Hambrick reviewed the following future agenda items:

- Ordinance to regulate Rental Property
- Ordinance to Adopt and Enact the New Codified Code of Ordinances
- Update on Capital projects

ADJOURN

The meeting adjourned at 7:09 p.m.

PASSED AND APPROVED THIS THE 14th DAY OF DECEMBER, 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary