

REGULAR SESSION

DECEMBER 13, 2021

The City Council of the City of Athens met in Regular Session on Monday, December 13, 2021, 5:30 p.m. in the Civic Hall, Room 216 of the Cain Center 915 S. Palestine Street, Athens, Texas.

with the following members present to-wit:

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

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: John Densmore, Chief of Police; Audrey Sloan, Director of Development Services; Katie Birk, Tourism and Cultural Resources Coordinator; Noemi Lopez, Administrative Clerk; Brooke Akins, Administrative Assistant; Tim Perry, Public Works Director; Russell Marshall, Fire Chief.

Others present: Michael Hannigan, Jeffery Enoch, Rich Flowers, Deborah Deas, Nick Rosenberg, Dr. Doug Curran, C. Scott Campbell, Jeannie Elise Klepper, Mitchell Kaufman, Casey Cummings, Cornelius Hambrick, Pastor Ernest Freeman.

with the following member absent: Mark Carroll.

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

INVOCATION

The Invocation was given by Russell Marshall, Fire Chief.

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

Katie Birk, Tourism and Cultural Resources Coordinator, provided the following updates:

- December 14 & 16: Santa's House is open on the Courthouse lawn from 5 p.m. – 8 p.m.
- December 18: Santa's House is open on the Courthouse lawn from 11:30 a.m. - 2:30 p.m.
- December 18 & 19: Dallas Dressage Club Schooling Show Championships and Open Show at the Henderson County Regional Fair Park.
- December 21: Santa's House is open on the Courthouse lawn from 5 p.m. – 8 p.m. Last time before he heads back to the North Pole.

Ms. Birk thanked the following for their help in the Christmas Parade on December 4th:

- Athens City Volunteers Fred McGlocklin, Mike Finney, Sissy Geddie, Noemi Lopez, Shelly Grogan, Brian Thompson, Justin McClesky
- Athens Police Department
- Athens Fire Department
- Athens Chamber of Commerce
- UT Health
- TVCC
- Judge Wade McKinney for being Grand Marshal
- Michael Hannigan for his live media coverage

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE NOVEMBER 29, 2021 REGULAR SESSION
- b) CONSIDER THE APPOINTMENT OF NICK ROSENBERG TO THE PLANNING AND ZONING COMMISSION
- c) CONSIDER THE REAPPOINTMENTS OF STEVE GRANT, LARRY BABB, AND JOHN CAIN TO THE AIRPORT ADVISORY BOARD
- d) CONSIDER THE REAPPOINTMENT OF MAMIE STAFFORD TO THE ZONING BOARD OF ADJUSTMENTS
- e) CONSIDER THE REAPPOINTMENTS OF CODY CRAIG AND BEVERLY PEEK TO THE PLANNING AND ZONING COMMISSION
- f) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE 2022 T-HANGAR RENEWAL LEASE AGREEMENTS FOR T-HANGAR NUMBERS 1, 2, 3, 5, 6, 7, 8, 9, 10, AND 12 AT ATHENS MUNICIPAL AIRPORT
- g) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AIRPORT T-HANGAR LEASE AGREEMENT AT ATHENS MUNICIPAL AIRPORT FOR T-HANGAR NO. 4
- h) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AIRPORT T-HANGAR LEASE AGREEMENT AT ATHENS MUNICIPAL AIRPORT FOR T-HANGAR NO. 11
- i) CONSIDER A RESOLUTION TO APPROVE THE ACCEPTANCE OF USED LIGHTS AND POLES FROM BRUCE FIELD AS DEEMED SURPLUS BY THE ATHENS INDEPENDENT SCHOOL DISTRICT
- j) OCTOBER 2021 MONTHLY REVENUE AND EXPENSE REPORT

Mayor Clay recognized the sponsorship between the City of Athens and Athens Independent School District. She also recognized Nick Rosenberg for being in attendance as he is being considered for an appointment to the Planning and Zoning Commission.

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

RESOLUTIONS

- a) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ALLOCATE UP TO \$2.25 MILLION OF UNASSIGNED GENERAL FUNDS FOR THE PROPOSED POLICE STATION PROJECT

Elizabeth Borstad, City Manager, stated during the City Council Work Session on December 10th funding for the proposed Police Station project was discussed in conjunction with Council's desire to minimize the amount of bonds issued.

Councilmember Gross thanked staff for being financial stewards.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve a Resolution authorizing the City Manager to allocate up to \$2.25 Million of unassigned General Funds for the proposed Police Station Project. The motion carried unanimously.

- b) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE HENDERSON COUNTY HOSPITAL AUTHORITY TO ALLOW PAYMENTS TO BE MADE BY THE CITY OF ATHENS TO THE AUTHORITY FROM THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

Scott Campbell explained he presented an update on the COVID Crisis to the City Council back in September. He thanked City Council and stated he wanted to come back in January with a better presentation that will answer all their questions.

Dr. Doug Curran stated he would like this item tabled so they can get updated information.

A motion was made by Mayor Clay, seconded by Councilmember Gross to table the item. The motion carried unanimously.

- c) DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A SUB-APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FISCAL YEAR 2021 FLOOD MITIGATION ASSISTANCE PROGRAM FOR FUNDING THROUGH (FEMA) AND AUTHORIZING AN AMOUNT OF \$181,365.00 WHICH IS EQUAL TO NOT LESS THAN 25% OF THE GRANT AWARD**

Ms. Borstad stated the grant is an opportunity to map all floodplains inside the City limits. She stated currently there are only five (5) miles mapped. It would be used to map an additional 31 miles. She explained not having the floodplain areas mapped prevents the city from receiving Hazard Mitigation Grants.

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman to approve a Resolution authorizing the City Manager to submit a sub-application to the Texas Water Development Board for Fiscal Year 2021 Flood Mitigation Assistance Program for funding through (FEMA) and authorizing an amount of \$181,365.00 which is equal to not less than 25% of the grant award. The motion carried unanimously.

- d) DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE FIRE CHIEF TO SUBMIT AN APPLICATION FOR FUNDING THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR GRANT FUNDING THROUGH THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR THE PURCHASE AND TURNKEY INSTALLATION OF SOURCE CAPTURE EXHAUST SYSTEMS FOR CENTRAL FIRE STATION AND STATION 2 AND AUTHORIZING AN AMOUNT OF \$25,550.00 WHICH IS EQUAL TO NOT LESS THAN 25% OF THE GRANT AWARD**

Russell Marshall, Fire Chief, explained the purpose of the AFG Program is to enhance the safety of the firefighters. He stated the firefighters are currently exposed to dangerous diesel exhaust and the stations are not equipped with Source Capture Exhaust Systems. The Capture Exhaust Systems would help the firefighters with reducing the risk of lung cancer and other medical issues.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve a Resolution authorizing the Fire Chief to submit an application for funding through the U.S. Department of Homeland Security for grant funding through the Assistance to Firefighters Grant Program for the purchase and turnkey installation of Source Capture Exhaust Systems for Central Fire Station and Station 2 and authorizing an amount of \$25,550.00 which is equal to not less than 25% of the grant award. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM JEANNIE ELISE KLEPPER FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A TATTOO STUDIO FOR BLOCK 4, LOT 8C OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, ABSTRACT 782; ALSO KNOWN AS 209 N PRAIRIEVILLE ST. OWNER: COLOR ME PRETTY, LLC

Audrey Sloan, Director of Development Services, stated the owner is requesting a Specific Use Permit to provide tattoo services.

She explained the property is located in the Central Business District and is the current location of Deja Bougie Salon. The current Future Land Use Plan designates this area as Retail.

Letters of notification were sent to the nine (9) surrounding property owners within 200 feet. One approval was returned.

Planning and Zoning recommended approval of the item with the stipulation that the SUP shall become null and void upon the revocation, expiration or lapse of the state license for the tattoo studio. Ms. Sloan presented photos of the façade and interior of the salon.

Mayor Clay opened the Public Hearing.

Jeannie Klepper asked if she could provide neon signage.

Council discussed the signage.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM JEANNIE ELISE KLEPPER FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A TATTOO STUDIO FOR BLOCK 4, LOT 8C OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, ABSTRACT 782; ALSO KNOWN AS 209 N PRAIRIEVILLE ST. OWNER: COLOR ME PRETTY, LLC

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

PUBLIC HEARING CONCERNING A REQUEST FROM SCOTT FULLINGIM FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 10 TO SINGLE-FAMILY – 5 FOR THE WESTERN MOST 0.20-ACRE PORTION AND TO MULTI-FAMILY – 2 FOR THE EASTERN MOST 0.13-ACRE PORTION OF LOT 1, BLOCK 10 OF PARK HIGHLANDS, T. PARMER SURVEY, ABSTRACT 782; ALSO KNOWN AS 400 BRYSON AVE. OWNER: RYLEE GRACE HOLDINGS LLC

Ms. Sloan stated the property is located on the southeast corner of Bryson Ave and Laird Ln. There is an existing single-family home on the property. The current zoning of the property is Single-Family – 10 and the Future Land Use Plan designates this area as low-density residential. The owner is requesting a zoning change to Single-Family – 5 for the western portion of the property and a zoning change to Multi-Family – 2 for the eastern portion of the property. The owner plans to subdivide the property into two lots, with the existing home to be located in the Single-Family – 5 zoned portion. She explained the owner is proposing to construct a duplex on the Multi-Family – 2 zoned portion.

She stated letters of notification were sent to the 14 surrounding property owners within 200 feet and one response was received and it was a protest.

Ms. Sloan presented a proposed plat of the property and stated the Planning and Zoning Commission did recommend approval.

Mayor Clay opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM SCOTT FULLINGIM FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 10 TO SINGLE-FAMILY – 5 FOR THE WESTERN MOST 0.20-ACRE PORTION AND TO MULTI-FAMILY – 2 FOR THE EASTERN MOST 0.13-ACRE PORTION OF LOT 1, BLOCK 10 OF PARK HIGHLANDS, T. PARMER SURVEY, ABSTRACT 782; ALSO KNOWN AS 400 BRYSON AVE. OWNER: RYLEE GRACE HOLDINGS LLC

Ms. Hambrick read the caption of the Ordinance aloud.

CONSIDER FINAL READING OF AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE OF ORDINANCES TO CREATE ARTICLE XIV TO ADOPT THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

Ms. Sloan stated minor amendments have been made to eliminate any potential conflict with City codes and regulations.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve an Ordinance amending Chapter 5 of the City Code of Ordinances to create Article XIV to adopt the 2015 International Property Maintenance Code.

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

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

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

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

a) OAKS AT 504

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

a) FLAT CREEK APARTMENTS

The City Council convened in Executive Session at 6:05 p.m.

The City Council returned to Regular Session at 6:51 p.m.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM
DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS
GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING
ECONOMIC DEVELOPMENT NEGOTIATIONS, CLOSED MEETING)

a) OAKS AT 504

No action was taken.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM
DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS
GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING
ECONOMIC DEVELOPMENT NEGOTIATIONS, CLOSED MEETING)

a) FLAT CREEK APARTMENTS

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA
ITEMS

Councilmember Gross expressed concern with safety at FM 1616 due to a recent fatality.

Ms. Borstad stated the sale of bonds will occur on February 14, 2022 as well as an Ordinance calling the election.

Ms. Hambrick announced the following:

- First quarterly report on the Cain Center will appear on a future agenda
- Work Session related to the proposed Police Station Facility
- City Council Work Session 12-17-2021

Councilmember Smith requested a total cost citizens have spent after the AV system is finished at the Cain Center.

ADJOURN

The meeting was adjourned at 6:53 p.m.

PASSED AND APPROVED THIS THE 27th DAY OF DECEMBER 2021.

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary