

REGULAR SESSION

JUNE 28, 2021

The City Council of the City of Athens met in Regular Session on Monday, June 28, 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  
SyTanna Freeman  
Robert Gross

Elizabeth Borstad, City Manager  
Bonnie Hambrick, City Secretary

Staff Present: Audrey Sloan, Director of Development Services; Noemi Lopez, Administrative Clerk; Katie Birk, Tourism and Cultural Resources Coordinator; Mandie Quigg, Finance Director; Tim Perry, Public Works Director; Sgt. Billy Westover;

Others Present: Michael Hannigan, Jeffery Enoch Sr., Rich Flowers, Deborah Deas, Mark Carroll, Ben & Michelle Johnston, Eric Berry, D. J. Warren, Erick Graham, Bob & Marlene Ungarean.

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

INVOCATION

The Invocation was given by Councilwoman Freeman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC COMMUNICATIONS

Deborah Deas thanked the city, and its employees for their help with the 2021 Glow 5k Race.

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

Elizabeth Borstad, City Manager, stated that August 2<sup>nd</sup>-6<sup>th</sup> ,Athens will have “ Love Athens Week” to serve the community.

Michael Hannigan further explained the week is being set aside for volunteer projects throughout the city.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE JUNE 14, 2021, REGULAR SESSION
- b) CONSIDER A RESOLUTION APPROVING THE 2022 PROPOSED OPERATING BUDGET FOR HENDERSON COUNTY APPRAISAL DISTRICT AND THE ANNUAL COST FOR APPRAISAL SERVICES
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND LEASE AGREEMENT WITH ADDCO FOR AREA 3B LOT #5 AT ATHENS MUNICIPAL AIRPORT

- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND LEASE AGREEMENT WITH ADDCO FOR AREA 3B LOT # 7 AT ATHENS MUNICIPAL AIRPORT
- e) MAY 2021 MONTHLY REVENUE AND EXPENSE REPORT

Councilmember Gross requested agenda items a) Consider approving minutes of the June 14, 2021, Regular Session, c) Consider a Resolution authorizing the City Manager to enter into a Land Lease Agreement with ADDCO for area 3B Lot #5 at Athens Municipal Airport and d) Consider a Resolution authorizing the City Manager to enter into a Land Lease Agreement with ADDCO for area 3B Lot # 7 at Athens Municipal Airport be removed from the consent agenda.

A motion was made by Councilwoman Freeman, seconded by Councilmember Smith to approve Consent Agenda items:

- b) Consider a Resolution approving the 2022 Proposed Operating Budget for Henderson County Appraisal District and the annual cost for appraisal services
- e) May 2021 Monthly Revenue and Expense Report

The motion carried unanimously.

CONSIDER APPROVING MINUTES OF THE JUNE 14, 2021, REGULAR SESSION

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman to approve minutes of the June 14, 2021, Regular Session. The motion carried unanimously.

CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND LEASE AGREEMENT WITH ADDCO FOR AREA 3B LOT #5 AT ATHENS MUNICIPAL AIRPORT

Ms. Borstad explained we have been looking into increasing the airport leases. She also stated the last time the lease was updated was in 2018.

Tim Perry, Director of Public Works, stated we are on the low end of land lease rent compared to surrounding airports. He stated KSA did a five (5) state study and the average is 30 cents throughout the state and increasing the cost would help the city with more revenue.

Mr. Perry stated the owner's wife is ready to be done with the aviation business and had three (3) lots for sale and made a deal with ADDCO for two (2) of the lots.

Mr. Perry stated the item could be approved tonight or be tabled for a later time when more studies are completed.

Councilmember Gross stated he would like to for a study on rates and not act on the item.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to table consent agenda items c) Consider a Resolution authorizing the City Manager to enter into a Land Lease Agreement with ADDCO for area 3B Lot #5 at Athens Municipal Airport and d) Consider a Resolution authorizing the City Manager to enter into a land lease agreement with ADDCO for area 3B Lot # 7 at Athens Municipal Airport. The motion carried unanimously.

DISCUSS PARKING ON NORTH WOFFORD

Mr. Perry explained he measured the curb and realized it was too far in the road. He stated the developer had inserted the curb incorrectly.

He explained the following three options (3)

- Repairs to the curb which would be costly
- Implement a no parking Ordinance
- Wait until all of the construction on the street is complete and come back to decide

There was discussion regarding the width of the road, recourse for future sale of lots, and concern regarding the speed.

After discussion Council asked the City Manager to have preliminary engineering performed and revisit the item.

DISCUSS ENTERING INTO AN AGREEMENT WITH ATHENS MUNICIPAL WATER AUTHORITY (AMWA) FOR THE CONSTRUCTION AND MAINTENANCE OF A DESIGNATED SWIM AREA AT LAKE ATHENS

Ms. Borstad explained this would be a designated swimming area for the Citizens of Athens and Athens Municipal Water Authority (AMWA) has asked the city to assist in the cost of construction. She explained the two (2) responsibilities to construct and maintain a designated swim area at Lake Athens. She explained it would not occur this summer.

Councilmember Gross stated the funds for the project can be budgeted in next year's budget. He further stated he would like to see the city move forward with it.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION APPOINTING ONE MEMBER TO THE CAIN CENTER INC. BOARD OF DIRECTORS

Ms. Borstad asked that the item be tabled unless Council has an individual for an appointment.

A motion was made by Councilmember Freeman, seconded by Councilmember Gross to table the item. 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 BERRY AND CLAY CONSTRUCTION MANAGERS, FOR CONSTRUCTION MANAGER AT RISK (CMAR) SERVICES FOR THE PROPOSED POLICE BUILDING

Ms. Borstad explained staff utilized the two-step construction manager at risk procurement process as outlined in the Texas Local Government Code. She stated ten (10) requests for qualifications were received and staff reviewed the qualifications of all ten (10) firms and selected the top three (3) to move on to phase 2 of the selection process. She explained after review and evaluation of the proposals, Berry and Clay Construction Managers submitted the proposal that offered the best value for the City of Athens.

After discussion, a motion was made by Councilmember Gross, seconded by Councilmember Smith, to approve a Resolution authorizing the City Manager to enter into an agreement with Berry and Clay Construction Managers, for Construction Manager at Risk (CMAR) services for the proposed Police Building. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO UTILIZE BUDGETARY SAVINGS FROM THE POLICE ADMINISTRATION DEPARTMENT TO FILL AN APPROVED POSITION UNFUNDED IN THE FISCAL YEAR 2021 BUDGET

Ms. Borstad explained the need for an administrative assistant in the Police Department. She stated the position has been unfunded for at least five (5) years. The position will be funded for the remaining three (3) months of FY 2021 year and beyond.

Councilmember Gross asked about the pay grade change, and Mandie Quigg, Finance Director, provided annual compensation amounts for the previous pay grade and proposed pay grade.

After discussion, a motion was made by Councilwoman Freeman seconded by Councilmember Gross to approve a Resolution authorizing the City Manager to utilize budgetary savings from the Police Administration Department to fill an approved position unfunded in the Fiscal Year 2021 Budget. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE  
CITY MANAGER TO PROCURE ADMINISTRATIVE AND ENGINEERING  
SERVICES FOR THE APPLICATION AND IMPLEMENTATION, IF  
AWARDED, OF HAZARD MITIGATION GRANT PROGRAM (HMGP)  
FUNDING FROM THE TEXAS DIVISION OF EMERGENCY  
MANAGEMENT (TDEM) FOR DR-4586 FEBRUARY WINTER WEATHER

Ms. Borstad explained staff is preparing for a future grant that is directly related to the February Winter Weather event. She explained this is the first step and will allow staff to procure a grant administrator. She further stated her main focus is to obtain backup generators for the City.

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve a Resolution authorizing the City Manager to procure administrative and engineering services for the application and implementation, if awarded, of Hazard Mitigation Grant Program (HMGP) funding from the Texas Division of Emergency Management (TDEM) for DR-4586 February Winter Weather. The motion carried unanimously.

DISCUSS FIRST READING OF AN ORDINANCE REPEALING CHAPTER 5,  
ARTICLE XII, SECTION 5-168 OF THE CITY CODE OF ORDINANCES IN  
ITS ENTIRETY AND ADOPTING IN ITS PLACE NEW REGULATIONS  
DESIGNATING THE PLANNING & ZONING COMMISSION TO SERVE AS  
THE SUBSTANDARD BUILDING COMMISSION

Audrey Sloan, Director of Development Services, explained the proposed amendment would designate the Planning & Zoning Commission to serve as the Substandard Building Commission. She stated Substandard cases would be presented to the P&Z Commission during their regularly scheduled meetings occurring on the first Monday of the month. The structure, composition and current duties of the Planning and Commission would remain as is, with the exception of the additional responsibility to hear and decide on substandard structure cases.

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

CONSIDER FINAL READING OF ORDINANCE CONCERNING A  
REQUEST FROM MARK PFLEGER OF ATHENS REAL ESTATE  
INVESTMENT, LLC FOR APPROVAL OF A SPECIFIC USE PERMIT FOR  
OPEN STORAGE AND DISPLAY OF STEEL PRODUCTS IN A  
COMMERCIAL ZONING DISTRICT FOR LOT 27-N OF THE KEY MOBILE  
HOME PARK ADDITION, B. C. WALTERS SURVEY A-797, ALSO KNOWN  
AS 1200 US HIGHWAY 175 WEST

Ms. Hambrick read the caption of the Ordinance aloud.

Councilmember Gross asked that the Ordinance be updated to reflect that the height of any stored materials shall not exceed eight feet.

A motion was made by Councilwoman Freeman seconded by Councilmember Smith to approve a request from Mark Pflieger of Athens Real Estate Investment, LLC for approval of a specific use permit for open storage and display of steel products in a Commercial Zoning district for Lot 27-N of the Key Mobile Home Park Addition, B. C. Walters Survey A-797, also known as 1200 US Highway 175 West.

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

Toni Clay, Mayor	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, 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 MIKE OWENS FOR APPROVAL OF A SITE PLAN FOR MANUFACTURED HOME SALES IN A PLANNED DEVELOPMENT – 2 ZONING DISTRICT FOR TRACT 112A, J. B. ATWOOD SURVEY A-19, LOCATED ON NE LOOP 7, ALSO KNOWN AS PROPERTY ID R1844

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilwoman Freeman seconded by Councilmember Gross to approve a request from Mike Owens for approval of a site plan for manufactured home sales in a Planned Development – 2 zoning district for Tract 112A, J. B. Atwood Survey A-19, located on NE Loop 7, also known as Property ID R1844.

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

Toni Clay, Mayor	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, 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 CLINTON BUCHANAN FOR APPROVAL OF A ZONING CHANGE FROM PLANNED DEVELOPMENT – 2 AND AGRICULTURE TO SINGLE-FAMILY – 7 FOR LOT A-1 OF TRACT 31 THE J. W. COKER TRACTS, B. C. WALTERS SURVEY A-797, ALSO KNOWN AS 1203 NORTH HAMLETT STREET (THE NORTH 2.788 ACRE PORTION OF R39306 AND R39307)

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Gross seconded by Councilmember Smith to approve an Ordinance concerning a request from Clinton Buchanan for approval of a zoning change from Planned Development – 2 and Agriculture to Single-Family – 7 for Lot A-1 of Tract 31 the J. W. Coker Tracts, B. C. Walters Survey A-797, also known as 1203 North Hamlett Street (the north 2.788 acre portion of R39306 and R39307)

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

Toni Clay, Mayor	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, 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 CLINTON BUCHANAN FOR APPROVAL OF A ZONING CHANGE FROM PLANNED DEVELOPMENT – 2 AND AGRICULTURE TO SINGLE-FAMILY – 7 WITH A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT A-2 OF TRACT 31 OF THE J. W. COKER TRACTS, B. C. WALTERS SURVEY A-797, ALSO KNOWN AS 1201 NORTH HAMLETT STREET (THE SOUTH 0.500 ACRE PORTION OF R39306 AND R39307)

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, second by Councilwoman Freeman to approve an Ordinance concerning a request from Clinton Buchanan for approval of a zoning change from Planned Development – 2 and Agriculture to Single-Family – 7 with a specific use permit for a manufactured home for Lot A-2 of Tract 31 of the J. W. Coker Tracts, B. C. Walters Survey A-797, also known as 1201 North Hamlett Street (the south 0.500 acre portion of R39306 and R39307).

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

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

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

CONSIDER FINAL READING OF AN ORDINANCE REPEALING CHAPTER 4, ARTICLE I, SECTION 4-5 OF THE CITY CODE OF ORDINANCES IN ITS ENTIRETY AND ADOPTING IN ITS PLACE NEW REGULATIONS REGARDING THE REGULATION OF FOWL AND LIVESTOCK

Ms. Sloan explained there was one change to the Ordinance since the last meeting. She explained it was the additional language included in the Ordinance as follows:

Prohibited at large. It shall be unlawful for any person:

- a. To willfully turn out or cause to be turned out on land not their own or under their control, or
- b. To willfully fail or refuse to keep confined, or
- c. To willfully allow to trespass upon the land of another, or
- d. To willfully permit to run at large, any fowl or livestock of their own or of which they have the control.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilwoman Freeman, seconded by Councilmember Smith to approve an Ordinance repealing Chapter 4, Article I, Section 4-5 of the City Code of Ordinances in its entirety and adopting in its place new regulations regarding the regulation of fowl and livestock

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

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

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

CONSIDER FINAL READING OF AN ORDINANCE AMENDING CHAPTER 22, ARTICLE IV, SECTION 22-32(G), SECTION 22-32(H) AND APPENDIX A, A-3 OF THE CITY CODE OF ORDINANCES TO DELETE THE USES AND DEFINITIONS OF BACKYARD CHICKENS, BACKYARD HORSES, AND PRIVATE STABLE

Ms. Sloan explained the proposed amendment to Chapter 22 removes the uses of “backyard chickens”, “backyard horses” and “private stables” from the zoning use chart and definitions. All regulations regarding fowl, livestock and their enclosures will be found in Chapter 4, entitled Animals and Fowl.

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 22, Article IV, Section 22-32(g), Section 22-32(h) and Appendix A, A-3 of the City Code of Ordinances to delete the uses and definitions of backyard chickens, backyard horses, and private stable.

The proposed amendment to Chapter 22 removes the uses of “backyard chickens”, “backyard horses” and “private stables” from the zoning use chart and definitions. All regulations regarding fowl, livestock and their enclosures will be found in Chapter 4, entitled Animals and Fowl.

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

Toni Clay, Mayor	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, 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 AN AMENDMENT REPEALING CHAPTER 14, SECTION 14-4 OF THE CITY CODE OF ORDINANCES IN ITS ENTIRETY AND ADOPTING IN ITS PLACE NEW REGULATIONS REGARDING THE DISCHARGE OF FIREARMS AND OTHER GUNS WITHIN THE CITY LIMITS

Mayor Clay stated two (2) citizens signed up to speak on this agenda item.

Ben Johnston expressed concern with the Firearm Ordinance.

Michelle Johnston expressed concern with the Firearm Ordinance.

Much discussion and vetting transpired.

Councilmember Gross stated the item could be tabled for further discussion and research.

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 an amendment repealing Chapter 14, Section 14-4 of the City Code of Ordinances in its entirety and adopting in its place new regulations regarding the discharge of firearms and other guns within the city limits.

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

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

Voted in favor of the motion	3
Voted against the motion	1
Motion carried	3-1

CONSIDER FINAL READING OF AN ORDINANCE AMENDING CHAPTER 17 – SUBDIVISIONS, ARTICLE II. PLATTING REQUIREMENTS OF THE CODE OF ORDINANCES OF THE CITY OF ATHENS, TEXAS



Ms. Sloan explained no changes were made since the first reading.

Ms. Borstad further stated that plats will no longer come to the council; they will be handled at the Planning and Zoning Commission.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve an Ordinance Amending Chapter 17 – Subdivisions, Article II. Platting requirements of the Code of Ordinances of the City of Athens, Texas.

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

Toni Clay, Mayor	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, 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 551.074 (PUBLIC OFFICER; CLOSED MEETING) TO DISCUSS  
ATHENS CITY COUNCIL VACANCY, PLACE 1

The City Council convened in Executive Session at 6:38 p.m.

The City Council returned to Regular Session at 6:49 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE  
SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION  
551.074 (PUBLIC OFFICER; CLOSED MEETING) TO DISCUSS THE  
APPOINTMENT TO ATHENS CITY COUNCIL, PLACE 1

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to appoint Mark Carroll of Athens, Texas to Athens City Council, Place 1. The motion carried unanimously.

There was a round of applause.

Mr. Carroll stated he is excited about serving.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA  
ITEMS

Ms. Borstad stated staff will further define approved shooting range definitions private and commercial.

Ms. Hambrick read the following future agenda items:

- Elect Mayor Pro-Tem
- Budget meeting on July 14
- first reading of an Ordinance adopting International Property Maintenance Code (IPMC)

ADJOURN

The meeting was adjourned at 6:52 p.m.

PASSED AND APPROVED THIS THE 12<sup>th</sup> DAY OF JULY 2021.

---

Toni Clay, Mayor

ATTEST:

---

Bonnie Hambrick, City Secretary