

REGULAR SESSION

AUGUST 26, 2019

The City Council of the City of Athens met in Regular Session on Monday, August 26, 2019, 5:30 p.m. in the Council Chambers of the City Hall Annex, 501 N. Pinkerton St. Athens, Texas, with the following members present, to-wit:

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

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, Mandie Quigg, Finance Director, Katie Birk, Tourism and Cultural Resources Coordinator, Randy Williams, Utilities Director, Audrey Sloan, Director of Development Services, Derek Whiteley, Director of Information Technology

others present: Val Franklin, Sytonia Peters, Rich Flowers, Deborah Deas, Mark Carroll, Michael Hannigan, Marisa Gunstanson, Ryan Johnston, Amy Smith, Audranette Tilley, Garry Penn, Kristine Jacobson, Michelle Zenor, Brandt Dozier, Denise York, Kristen Bennett, Kianna Madsen, Malorie Willingham and other interested citizens;

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

Mayor Montgomery stated Mr. Bruce Hinds, former Chairman of the Substandard Building Commission, passed away over the weekend. He asked everyone to remember Mr. Hinds' family.

INVOCATION

The Invocation was given by Councilmember Aaron Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PRESENTATION AWARDED TRINITY VALLEY COMMUNITY COLLEGE SCHOLARSHIPS

Kristen Bennett, Vice President of Institutional Advancement, presented the following recipients with a \$1,000 scholarship to Trinity Valley Community College:

- Malorie Willingham
- Kianna Madsen

Not present recipients were:

- Gerardo Costilla
- Harley Wilson
- Abigail Soto
- Enrique Hernandez
- Kenshawn Barron
- Na Keldrick Cumby

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

Mayor Montgomery stated that Buddy Hill, Chief of Police has prepared information regarding the volume of traffic accidents occurring at certain intersections. He stated his wish is to present ideas for prevention of accidents at those intersections.

Katie Birk, Tourism and Cultural Resources Coordinator, announced the following September events:

- Football season for Athens Independent School District and Trinity Valley Community College begins this weekend
- Sept. 5: 4H Open House at The Texan from 6-7:30 pm
- Sept. 7: Athens Fall Art Festival from 12-10 pm
- Sept. 13: Caroline Wonderland and Shelley King Duo at The Texan with The Mighty Orq at 7pm
- Sept. 14: Plant Sale at East Texas Arboretum and Botanical Society from 9am -4pm
- Sept. 14: Dance the Night Away Fundraiser for Keep Athens Beautiful at Boogies
- Sept. 15: East Texas Music Awards

Marisa Gunstanson, Athens Chamber of Commerce President, provided the following updates:

- Thanked everyone for their support and stated new changes for the Chamber are coming
- Sept. 11 Non Profit luncheon

CITIZENS COMMUNICATIONS

There was no discussion.

CONSENT AGENDA

- a) CONSIDER A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS AND AUTHORIZING THE CITY MANAGER TO DONATE OR DISPOSE OF OLD RUNWAY SIGNS TO A MUSEUM LOCATED AT ARLINGTON TEXAS MUNICIPAL AIRPORT (IDENTIFIER: KGKY) CALLED THE "PLANEAIR MUSEUM" OWNED AND OPERATED BY RAYMOND BAILEY

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

HEAR UPDATE ON CAIN CENTER PROJECT

Mayor Montgomery stated the City Council met with representatives from the Murchison Foundation and it was a positive meeting. He stated the City is moving forward with the Murchison grant. Mayor Montgomery stated responses are being received for the request for proposals for Construction Manager at Risk.

Elizabeth Borstad, City Manager, stated 5 (five) packages were sent out with two (2) positive responses being registered as a vendor for the project.

SECOND PUBLIC HEARING ON THE PROPOSED TAX RATE FOR FISCAL
YEAR 2020

Mandie Quigg, Finance Director, explained the item is the second public hearing on the proposed Tax Rate for Fiscal Year 2020. She stated following the budget work session on 8/14/19 the City Council's direction for staff is to reduce the property tax rate by one-half cent. She presented the 2020 Property Tax Rate split between Maintenance Operations and Debt Service.

Ms. Quigg explained the current tax rate is .685221/\$100 valuation and the proposed rate is .680221/\$100 per valuation which is a reduction of the tax rate by one-half cent.

Mayor Montgomery opened the public hearing. There were no comments.

The public hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE ADOPTING THE
PROPOSED TAX RATE FOR FISCAL YEAR 2020

Mayor Montgomery stated he is pleased with where the City is financially and that he has confidence in this staff and in the budget. He asked if the City Council would like to consider a full one-cent tax reduction.

Councilmember Smith stated he would like to stay with a one-half cent reduction with Councilmember Gross agreeing to a one-half cent tax reduction.

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

PUBLIC HEARING ON PROPOSED FISCAL YEAR 2020 ANNUAL
OPERATING BUDGET

Ms. Quigg explained the item is the first public hearing on the proposed Fiscal Year 2020 Budget. She explained multiple meetings were held to discuss the FY 2020 Budget. She presented the FY 2020 Operating Budget by Fund.

Mayor Montgomery opened the public hearing. There were no comments.

The public hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE ADOPTING THE
PROPOSED ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2020

Ms. Borstad presented a budget comparison to current proposed budget and the 2017/2018 budget.

Ms. Hambrick read the caption of the Ordinance aloud.

CONSIDER FINAL READING OF AN ORDINANCE AMENDING
SANITATION FEES FOR RESIDENTIAL, COMMERCIAL AND
INDUSTRIAL CUSTOMERS

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve final reading of an Ordinance amending Sanitation fees for Residential, Commercial and Industrial Customers.

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

Monte Montgomery, Mayor	Aye
Ed McCain, Councilmember/Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, Councilmember	Aye

5 voted in favor of the motion and
0 voted against the motion.

Motion carried 5-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM AMY AND BRANDON SMITH FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A COMMUNICATION TOWER FOR LOTS 23A AND 23B OF BLOCK 1 AND LOTS 11-14 AND 14A OF BLOCK 3 OF THE R. A. CLARK SURVEY A-171, ALSO KNOWN AS 852 EAST CORSICANA STREET

Audrey Sloan, Director of Development Services, presented the item. She explained the Specific Use Permit is for 105 a foot monopole communication tower to be located at 852 E. Corsicana Street. She explained since the last meeting the following updates were made:

- Additional correspondence from the engineer stating that the tower is designed with reinforcement towards the base of tower so in the event of a collapse it will not fall over the base, which allows the pole to deform at the location and not fall over
- Applicants are agreeable to a 65 foot building setback from the base of the tower in which no structures shall be erected

Discussion occurred.

Mr. Brandt Dozier, Jacobs Engineering, claimed it was not feasible to move the tower due to easement encroachments.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve final reading of an Ordinance concerning a request from Amy and Brandon Smith for approval of a Specific Use Permit for a communication tower for Lots 23A and 23B of Block 1 and Lots 11-14 and 14A of Block 3 of the R. A. Clark Survey A-171, also known as 852 East Corsicana Street.

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

Monte Montgomery, Mayor	Aye
Ed McCain, Councilmember/Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, Councilmember	Nay

4 voted in favor of the motion and
1 voted against the motion.
Motion carried 4-1

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING PROPOSED AMENDMENTS TO SECTIONS 14.5, 17.5(F), 18.5(F) AND 32.2 OF THE ZONING ORDINANCE TO REQUIRE A SPECIFIC USE PERMIT FOR THE USE OF MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES WITHIN AGRICULTURE, SINGLE-FAMILY – 7 AND SINGLE-FAMILY – 5 ZONING DISTRICTS

Ms. Sloan stated the Ordinance is updating the manufactured home regulations for homes on individual lots in the Zoning Ordinance. She explained the current process allows individual lots in Single-Family – 7 and Single-Family – 5 zoning districts if at least 75% of the surrounding property owners within 200’ submit written approval for the application. She stated the proposal is to require Specific Use Permit (SUP) approval for this use on Single-Family – 7 and Single-Family – 5 zoning districts, as well as Agriculture zoning districts. The SUP would require notification via mail to the surrounding property owners. It also allows for each application to be considered on a case by case basis and allows for stipulations to be placed on the application such as required screening or additional parking spaces.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve final reading of an Ordinance concerning proposed amendments to Sections 14.5, 17.5(F), 18.5(F) and 32.2 of the Zoning Ordinance to require a specific use permit for the use of mobile homes and HUD-Code manufactured homes within Agriculture, Single-Family – 7 and Single-Family – 5 zoning districts.

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

Monte Montgomery, Mayor	Aye
Ed McCain, Councilmember/Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, Councilmember	Aye

5 voted in favor of the motion and
0 voted against the motion.

Motion carried 5-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING PROPOSED AMENDMENTS TO CHAPTER 12, ARTICLE I, SECTIONS 12-2.1 AND 12.2.2 TO REQUIRE A SPECIFIC USE PERMIT FOR THE USE OF MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES ON INDIVIDUAL LOTS

Ms. Sloan explained the proposed amendment will require manufactured homes located on individual lots to be regulated by Specific Use Permit.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve final reading of an Ordinance concerning proposed amendments to Chapter 12, Article I, Sections 12-2.1 and 12.2.2 to require a Specific Use Permit for the use of mobile homes and HUD-Code manufactured homes on individual lots.

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

Monte Montgomery, Mayor	Aye
Ed McCain, Councilmember/Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, Councilmember	Aye

5 voted in favor of the motion and
0 voted against the motion.

Motion carried 5-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A
PROPOSED AMENDMENT TO SECTION 32.9 OF THE ZONING
ORDINANCE TO REMOVE THE SPECIFIC USE PERMIT REQUIREMENT
FOR CHECK CASHING SERVICES AND LOAN AGENCIES WITHIN
OFFICE AND RETAIL ZONING DISTRICTS

Ms. Sloan explained the proposed amendment would remove the required Specific Use Permit for check cashing services and loan agency uses within Office and Retail Zoning Districts, so that the use would be allowed by right in all commercial-type zoning districts.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve final reading of an Ordinance concerning a proposed amendment to Section 32.9 of the Zoning Ordinance to remove the Specific Use Permit requirement for check cashing services and loan agencies within Office and Retail zoning districts

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

Monte Montgomery, Mayor	Aye
Ed McCain, Councilmember/Mayor Pro Tem	Nay
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Nay
Robert Gross, Councilmember	Aye

3 voted in favor of the motion and
2 voted against the motion.

Motion carried 3-2

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Gross requested an agenda item to discuss allocation changes for the Downtown Façade Improvement Grant. Ms. Borstad stated the item will appear on a future agenda and staff has done some research, with changes to occur in the grant application next year.

Councilmember Smith expressed appreciation to staff for administering last year's budget. He stated it gives him high expectations for next year.

Mayor Montgomery requested an update on the Cain Center and a follow up from Chief Hill's information regarding areas with high accident counts and preventive measures.

ADJOURN

The meeting adjourned at 6:13 p.m.

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PASSED AND APPROVED THIS THE 9th DAY OF SEPTEMBER, 2019.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary