

REGULAR SESSION

SEPTEMBER 14, 2020

The City Council of the City of Athens met in Regular Session on Monday, September 14, 2020 at 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
Ed McCain, Mayor Pro Tem
Toni Clay
Aaron Smith

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Rodney Williams, Interim Chief of Police; Mandie Quigg, Director of Finance; Audrey Sloan, Director of Development Services; Tim Perry, Director of Public Works; Joanie Ahlers, Economic Development Director.

others present: Michael Hannigan, Sytonia Freeman, Susan Barkley, Sue McCown, Mark Pflugar, Carol Morton, Gene Keenon, Dr. Janie Sims, Rich Flowers.

with the following member absent: Robert Gross

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

INVOCATION

The Invocation was given by Councilmember Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

Mayor Montgomery filed a conflict of interest on Items 11 and 12 of the agenda.

11) Public hearing concerning a request from Frank & Emmanuel Zea for approval of a Specific Use Permit for a manufactured home in a Single-Family – 5 (SF-5) zoning district for Lot 3A, Block 89 of Athens Original Town, T. Parmer Survey, A-782, also known as 204 South Gauntt Street – and 12) Discuss first reading of an Ordinance concerning a request from Frank & Emmanuel Zea for approval of a Specific Use Permit for a manufactured home in a Single-Family – 5 (SF-5) zoning district for Lot 3A, Block 89 of Athens Original Town, T. Parmer Survey, A-782, also known as 204 South Gauntt Street.

PROCLAMATION – CONSTITUTION WEEK

Mayor Montgomery read aloud a Proclamation proclaiming the week of September 17-23, 2020 as Constitution Week. This marks the 233rd anniversary of the Constitution since its framing in 1787.

PUBLIC COMMUNICATIONS

There was no discussion.

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

Elizabeth Borstad, City Manager, stated that the City has started their seal coat program for this summer and it usually takes about two (2) weeks to complete. She encouraged citizens to be careful as they see crews out working.

Councilmember Smith mentioned that the Master Plan Public Meeting #2 went well with a good turnout.

Councilwoman Clay stated that she received feedback from citizens about the Master Plan Meeting who said, "It was nice to see a vision being cast."

Mayor Montgomery stated that it is up to the council and future councils and the citizens that this new long-range plan is referred to regularly.

Councilmember McCain expressed deepest condolences to the family involved in the accident on the loop and encouraged the community to stay together and remember the people who may be going through things that we may not be aware of during this time. Councilmember McCain stated, "We need to bring unity to our Community."

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE AUGUST 24, 2020 REGULAR SESSION
- b) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT BETWEEN THE CITY OF ATHENS AND THE TEXAS DEPARTMENT OF TRANSPORTATION
- c) CONSIDER A RESOLUTION ADOPTING A PUBLIC NOTICE, APPOINTING AN ADA COORDINATOR AND ESTABLISHING A GRIEVANCE PROCEDURE IN COMPLIANCE WITH TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA)
- d) CONSIDER THE APPOINTMENT OF BEVERLY PEEK TO THE PLANNING AND ZONING COMMISSION
- e) CONSIDER A RESOLUTION DOCUMENTING THE ANNUAL REVIEW AND APPROVING THE INVESTMENT POLICY AND DESIGNATING INVESTMENT OFFICERS
- f) CONSIDER A RESOLUTION ESTABLISHING A TEXPOOL BANK ACCOUNT FOR THE UTILITY CAPITAL PROJECTS FUND
- g) JULY 2020 MONTHLY REVENUE AND EXPENSE REPORT

Mayor Montgomery, requested that item c) Consider a Resolution adopting a public notice, appointing an ADA Coordinator and establishing a grievance procedure in compliance with Title II of The Americans with Disabilities Act (ADA) be removed from the Consent Agenda.

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A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve items a) b) d) e) f) and g) of the Consent Agenda. The motion carried unanimously.

- c) CONSIDER A RESOLUTION ADOPTING A PUBLIC NOTICE, APPOINTING AN ADA COORDINATOR AND ESTABLISHING A GRIEVANCE PROCEDURE IN COMPLIANCE WITH TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA)

Mayor Montgomery stated that with the background of City Manager, Elizabeth Borstad, she would be the best candidate to be appointed as the coordinator.

Ms. Borstad explained that she would be named as coordinator and then there will be a performance procedure phase plan put in place to get all of the facilities up to compliance with the plan.

A motion was made by Councilwoman Clay, seconded by Councilmember McCain to approve item c) of the Consent Agenda. The motion carried unanimously.

HEAR UPDATE ON CAIN CENTER PROJECT

Elizabeth Borstad, City Manager, reported that Eric Berry with Berry & Clay is very accommodating to tours of the Cain Center remodel, but all requests must go through Elizabeth and must be scheduled. Ms. Borstad showed pictures of the progress from Berry & Clay and stated that they are about fifteen percent (15%) complete. She stated that they are still anticipating completion by June of 2021.

DISCUSS FISHER SCHOOL MEMORIAL AND LEGACY WALL

Mayor Montgomery tabled item 9) Discuss Fisher School Memorial and Legacy Wall of the Agenda for future discussion.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF REVISIONS TO THE CITY OF ATHENS COVID-19 SMALL BUSINESS SUPPORT AND RECOVERY GRANT APPLICATION AND GUIDELINES

City Manager, Elizabeth Borstad, explained that this is an item that Councilmember McCain requested to be put back on the agenda. She stated there is about \$50,000 left from the original Covid-19 Small Business Support and Recovery Grant after the original allotment for this grant. She stated staff did two (2) rounds and now, as recommended by the AEDC Board, staff would like to open up the restrictions on this grant and go out and take applications again.

Mayor Montgomery stated that on the first round, all of the businesses were so complementary of making those funds available.

Councilmember McCain stated that this item had been tabled awaiting on another stimulus from Washington and since this has not happened, the item was brought back to council.

Economic Development Director, Joanie Ahlers, stated that the EDC Board discussed and asked her to present to Council to consider removing the Paycheck Protection Plan (PPP) restriction and Economic Injury Disaster Loan (EIDL) restriction that was originally put in place for this grant. The EDC Board was very specific as to who they wanted to open the grant back up to and that is businesses that were closed due to the Governor's Order and restaurants.

Mayor Montgomery thanked Ms. Ahlers and her board for bringing this forward and approving.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to e approve the revisions to the City of Athens Covid-19 Small Business Support and Recovery Grant Application and Guidelines. The motion carried unanimously.

Mayor Pro Tem McCain conducted the meeting.

PUBLIC HEARING CONCERNING A REQUEST FROM FRANK & EMMANUEL ZEA FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME IN A SINGLE-FAMILY – 5 (SF-5) ZONING DISTRICT FOR LOT 3A, BLOCK 89 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, A-782, ALSO KNOWN AS 204 SOUTH GAUNTT STREET

Audrey Sloan, Director of Development Services, presented the item. She explained the applicate is requesting the Specific Use Permit to install a manufactured home on the property. She stated the property is located on South Gauntt Street and the current zoning of the property is Single Family – 5. Letters of notification were sent to the fourteen (14) surrounding property owners within two hundred (200) feet. Four approvals and zero protests have been returned. The Future Land Use Plan designates this area as Medium Density Residential. The Planning & Zoning Commission voted to recommend approval of the request.

Mayor Pro Tem McCain opened the Public Hearing, there were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM FRANK & EMMANUEL ZEA FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME IN A SINGLE-FAMILY – 5 (SF-5) ZONING DISTRICT FOR LOT 3A, BLOCK 89 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, A-782, ALSO KNOWN AS 204 SOUTH GAUNTT STREET

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

Mayor Montgomery resumed as presiding Officer.

PUBLIC HEARING CONCERNING A REQUEST FROM WINDSOR IRON AND METAL AND ATHENS REAL ESTATE INVESTMENT FOR APPROVAL OF A ZONING CHANGE FROM COMMERCIAL (C) TO INDUSTRIAL (I) AND A SPECIFIC USE PERMIT FOR SALVAGE, RECLAMATION, AND RECYCLING OF MATERIALS FOR LOTS 1 & 2 OF THE WINDSOR SUBDIVISION, B. C. WALTERS SURVEY, A-797 AND TRACT 126 OF THE B. C. WALTERS SURVEY, A-797, ALSO KNOWN AS 951 & 1100 US HIGHWAY 175 WEST

Ms. Sloan presented the item. She explained a zoning change and specific use permit has been requested in order to remove the non-conforming status from the property that has historically been used as a salvage yard. This property is located on US Highway 175 West and is the location of Athens Iron & Metal. The current zoning of the property is Commercial. Letters of notification were sent to the eleven (11) surrounding property owners within two hundred (200) feet; with two (2) responses returned. She stated the Planning and Zoning Commission recommended that the screening fence be installed along the portion of Lot 1 that is adjacent to Old Kaufman Road and that the fence be installed within one year.

Discussion occurred regarding the fencing.

Mr. Mark Pflregar stated the company will move forward with fencing.

Mayor Montgomery opened the Public Hearing, there were no comments.

The Public Hearing was closed.

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Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM WAYNE TOMPKINS FOR APPROVAL OF THE REPLAT OF LOTS 369, 370, 371, 390, 391, 392, 393 & 394 OF THE OAKWOOD SUBDIVISION, UNIT I, DAVID CHERRY SURVEY, A-135 CREATING LOT 393R, ALSO KNOWN AS 7730 ANGELINA DRIVE. THIS PROPERTY IS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ)

The property is being replatted for residential use. This property is located in the City's extraterritorial jurisdiction on Angelina Drive. The owner is proposing to replat the 8 existing lots into one. There is a single-family home on the property currently. The remaining lots are vacant.

The plat is compliant with the City's subdivision ordinance.

Mayor Montgomery opened the Public Hearing, there were no comments.

The Public Hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM WAYNE TOMPKINS FOR APPROVAL OF THE REPLAT OF LOTS 369, 370, 371, 390, 391, 392, 393 & 394 OF THE OAKWOOD SUBDIVISION, UNIT I, DAVID CHERRY SURVEY, A-135 CREATING LOT 393R, ALSO KNOWN AS 7730 ANGELINA DRIVE. THIS PROPERTY IS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ)

A motion was made by Councilmember Smith, seconded by Councilwoman Clay to approve a request from Wayne Tompkins for approval of the replat of Lots 369, 370, 371, 390, 391, 392, 393 & 394 of the Oakwood Subdivision, Unit I, David Cherry Survey, A-135 creating Lot 393R, also known as 7730 Angelina Drive. This property is located in the City's extraterritorial jurisdiction (ETJ). The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM WINTERS OIL PARTNERS FOR APPROVAL OF THE REPLAT OF LOT 1 OF THE WALLACE ADDITION, B. C. WALTERS SURVEY, A-797 CREATING LOT 1R, ALSO KNOWN AS 6096 US HIGHWAY 175 WEST

Ms. Sloan explained the property is being replatted to include the 2.60 acres of property that was recently annexed into the City. She stated the plat is compliant with the City's subdivision and zoning ordinances and the Planning & Zoning Commission voted to recommend approval of the replat.

Mayor Montgomery opened the Public Hearing, there were no comments.

The Public Hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING A REQUEST FROM WINTERS OIL PARTNERS FOR
APPROVAL OF THE REPLAT OF LOT 1 OF THE WALLACE ADDITION, B.
C. WALTERS SURVEY, A-797 CREATING LOT 1R, ALSO KNOWN AS
6096 US HIGHWAY 175 WEST

A motion was made Councilwoman Clay, seconded by Councilmember McCain to approve a request from Winters Oil Partners for approval of the replat of Lot 1 of the Wallace Addition, B. C. Walters Survey, A-797 creating Lot 1R, also known as 6096 US Highway 175 West. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE REQUEST FROM ATHENS ECONOMIC
DEVELOPMENT CORPORATION FOR APPROVAL OF THE FINAL PLAT
OF LOTS 1 THROUGH 4 OF THE INDUSTRIAL PARK ADDITION, UNIT II,
J. B. ATWOOD SURVEY, A-19, ALSO KNOWN AS PROPERTY ID R1782
LOCATED ON FM 1616

Ms. Sloan explained the property is located on the west side of FM 1616, just north of the Industrial Park. She stated the property is zoned as Industrial and is being platted for future industrial and commercial use. She further stated the proposed plat includes four (4) new lots and dedication of a right-of-way for the future extension of Commercial Street. The Future Land Use Plan designates the property as Industrial

Ms. Sloan explained the Planning & Zoning Commission voted to recommend approval of the plat with the stipulation that the outstanding items are corrected. She stated the items have since been corrected and the plat is now compliant with the City's subdivision and zoning Ordinance.

A motion was made by Councilmember McCain, seconded by Councilmember Smith, to approve the request from Athens Economic Development Corporation for approval of the final plat of Lots 1 through 4 of the Industrial Park Addition, Unit II, J. B. Atwood Survey, A-19, also known as Property ID R1782 located on FM 1616. The motion carried unanimously.

DISCUSS FIRST READING OF AN ORDINANCE AMENDING THE
BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2020

Mandie Quigg, Director of Finance, explained the Budget Amendment amounts as follows:

Airport Fund:

Replacement of the Airport Beacon Cost \$15,489

Sanitation Fund:

Costs for trash collection and Collection Site were higher than anticipated when originally budgeted. Refuse Collection \$85,000

Utility Fund:

Utility Capital Projects \$1,335,000 transfer to the newly developed Utility Capital Projects fund.

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE ESTABLISHING AND
ADOPTING CHAPTER 23 FEES AND COST OF SERVICES FOR THE CITY
OF ATHENS CODE OF ORDINANCES

Ms. Quigg explained the Ordinance will establish and adopt Chapter 23 Fees and Cost of Services for the City of Athens. Ms. Quigg reviewed the fee scheduled. She further stated that Republic Service is requesting the 2.9% rate increase that is based on the Consumer Price Index (CPI) rates.

Ms. Hambrick read the caption of the Ordinance aloud.

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MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA
ITEMS

Councilmember McCain requested an update on collection efforts for Municipal Court.

ADJOURN

The meeting adjourned at 6:40 p.m.

PASSED AND APPROVED THIS THE 28TH DAY OF SEPTEMBER 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary