



**NOTICE TO PUBLIC**  
**NOTICE OF MEETING VIA FACEBOOK LIVE**

Notice is hereby given in accordance with order of the Office of the Governor issued March 19, 2020, the City Council of the City of Athens, Texas will conduct its Regular meeting scheduled at 5:30 p.m. on Monday, April 13, 2020 in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St, Athens, TX via Facebook Live in order to advance the public health goal by avoiding social gatherings in groups of more than 10 people to slow the spread of the Coronavirus (COVID-19) [There will be no public access to the location described above.]

This notice and meeting agenda, and the agenda packet, are posted online at <https://www.athenstx.gov/resources/2017-city-council-agendas>

The public can participate by going to the following link  
<https://www.facebook.com/CityofAthensTexas/>

The public will be permitted to offer public comments by sending an email to [citysecretary@athenstx.gov](mailto:citysecretary@athenstx.gov) as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the Facebook Live meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

- 1) Invocation
- 2) Pledge of Allegiance
- 3) Declaration of Conflict of Interest
- 4) Mayor, City Council and/or City Manager updates involving Community Events and issues of Public Safety
- 5) Consent Agenda  
*(All matters listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the City Council. The item may subsequently be removed from the Consent Agenda to be considered separately.)*
  - a) Consider approving minutes of the March 23, 2020 Regular Session
  - b) Consider approving minutes of the April 2, 2020 Emergency Meeting
  - c) Consider receiving and approving Henderson County 9-1-1 Communication District's Annual Budget
  - d) Consider nominating two candidates to the Board of Managers, Henderson County 9-1-1 Communication District

- 6) Hear update on Cain Center Project
- 7) Discuss, consider and take action, as necessary, concerning a request from Crone Builders, LLC for approval of the final plat of Tracts 25, 25G, 25G-1, 25G-2 and 25G-3 of the William Trimmer Survey A-758, also known as Property ID R19776 located at the southeast corner of CR 4500 and CR 4628 – [A. Sloan]
- 8) Public hearing concerning a request from Rodney Session for approval of a zoning change from Agriculture (A) to Single Family – 5 (SF-5) and a Specific Use Permit for a manufactured home for Lot 5 of the F. M. Coker Tract, B. C. Walters Survey A-797, also known as 907 Cream Level Road – [A. Sloan]
- 9) Discuss first reading of an Ordinance concerning a request from Rodney Session for approval of a zoning change from Agriculture (A) to Single Family – 5 (SF-5) and a Specific Use Permit for a manufactured home for Lot 5 of the F. M. Coker Tract, B. C. Walters Survey A-797, also known as 907 Cream Level Road
- 10) Executive Session Pursuant to the Texas Government Code, Section 551.072 (Deliberation regarding real property; Closed Meeting) to deliberate the purchase, exchange, lease, or value of real property:
  - a) 405 Lindsey Lane
- 11) Consider action resulting from deliberations in Executive Session Pursuant to the Texas Government Code, Section 551.072 (Deliberation regarding real property; Closed Meeting) to deliberate the purchase, exchange, lease, or value of real property
  - a) 405 Lindsey Lane
- 12) Public Communications  
*“Pursuant to Texas Government Code section 551.007, members of the public may speak on an agenda item during the public communication section of the meeting or at the time the agenda item is called for discussion by the Mayor. Speakers shall be given three (3) minutes to speak. A speaker needing a translator and/or interpreter may be given six (6) minutes to speak. Members of the public wishing to address the Council on non-agenda items may do so pursuant to the same time constraints as agenda items. The Council will not comment on items not on the agenda; however, the Council may refer the item to City Staff for research, resolution or referral of the matter to the Council as a future agenda item.”*
- 13) Mayor and City Council’s request for future agenda items
- 14) Adjourn

Executive Session (Closed Meeting): Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f), and 418.106(d) & (e). Refer to posted list attached hereto and incorporated herein.

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the City Council at the date, hour and place given in this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

§ 551.071 - Private consultation with the attorney for the City.

§ 551.072 - Discussing purchase, exchange, lease or value of real property.

§ 551.074 - Discussing personnel or to hear complaints or charges against personnel or officials.

“PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.”

“DE CONFORMIDAD CON LA SECCIÓN 30.06, CÓDIGO PENAL (ESTAR EN ESTA PROPIEDAD POR TITULAR DE LA LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411, CÓDIGO DE GOBIERNO (LEY DE LICENCIAS ARMA DE FUEGO), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA OCULTA.”

"PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY"

“DE CONFORMIDAD CON LA SECCIÓN 30.07, CÓDIGO PENAL (ESTAR EN ESTA PROPIEDAD POR TITULAR DE LA LICENCIA CON UNA PISTOLA EN PLENO VISTA), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411, CÓDIGO DE GOBIERNO (LEY DE LICENCIAS ARMA DE FUEGO), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA EN PLENO VISTA”

This facility is wheelchair accessible and accessible parking spaces are available. Requests for additional accommodations or interpretive services must be made 48 hours prior to any meeting. Please contact the City Secretary's Office at (903) 675-5131 or by FAX (903) 675-7562 for further information.

REGULAR SESSION

MARCH 23, 2020

The City Council of the City of Athens met in Regular Session on Monday, March 23, 2020, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St., Athens, Texas, via Facebook Live in order to advance the public health goal by avoiding social gatherings in groups of more than 10 people to slow the spread of the Coronavirus (COVID-19) [There will be no public access to the location described above.] with the following members present to-wit:

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

Elizabeth Borstad, City Manager  
Bonnie Hambrick, City Secretary

others present: Eric Berry and Michael Hannigan.

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

INVOCATION

The Invocation was given by Mayor Monte Montgomery.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

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

Mayor Montgomery provided the following updates:

- Stated everyone is aware of the Coronavirus and the issues and challenges No known cases of COVID-19 in the County or the hospital
- Proud of business owners; they took it upon themselves during the first notices and began taking precautions (working from home, closing areas of groups meetings including churches and restaurants.
- Sacrifices being made by everyone; was informed by fast food restaurants they are down by 30% in sales

Councilmember McCain extended thanks to Judge Wade McKinney for his leadership during the COVID-19 Pandemic. He stated his communication should be commended.

Councilmember Smith thanked the citizens and stated they are adapting to the changes.

Elizabeth Borstad, City Manager, announced the following:

- Municipal Court canceled until April 9, 2020
- Lobby at City Hall closed to the public, however, can pay utility bills online or at drive through
- Utility billing has suspended cut-offs and suspended late penalty on overdue bills

- Permit office lobby will remain open at this time. Public access will be restricted to the lobby only. Offering credit card payment as an option
- Trash collection Beginning March 31 recycling will not be taken to the recycling center. It will be taken to the landfill. This change is being made for two reasons:
  1. Refuse for recycling has to be handled by employees. By eliminating this it lowers the chance for the spread of COVID-19.
  2. Because people are home more right now there has been an increase in the amount of refuse, so the recycling trucks are being used to pick up regular trash.

Councilmember McCain stated he would like to be very clear regarding water cut off suspension, he stated the meter is running and the customers will be charged for the water service and everything in arrears will have to be paid.

#### PUBLIC COMMUNICATIONS

Bonnie Hambrick, City Secretary, read aloud the following emails received at City Hall.

Dear Athens City Council,

Given the shortage of protective medical supplies across the nation/world, are there any pending economic development projects (or projects which can be implemented quickly) to bring more medical manufacturing to Athens?

Furthermore, when the dust settles on this crisis, US manufacturing of critical supplies/pharmaceuticals (among other things) will likely result, so think it appropriate to consider how Athens can further be branded as the go to location in the central US.

Thanks for your service.

Johnny Vincent

Melissa Baldwin, I work at one of the stores in Athens, one of the biggest things I'm seeing is people from out of town coming in and buying supplies. These are people where the virus is at, like Dallas.

How can we ensure people of Athens are getting supplies they need and how can we be sure the people from other cities are not bringing the virus to our town?

Thank you.

#### CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE MARCH 9, 2020 REGULAR SESSION
- b) CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE GINGER MURCHISON FOUNDATION AND ACCEPT THE CONTRIBUTION OF \$2.5 MILLION DOLLARS FOR THE CAIN CENTER CONSTRUCTION
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AND AGREEMENT WITH HENDERSON COUNTY FOR RURAL FIRE PROTECTION
- d) FEBRUARY 2020 MONTHLY REVENUE AND EXPENSE REPORT

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

#### HEAR UPDATE ON CAIN CENTER PROJECT

Ms. Borstad explained meetings with Berry and Clay Construction have transpired over several occasions looking at bids received for the Cain Center project. She stated bids were reviewed and Berry and Clay was asked to sharpen the pencils (review the costs). She stated Eric Berry has a proposal for the Council to review. Ms. Borstad stated the next item is for Council to approve a guaranteed maximum price for construction of the City of Athens Civic and Aquatic Center.

Eric Berry, Berry and Clay Construction presented a proposal for a guaranteed maximum price for construction of the City of Athens Civic and Aquatic Center as revised on March 23, 2020.

Mayor Montgomery stated meetings with Berry and Clay were held to discuss Value Engineering. He stated the changes are cost effective.

Councilmember Gross asked that the cost for the HVAC system be reviewed. There was further discussion.

Mr. Berry review the allowances for the following contingencies:

Owners Contingency	\$75,000
Contractor Contingency	\$75,000
Commemorative Plaque Allowance	\$3,500

Discussion occurred.

Councilwoman Clay stated this has been a long process, however the process has led to a total of \$5 Million dollars being contributed by two (2) families. It is worth the wait.

Councilmember Smith stated at the end of this project he would like the total project cost on the city's website, so everyone could see what was spent, as well as the 15 year debt services on principle and interest, in-kind service provided by the city and the operational subsidy. He stated this will allow citizens to see the investment they are making on the Cain Center Project.

Mayor Montgomery asked Ms. Borstad to obtain an assurance letter from the Cain Foundation regarding \$2.5 million contribution.

Mayor Montgomery asked Mr. Berry the completion timeframe for the project, with Mr. Berry stating 12-14 months.

#### DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BERRY AND CLAY CONSTRUCTION FOR A GUARANTEED MAXIMUM PRICE OF \$7,590,016.26 FOR CONSTRUCTION OF THE CITY OF ATHENS CIVIC AND AQUATIC CENTER

A motion was made by Mayor Montgomery, seconded by councilmember Gross to approve a Resolution authorizing the City Manager to enter into a contract with Berry and Clay Construction for a guaranteed maximum price of \$7,415,425.66 contingent upon the following the stipulations:

1. The project is contingent upon the Cain Foundation's \$2.5 Million Contribution
2. A change in the contract is allowed if the Cain Foundation does not contribute the \$2.5 Million, the project will discontinue and construction stopped, and the City of Athens shall pay Berry and Clay Construction for services rendered through the date of the stop work order.

The motion carried unanimously.

DISCUSS POSTPONING THE CITY OF ATHENS GENERAL ELECTION  
SCHEDULED TO BE HELD ON SATURDAY, MAY 2, 2020 UNTIL  
TUESDAY, NOVEMBER 3, 2020

Mayor Montgomery explained due to the pandemic the Govern has given notice to avoid social gatherings of more than 10 people and to have 6 foot separation. He stated the item is to discuss postponing the City of Athens General Election scheduled to be held on Saturday, May 2, 2020 until Tuesday, November 3, 2020.

Ms. Hambrick read an email from Sytonia Freeman regarding postponing the City of Athens General Election scheduled to be held on Saturday, May 2, 2020 until Tuesday, November 3, 2020.

I would like it to be on record that I don't want it in November, but since I might not have a choice, I'm okay. I'm ready to serve but it may not be my time to serve. What God has for me is for me.

Councilmember Gross stated the city should error on the side of caution.

Ms. Hambrick read the following list of cities postponing their May 2, Election:

Canton  
Gladewater  
Belton  
Hitchcock  
Joshua  
Pflugerville  
White Oak  
Poteet

Kilgore, LaPorte, Longview and Ore City pending City Council action.

Mayor Montgomery stated he respects Mrs. Freeman's request. He further acknowledged the CDC's request for safety.

Discussion occurred.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION POSTPONING THE  
MAY 2, 2020 CITY OF ATHENS GENERAL ELECTION TO NOVEMBER 3,  
2020.

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve a Resolution postponing the May 2, 2020 City of Athens General Election to November 3, 2020. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION EXTENDING THE  
CITY OF ATHENS DISASTER DECLARATION ISSUED ON MARCH 19,  
2020 DUE TO THE IMMINENT THREAT TO PUBLIC HEALTH AND  
SAFETY AS A RESULT OF THE SPREAD OF THE CORONAVIRUS  
(COVID – 19), EPIDEMIC, AS DECLARED BY THE WORLD HEALTH  
ORGANIZATION AS A PANDEMIC ON MARCH 11, 2020

Ms. Borstad explained the Resolution will extend the City of Athens Disaster Declaration issued on March 19, 2020 and it adds a penalty clause into the declaration of a fine not to exceed \$1,000, confinement in jail for a term not to exceed 189 days, or both fine and confinement.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve a Resolution extending the City of Athens Disaster Declaration issued on March 19, 2020 due to the imminent threat to Public Health and Safety as a result of the spread of the Coronavirus (COVID – 19), Epidemic, as declared by the World Health Organization as a Pandemic on March 11, 2020. The motion carried unanimously.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM TRITON ATHENS I, LLC FOR APPROVAL OF A SITE PLAN AMENDMENT FOR LOTS 1-5, BLOCK 1 OF THE TRITON ATHENS SUBDIVISION, R.A. CLARK SURVEY A-171, ALSO KNOWN AS 1006, 1010 AND 1012 EAST TYLER STREET

Ms. Borstad presented the item. She explained the top of the entire wall shall be at the minimum elevation of 516 feet. After discussion all openings are to be filled with permanent blocks. Temporary fencing may be used on top of the wall to maintain the 416 feet wall height for privacy. Discussion occurred.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by councilmember Gross, seconded by Councilmember McCain, to approve final reading of Ordinance for a site plan amendment for Lots 1-5, Block 1 of the Triton Athens Subdivision, R.A. Clark Survey A-171, also known as 1006, 1010 and 1012 East Tyler Street with the following stipulations: openings are to be filled with permanent blocks. Temporary fencing may be used on top of the wall to maintain the 416 feet wall height for privacy, however, when blocks are available the fence must be completed.

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

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

Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

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

- a) PROSPECT #1802
- b) PROSPECT #1803

The City Council convened in Executive session at 6:25 p.m.

The City Council returned to Regular Session at 7:15 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) DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECTS:

- a) PROSPECT #1802
- b) PROSPECT #1803

Mayor Montgomery stated the City Council would move to item b) Prospect #1803

b) PROSPECT 1803

A motion was made by Mayor Montgomery, seconded by Councilmember McCain to approve the lease on 414 W. College Street with Spot On Safety, LLC. with the following stipulations: Required capital improvements to the structure, remove the difference of his lease payment and what the fair market value of the lease payment would be each year. The motion carried unanimously.

Mayor Pro-Tem Ed McCain conducted the meeting for item a) Prospect #1802

a) PROSPECT #1802

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve Athens Economic Development Corporation to enter into an agreement with Prospect 1802 (Steritec Automation.) so long as the project does not impede Northward continuation of Commercial Street, also the property should be deeded upon successful issuance of a building permit and construction must commence 120 days after closing and should be complete within 18 months. The motion carried by the following vote: Ayes: Councilwoman Clay, Councilmembers McCain, Gross, and Smith Nays: None. Mayor Montgomery abstained.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

- Councilmember McCain requested an update on a Supervisory Control and Data Acquisition (SCADA) System
- Mayor Montgomery requested a joint meeting with Athens Municipal Water Authority
- Update from SPI, regarding Back up power for the Critical Services, and Royal Mountain Standpipe will appear on a future agenda
- Form a sub-group to look at areas with high accident counts and preventive measures and include a representative from TxDOT

Ms. Borstad stated a work session to discuss Civil Service requirements for Police Recruits was scheduled will appear on a future agenda.

Councilmember McCain suggested Public Communication be moved to the end of the agenda during the time frame of avoiding social gatherings in groups of more than 10 people.

PUBLIC COMMUNICATIONS

Ms. Hambrick read the following comments from Facebook Live:

Julie Fletcher Cox, do you as a city feel that your local loan companies are essential?

Daniel McClure, are they testing at the Athens hospital?

Boux Napps, I have a question as to regarding why everything in Henderson county is running as normal? Not seeming to be taking precaution at all or preventative measures to make sure that we aren't hit hard with the virus, in ways such as shelter in place or even non essential jobs being MANDATORY shut down? Right now it is SUGGESTED that employees at non essential jobs stay home but employers of non essential jobs are still having employees work, until closed down by city or county. It could be perceived that until a handful of people get sick or someone dies from the virus in confirmed cases, that preventive measures will not be taken. Why wait until damage is done and then do damage control and not take preventive measures to not have any casualties? I understand trying to keep the economy afloat by letting businesses work as long as they can, but why is not making everyone stay home for 14 days and trying to kill the virus altogether not a better option than this lasting months and the virus infecting and spreading?

Mayor Montgomery requested a list of the comments and stated he would like to address the comments in the next City of Athens newsletter.

ADJOURN

The meeting adjourned at 7:23 p.m.

PASSED AND APPROVED THIS THE 13<sup>th</sup> DAY OF APRIL, 2020.

\_\_\_\_\_  
Monte Montgomery, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Hambrick, City Secretary

EMERGENCY MEETING

APRIL 2, 2020

The City Council of the City of Athens met in an Emergency Meeting on Thursday, April 2, 2020, 3:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St., Athens, Texas, via Facebook Live in order to advance the public health goal by avoiding social gatherings in groups of more than 10 people to slow the spread of the Coronavirus (COVID-19) [There will be no public access to the location described above.] with the following members present to-wit:

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

Elizabeth Borstad, City Manager  
Bonnie Hambrick, City Secretary

others present: Michael Hannigan.

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

No action was taken.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION AMENDING THE  
CITY OF ATHENS DISASTER DECLARATION ISSUED ON MARCH 23,  
2020 DUE TO THE IMMINENT THREAT TO PUBLIC HEALTH AND  
SAFETY AS A RESULT OF THE SPREAD OF THE CORONAVIRUS  
(COVID – 19), EPIDEMIC, AS DECLARED BY THE WORLD HEALTH  
ORGANIZATION AS A PANDEMIC ON MARCH 11, 2020

Mayor Montgomery stated there are no recorded COVID-19 cases in the City or in the workforce. He further stated there is one case documented in the East side of the County.

Mayor Montgomery stated after Governor Abbott's Executive Order on Tuesday, March 21, 2020 there was confusion regarding what cities should do. He stated going into the weekend, the City needed to clarify and update the past emergency declaration as there are questions from Citizens.

Elizabeth Borstad, City Manager, explained the City's original Order referenced GA-08 and GA-14 specifically supersedes GA-08. She stated the Resolution clarifies the City will follow GA-14.

Mayor Montgomery provided background information on the City issuing its first Declaration of Disaster. He further explained that the City Council is unable to do more or less than the Governor's Order.

Ms. Borstad explained that Legal Counsel has advised the city to follow the Governor's order, which is stated as a "Stay at Home Order."

Discussion occurred.

Mayor Montgomery stated other cities are looking at their playgrounds. He stated the virus can live on a hard metal surface for two (2) days. He stated families are still going to the parks with children playing on the playground. Mayor Montgomery stated he personally feels the playgrounds should be shut down, however, leave parks themselves open for walking and exercising and place signs not allowing children to play in the parks.

Councilmember McCain stated he is not in favor of shutting the parks down, he further stated it is not unreasonable to shut the playground equipment down. He further stated you risk injury and it places further stress on the medical professionals. Councilwoman Clay and Councilmember Smith agreed with the comments.

Mayor Montgomery read portions of the City's Declaration:

**THEREFORE**, Be it Declared by the Mayor of Athens, Texas that the Disaster Declaration issued by the City Council of the City of Athens on March 23, 2020 shall be amended as follows;

1. A local state of disaster is hereby declared for Athens, Texas pursuant to §418.108(a) of the Texas Government Code.
2. This amended declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk, pursuant to §418.108(c) of the Government Code.
3. This declaration of a local state of disaster activates the City of Athens Emergency Plan.
4. The City of Athens Declaration Plan incorporates the Governor's Executive Order GA-14 and all amendments or additional orders related thereto and not superseded by GA-14.
5. All individuals currently living within the City of Athens are directed to shelter at their place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must, at all times, as reasonably as possible maintain social distancing as specified by Center for Disease Control (CDC).
6. This order does not prohibit individuals from accessing essential services or from engaging in essential daily activities as outlined by Executive Order GA-14 issued by Governor Greg Abbott on March 31, 2020.
7. The City of Athens will close all City Parks to group activities and the use of playground equipment will not be allowed. Walking paths and outdoor space will remain open with social distancing requirements as outlined by the CDC.

Pursuant to Tex. Gov. Code §418.173, failure to comply with an emergency plan or with a rule, order, or ordinance adopted under the plan, including any executive order, proclamation, or regulation issued by the Governor during a state disaster or by the Mayor or City Council during a local disaster, is an offense

8. punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

9. This Declaration shall take effect immediately from and after its issuance and shall remain in effect until the City Council of the City of Athens takes additional action.

Additional discussion occurred.

Councilmember McCain stated that the City is not doing “more” or “less than” what is in Governor Greg Abbott’s Order. He further stated the City is not taking steps beyond what the Governor has ordered.

Mayor Montgomery stated the City can only do what is in the Executive Order.

Mayor Montgomery stated citizens want us to go into the essential businesses and try to shut them down or scatter their employees. He stated we cannot do that. He stated we can only do what is in the Order from Governor Abbott.

Councilwoman Clay further stated unless you work at an Essential Business, are getting groceries, gas or exercising you “Stay Home”.

There was discussion regarding the enforcement of the fines as outlined in the amended order.

Councilmember McCain expressed concern with the effect COVID-19 will have on local business owners and the economy. He further stated non-essential business owners should be able to go to their business establishment and work as long as they do not violate the rule, limiting the number of people at the location and practice social distancing.

Councilmember McCain stated for the record he wanted it documented that a fine will not be issued to non-essential business owners who are checking on their business.

Discussion occurred.

Councilwoman Clay read the following sentence from Governor Abbott’s video recording statement released on April 1, 2020.

*This is Governor Abbott with COVID-19 spreading across Texas I issued this Executive Order that requires all Texans to stay at home except to provide essential services or do essential things, like go to the grocery store. Councilwoman Clay further stated this is what the City is co-signing.*

Councilmember Smith stated, “the key lies with the Citizens and we need the Citizens to self-govern”. He stated self-governing and compliance is the key to getting over this as soon as possible.

Councilmember McCain stated, “it is more important than ever to do your business locally and keep the economy moving as much as we can during this time”.

Mayor Montgomery stated this is the City’s “Shelter in Place”. The City is unable to do any more or any less.

A motion was made by Councilmember Smith, seconded by Councilwoman Clay to approve a Resolution amending the City of Athens Disaster Declaration issued on March 23, 2020 due to the imminent threat to Public Health and Safety as a result of the spread of the Coronavirus (COVID – 19), Epidemic, as declared by the World Health Organization as a Pandemic on March 11, 2020. The motion carried unanimously.

PUBLIC COMMUNICATIONS

There was no discussion.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

There was no request for future agenda items.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 13<sup>th</sup> DAY OF APRIL, 2020.

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary



## Agenda Memorandum

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**Agenda Date:** April 13, 2020

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**DEPARTMENT:** Administration

**CONTACT:** Elizabeth Borstad, City Manager

**SUBJECT:** Consider receiving and approving Henderson County 9-1-1 Communication District's Annual Budget.

**SUMMARY:** The Health and Safety Code 772.309 states the 9-1-1 District shall submit their annual budget to participating jurisdictions for your review and approval. The Henderson County 9-1-1 Communication District Board of Managers analyzed and approved the Fiscal Year 5/2020-4/2021.budget during their March 10th meeting.

**BACKGROUND:** n/a

**ISSUE:** n/a

**ALTERNATIVES:** n/a

**FISCAL IMPACT:** n/a

**RECOMMENDATION:** Staff recommends the approval of the annual Henderson County 9-1-1 Communication District's Annual Budget for Fiscal Year 5/2020-4/2021.

# HENDERSON COUNTY 9-1-1 COMMUNICATION DISTRICT

621 South Palestine Street  
P.O. BOX 230  
ATHENS, TX 75751-0230



MARK BROWN, EXECUTIVE DIRECTOR  
EMAIL: mbrown@hctx911.org  
PHONE 903.675.3911  
FAX 903.677.3904

Dear Mayor,

March 13, 2020

Enclosed please find the Henderson County 9-1-1 Communication District's budget for the fiscal year 5/2020-4/2021. The Health and Safety Code 772.309 states the 9-1-1 District shall submit their annual budget to participating jurisdictions for your review and approval. The Henderson County 9-1-1 Communication District Board of Managers analyzed and approved the FY 2020/2021 budget during our March 10th meeting.

The Henderson County 9-1-1 system became operational March 13, 1991, serving the citizens throughout Henderson County. The District provides equipment to connect emergency calls from all points in the county to one of three Public Safety Answering Points (PSAP). Calls are automatically routed to either the Athens Police Department PSAP, the Gun Barrel City Police Department PSAP or the Henderson County Sheriff's Office PSAP, depending upon the callers' physical location. The District continues to enhance and update our state of the art 9-1-1 and GIS mapping systems.

During the 2019-2020 fiscal year we completed upgrades to the 9-1-1 Call Handling system, 9-1-1 network, and District office systems. These upgrades enhanced our Text to 9-1-1 capabilities, abandoned call handling processes, and wireless caller location capabilities. The District launched SMS text to 9-1-1 during FY 2016 – 2017, and this year's upgrade greatly enhanced this service. The District will ultimately be able to transmit pictures, video or other digital files which can help emergency responders in their effort to provide aid. NG 911 will also enhance 9-1-1 call routing and interoperability with other agencies. The District continues to invest capital to upgrade hardware, software, and networks to provide state-of-the-art emergency communication within our jurisdiction.

If you have any questions after you have looked at this report, please call. I would appreciate your approval of this budget.

Thank you in advance for your attention to this matter.

Sincerely,  
Mark Brown  
Executive Director

Approved \_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
City

\_\_\_\_\_  
Date

## BOARD OF MANAGERS

MARK HANNAN  
Chairman

HUGH ARMSTRONG  
Vice Chairman

BELINDA BROWNLOW  
Secretary

JOHN BECTON

DOUG NICHOLSON

VACANT



# HENDERSON COUNTY 9-1-1 COMMUNICATION DISTRICT

621 South Palestine Street  
P.O. BOX 230  
ATHENS, TX 75751-0230



MARK BROWN, EXECUTIVE DIRECTOR  
EMAIL: [mbrown@hctx911.org](mailto:mbrown@hctx911.org)  
PHONE 903.675.3911  
FAX 903.677.3904

## NOTE:

Included with this cover letter from the Commissioner's Court file:

1. The Budget summary page
2. The Budget detail page
3. The Five Year Capital Asset page from the commissioners file.

### BOARD OF MANAGERS

MARK HANNAN  
Chairman

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Vice Chairman

BELINDA BROWNLOW  
Secretary

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DOUG NICHOLSON

VACANT

Henderson County 9-1-1 Communication District  
**Available Funds and Budget Summary**  
 Fiscal Year May 1, 2018 thru April 30, 2019

<b>AVAILABLE FUNDS (all projected)</b>		
Beginning Total Cash Assets - May 1, 2020		\$3,508,806
Receipts::		
Service Fees:		
VOIP		105,000
Wireless		420,000
Wireline		155,000
Total Service Fees		\$680,000
Interest Income		50,000
<b>Total Receipts</b>		<b>\$730,000</b>
<b>OPERATIONAL EXPENSE BUDGET</b>		
Operations Expense Budget		\$564,550
Capital Expense Budget		\$101,500
<b>Total Operations &amp; Capital Expense Budget</b>		<b>\$666,050</b>
Ending Total Cash Assets - April 30, 2021		\$3,623,806

Henderson County 9-1-1 Communication District  
**Operational Budget - Income and Expenses**  
 Fiscal Year May 1, 2020 thru April 30, 2021

<b>INCOME</b>	
User Fees:	
VOIP	\$ 105,000.00
Wireless	\$ 420,000.00
Wireline	\$ 155,000.00
Interest	\$ 50,000.00
<b>TOTAL INCOME</b>	<b>\$ 730,000.00</b>
<b>EXPENSES</b>	
<b>Operations &amp; Capital Expenses:</b>	
Business Office -Communications	\$ 6,000.00
Business Office-Janitor/Grounds	\$ 5,250.00
Business Office - Maintenance	\$ 2,500.00
Conferences & Meetings	\$ 10,000.00
Dues, Subscriptions & Fees	\$ 3,000.00
Education & Training – Dispatch	\$ 4,000.00
Education & Training - VFD	\$ 4,000.00
Equipment Maintenance - Buss Ofc	\$ 1,000.00
Equipment Maintenance - PSAP	\$ 77,000.00
Equipment Upgrade – Buss Ofc	\$ 1,500.00
Equipment Upgrade–PSAP Current	\$ 100,000.00
Equipment Upgrade–PSAP Future	\$ -
Code Red	\$ 15,000.00
Insurance – Commercial + D&O	\$ 4,500.00
Mapping Hardware/Software	\$ 5,000.00
911 Network & Database	\$ 227,000.00
Payroll & Benefits	\$ 157,000.00
Phase I & II	\$ 3,000.00
Postage & Delivery	\$ 1,000.00
Professional Fees – Auditor & Consultant	\$ 7,000.00
Public Education	\$ 1,000.00
Public Notice	\$ 500.00
PR / Recognition / Events	\$ 2,000.00
Road Signs	\$ 800.00
Supplies – Buss Ofc & PSAPs	\$ 4,000.00
TCDRS - District Contribution	\$ 15,000.00
Texas 911 Alliance	\$ 3,500.00
Travel	\$ 1,250.00
Utilities	\$ 4,250.00
	0
<b>TOTAL EXPENSES</b>	<b>\$666,050.00</b>

**HENDERSON COUNTY 9-1-1 COMMUNICATIONS DISTRICT**

<b>Previous Capital Asset Expenditures</b>			
<u>Date</u>	<u>Check</u>	<u>Amount</u>	<u>Capital Asset Description</u>
3/25/2009	5499	\$3,145.45	Centurylink – replace SO 3 Monitors
3/31/2009	5506	\$18,929.06	Centurylink – replace GNBL PD & SO workstations
4/20/2009	5517	\$14,368.06	Centurylink – replace Athens PD & FD workstations
9/30/2009	5904	\$41,710.00	GeoComm GeoLynk GIS mapping software-installment 1
9/9/2009	5887	\$2,000.00	ESRI GIS annual user fee
1/20/2010	5975	\$41,710.00	GeoComm GeoLynk GIS mapping software-installment 2
2/15/2010	5987	\$26,135.15	Plant/CML 3 year maintenance contract (manufacturer support)
2/19/2010	5995	\$13,885.99	B5.0 software upgrade, replace Smart workstation & Training workstn
3/5/2010	6006	\$24,082.00	GeoComm GeoLynk GIS mapping software-installment 3
12/3/2010	6167	\$1,567.52	My IT – replace Pat's PC
1/18/2011	6208	\$7,841.00	UPS replacement GNBL PD & Hndr CO SO
1/18/2011	6191	\$2,985.48	Replaced Business Office Stats Computer
2/17/2011	5215&17	\$1,735.00	Electrical Installation of PD & SO UPS units
1/26/2011	6215	\$24,515.70	VFD pager replacement
7/6/2011		\$4,000.00	UPS replacement Athens PD
7/7/2011	6307	\$800.00	Electrical Installation of PD UPS unit
7/8/2011	6309	\$60.00	Freight to drop ship PD UPS unit
8/2011	multiple	\$78,165.25	Land Purchase, survey, legal, etc.
7/1/2012	multiple	\$517,094.00	9-1-1 District Business Office – land & building
10/23/2012	6637/6828	\$136,272.00	Geo Comm - address point layer project
8/20/2013	6839	\$15,295.00	Athens PD PSAP Logger/Recorder
9/10/2013	6872	\$10,846.00	Henderson County SO PSAP Logger/Recorder
5/1/2014	6996	\$13,000.00	Gun Barrel City PD PSAP Logger/Recorder
10/7/2014	7101	\$5,289.41	Security cage and power for 911 call processing servers
12/1/2014	multiple	\$3,500.00	Henderson County SO PSAP replace UPS batteries
4/2/2015	7210	\$471,757.96	Replaced 911 call processing/mapping equipment
6/5/2014	multiple	\$1,580.00	Athens PD UPS replacement
7/19/2015	7277	\$2,795.67	Gun Barrel City PD UPS replacement
Monthly	multiple	\$18,277.00	MRC IP MPLS, server co-lo space, 911 maintenance, circuits/database
5/2/2016	7460	\$557.37	Athens Fire Dept - Grant for PC purchase to receive dispatch text messages
10/1/2016	cc	\$1,022.96	Henderson County SO PSAP upgrade dispatcher headsets
12/9/2016	cc	\$1,560.00	Henderson County SO PSAP dispatcher training-Sam Houston State University
5/15/2017	7686	\$1,796.00	ALI system router replacement
4/16/2018	7933	\$885.19	Henderson County SO Headsets
11/6/2018	8066	\$7,179.00	Henderson County SO Chairs
11/15/2018	8075	\$3,456.00	UPS Service @ APD, GBPD, HCSO
12/6/2018	8084	\$5,199.00	UPS Batteries & Fan @ APD, GBPD, HCSO
3/8/2019	8148	\$22,945.00	Vesta Analytics Upgrade
3/8/2019	8149	\$1,425.00	APD Touchscreens
5/21/2019	8205	\$9,411.30	District Office computer system upgrade
5/29/2019	8220	\$118.92	APD Headset
6/17/2019	8245	\$1,034.99	Henderson County SO Headsets
7/23/2019	8251	\$3,806.54	District Office computer system upgrade
9/26/2019	8292	\$3,750.00	TXT to 9-1-1 modems
4/30/2020	TBD	\$17,611.25	APD Recorder
4/30/2020	TBD	\$556,509.45	PSAP and host system upgrade
		\$2,141,610.67	Sub Total

HENDERSON COUNTY 9-1-1 COMMUNICATIONS DISTRICT

----- MULTI YEAR MASTER PLAN -----		
<b>Future Capital Asset Expenditures</b>		
2020	\$40,000	Upgrade Logger/Recorders
2021	\$100,000	Upgrade GIS systems
2021	\$150,000	Replace UPS's
2022	\$500,000	Upgrade to an NG9-1-1 Network Service
2022	\$50,000	Update Logger/Recorder
2025	\$700,000	Upgrade 9-1-1 Call Handling System
	\$1,540,000	Sub Total



## Agenda Memorandum

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**Agenda Date:** April 13, 2020

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**DEPARTMENT:** Administration

**CONTACT:** Elizabeth Borstad, City Manager

**SUBJECT:** Consider nominating two candidates to the Board of Managers, Henderson County 9-1-1 Communication District

**SUMMARY:** The Health and Safety Code Title 9, Chapter 772, the Board of Managers is requesting that you vote for candidate Belinda Brownlow and John Becton or nominate candidates of your choice.

**BACKGROUND:** n/a

**ISSUE:** n/a

**ALTERNATIVES:** n/a

**FISCAL IMPACT:** n/a

**RECOMMENDATION:** Staff recommends voting for Belinda Brownlow and John Becton to serve on the Board of Managers, Henderson County 9-1-1 Communication District.

# HENDERSON COUNTY 9-1-1 COMMUNICATION DISTRICT

621 South Palestine Street  
P.O. BOX 230  
ATHENS, TX 75751-0230



MARK BROWN, EXECUTIVE DIRECTOR  
EMAIL: mbrown@hctx911.org  
PHONE 903.675.3911  
FAX 903.677.3904

Dear Mayor:

March 27, 2020

It is time for the two members of the Board of Managers, Henderson County 9-1-1 Communication District, appointed by the incorporated cities of Henderson County to be appointed for a new two year term.

The Henderson County 9-1-1 Communication District would like to express our appreciation for the service of the two members of our Board appointed by the Mayors. Belinda Brownlow and John Becton have served a vital role in the continued enhancement of the 9-1-1 system and their interest and input has made the task more effective for all.

Mrs. Brownlow JP Pct. 5 and owns and operates an insurance company in Malakoff. Mr. Becton owns and operates a specialty advertising company in Murchison.

The terms for both Mrs. Brownlow and Mr. Becton expire April 31<sup>st</sup>. We are pleased to report that Mrs. Brownlow and Mr. Becton both wish to continue to serve on the Board. The Henderson County 9-1-1 District Board of Managers therefore respectfully requests the Henderson County Mayors reappoint both of these individuals for an additional two year term.

In accordance with the provisions of the Health and Safety Code Title 9, Chapter 772, the Board of Managers is requesting that you vote for candidate Belinda Brownlow and John Becton or nominate candidates of your choice.

( ) Belinda Brownlow

( ) John Becton

Additional nominee ( ) \_\_\_\_\_

Please mark your ballot and return. Please let me know if I can offer any additional information which will be of benefit in this matter.

Sincerely,

By: \_\_\_\_\_

City: \_\_\_\_\_

Date: \_\_\_\_\_

Mark Brown  
Executive Director

## BOARD OF MANAGERS

MARK HANNAN  
Chairman

HOUGH ARMSTRONG  
Vice Chairman

BELINDA BROWNLOW  
Secretary

JOHN BECTON

DOUG NICHOLSON

VACANT



## Agenda Memorandum

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**Agenda Date:** April 13, 2020

---

**DEPARTMENT:** Development Services

**CONTACT:** Audrey Sloan, Director of Development Services

**SUBJECT:** Discuss/consider a request from Crone Builders, LLC for approval of the final plat of Tracts 25, 25G, 25G-1, 25G-2 and 25G-3 of the William Trimmer Survey A-758, also known as Property ID R19776 located at the southeast corner of CR 4500 and CR 4628.

**SUMMARY:** The proposal is to subdivide the property for residential use.

**BACKGROUND:** This property is located in the City's extraterritorial jurisdiction (ETJ) south of the Loop in between South State Highway 19 and the airport.

The owner is subdividing the property into 5 tracts for residential use. The plat is compliant with the City's zoning and subdivision ordinances.

The Planning & Zoning Commission recommended approval of the plat.

**ISSUE:** n/a

**ALTERNATIVES:** n/a

**FISCAL IMPACT:** n/a

**RECOMMENDATION:** Consider approving the final plat of Tracts 25, 25G, 25G-1, 25G-2 and 25G-3 of the William Trimmer Survey A-758, also known as Property ID R19776 located at the southeast corner of CR 4500 and CR 4628.



# Final Plat

**Applicant:**  
**Crone Builders, LLC**

Tracts 25, 25G, 25G-1, 25G-2  
& 25G-3

William Trimmer Sur, A-758

CR 4500 & CR 4628



# Final Plat

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**Applicant:**  
**Crone Builders, LLC**

Tracts 25, 25G, 25G-1, 25G-2  
& 25G-3

William Trimmer Sur, A-758

CR 4500 & CR 4628



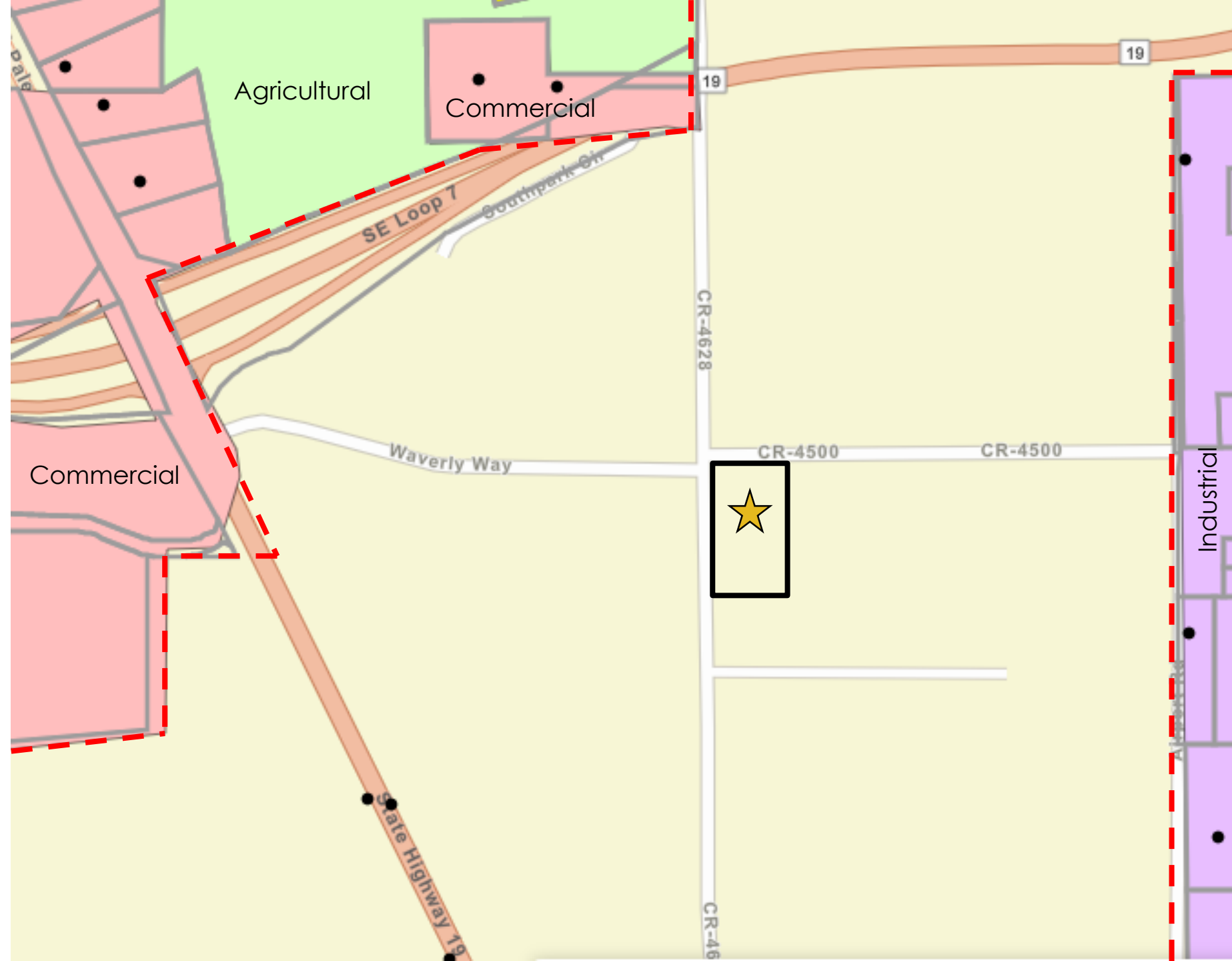
# Final Plat

**Applicant:**  
**Crone Builders, LLC**

Tracts 25, 25G, 25G-1, 25G-2  
& 25G-3

William Trimmer Sur, A-758

CR 4500 & CR 4628



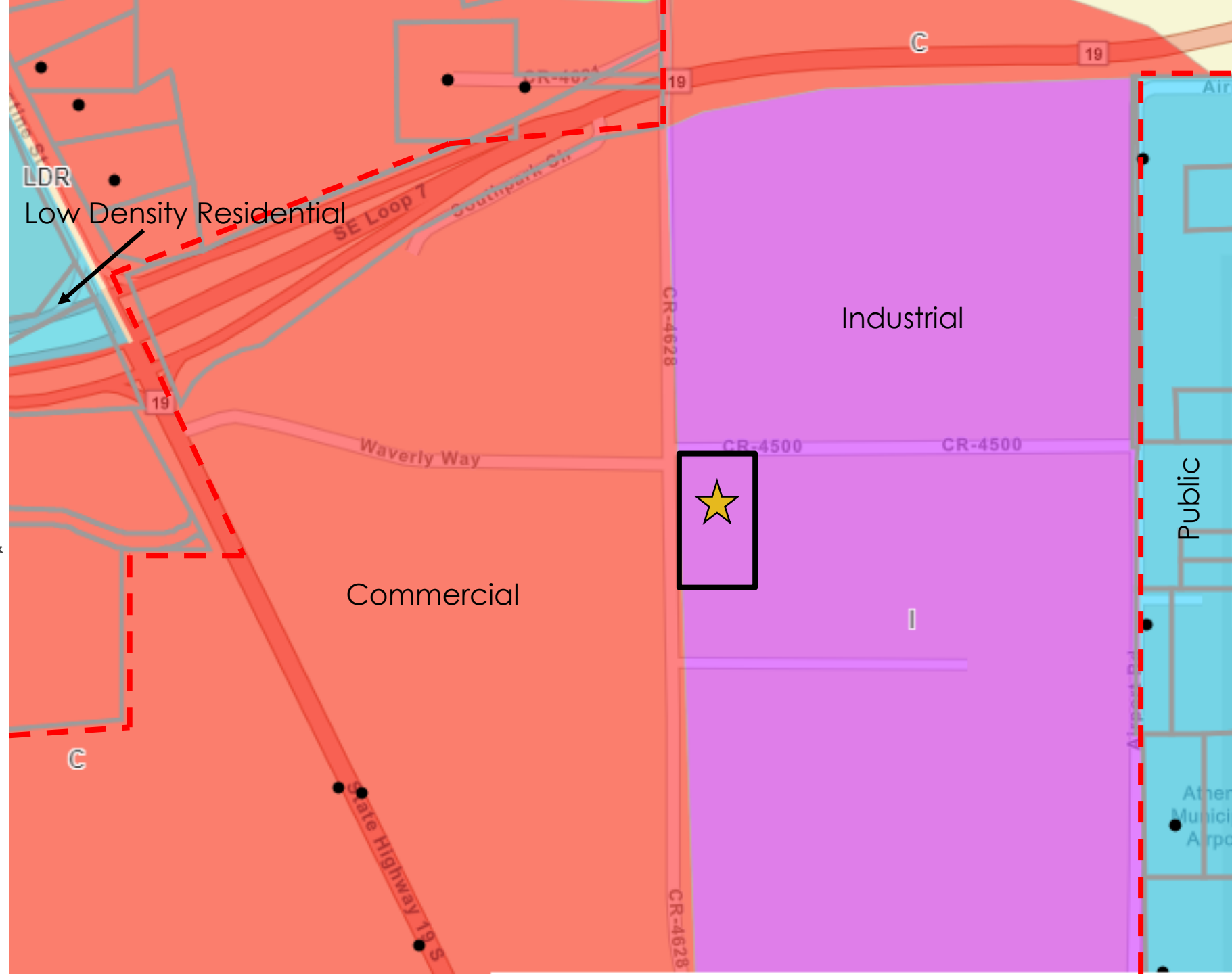
# Final Plat

**Applicant:**  
**Crone Builders, LLC**

Tracts 25, 25G, 25G-1, 25G-2 &  
25G-3

William Trimmer Sur, A-758

CR 4500 & CR 4628



WATER PROVIDED BY VIRGINIA HILL WATER SUPPLY CORPORATION  
707 EAST COLLEGE STREET, ATHENS, TEXAS 75751 903-675-7487

ON-SITE SEWAGE FACILITY  
THIS SUBDIVISION IS REGULATED BY THE CODE OF ORDINANCES OF THE CITY OF ATHENS, TEXAS AND LOCAL GOVERNMENT CODE CHAPTER 48, EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES AND LOCAL GOVERNMENT CODE CHAPTER 212, MUNICIPAL REGULATION OF SUBDIVISIONS AND PROPERTY DEVELOPMENT.

Scale: 1" = 60'

HENDERSON COUNTY, TEXAS  
REPLAT  
TRACT 25  
CREATING TRACTS 25, 25-G, 25-G1,  
25-G2 AND 25-G3  
WILLIAM TRIMMER SURVEY, A-758

LEGAL DESCRIPTION OF LAND. ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN HENDERSON COUNTY, STATE OF TEXAS, ON THE WILLIAM TRIMMER SURVEY, A-758, AND BEING ALL OF THE CALLED 3.00 ACRE TRACT CONVEYED TO CRONE BUILDERS LLC, BY GARY J. CRONE AND WIFE, PAMELA J. CRONE, BY GENERAL WARRANTY DEED DATED APRIL 11, 2019 AND RECORDED UNDER INSTRUMENT NUMBER 2019-00004910, OF THE HENDERSON COUNTY OFFICIAL RECORDS.

WE, CRONE BUILDERS LLC, DO HEREBY DECLARE THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN HEREON AND DO HEREBY ACCEPT THIS PLAN FOR SUBDIVIDING SAME, DEDICATING ALL EASEMENTS SHOWN HEREON TO THE PUBLIC FOR EVER.

Crone Builders, LLC, by Gary J. Crone  
P.O. BOX 753,  
GENTRY ARKANSAS, 72734

SUBSCRIBED AND SWORN TO BEFORE ME A NOTARY PUBLIC IN AND FOR HENDERSON COUNTY, TEXAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

NOTARY PUBLIC

APPROVED BY THE ATHENS PLANNING AND ZONING COMMISSION THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2020

CHAIRMAN

SECRETARY

APPROVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TEXAS, THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2020

APPROVE \_\_\_\_\_ MAYOR

ATTEST \_\_\_\_\_ CITY SECRETARY

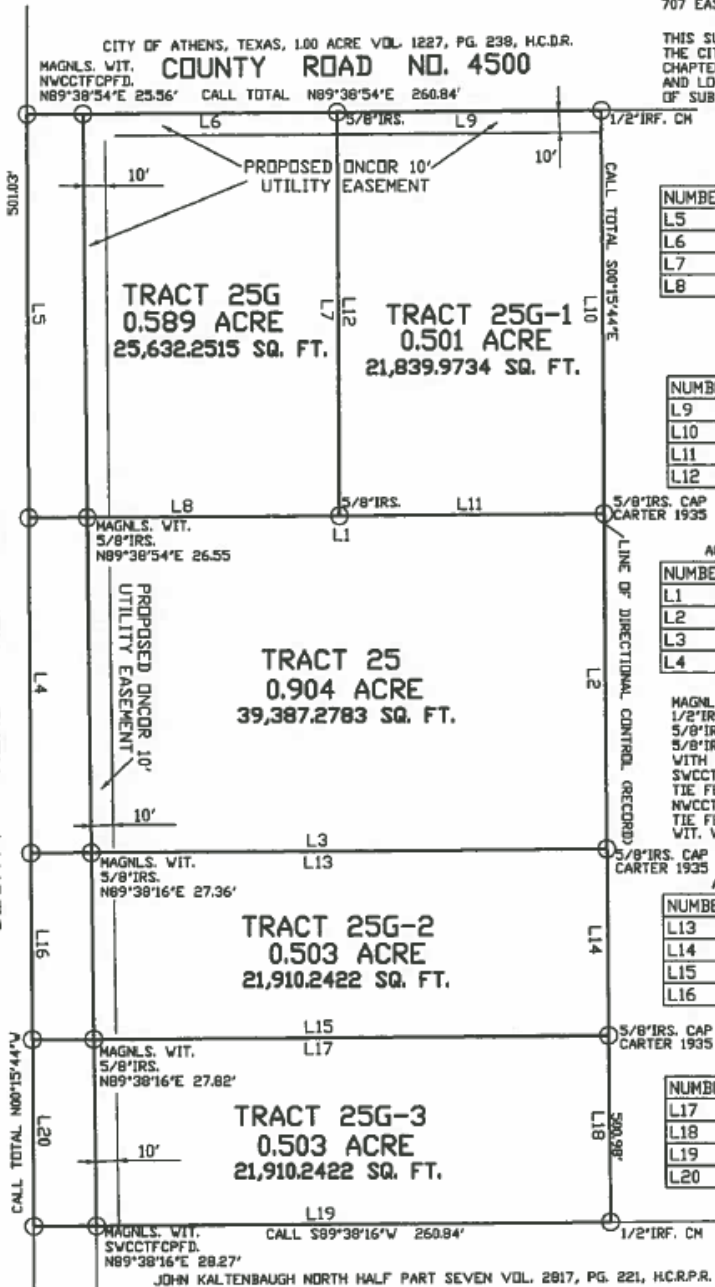
I, COUNTY CLERK FOR HENDERSON COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FORGING PLAT WAS FILED IN MY OFFICE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

COUNTY CLERK

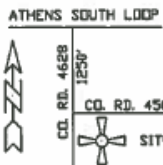
THIS TRACT LIES IN ZONE X, AREA OF MINIMAL FLOOD HAZARD, ACCORDING TO FIRM MAP NUMBER 48213C0340E, COMMUNITY PANEL NUMBER 4811740340E EFFECTIVE DATE APRIL 5, 2010.

SURVEY REVISED APRIL 3, 2020  
SURVEY COMPLETED IN FEBRUARY, 2020

*Geard A. Carter*  
Geard A. Carter, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1935  
GEARD A. CARTER AND ASSOCIATES LAND SURVEYORS  
TEXAS LICENSED SURVEYING FIRM NO. 10068300  
100 BEL-AIR DRIVE ATHENS, TEXAS 75751 903-675-7346  
SURVEY FOR CRONE BUILDERS



RODICE BANE AND WILLIAM CRAIG MURHEAD 6439 ACRE FIRST TRACT INSTRUMENT NUMBER 2016-00006148, HENDERSON COUNTY OFFICIAL RECORDS.





## Agenda Memorandum

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**Agenda Date:** April 13, 2020

---

**DEPARTMENT:** Development Services

**CONTACT:** Audrey Sloan, Director of Development Services

**SUBJECT:** Consider the first reading of a request from Rodney Session for approval of a zoning change from Agriculture (A) to Single Family – 5 (SF-5) and a Specific Use Permit for a manufactured home for Lot 5 of the F. M. Coker Tract, B. C. Walters Survey A-797, also known as 907 Cream Level Road.

**SUMMARY:** The zoning change and specific use permit (SUP) is requested in order to install a manufactured home on the property.

**BACKGROUND:** This property is located on Cream Level Road and the current zoning of the property is Agriculture.

The owner is proposing to install a 1,568 square foot doublewide manufactured home on the property. The use of manufactured homes requires a SUP according to the zoning ordinance. In addition, a zoning change to Single Family – 5 is requested because the lot does not meet the minimum square footage requirement of one (1) acre for Agriculture zoned lots. The lot is only 0.5 acres.

Letters of notification were sent to the seven (7) surrounding property owners within two hundred (200) feet. No responses were returned.

The Future Land Use Plan designates this area as Low Density Residential.

The Planning & Zoning Commission voted unanimously to approve the request.

**ISSUE:** n/a

**ALTERNATIVES:** n/a

**FISCAL IMPACT:** n/a

**RECOMMENDATION:** Consider the first reading of a zoning change from Agriculture (A) to Single Family – 5 (SF-5) for Lot 5 of the F. M. Coker Tract, B. C. Walters Survey A-797, also known as 907 Cream Level Road.

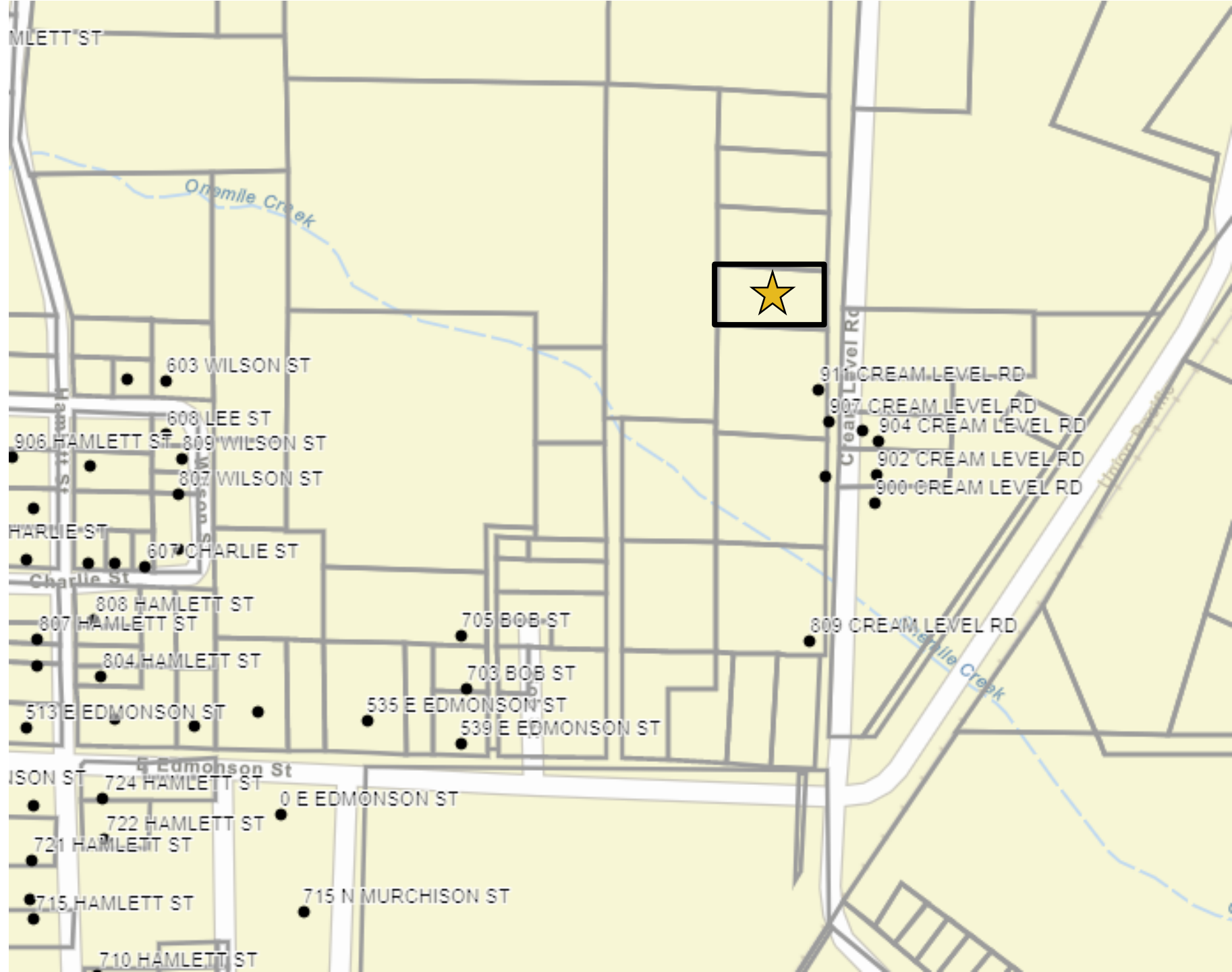
# Zoning Change & SUP

**Applicant:  
Rodney Session**

Lot 5, F. M. Coker Tract

B. C. Walters Sur, A-797

907 Cream Level Rd



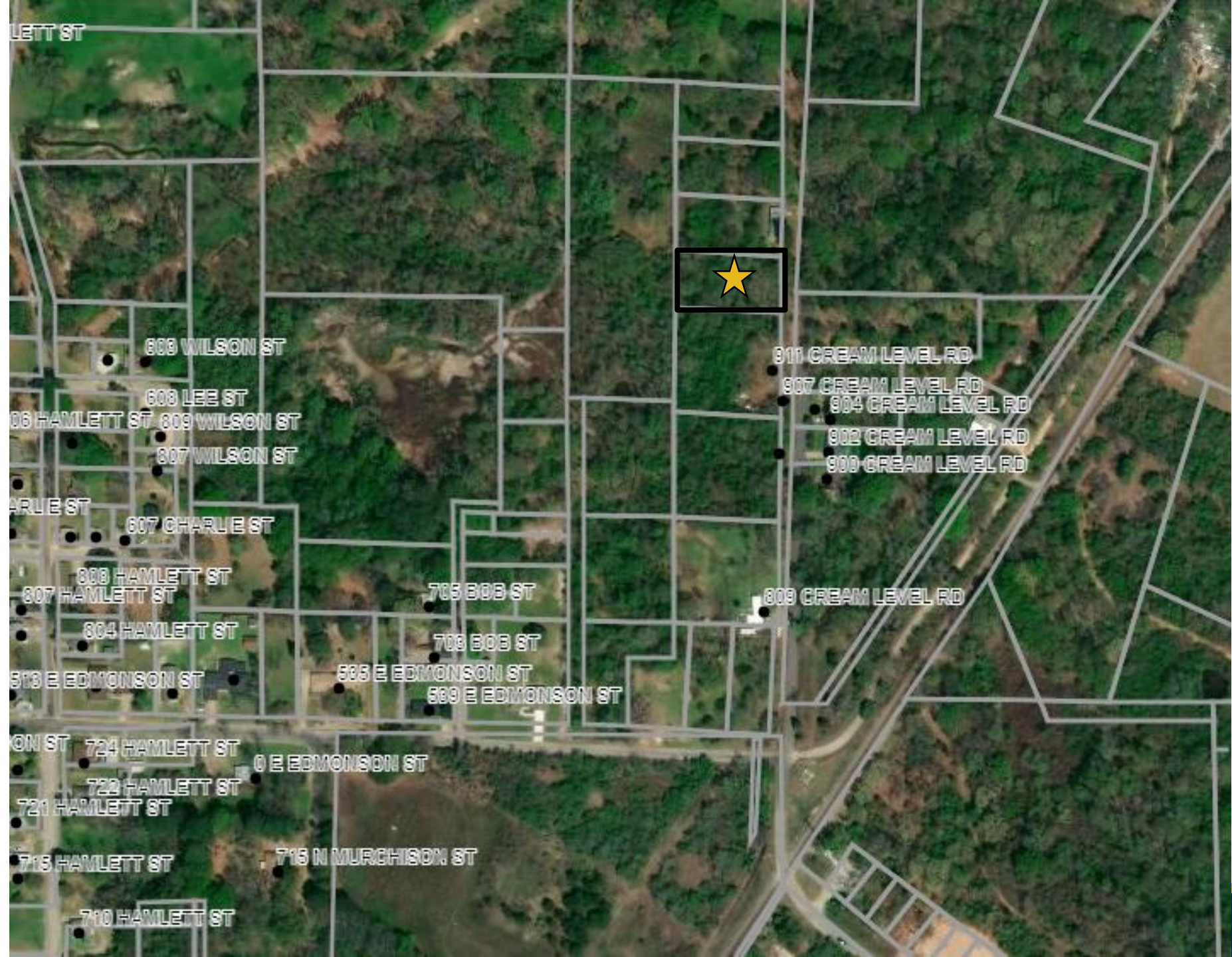
# Zoning Change & SUP

**Applicant:  
Rodney Session**

Lot 5, F. M. Coker Tract

B. C. Walters Sur, A-797

907 Cream Level Rd





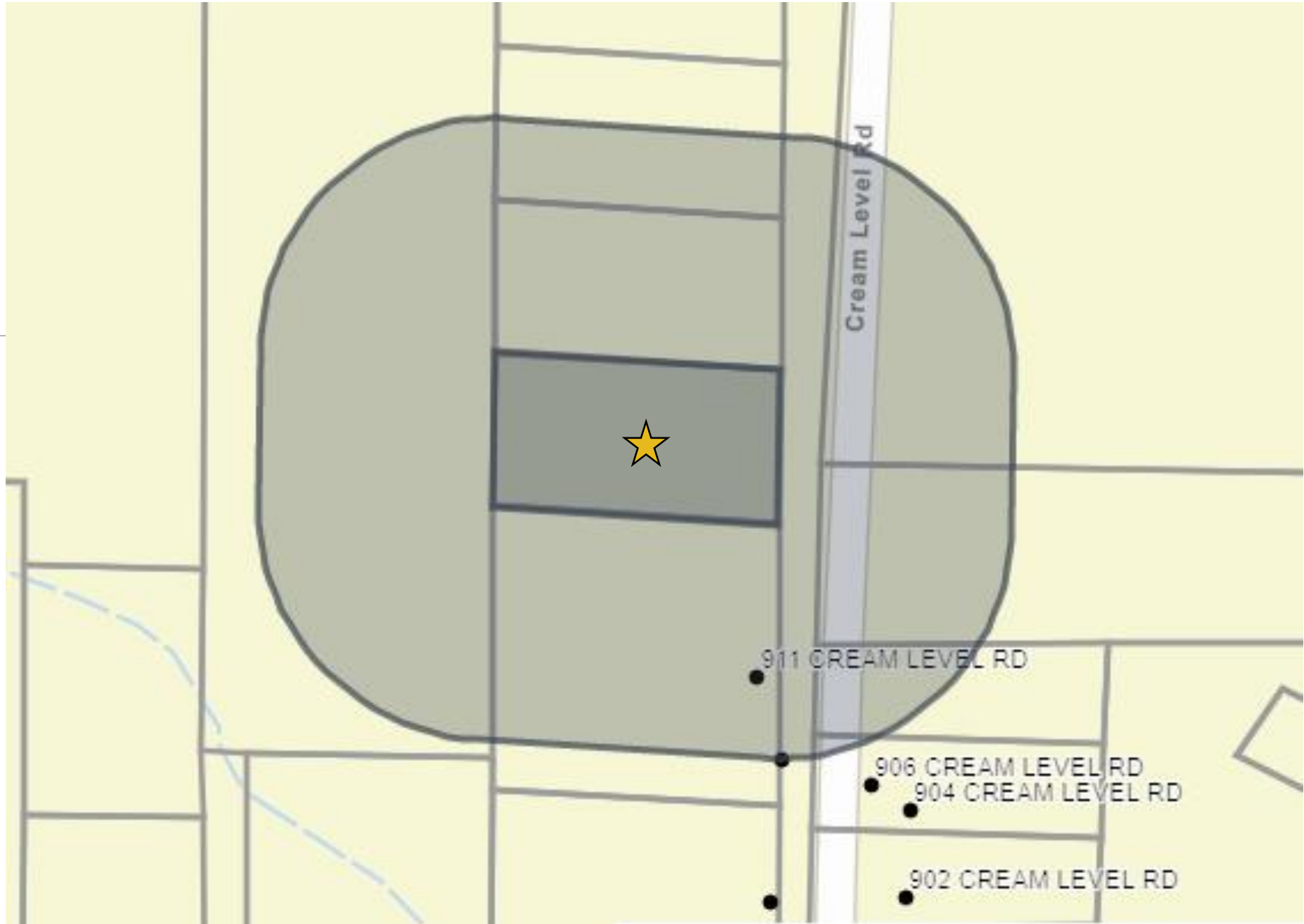
# Zoning Change & SUP

**Applicant:  
Rodney Session**

Lot 5, F. M. Coker Tract

B. C. Walters Sur, A-797

907 Cream Level Rd



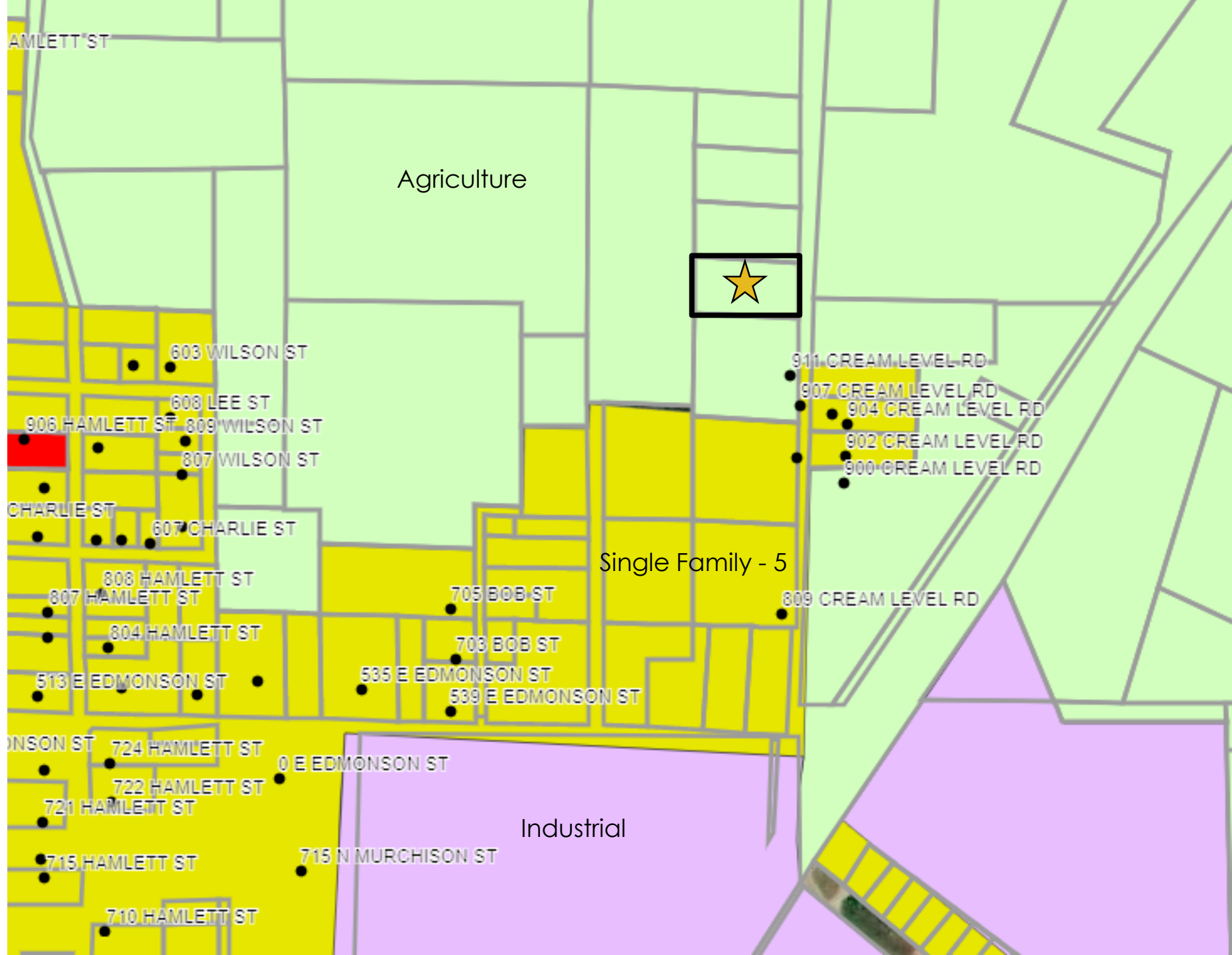
# Zoning Change & SUP

**Applicant:  
Rodney Session**

Lot 5, F. M. Coker Tract

B. C. Walters Sur, A-797

907 Cream Level Rd



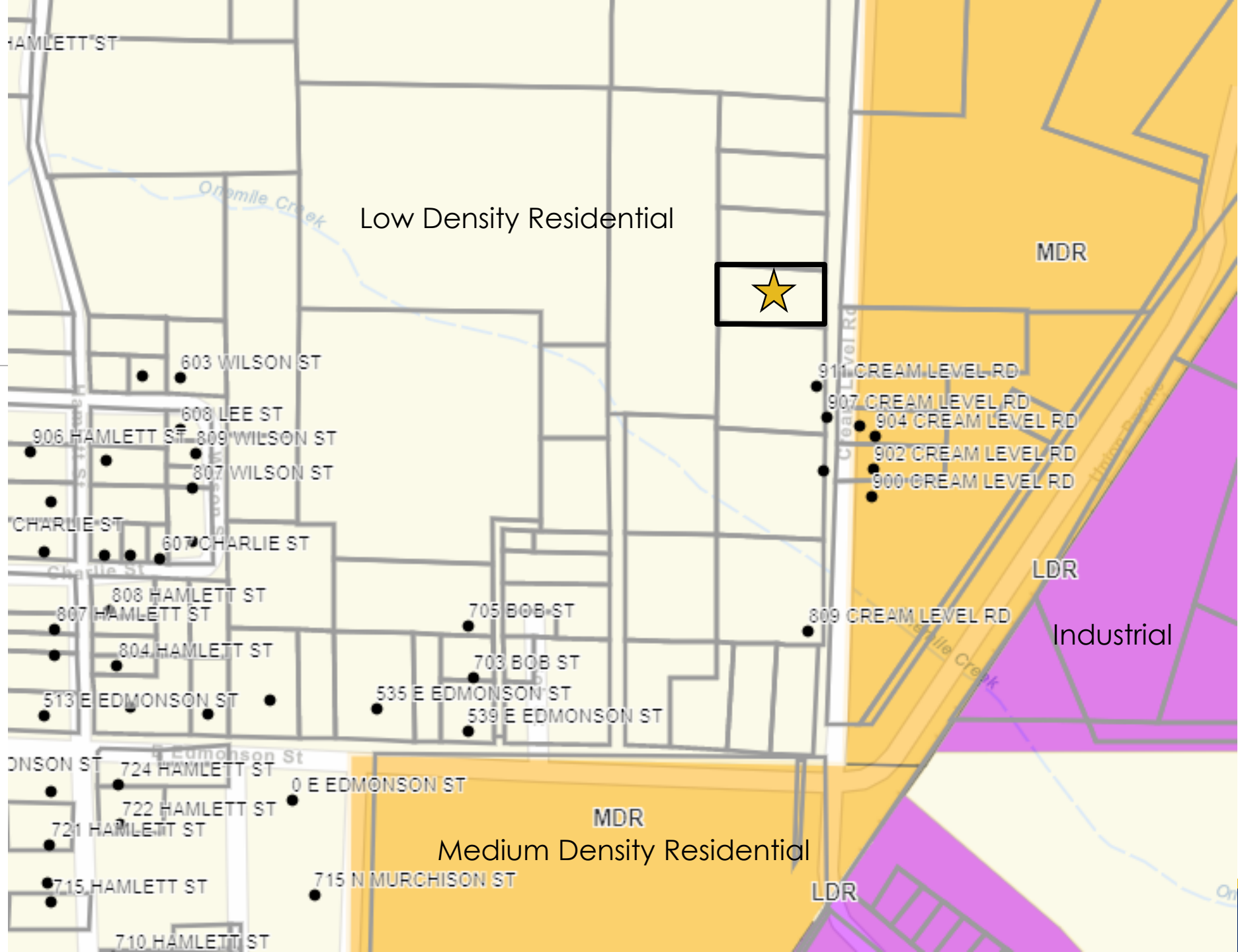
# Zoning Change & SUP

**Applicant:  
Rodney Session**

Lot 5, F. M. Coker Tract

B. C. Walters Sur, A-797

907 Cream Level Rd



ORDINANCE 2020-O-

**AN ORDINANCE AMENDING THE ZONING MAP DESCRIBED IN CHAPTER I, SECTION 3 OF THE ZONING ORDINANCE OF CITY OF ATHENS, TEXAS, BY APPROVING A ZONING CHANGE FROM AGRICULTURE TO SINGLE-FAMILY – 5 AND A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on the 6<sup>th</sup> day of April 2020, the Planning and Zoning Commission of the City of Athens, Texas after due notice and hearing did hereby vote to recommend approval of the zoning change from Agriculture (A) to Single-Family – 5 (SF-5) and a Specific Use Permit for a manufactured home for the below described property owned by Rodney Session:

Lot 5  
F. M. Coker Tract  
B. C. Walters Survey, Abstract 797  
also known as 907 Cream Level Road

**WHEREAS**, on the 13<sup>th</sup> day of April 2020, the City Council of the City of Athens, Texas after due notice as required by law, held a public hearing for said site plan and heard from those opposed to said modification and those in favor of same. After the close of the public hearing, the ordinance amendment was read aloud for the first time as required by Article III, Section 3.11 of the City of Athens Charter.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TEXAS**

Section 1. The Zoning Map described in Chapter I, Section 3 of the City of Athens Zoning Ordinance is hereby amended to grant the zoning change from Agriculture (A) to Single-Family – 5 (SF-5) and the Specific Use Permit for a manufactured home for the above described property.

Section 2. Should any clause, phrase, sentence section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences or sections of this Ordinance.

Section 3. Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Athens, Texas.

**PASSED, APPROVED and ADOPTED** this the **27<sup>th</sup>** day of **April 2020** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

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

Voted in favor of the motion \_\_\_\_\_  
Voted against the motion \_\_\_\_\_  
Motion carried \_\_\_\_\_

\_\_\_\_\_  
Monte Montgomery, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Hambrick, City Secretary