

REGULAR SESSION

MARCH 27, 2017

The City Council of the City of Athens met in Regular Session on Monday, March 27, 2017, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 W. Corsicana St., Athens, Texas with the following members present, to-wit:

Jerry D. Vaught, Mayor
Tres Winn, Mayor Pro-Tem
Joe Whatley
Ed McCain
Aaron Smith

Philip Rodriguez, City Manager
Bonnie Hambrick, City Secretary
Blake Armstrong, City Attorney

others present: Ryan Adams, Thanasis Kombos, Barbara Holly, Gary Whittle, John McQueary, Buddy Hill, Adrianna Hinds, Carol Morton, Bob and Peggy Gould, Willy Robson, John Cain, Ellen Key, Kevin and Jeaneane Lilly, Berta Winn, Monte Montgomery, Chet Patel, Toni Clay, Michael Hannigan, Rich Flowers, Will Traxson and other interested citizens;

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

INVOCATION

The invocation was given by Gary Whittle.

DECLARATION OF CONFLICT OF INTEREST

Councilmember Smith filed a Conflict of Interest concerning agenda item #7 “Discussion of Annexation and all related matters”.

PROCLAMATION – KEEP AMERICA BEAUTIFUL, INC.

Mayor Vaught read aloud a Proclamation for Keep America Beautiful, Inc.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE MARCH 13, REGULAR SESSION
- b) CONSIDER A RESOLUTION AFFIRMING THE PUBLIC PURPOSE OF AID PROVIDED TO OUTSIDE ORGANIZATIONS
- c) CONSIDER A RESOLUTION ADOPTING THE 2017 STRATEGIC MAP AS THE CITY OF ATHENS CITY COUNCIL’S PRIORITIES AND AS THE TWO YEAR PLAN OF WORK FOR THE CITY

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

CITIZENS COMMUNICATIONS

There was no discussion.

MANAGING DIRECTORS – REPORTS AND PROJECT UPDATES

- a) ADMINISTRATIVE SERVICES

Ryan Adams, Managing Director of Administrative Services, provided the following updates:

1. Senate Bill 2 (Revenue Cap) has passed. He further explained the bill will require an election if a local government entity wanted to increase some its tax collections by five (5%) percent Revenue Cap
2. Finance migration of financial software to the CLOUD is almost complete
3. Two (2) weeks away from Pre-Construction meeting with A & M Construction and Utilities for the rehabilitation of the Faulk Street Elevated Storage Tank and Clearwell
4. Water Model and Water Treatment Plant Optimization Study are progressing

Mayor Vaught announced the City is in compliance with the HAA5 levels with TCEQ. There was a round of applause. The Mayor thanked City Staff and the Water Department for all their hard work.

Philip Rodriguez, City Manager, further stated the drinking water is safe, clean and it's in compliance.

b) DEVELOPMENT SERVICES

Barbara Holly, Managing Director of Development Services, provided the following updates:

1. Athens Commons on Highway 19 is underway
2. ABC Auto is underway
3. New medical facility going in on North Prairieville that will provide indigent care
4. Park Nineteen on South Nineteen has new contractors on line and working on roadway again
5. Fluker lot has been cleaned up
6. Sav-A-Lot has contracts out to do fencing of their outside storage items behind a privacy fence
7. All Athens Independent School campuses are currently under permit
8. Working with Mobile Food Vendors to ensure compliance
9. Visibility for Southbound traffic on Ben Belt has been resolved. The mulch was removed today
10. February eighteen (18) permits issued totaling \$10 million dollars
11. Sixty three (63) year to date permits totaling \$15,581 million dollars
12. Two (2) new houses for \$370,000
13. In house inspector has done one hundred and twelve (112) inspections, which has saved the city \$8,960

c) COMMUNITY SERVICES

Thanasis Kombos, Managing Director of Community Services, provided the following updates:

1. Last bricks laid for the Cain Park Softball project, substantially complete
2. Athens Kiwanis Club Park Renovation has begun
3. O.D. Baggett Park received \$75,000 grant from Texas Parks and Wildlife Department
4. 2017 Street Rehabilitation and Overlay Program is underway
5. Airport Planning and Advisory Committee conducted its final meeting for the Airport Master Plan and recommended approval of the Master Plan
6. Final executed contract has been received for Texan Theater Project and is being reviewed

DISCUSSION OF ANNEXATION AND ALL RELATED MATTERS

Mr. Rodriguez stated that annexation is part of the Strategic Map. He stated the Council has not developed the full plan for annexation as the Strategic Map is a two year work plan. Mr. Rodriguez explained annexation by stating cities may annex territory to provide future growth areas with municipal services to protect the public health, safety and welfare.

Mr. Rodriguez stated, "We'll look to annex vacant, unoccupied lands with an eye for future commercial growth". He further stated that land annexed is not likely to include developed residential subdivisions.

There was further discussion regarding annexation and an opportunity for citizens to comment.

PUBLIC HEARING RECOMMENDING APPROVAL OF CHANGES TO CHAPTERS 4 AND 5 OF THE CODE OF ORDINANCES, AND THE ZONING ORDINANCE TO ELIMINATE FARMING AND RANCHING OPERATIONS FROM RESIDENTIAL ZONING DISTRICTS; ALLOWING NO MORE THAN SIX HENS AS BACKYARD CHICKENS, OR ONE HORSE PER ACRE IN RESIDENTIALLY ZONED DISTRICTS; ESTABLISHING A MAXIMUM NUMBER OF FARM ANIMALS ALLOWED PER ACRE IN AGRICULTURAL ZONED LANDS; AND ESTABLISHING THE MINIMUM SIZE OF FUTURE AGRICULTURAL LOTS TO BE FIVE ACRES (Z-03-17-001)

Ms. Holly explained during the City Council's Vision and Planning Session the Council enacted a moratorium on barbed wire fencing specifically because it was being used in residential areas for farming and ranching. She stated currently the Codes do not provide a maximum number of animals that can be placed on the land. Ms. Holly stated that Staff's recommendation is to remove and eliminate farming and ranching operations from residential zoning districts; allowing no more than six hens as backyard chickens, or one horse per acre in residentially zoned districts; establishing a maximum number of farm animals allowed per acre in Agricultural zoned lands; and establishing the minimum size of future agricultural lots to be five acres. She further stated anyone that is currently doing this will be grandfathered in.

Mayor Vaught opened the Public Hearing.

Mr. L.D. McCall asked if there was an Ordinance against "sagging". He explained what "sagging" is.

Mayor Vaught explained the public hearing is pertaining to the Agriculture Ordinance. Mr. McCall was allowed to speak.

Mr. Rodriguez explained that the Mayor and Council are unable to respond to items that are not specifically on the agenda. He advised Mr. McCall that the City Council drives the agenda process and to contact City Hall for further direction.

Lacey Lowery stated the chickens and roosters were considered as part of Athens' culture and heritage. She asked the Council to consider this as part of the Athens' culture.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE RECOMMENDING APPROVAL OF CHANGES TO CHAPTER 4 AND 5 OF THE CODE OF ORDINANCES, AND THE ZONING ORDINANCE TO ELIMINATE FARMING AND RANCHING OPERATIONS FROM RESIDENTIAL ZONING DISTRICTS; ALLOWING NO MORE THAN SIX HENS AS BACKYARD CHICKENS, OR ONE HORSE PER ACRE IN RESIDENTIALLY ZONED DISTRICTS; ESTABLISHING A MAXIMUM NUMBER OF FARM ANIMALS ALLOWED PER ACRE IN AGRICULTURAL ZONED LANDS; AND ESTABLISHING THE MINIMUM SIZE OF FUTURE AGRICULTURAL LOTS TO BE FIVE ACRES

Bonnie Hambrick, City Secretary read the Ordinance aloud.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVAL OF AN AMENDING REPLAT FOR LOT 6, SOUTHVIEW ADDITION AND A CALLED .879 ACRE TRACT CREATING LOTS 1 AND 2, BLOCK 1, SOUTHVIEW ADDITION NO. 2

Ms. Holly explained the replat is carving out a small piece from the commercial property allowing the adjacent family a larger back yard. She stated all platting comments have been addressed with the Planning Commission unanimously recommending approval of the replat.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve an amending replat for Lot 6, Southview Addition and a called .879 acre tract creating Lots 1 and 2, Block 1, Southview Addition No. 2. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVAL OF AN AMENDING REPLAT FOR LOT 8 AND 9, ROBBINS CREST PARK SUBDIVISION, CREATING LOT 8 R (P-03-17-002 BENCHREST)

Ms. Holly explained the replat is a combination of lots. She stated the owner has discovered the plan they have will not fit on one of the lots. She stated the lots are being combined to create one larger lot on the site. She stated all platting comments have been addressed with the Planning Commission unanimously recommending approval of the replat.

A motion was made by Councilmember Winn, seconded by Councilmember McCain to approve an amending replat for Lot 8 and 9, Robbins Crest Park Subdivision, creating Lot 8 R (P-03-17-002 Benchrest). The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO THE APPROVAL OF THE FOLLOWING ATHENS ECONOMIC DEVELOPMENT CORPORATION (AEDC) COMMUNITY DEVELOPMENT GRANT PROJECTS: – [ECONOMY – L. DENTON]

- a) KEEP ATHENS BEAUTIFUL \$1,500
- b) HENDERSON COUNTY PERFORMING ARTS CENTER \$5,000
- c) ATHENS TEENAGE BASEBALL, INC. \$22,500
- d) HENDERSON COUNTY FAIR PARK \$16,000

Will Traxson, Athens Economic Development Corporation Board Member, explained the Development Grants as follows:

- a) Keep Athens Beautiful \$1,500 replace waste receptacles at Kiwanis Park
- b) Henderson County Performing Arts Center \$5,000 to replace and/or repair A/C-heating units in the original building
- c) Athens Teenage Baseball, Inc. \$22,500 complete field renovations on fields 3 & 4 at Coleman Park
- d) Henderson County Fair Park \$16,000 install more stalls

A motion was made by Councilmember McCain, seconded by Councilmember Winn to approve the following Athens Economic Development Corporation (AEDC) Community Development Grant projects:

Keep Athens Beautiful \$1,500, Henderson County Performing Arts Center \$5,000, Athens Teenage Baseball, Inc. \$22,500, Henderson County Fair Park \$16,000. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
THE APPOINTMENT OF DOROTHY MASON AS ELECTION JUDGE AND
LYNDA MARTIN AS ALTERNATE ELECTION JUDGE FOR THE MAY 6,
2017 CITY OF ATHENS GENERAL ELECTION

Ms. Hambrick explained that the Henderson County Elections Administrator has recommended the appointment of Dorothy Mason as Election Judge and Lynda Martin as Alternate Election Judge for the May 6, 2017 City of Athens General Election.

A motion was made by Councilmember Whatley, seconded by Councilmember Smith to appoint Dorothy Mason as Election Judge and Lynda Martin as Alternate Election Judge for the May 6, 2017 City of Athens General Election. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
AUTHORIZING SUPPLEMENTAL BUDGET APPROPRIATION FOR
ADDITIONAL FUNDING IN THE AMOUNT OF \$40,111.44 FOR THE
PURCHASE OF REPLACEMENT EQUIPMENT FROM CROSSPOINT
COMMUNICATIONS TO REPLACE EQUIPMENT DESTROYED BY
LIGHTENING IN 2015

Buddy Hill, Chief of Police explained that in Fiscal Year 2015 the radio system at the Emergency Operations Center was destroyed by a lightning strike. He stated at the time of the incident, an identical replacement equipment was no longer being manufactured. He further stated an alternative system had to be identified to serve as a replacement and the cost is \$40,111.44 from Crosspoint Communications. Chief Hill stated that an insurance claim had been filed with TML at the time of the loss. He stated that two insurance payments, totaling \$39,637.17, had been received in FY 15, and one insurance payment, in the amount of \$3,654.38, was received in FY 17. Chief Hill said that request for the supplemental budget appropriation was being brought before the council due to some of the insurance proceeds being received in a prior budget year.

A motion was made by Councilmember Whatley, seconded by Councilmember McCain to approve the Supplemental Budget Appropriation for additional funding in the amount of \$40,111.44 for the purchase of replacement equipment from Crosspoint Communications to replace equipment destroyed by lightening in 2015. The motion carried unanimously.

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

1. Councilmember McCain stated that Mayor Vaught spoke to a basketball team and the team went on to win the Regional Tournament the next day
2. Mr. Rodriguez informed the Council that the Quarter Locational Running Annual Average (LRAA) is .056
3. Mr. Rodriguez informed the citizens of the Cain Center Public Forum on April 4, 2017 at 6:00 p.m. at the Development Services Center

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

1. Councilmember McCain asked for more joint meetings with Athens Municipal Water Authority (AMWA). He stated he wants to make this a higher priority moving forward

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 10th DAY OF APRIL, 2017.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary