

SPECIAL SESSION

MARCH 7, 2012

The City Council of the City of Athens met in Special Session on Wednesday, March 7, 2012, 11:30 a.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Randy Daniel, Mayor  
Jerry Don Vaught  
Carol Barton  
Aubrey Jones  
Elaine Jenkins

Pam Burton, City Administrator  
Pam Watson, City Secretary  
Conor Bateman, City Attorney

others present: Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, Haven Cox, Chris Weeks, Jim Ogburn and other interested citizens;

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

The invocation was given by Councilmember Jenkins.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSULTING ENGINEER'S REPORT

A) STATUS REPORT ON CURRENT AND PROPOSED PROJECTS

No report was given.

DISCUSS ITEMS FOR FUTURE AGENDAS;

A) HEAR FROM JIM OGBURN REGARDING PROPOSED ORDINANCE  
ADOPTING REGULATIONS PROHIBITING SMOKING

Jim Ogburn appeared before the Council and expressed his support for the adoption of a Smoking Ordinance and his concerns with second hand smoke. He informed the Council that he owns the property that is currently leased by Eddy's Club, which operates with a 51% license, which means 51% or more of the Club's gross revenue comes from the sale of alcoholic beverages.

Mr. Ogburn proposed that the Council consider an exemption for 51% license holders, with options for their employees to sign a waiver and get education regarding second hand smoke, as well as the requirement that the owners post signage at the entrance of the facility regarding the dangers of second hand smoke.

B) DISCUSS AN ORDINANCE ADOPTING REGULATIONS PROHIBITING  
SMOKING

City Administrator Pam Burton reviewed the recent amendments to the Smoking Ordinance, as prepared by City Attorney Conor Bateman, based upon the Council's direction.

She informed the Council that East Texas Medical Center is requesting that smoking be prohibited fifty (50) ft. from the entrance into the hospital.

Councilmember Jones discussed the definition of a bar, recommending that the gross revenue be changed from a quarterly basis to annual basis, and that 75% of gross revenue being from alcohol sales be changed to 51%.

Councilmember Vaught expressed his desire to see the 75% of gross sales remain, while being in agreement with the 50 ft. prohibition requested by the hospital, feeling that the City can make these changes and be public healthy.

Mr. Ogburn expressed his feelings that 75% of gross sales on an annual basis is very reasonable.

There was discussion concerning smoking in nursing homes and assisted living facilities.

Ms. Burton stated that Staff will proceed with a final draft and make copies available to the public at City Hall.

C) DISCUSS VARIANCE TO CURB AND GUTTER REQUIREMENT FOR PROPERTY LOCATED ON TRACT 257, T. PARMER SURVEY, AS REQUESTED BY KENNETH FARMER (210 N. MURCHISON ST.)

Kenneth Farmer informed the Council that he purchased this property with plans to place a small building on it and he is requesting a variance to allow for a temporary drive. Glen Herriage, Director of Utilities explained that due to the location and topography of the property, he would recommend that the Council not require curb and gutter at this location and the temporary drive be authorized. The item will appear on the agenda Monday, March 12, 2012.

D) DISCUSS WATERLINE IMPROVEMENT PROJECT

This item was removed from the agenda.

E) DISCUSS AUTHORIZING SOLUTIENT GEOSCIENCES, INC. TO PERFORM ANNUAL POST-REMEDIATION MEASURES PERFORMANCE MONITORING AND REPORT IN ACCORDANCE WITH COMPREHENSIVE LANDFILL GAS REMEDIATION PLAN

Mr. Herriage explained that this is the required annual gas monitoring of the old landfill and the item will appear on the agenda Monday.

F) DISCUSS AWARDED BID FOR CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS AT WOOD ST.

Chris Weeks with Velvin & Weeks Consulting Engineers explained that bids for construction of sanitary water and sewer improvements at Wood St. were opened on 2/28/12, recommending that the bid be awarded to low bidder, AAA Sanitation, at a cost of \$291,730.50. Ms. Burton reminded the Council that the Athens Economic Development Corporation previously authorized funding for the project. The item will appear on the agenda Monday.

DISCUSS ITEMS FOR FUTURE CONSENT AGENDA;

A) DISCUSS APPROVING MINUTES OF THE FEBRUARY 22, 2012 SPECIAL SESSION AND FEBRUARY 27, 2012 REGULAR SESSION

B) DISCUSS FINAL READING OF AN ORDINANCE AMENDING SITE PLAN FOR LOT 1, ATHENS CENTERS ECKERDS, OWNED BY EAST TEXAS ONE LP (702 EAST TYLER ST.)

C) DISCUSS FINAL READING OF AN ORDINANCE AMENDING SITE PLAN AND REZONING LOT 26C, B.C. WALTERS SURVEY FROM COMMERCIAL-PLANNED DEVELOPMENT TO COMMERCIAL-PLANNED DEVELOPMENT (SPECIFIC USE PROVISION), OWNED BY JOHN H. BROWN (6051 US HWY. 175 WEST)

D) DISCUSS FINAL READING OF AN ORDINANCE CREATING SITE PLAN AND REZONING LOT 26N, B.C. WALTERS SURVEY FROM COMMERCIAL TO COMMERCIAL (SPECIFIC USE PROVISION), OWNED BY TERESA LEVIN (1150 US HWY. 175 WEST)

These items will appear on the Consent Agenda.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN

There was no discussion and the meeting was adjourned.

PASSED AND APPROVED THIS THE 26<sup>TH</sup> DAY OF MARCH, 2012.

---

Randy Daniel, Mayor

ATTEST:

---

Pam Watson, City Secretary