

SPECIAL SESSION

JUNE 18, 2014

The City Council of the City of Athens met in Special Session on Wednesday, June 18, 2014, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry D. Vaught, Mayor  
Monte Montgomery  
Tres Winn  
Joe Whatley  
Charles Elliott

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

others present: Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, David Hopkins, Haven Cox, Sherri Skeeters, D.J. Warren, Charles Spann and other interested citizens;

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

The invocation was given by Councilmember Montgomery.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

DIRECTOR OF PLANNING & DEVELOPMENT'S REPORT

A) STATUS REPORT ON CURRENT & PROPOSED PROJECTS

Gary Crecelius, Director of Planning & Development, updated on the following projects:

- 1) 300 N. Pinkerton St., being remodeled for seafood restaurant
- 2) Mud Technology, 2610 Hwy. 31 West, issued expansion permit
- 3) New house permitted at 408 Timber Hills
- 4) Arabella of Athens, tentative completion date of August 1
- 5) New house permitted at #3 Crestview
- 6) Golden Chopstix Express, 716 E. Corsicana, progressing
- 7) Cotton Patch Restaurant, 1413 E. Tyler, permitted and dirtwork underway
- 8) 1645 Enterprise St., being remodeled for TDJC building
- 9) Roy's Air Conditioning/Gilbert Electric relocating to 1704 Rocky Ridge Rd.
- 10) Cowboy Church, 902 NE Loop 7, drawings received for 1,000 seat sanctuary expansion
- 11) Liberty Tax, 734 E. Corsicana, permit issued for expansion
- 12) Phase I Environmental performed on old Wulf Sporting property (1220 S. Palestine)

FINANCIAL REPORT

David Hopkins, Director of Finance, presented an updated of the latest sales tax figures.

CONFIRM APPOINTMENT TO CIVIL SERVICE COMMISSION

City Administrator Pam Burton recommended the reappointment of Janice Russell to the Civil Service Commission. A motion was made by Councilmember Elliott, seconded by Councilmember Montgomery to confirm the appointment of Janice Russell to the Civil Service Commission. The motion carried unanimously.

DISCUSS ITEMS FOR FUTURE AGENDAS;

- A) DISCUSS ASSISTANCE WITH PUBLIC RESTROOMS FOR USE DURING  
ATHENS FARMERS MARKET, AS REQUESTED BY D.J. WARREN

D.J. Warren, Market Manager for Athens Farmers Market, stated that this is the first season that they have had to pay for restroom facilities, however, the area that was being utilized is no longer available for public use. She requested any assistance in funding, explaining that she received a discounted rate totaling \$185 per month for a handicap size toilet and hand washing sink from Tidy Toilets. She explained that Athens Farmers Market currently has an average of 24 vendors and a restroom is necessary. After discussion, it was determined that the item will appear on the agenda Monday, 6/23/14.

**B) DISCUSS PUBLIC HEARING AND FIRST READING OF ORDINANCE REZONING LOT 11, BLOCK 113, ATHENS ORIGINAL TOWN FROM SINGLE-FAMILY RESIDENTIAL-5 TO OFFICE, OWNED BY JEFFERY & WEADER ENOCH (726 UNDERWOOD)**

Mr. Crecelius informed the Council that the rezoning of this property was denied by the Zoning Commission on 6/17/14, however, the item could be appealed to the City Council in the near future.

**C) DISCUSS REPLAT OF LOTS 4C & 4D, SOUTH PLATTE SUBDIVISION, LOCATED IN THE CITY OF ATHENS EXTRA-TERRITORIAL JURISDICTION, OWNED BY MATT AND WENDY OTTABERRY AND WILLIAM P. AND EMMA E. TRIMBLE (3675 CR 4804)**

Mr. Crecelius informed the Council that this is a reconfiguration of two (2) lots and the Zoning Commission approved the replat on 6/17/14. The item will appear on the agenda Monday.

**D) DISCUSS REPLAT OF LOTS 211, 212, 213, 214 & 215, OAKWOOD ADDITION, LOCATED IN THE CITY OF ATHENS EXTRA-TERRITORIAL JURISDICTION, OWNED BY ROBERT PEDROLIE (7581 ANGELINA)**

Mr. Crecelius informed the Council that this will replat five (5) lots into one (1) lot, with the Zoning Commission approving the replat on 6/17/14. The item will appear on the agenda Monday.

**E) DISCUSS AUTHORIZING RENEWAL OF LEASE AGREEMENT WITH CARROLL DYSON (DYSON AVIATION COMPANY) FOR CITY OWNED LAND AND IMPROVEMENTS (HANGAR LH#1) AT ATHENS MUNICIPAL AIRPORT**

Mr. Crecelius explained that Mr. Dyson is requesting a two (2) year renewal of his Lease Agreement for Hangar LH#1 at the rate of \$700 per year, with the Airport Advisory Board approving the renewal on 6/03/14. The item will appear on the agenda Monday.

**F) DISCUSS AUTHORIZING RENEWAL OF LEASE AGREEMENT WITH ATHENS JET CENTER FOR CITY OWNED LAND AND IMPROVEMENTS (HANGAR LH#2) AT ATHENS MUNICIPAL AIRPORT**

Mr. Crecelius explained that Athens Jet Center is requesting renewal of their Lease Agreement for Hangar LH#2 at the rate of \$500 per month, with the Airport Advisory Board approving the renewal on 6/03/14. Councilmember Whatley questioned the difference in the cost of Hangar LH#2 and Hangar LH#1, with Mr. Crecelius explaining that they were previously bid out to existing Fixed Base Operators and there was only one (1) bid received for each hangar. Mayor Vaught expressed his feelings that the rate should be the same for both hangars. After discussion concerning the cost, size and renewal options, it was the consensus of the Council that Staff obtain additional information. The item will appear on the agenda Monday.

DISCUSS ITEMS FOR FUTURE CONSENT AGENDA;

- A) DISCUSS APPROVING MINUTES OF THE JUNE 4, 2014 SPECIAL SESSION AND JUNE 9, 2014 REGULAR SESSION
- B) DISCUSS FINAL READING OF AN ORDINANCE ESTABLISHING A CHARGE FOR COLLECTION OF SOLID WASTE TO BE CHARGED FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMERS

These items will appear on the Consent Agenda on Monday.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN RELATING TO THE CITY OF ATHENS

Charles Spann, 702 Mulberry Dr., Athens

- A) Expressed feelings that there needs to be more tweaking on the website concerning minutes and font size when printed.
- B) Encouraged Council to place item on agenda to address the Zoning Ordinance regarding hazardous substances, including ammonium nitrate.
- C) Encouraged Code Enforcement Ordinances to state that the City will enforce their own Ordinances, feeling that they should not be based on complaint basis only.
- D) Expressed his feelings that the Council is not prohibited from speaking to citizens that come before the Council, however, they are prohibited from deliberating.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.074 PERSONNEL MATTERS; DELIBERATION REGARDING THE APPOINTMENT, EMPLOYMENT AND DUTIES OF CITY SECRETARY; AND DELIBERATION REGARDING THE APPOINTMENT, EMPLOYMENT AND DUTIES OF CITY ADMINISTRATOR; AND SECTION 551.071 CONSULTATION WITH ATTORNEY; CONSULTATION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173<sup>RD</sup> JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS; AND CASE NO. 12-14-00017, THE CITY OF ATHENS, TEXAS, A MUNICIPAL CORPORATION OF THE COUNTY OF HENDERSON, TEXAS V. ATHENS MUNICIPAL WATER AUTHORITY, A MUNICIPAL UTILITY DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF TEXAS, IN THE TWELFTH COURT OF APPEALS, TYLER, TEXAS

Mayor Vaught explained that the City Council will only go into Executive Session to discuss Section 551.071 Consultation with Attorney.

The City Council adjourned to Executive Session.

The City Council returned to Special Session.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION REGARDING THE APPOINTMENT, EMPLOYMENT AND DUTIES OF CITY SECRETARY

The Council did not enter Executive Session concerning this item and no action was taken.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION REGARDING THE APPOINTMENT, EMPLOYMENT AND DUTIES OF CITY ADMINISTRATOR

The Council did not enter Executive Session concerning this item and no action was taken.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173<sup>RD</sup> JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS; AND CASE NO. 12-14-00017, THE CITY OF ATHENS, TEXAS, A MUNICIPAL CORPORATION OF THE COUNTY OF HENDERSON, TEXAS V. ATHENS MUNICIPAL WATER AUTHORITY, A MUNICIPAL UTILITY DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF TEXAS, IN THE TWELFTH COURT OF APPEALS, TYLER, TEXAS

No action was taken.

Mayor Vaught stated that two (2) representatives of the City Council will plan to meeting with representatives of Athens Municipal Water Authority to negotiate on litigation and hopefully come to an amicable and fast closure.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 14<sup>TH</sup> DAY OF JULY, 2014.

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Jerry D. Vaught, Mayor

ATTEST:

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Pam Watson, City Secretary