

SPECIAL SESSION

SEPTEMBER 19, 2012

The City Council of the City of Athens met in Special Session on Wednesday, September 19, 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

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, Andrew Hudanish, Tyler Hendrickson, Sarah Hueber, Kim Hodges, James Fielden and other interested citizens;

with the following member absent: Elaine Jenkins;

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

The invocation was given by Councilmember Jones.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSULTING ENGINEER'S REPORT

A) STATUS REPORT ON CURRENT AND PROPOSED PROJECTS

Tyler Hendrickson, Velvin & Weeks Consulting Engineers, updated the Council on the Wood St. Project which is almost complete.

ATHENS ECONOMIC DEVELOPMENT CORPORATION REPORT

A) STATUS REPORT ON CURRENT AND PROPOSED PROJECTS

Brian Malone, President & CEO of Athens Economic Development Corporation, provided an update on the following:

- 1) Budget/Financials
- 2) Projects
- 3) Marketing

DIRECTOR OF PLANNING & DEVELOPMENT'S REPORT

A) STATUS REPORT ON CURRENT AND PROPOSED PROJECTS

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

- 1) Residences permitted at 408 Stoneleigh, 523 W. Scott, 709 Mulberry, 902 Rico, 5507 Impala Point, 903 Tannehill, 707#B W. College and 7240 CR 1500
- 2) Bel Air Elementary, remodel complete
- 3) Athens High School, remodel complete
- 4) Bail Bonds office at 210 N. Murchison, complete
- 5) Oak Wood Place Apartments, 603 Wood St., under construction
- 6) Oak Wood Place Assisted Living, 603 Wood St., expansion in progress
- 7) Precision Machine, 1500 Rocky Ridge Rd., expansion complete
- 8) Veterinarian Office, 2007 S. Palestine, new addition underway

- 9) Mooyah Burger, 220 S. Palestine, conducting slab work
- 10) Little Caesars Pizza, Heritage Square, permit issued
- 11) J.D. Tenders, S. Palestine St., Civil Plans received
- 12) Pizza Hut, E. Tyler St., Civil Plans received
- 13) Dollar General, Intersection of W. Corsicana/S. Gauntt, proposed construction
- 14) \$4.6 million, Arabella of Athens Assisted & Independent Living Facility, Gibson Rd., Plans submitted and waiting on final review
- 15) Ag-Power, 2001 N.E. Loop 7, submitting Civil Plans in next couple of weeks
- 16) Called Posado's Mexican Café concerning possible opening in Athens, no return call has been received

**B) STATUS REPORT ON ZONING BOARD OF ADJUSTMENTS**

Mr. Crecelius informed the Council that the Zoning Board of Adjustments denied a variance to allow for a wooden awning to be replaced with a metal awning at 114 N. Palestine St., as requested by Nancy Duff.

**FINANCIAL REPORT**

David Hopkins, Director of Finance, presented July financials.

**DISCUSS ITEMS FOR FUTURE AGENDAS;**

- A) DISCUSS PERMANENT CLOSURE OF A PORTION OF N. PALESTINE ST. AT RAILROAD CROSSING, AS REQUESTED BY UNION PACIFIC RAILROAD**

Andrew Hudanish with Union Pacific Railroad discussed their request to permanently close N. Palestine St. at the railroad crossing. He also updated the Council on their re-paving request of the crossings at Gauntt St. and Scott St., stating that it is currently scheduled for 10/04/12.

After discussion, the item to consider closure of a portion of N. Palestine St. will appear on the agenda Monday, 9/24/12.

- B) DISCUSS SUPPORTING SPLASHPAD PROJECT TO BE LOCATED IN KIWANIS PARK, AS REQUESTED BY ATHENS KIWANIS CLUB AND ATHENS CHAMBER OF COMMERCE**

Sarah Hueber with the Athens Chamber of Commerce stated that the Chamber of Commerce and Athens Kiwanis Club are requesting the support of the City of Athens in the development of a Community Splashpad to be located in Kiwanis Park. She explained that the 2013 Athens Leadership Institute Class will work on the project as their community service project.

Ms. Burton stated that the City will possibly be requested to provide maintenance and water in the future as support of the project.

The item will appear on the agenda Monday.

- C) DISCUSS APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUDGET FOR FISCAL YEAR 2012-2013**

Mr. Malone explained that A.E.D.C. has approved their budget for fiscal year 2012-2013 and is requesting approval from the Council. The item will appear on the agenda Monday.

D) DISCUSS A RESOLUTION APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S INCENTIVE PACKAGE FOR R.S. HURST PROPERTIES AND APPROVING PERFORMANCE AGREEMENT

Mr. Malone explained that A.E.D.C. has approved a \$36,000 Incentive Package for R.S. Hurst Properties for a new retail restaurant, Mooyah Burgers, consisting of \$18,000 after their Certificate of Occupancy is received and another \$18,000 after they receive their appraised value, if value exceeds the previous value by \$500,000. The item will appear on the agenda Monday.

E) DISCUSS A RESOLUTION APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S INCENTIVE PACKAGE FOR CHAMPION HOME BUILDERS (ATHENS PARK HOMES) AND APPROVING PERFORMANCE AGREEMENT

Mr. Malone explained that A.E.D.C. has approved a \$171,000 Incentive Package for Champion Home Builders, consisting of \$24,000 for capital improvement expenditures, \$73,500 for job creation at the end of one (1) year and another \$73,500 for job creation at the end of two (2) years.

Mayor Daniel explained that an alternative incentive plan was discussed at the last A.E.D.C. meeting, expressing his concerns with the approval of the full amount due to the calculated amount of the payback.

Councilmember Vaught agreed with Mayor Daniel, suggesting that the A.E.D.C. Board re-evaluate the item.

Mayor Daniel asked Mr. Malone when the new incentive plan could be reviewed, with Mr. Malone responding that it could be discussed as early as the next meeting, however, he stated that he would also like to obtain the opinion of TIP Strategies.

F) DISCUSS EXECUTING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR 2013 ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT

Mr. Crecelius explained that this is a 50/50 matching grant with Texas Department of Transportation for maintenance at Athens Municipal Airport, with the total amount of the grant being \$85,765. The item will appear on the agenda Monday.

G) DISCUSS FINAL PLAT OF LOT 1, BLOCK 1, JOHN DEERE DEALERSHIP (TRACT 112A-3, J.B. ATWOOD SURVEY), OWNED BY AG-POWER REAL ESTATE, INC. (2001 N.E. LOOP 7)

Mr. Crecelius explained that this is the final plat of Lot 1, Block 1, John Deere Dealership which is located at the N.E. corner of Loop 7 and F.M. 1616. The item will appear on the agenda Monday.

H) DISCUSS CREATION OF SITE PLAN AND REZONING OF LOT 1, BLOCK 1, JOHN DEERE DEALERSHIP FROM PLANNED DEVELOPMENT-2 COMMERCIAL TO PLANNED DEVELOPMENT-2 COMMERCIAL (SPECIFIC USE PROVISION), OWNED BY AG-POWER REAL ESTATE, INC. (2001 N.E. LOOP 7)

Mr. Crecelius explained that this property is being developed at the northeast corner of Loop 7 & F.M. 1616 to allow for John Deere Dealership sales, service and outside display. He stated that two (2) surrounding property owners were notified and no objections were received. He explained that the site plan includes three (3) signs, an 8 ft. black vinyl chain link fence to be placed along the property line, and a 30 inch pipe rail fence being placed directly inside the chain link fence for security purposes.

The item will appear on the agenda Monday.

- I) DISCUSS REPLAT OF LOTS 5B, 5C, 5D & 5E, T. PARMER SURVEY, OWNED BY E.T. CRUDE, INC. AND MENDEL PRENGLER (1010 W. CORSICANA ST.)

Mr. Crecelius explained that this will replat four (4) lots into two (2) lots. The item will appear on the agenda Monday.

- J) DISCUSS REZONING OF LOT 5D, T. PARMER SURVEY FROM COMMERCIAL TO INDUSTRIAL, OWNED BY E.T. CRUDE, INC. (1010 W. CORSICANA ST.)

Mr. Crecelius explained that Precision Bullets is currently located in Kemp and is relocating to Athens, with this property being rezoned to allow for the manufacturing of non-assembled projectiles used in the ammunition reloading industry. He stated that fourteen (14) surrounding property owners were notified and no objections were received.

David Long, owner of Precision Bullets, explained that they do not assemble loaded ammunition, and only manufacture the bullet portion which is sold to customers that load their own ammunition. He stated that the majority of his business is mail order through the post office and they are fully E.P.A. compliant.

The item will appear on the agenda Monday.

- K) DISCUSS REZONING OF LOT 11, BLOCK 113, ATHENS ORIGINAL TOWN FROM SINGLE FAMILY-5 RESIDENTIAL TO OFFICE, OWNED BY JEFFERY & WEADER ENOCH (726 UNDERWOOD)

Mr. Crecelius stated that this property is being rezoned to allow for an office for the N.A.A.C.P. and Henderson County Black Rodeo Association. He explained that Mr. Enoch has purchased two (2) buildings and plans to move them onto the property to be utilized as the office. He stated that fifteen (15) surrounding property owners were notified, with two (2) surrounding property owners being present at the Zoning Meeting on 9/18/12 that opposed the rezoning and requested that the property remain residential, however, the Zoning Commission approved the item.

Councilmember Vaught requested that pictures of the structures be provided to the Council prior to voting on the item Monday.

- L) DISCUSS APPOINTMENTS TO ATHENS HOUSING AUTHORITY

Ms. Burton informed the Council that the terms of Lois Wright and Daryl Graham will expire from the Athens Housing Authority on 9/30/12 and both are desiring reappointment for another two (2) year term. The item will appear on the agenda Monday.

- M) DISCUSS APPOINTMENTS TO ATHENS ECONOMIC DEVELOPMENT CORPORATION

Ms. Burton informed the Council that the terms of Tere Lawyer, David Holdredge and Kelly Smith will expire from the A.E.D.C. on 9/30/12 and the A.E.D.C. Board is requesting reappointment. The item will appear on the agenda Monday.

DISCUSS ITEMS FOR FUTURE CONSENT AGENDA;  
A) DISCUSS APPROVING MINUTES OF THE AUGUST 7, 2012 SPECIAL  
SESSION, AUGUST 8, 2012 SPECIAL SESSION, SEPTEMBER 5, 2012  
SPECIAL SESSION AND SEPTEMBER 10, 2012 REGULAR SESSION

These items will appear on the Consent Agenda on Monday.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN

There was no discussion and the meeting was adjourned.

PASSED AND APPROVED THIS THE 8<sup>TH</sup> DAY OF OCTOBER, 2012.

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Randy Daniel, Mayor

ATTEST:

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Pam Watson, City Secretary