

REGULAR SESSION

FEBRUARY 25, 2013

The City Council of the City of Athens met in Regular Session on Monday, February 25, 2013, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry D. Vaught, Mayor
Carol Barton
Elaine Jenkins
Aubrey Jones
Monte Montgomery

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

others present: Gary Crecelius, Buddy Hill, John McQueary, Haven Cox, David Hopkins, Sherri Skeeters, Melvin Bateman, Judi Bateman, Steve Woodruff, Gail Chock, Bob Gould, Pat Wallace, Steve Grant, Melissa Bason, Tyler Hendrickson 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.

PUBLIC HEARING CONCERNING REZONING OF TRACT 254, T. PARMER
SURVEY FROM OFFICE TO MULTI-FAMILY RESIDENTIAL-5, OWNED BY
BABIT, LLC (405 LINDSEY)

Kevin Hambrick, owner of Babit, LLC, and Ron Boone, with Boone & Boone Construction, presented the proposed residential Athens Veterans Training & Rehabilitation Center. Mr. Boone explained that the facility will house Veterans of all ages while being trained and rehabilitated, with it being a non-ambulatory facility. He stated that this will be a 6 to 7 million dollar project and will bring in approximately 180 jobs. He expressed his feelings that this development will improve the neighborhood and the economic impact on the community should be substantial. He stated that some of the regulatory agencies they will work with include United States Veterans Administration, Texas Veterans Commission, Texas Department of Veterans Affairs, Texas General Land Office and Texas Department of Licensing and Regulation. He stated that they feel the surrounding neighbors support the project.

Melissa Bason, salon owner across the street, questioned several issues, including the level of security, number of residents, location for parking, and assurance of mental health.

Jim Clark, Architect from Tyler, explained that parking is being addressed, their personnel will provide security, and there will be ample lighting.

Ms. Bason questioned the length of time a resident will be allowed to remain at the facility, with Mr. Hambrick responding that some residents will stay for a 6-9 month period and others will remain indefinitely.

Mr. Hambrick explained that residents will not be allowed to come and go, there will be rules and regulations, there will be on premise security, residents will have wrist bands for identification, and there will be between 280 to 300 residents housed in the facility.

Dr. Steve Woodruff questioned who would be making the profit, asking if the Government would be paying for housing per person. Mr. Hambrick responded that the Government will be paying per person. He explained that the Nursing Director (RN) will run the day-to-day operations, however, the VA would be there from time to time.

Mr. Hambrick explained that most of the residents will be Veterans, however, others could possibly pay for housing. He stated that this is his first development of this type, however, his Consultant is walking him through it.

City Administrator Pam Burton expressed her concerns with the surrounding property owners receiving notice that stated the facility was being rezoned for an assisted living facility, explaining that Mr. Hambrick has recently informed her that the facility will be for Veterans that are homeless.

Mr. Hambrick clarified that they are not homeless, however, they could be in a shelter. He stated that he should have said it will be transitional housing for Veterans that have no home.

Ms. Burton expressed her feelings that there could be a perception that the City hid information from the surrounding property owners, stating that she would prefer that the property be rezoned with a Specific Use Provision attached to the zoning classification.

David Daniels, concerned citizen, expressed his concerns with the facility, recommending the Specific Use Provision be considered.

City Attorney Conor Bateman questioned several items of concern, including licenses, LLC and/or non-profit status, approval by regulatory agencies, and age of the residents.

After a very lengthy discussion, the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE REZONING TRACT 254,
T. PARMER SURVEY FROM OFFICE TO MULTI-FAMILY RESIDENTIAL-5,
OWNED BY BABIT LLC (405 LINDSEY)

Mayor Vaught expressed his feelings that he is excited about change to the property, however, there should be a Specific Use Provision added to the zoning classification.

Councilmember Jones expressed his feelings that it would be in the best interest of the community to table the item.

Ms. Burton recommended that the Council take no action and send the item back to the Zoning Commission, and the surrounding property owners be re-notified of specific plans for the property.

Councilmember Jenkins expressed her support for assisting Veterans, however, she stated that she had no objection to adding a Specific Use Provision, if needed.

After discussion, a motion was made by Councilmember Jones, seconded by Councilmember Barton to table the item and return it to the Zoning Commission for a new zoning classification. The motion carried unanimously.

CONSIDER A RESOLUTION ORDERING THE MAY 11, 2013 CITY OF
ATHENS GENERAL ELECTION
(DISCUTA UNA RESOLUCIÓN ORDERNAR EL 11 DE MAYO, 2013 LA CIUDAD
DE ATHENS ELECCION GENERAL)

A motion was made by Councilmember Montgomery, seconded by Councilmember Jones to approve A RESOLUTION ORDERING THE MAY 11, 2013 CITY OF ATHENS GENERAL ELECTION for the purpose of electing a Mayor and City Council, Place 1. The motion carried unanimously.

**CONSIDER A RESOLUTION AUTHORIZING JOINT ELECTION AGREEMENT
WITH ATHENS INDEPENDENT SCHOOL DISTRICT**

A motion was made by Councilmember Jenkins, seconded by Councilmember Barton to approve A RESOLUTION AUTHORIZING JOINT ELECTION AGREEMENT WITH ATHENS INDEPENDENT SCHOOL DISTRICT. The motion carried unanimously.

**CONSIDER AUTHORIZING INTERLOCAL AGREEMENT WITH HENDERSON
COUNTY FOR ELECTION SERVICES AND CONDUCTING ELECTION DAY
VOTING**

A motion was made by Councilmember Jones, seconded by Councilmember Montgomery to authorize an Interlocal Agreement with Henderson County for election services and conducting election day voting. The motion carried unanimously.

**CONSIDER A RESOLUTION ADOPTING SECTION 3 POLICY, AS REQUIRED
BY TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Ms. Burton explained that this Resolution is required by the Texas Community Development Block Grant Program and will adopt a Section 3 Policy and designate the City Secretary as the Equal Rights Officer. A motion was made by Councilmember Jenkins, seconded by Councilmember Barton to approve A RESOLUTION ADOPTING SECTION 3 POLICY, AS REQUIRED BY TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM and designating the City Secretary as the Equal Rights Officer. The motion carried unanimously.

**CONSIDER A RESOLUTION OPTING OUT OF PEG FEE BY HOLDERS OF
STATE ISSUED CERTIFICATE OF FRANCHISE AUTHORITY**

Ms. Burton explained that this Resolution will opt out of the PEG (Public, Educational and Governmental facilities) fee authorized by the Public Utility Regulatory Act, which would have been passed along to the consumer. A motion was made by Councilmember Montgomery, seconded by Councilmember Jones to approve A RESOLUTION OPTING OUT OF PEG FEE BY HOLDERS OF STATE ISSUED CERTIFICATE OF FRANCHISE AUTHORITY. The motion carried unanimously.

**CONSIDER A RESOLUTION APPROVING ATHENS ECONOMIC
DEVELOPMENT CORPORATION'S INCENTIVE PACKAGE FOR LOAN STAR
HOUSING GROUP, LLC.**

Ms. Burton explained that Athens Economic Development Corporation has approved a \$95,000 loan/incentive package for Lone Star Housing Group, LLC to assist in the development of a new 49-unit apartment complex (Lakeland Villas) to be located in South Athens.

Melvin Bateman, property owner across the street, expressed his concerns with this project not being the same as presented to A.E.D.C. He expressed his feelings that surrounding property owners should have been notified of this development, there should be a better location for the complex, and there are concerns with traffic.

Mayor Vaught stated that it is his understanding that the information being provided to the City Council is different from the plan that was submitted to and approved by A.E.D.C., recommending that the item be returned to A.E.D.C. for further consideration.

After discussion, a motion was made by Councilmember Jones, seconded by Councilmember Montgomery to return the item to A.E.D.C. for further consideration. The motion carried unanimously.

CONSIDER A RESOLUTION APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S GRANT TO ATHENS CHAMBER OF COMMERCE FOR SPLASH PAD PROJECT AT KIWANIS PARK

Ms. Burton explained that A.E.D.C. has approved a \$20,000 grant to Athens Chamber of Commerce to assist with construction of a splash pad water park at Kiwanis Park. A motion was made by Councilmember Barton, seconded by Councilmember Montgomery to approve A RESOLUTION APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S GRANT TO ATHENS CHAMBER OF COMMERCE FOR SPLASH PAD PROJECT AT KIWANIS PARK. The motion carried unanimously.

DISCUSS/CONSIDER REQUEST FROM ATHENS KIWANIS CLUB REGARDING SPLASH PAD PROJECT AT KIWANIS PARK

Ms. Burton explained that Athens Kiwanis Club is requesting authorization to construct a 2,100 sq. ft. splash pad project on the southwest corner of Kiwanis Park, with staff having no objection to the location. She reviewed the City's participation for the project which will include out-of-pocket expenses for materials at a cost of \$4,814.66, in-kind contributions of equipment/labor at a cost of \$9,782.28, and an estimated water/sewer contribution for four (4) months of operation at a cost of \$27,187.48.

After discussion, a motion was made by Councilmember Barton, seconded by Councilmember Jenkins to authorize Athens Kiwanis Club to construct the splash pad project at Kiwanis Park, as requested. The motion carried unanimously.

DISCUSS/CONSIDER AWARDED BIDS FOR ONE (1) NEW CURRENT MODEL ½-TON, 4X4, CREW CAB/4 DOOR PICKUP FOR USE IN FIRE DEPARTMENT

Fire Chief John McQueary recommended that the bid for the ½-ton pickup be awarded to low bidder, Grapevine Dodge, at a total cost of \$22,319. A motion was made by Councilmember Montgomery, seconded by Councilmember Jones to award the bid for one (1) new current model ½-ton, 4X4, crew cab/4 door pickup for use in Fire Department to Grapevine Dodge at a total cost of \$22,319. The motion carried unanimously.

DISCUSS/CONSIDER AWARDED BIDS FOR ONE (1) NEW CURRENT MODEL 2WD FARM TRACTOR WITH CAB FOR USE IN PUBLIC HEALTH & SAFETY DEPARTMENT

Mr. Crecelius recommended that the bid for one (1) new current model 2WD farm tractor with cab be awarded to low bidder, Athens Tractor & Equipment, for Alternate #3 at a total cost of \$47,535.41. A motion was made by Councilmember Jenkins, seconded by Councilmember Jones to award the bid for one (1) new current model 2WD farm tractor with cab for use in Public Health & Safety Department to low bidder, Athens Tractor & Equipment, for Alternate #3 at a total cost of \$47,535.41. The motion carried unanimously.

DISCUSS/CONSIDER AWARDED BIDS FOR ONE (1) NEW CURRENT MODEL 17 FT. REAR-MOUNT BOOM CUTTER FOR USE IN PUBLIC HEALTH & SAFETY DEPARTMENT

Mr. Crecelius recommended that the bid for one (1) new current model 17 ft. rear-mount boom cutter be awarded to low bidder, W.C. Tractor, at a total cost of \$22,000. A motion was made by Councilmember Barton, seconded by Councilmember Montgomery to award the bid for one (1) new current model 17 ft. rear-mount boom cutter for use in Public Health & Safety Department to W.C. Tractor at a total cost of \$22,000. The motion carried unanimously.

CONSENT AGENDA;

- A) CONSIDER APPROVING MINUTES OF THE JANUARY 23, 2013 SPECIAL SESSION AND JANUARY 28, 2013 REGULAR SESSION
- B) CONSIDER FINAL READING OF AN ORDINANCE REZONING LOT 12A1, BLOCK A, MATTHEWS ADDITION FROM RETAIL TO SINGLE-FAMILY RESIDENTIAL-5, OWNED BY GRANITE WORKS/MARK PHILLIPS (716 EAST CORSICANA ST.)
- C) CONSIDER FINAL READING OF AN ORDINANCE CREATING SITE PLAN AND REZONING LOT 56L (TR. 241), T. PARMER SURVEY FROM COMMERCIAL TO COMMERCIAL-SPECIFIC USE PROVISION, OWNED BY PAUL & TERESA PRUETT (1300 S. PALESTINE ST.)
- D) CONSIDER FINAL READING OF AN ORDINANCE CREATING SITE PLAN FOR LOT 9A, BLOCK 10, LARGE LOT SUBDIVISION, OWNED BY FIRST PRESBYTERIAN CHURCH (406 EAST TYLER ST.)
- E) CONSIDER FINAL READING OF AN ORDINANCE AMENDING SITE PLAN FOR LOT 1B, BLOCK 38, ATHENS ORIGINAL TOWN, OWNED BY METALMAN DESIGN/BUILD CORPORATION (414 WEST COLLEGE ST.)
- F) CONSIDER ACCEPTING FY 2013 CLICK IT OR TICKET (CIOT) INCENTIVE GRANT AND AUTHORIZING MAYOR TO EXECUTE TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT
- G) CONSIDER AUTHORIZING SOLUTIENT GEOSCIENCES, INC. TO PERFORM 2013 ANNUAL POST-REMEDIAL MEASURES PERFORMANCE MONITORING AND PROGRESS REPORT IN ACCORDANCE WITH COMPREHENSIVE LANDFILL GAS REMEDIATION PLAN
- H) RECEIVE 2012 RACIAL PROFILING REPORT

City Secretary Pam Watson read the Ordinances aloud. A motion was made by Councilmember Montgomery, seconded by Councilmember Jones to approve the Consent Agenda. The motion carried unanimously.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN

There was no discussion and the meeting was adjourned.

PASSED AND APPROVED THIS THE 25TH DAY OF MARCH, 2013.

Jerry D. Vaught, Mayor

ATTEST:

Pam Watson, City Secretary