

REGULAR SESSION

MARCH 25, 2013

The City Council of the City of Athens met in Regular Session on Monday, March 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

others present: Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, Haven Cox, David Hopkins, Sherri Skeeters, Jim Clark, Royce Bane, Brian Malone, Steve Woodruff, Teresa DeMay 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

Mayor Vaught filed a Conflict of Interest concerning 1) Creation of site plan for Lot 3, Block 117, Athens Original Town.

Councilmember Jones filed a Conflict of Interest concerning 1) Creation of site plan and rezoning of Lot 21A, A.G. Clark Survey and Lot 4A2, E. Holland Survey; and 2) Lease Agreement with Carlon Dowell for Area 3B, Lot 6 at Athens Municipal Airport.

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

Mr. Crecelius explained that a site plan is being created and this property is being rezoned to allow for an independent and assisted living center, per City of Athens Zoning Ordinance definitions. He stated that 32 surrounding property owners were notified, no objections were received, and the Zoning Commission approved the rezoning on 3/19/13, with the stipulation that 1) Certificate of Occupancy shall not be issued until receiving approval by all federal, state, and local authorities maintaining jurisdiction and authority over the facility, including, but not limited to, the Texas Department of Aging and Disability Services; and 2) facility shall not be used for drug rehabilitation or mental facility.

Bruce Hinds, 609 Richardson, questioned who received notification of the site plan and rezone, and expressed his concerns with parking issues. He stated that anything positive is good, but the surrounding residents do not want negative.

Steve Woodruff, D.D.S., 504 Richardson, asked if the facility will be providing housing for Veterans, with Jim Clark, Architect, responding that it will not. Dr. Woodruff questioned the number of residents that will be in the facility and the time-frame for construction. Ron Boone, Boone & Boone Construction, explained that there would probably be 200 or less residents in the facility, and the project would take approximately one (1) year for completion.

After discussion, the public hearing was closed.

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

City Secretary Pam Watson read the Ordinance aloud. A motion was made by Councilmember Jones, seconded by Councilmember Barton to approve AN ORDINANCE CREATING SITE PLAN AND REZONING TRACT 254, T. PARMER SURVEY FROM OFFICE TO MULTI-FAMILY RESIDENTIAL-5 SPECIFIC USE PROVISION, to allow for an independent and assisted living center, with the stipulation that 1) Certificate of Occupancy shall not be issued until receiving approval by all federal, state, and local authorities maintaining jurisdiction and authority over the facility, including, but not limited to, the Texas Department of Aging and Disability Services; and 2) facility shall not be used for drug rehabilitation or mental facility. The motion carried unanimously.

PUBLIC HEARING CONCERNING CREATION OF SITE PLAN FOR LOT 3, BLOCK 117, ATHENS ORIGINAL TOWN, OWNED BY JERRY R. VAUGHT (909 EAST TYLER ST.)

Mr. Crecelius explained that a site plan is being created to allow for the construction of an office and retail center, with the site plan including a 20' H x 14' W sign to be located 25' off of the property line. He stated that eight (8) surrounding property owners were notified and no objections were received, with the Zoning Commission approving the item on 3/19/13. There was no discussion and the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE CREATING SITE PLAN FOR LOT 3, BLOCK 117, ATHENS ORIGINAL TOWN, OWNED BY JERRY R. VAUGHT (909 EAST TYLER ST.)

Ms. Watson read the Ordinance aloud. A motion was made by Councilmember Montgomery, seconded by Councilmember Jones to approve FIRST READING OF AN ORDINANCE CREATING SITE PLAN FOR LOT 3, BLOCK 117, ATHENS ORIGINAL TOWN. The motion carried by the following vote: Ayes: Councilmembers Montgomery, Jones, Barton and Jenkins. Nays: None. Mayor Vaught abstained.

PUBLIC HEARING CONCERNING CREATION OF SITE PLAN AND REZONING OF LOT 21A, G. CLARK SURVEY AND LOT 4A2, E. HOLLAND SURVEY FROM PLANNED DEVELOPMENT-1, AGRICULTURE TO PLANNED DEVELOPMENT-1, AGRICULTURE SPECIFIC USE PROVISION, OWNED BY DEBORAH WALKER (2621 U.S. HWY. 175 EAST)

Mr. Crecelius explained that a site plan is being created and this property is being rezoned to allow for a private education facility and associated school activities. He explained that the site plan includes eight (8) phases, with interim use allowing for the placement of 7-10 portable classrooms. He stated that two (2) surrounding property owners were notified, no objections were received, and the Zoning Commission approved the item on 3/19/13. After discussion, the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE CREATING SITE PLAN AND REZONING LOT 21A, G. CLARK SURVEY AND LOT 4A2, E. HOLLAND SURVEY FROM PLANNED DEVELOPMENT-1, AGRICULTURE TO PLANNED DEVELOPMENT-1, AGRICULTURE SPECIFIC USE PROVISION, OWNED BY DEBORAH WALKER (2621 U.S. HWY. 175 EAST)

Ms. Watson read the Ordinance aloud. A motion was made by Councilmember Barton, seconded

by Councilmember Jenkins to approve FIRST READING OF AN ORDINANCE CREATING SITE PLAN AND REZONING LOT 21A, G. CLARK SURVEY AND LOT 4A2, E. HOLLAND SURVEY FROM PLANNED DEVELOPMENT-1, AGRICULTURE TO PLANNED DEVELOPMENT-1, AGRICULTURE SPECIFIC USE PROVISION, to allow for a private education facility and associated school activities. The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Montgomery, Jenkins and Barton. Nays: None. Councilmember Jones abstained.

CONSIDER A RESOLUTION APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S INCENTIVE PACKAGE FOR MED-LOGICS, INC. AND APPROVING PERFORMANCE AGREEMENT

Brian Malone, President & CEO of Athens Economic Development Corporation, explained that A.E.D.C. has approved an incentive package for Med-Logics, Inc., a manufacturer of ophthalmology laser blades and accessories that will be moving their operation from California to Athens. He explained that the incentives are broken down into land and cash, with cash incentives being performance based and totaling a maximum amount of \$406,000. He explained that there will be incentives for job creation, moving, capital investments and operations.

After discussion, a motion was made by Councilmember Jenkins, seconded by Councilmember Jones to approve A RESOLUTION APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S INCENTIVE PACKAGE FOR MED-LOGICS, INC. and to approve the Performance Agreement. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING DESIGNATION FORM APPOINTING CITY SECRETARY AS FAIR HOUSING/EQUAL OPPORTUNITY/SECTION 504 STANDARDS OFFICER FOR TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

City Administrator Pam Burton explained that the Designation Form will appoint the City Secretary as the Fair Housing/Equal Opportunity/Section 504 Standards Officer, which is a requirement for the Texas Community Development Block Grant Program. A motion was made by Councilmember Montgomery, seconded by Councilmember Barton to authorize Designation Form appointing City Secretary as Fair Housing/Equal Opportunity/Section 504 Standards Officer for Texas Community Development Block Grant Program. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING USE OF CITY PARKING LOT FOR 2013 ATHENS FARMERS MARKET, AS REQUESTED BY D.J. WARREN, MARKET MANAGER

Ms. Burton explained that D.J. Warren, Market Manager, is requesting additional use of the City Parking Lot for Athens Farmers Market for the following dates in 2013: May 4, 11, 18, 25; June 8, 15, 22, 29; July 6, 13, 20, 27; August 3, 10, 17, 24, 31; September 7, 14, 21, 28; October 5, 12, 19, 26; November 2, 30; and the following dates in 2014: February 1; March 1, 29. A motion was made by Councilmember Barton, seconded by Councilmember Jenkins to authorize the use of the City Parking Lot, as requested. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING LEASE AGREEMENT WITH CARLON DOWELL FOR AREA 3B, LOT 6 AT ATHENS MUNICIPAL AIRPORT

After discussion, a motion was made by Mayor Vaught, seconded by Councilmember Montgomery to deny the Lease Agreement with Carlon Dowell for Area 3B, Lot 6 at Athens Municipal Airport. The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Montgomery, Jenkins and Barton. Nays: None. Councilmember Jones abstained.

CONSENT AGENDA;

A) CONSIDER APPROVING MINUTES OF THE FEBRUARY 6, 2013 SPECIAL SESSION, FEBRUARY 20, 2013 SPECIAL SESSION, FEBRUARY 25, 2013 REGULAR SESSION AND MARCH 6, 2013 SPECIAL SESSION

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

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

There was no discussion and the meeting was adjourned.

PASSED AND APPROVED THIS THE 8TH DAY OF APRIL, 2013.

Jerry D. Vaught, Mayor

ATTEST:

Pam Watson, City Secretary