

REGULAR SESSION

SEPTEMBER 24, 2012

The City Council of the City of Athens met in Regular Session on Monday, September 24, 2012, 5:30 p.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
Elaine Jenkins

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, Kim Hodges, Sarah Hueber, Peggy Rhodes, James Fielden, Tyler Hendrickson, Brian Malone, Terri Hill, Jeffery Enoch and other interested citizens;

with the following member absent: Aubrey Jones;

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.

DISCUSS/CONSIDER 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 northeast corner of Loop 7 and F.M. 1616. A motion was made by Councilmember Vaught, seconded by Councilmember Jenkins to approve the FINAL PLAT OF LOT 1, BLOCK 1, JOHN DEERE DEALERSHIP (TRACT 112A-3, J.B. ATWOOD SURVEY). The motion carried unanimously.

PUBLIC HEARING CONCERNING 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 reviewed the site plan which 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 to be placed directly inside the chain link fence for security purposes.

After discussion, the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE CREATING SITE PLAN AND REZONING 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)

City Secretary Pam Watson read the Ordinance aloud. A motion was made by Councilmember Barton, seconded by Councilmember Vaught to approve FIRST READING OF AN ORDINANCE CREATING SITE PLAN AND REZONING LOT 1, BLOCK 1, JOHN DEERE DEALERSHIP FROM PLANNED DEVELOPMENT-2 COMMERCIAL TO PLANNED DEVELOPMENT-2 COMMERCIAL (SPECIFIC USE PROVISION) to allow for John Deere Dealership sales, service and outside display. The motion carried unanimously.

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

Mr. Crecelius explained that this will replat four (4) lots into two (2) lots. A motion was made by Councilmember Vaught, seconded by Councilmember Jenkins to approve the REPLAT OF LOTS 5B, 5C, 5D & 5E, T. PARMER SURVEY. The motion carried unanimously.

PUBLIC HEARING CONCERNING REZONING OF LOT 5D, T. PARMER SURVEY FROM COMMERCIAL TO INDUSTRIAL, OWNED BY E.T. CRUDE, INC./STEVE GRANT, PRESIDENT (1010 W. CORSICANA ST.)

Mr. Crecelius explained that Precision Bullets is relocating to Athens and this property is being rezoned to allow them to manufacture non-assembled projectiles used in the ammunition reloading industry.

After discussion, the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE REZONING LOT 5D, T. PARMER SURVEY FROM COMMERCIAL TO INDUSTRIAL, OWNED BY E.T. CRUDE, INC./STEVE GRANT, PRESIDENT (1010 W. CORSICANA ST.)

Ms. Watson read the Ordinance aloud. A motion was made by Councilmember Jenkins, seconded by Councilmember Barton to approve FIRST READING OF AN ORDINANCE REZONING LOT 5D, T. PARMER SURVEY FROM COMMERCIAL TO INDUSTRIAL. The motion carried unanimously.

PUBLIC HEARING CONCERNING REZONING OF LOT 11, BLOCK 113, ATHENS ORIGINAL TOWN FROM SINGLE-FAMILY RESIDENTIAL-5 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 explained that although there were two (2) surrounding property owners in opposition at the Zoning Commission meeting on 9/18/12, the Zoning Commission approved the item.

Jeffery Enoch presented pictures of the buildings that he is proposing to move onto the property, explaining that they currently conduct their meetings at local restaurants and need an office.

Terri Hill, 715 Underwood, stated that she has lived in the same neighborhood for 50 years and would prefer that the property remain residential.

After a lengthy discussion, the public hearing was closed.

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

Ms. Watson read the Ordinance aloud.

Councilmember Vaught expressed his feelings that since this has always been residential, he would like to see it remain residential.

Councilmember Jenkins expressed her feelings that she supports the N.A.A.C.P and the Henderson County Black Rodeo Association, however, the location is not good for an office and the Council has to respect the residents of the area.

After discussion, a motion was made by Councilmember Vaught, seconded by Councilmember Jenkins to deny FIRST READING OF AN ORDINANCE REZONING LOT 11, BLOCK 113, ATHENS ORIGINAL TOWN FROM SINGLE-FAMILY RESIDENTIAL-5 TO OFFICE. The motion carried unanimously.

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

Ms. Burton explained that this is an Incentive Package for R.S. Hurst Properties (Mooyah Burgers) totaling \$36,000. A motion was made by Councilmember Vaught, seconded by Councilmember Jenkins to approve A RESOLUTION APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S INCENTIVE PACKAGE FOR R.S. HURST PROPERTIES AND APPROVING PERFORMANCE AGREEMENT. The motion carried unanimously.

DISCUSS/CONSIDER 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 explained 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. A motion was made by Councilmember Vaught, seconded by Councilmember Barton to approve support of the Splashpad Project to be located in Kiwanis Park, as requested. The motion carried unanimously.

DISCUSS/CONSIDER PERMANENT CLOSURE OF A PORTION OF N. PALESTINE ST. AT RAILROAD CROSSING, AS REQUESTED BY UNION PACIFIC RAILROAD

Ms. Burton reminded the Council that Union Pacific Railroad is requesting the permanent closure of a portion of N. Palestine St. at the railroad crossing, with this crossing currently being unprotected.

Glen Herriage, Director of Utilities, explained that the 100' radius and sufficient turn-around will not be possible if this crossing is closed.

Councilmember Vaught questioned who would maintain the crossing if it is not closed, with Ms. Burton responding that Union Pacific Railroad will continue to maintain the crossing.

After discussion, a motion was made by Councilmember Vaught, seconded by Councilmember Barton to not authorize the permanent closure of a portion of N. Palestine St. at railroad crossing.

After further discussion, a motion was made by Councilmember Vaught, seconded by Councilmember Barton to rescind their motion. The motion carried unanimously.

The item was tabled.

DISCUSS/CONSIDER AUTHORIZING VARIANCE TO BURN ORDINANCE
AND AUTHORIZING WAIVING OF BURN PERMIT FEE FOR EAST TEXAS
ARBORETUM & BOTANICAL SOCIETY

Peggy Rhodes, representative of East Texas Arboretum, explained that they are requesting a five (5) day burn permit and the waiving of the permit fee, to assist with Phase I of the Henderson County Veterans Memorial Project.

A motion was made by Councilmember Vaught, seconded by Councilmember Jenkins to authorize a variance to the Burn Ordinance by allowing a five (5) day burn permit and authorize the waiving of the burn permit fee. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENTS TO ATHENS HOUSING AUTHORITY

A motion was made by Councilmember Jenkins, seconded by Councilmember Barton to reappoint Daryl Graham and Lois Wright to serve another two (2) year term on the Athens Housing Authority. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENTS TO ATHENS ECONOMIC
DEVELOPMENT CORPORATION

A motion was made by Councilmember Barton, seconded by Councilmember Jenkins to reappoint Tere Lawyer (Place 4), David Holdredge (Place 6) and Kelly Smith (Place 2) to serve another two (2) year term on the Athens Economic Development Corporation. The motion carried unanimously.

CONSENT AGENDA;

- A) CONSIDER 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
- B) CONSIDER EXECUTING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR 2013 ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT
- C) CONSIDER APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUDGET FOR FISCAL YEAR 2012-2013

A motion was made by Councilmember Vaught, seconded by Councilmember Barton 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 8TH DAY OF OCTOBER, 2012.

ATTEST:

Randy Daniel, Mayor

Pam Watson, City Secretary