

REGULAR SESSION

APRIL 25, 2016

The City Council of the City of Athens met in Regular Session on Monday, April 25, 2016, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 W. Corsicana St., Athens, Texas with the following members present, to-wit:

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

Philip Rodriguez, City Manager
Bonnie Hambrick, City Secretary
Blake Armstrong, City Attorney

others present: Ed McCain, David Hopkins, Buddy Hill, Thanasis Kombos, Lawrence Cutrone, John McQueary, Becky Roseberry, Lisa Denton, Donald Ball, Michael and Pam Burton, Larry Warrick, Jessie and Barbara Barlow, Marcia Keys, Cody Robson, Scott Story, Steven Bowman, D.J. Warren, Bryan Barker, Paul Ingram, Donna Rogers, Kim Wittig, Michael Hannigan, and other interested citizens;

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

The invocation was given by Monte Montgomery.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

RECOGNIZE VOLUNTEERS FOR HOSTING "CELEBRATING THE TEXAN"
FUNDRAISING EVENT HELD ON APRIL 9, 2016

Thanasis Kombos, Community Development Manager, recognized volunteers for hosting "Celebrating The Texan" with a certificate of appreciation.

CONSENT AGENDA

a) CONSIDER APPROVING THE MINUTES OF THE APRIL 11, 2016
REGULAR SESSION

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

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

Bonnie Hambrick, City Secretary, stated that (2) two citizens called City Hall and asked that their remarks be read aloud. She stated that Laci Lowry and Kathy Satterfield are opposed to developing housing on the Old Henderson County Hospital property.

Ms. Hambrick read aloud the names of individuals who spoke against developing housing on the Old Henderson County Hospital Property:

1. Michael Burton
2. Betty Christian
3. Laura Berry
4. Brad Adair
5. Janna Livingston

6. Tom Leathem
7. Lynne Leathem
8. Dr. Steve Woodruff
9. Brandon Barnes

Ms. Hambrick read aloud the name Barbara Barlow.

Ms. Barlow stated that she was concerned about Peach Park. She further stated the park is in need of repair and attention.

**PLANNING & DEVELOPMENT REPORTS:
a) STATUS REPORT ON CURRENT AND PROPOSED DEVELOPMENT
PROJECTS**

Gordon Mayer, Interim Director of Planning & Development provided Council with historical data on annual building permits:

Year	Building Permits	New Residential Permits	New Commercial Permits	Residential Remodel	Commercial Remodel
2013	164	3	10	88	37
2014	169	4	11	91	45
2015	127	9	3	65	34

Mr. Mayer stated that the permit activity for the last three years has been relatively stable.

Mr. Mayer also updated Council on the following projects:

1. Brewery on the Square; final inspection, and waiting on application for Certificate of Occupancy
2. Coleman Park new concession stand near completion

b) STATUS REPORT ON CURRENT AND PROPOSED UTILITY PROJECTS

Lawrence Cutrone, Interim Director of Public Works updated Council on the following projects:

1. Both Wastewater Treatment Plants are at full capacity with their drying beds; we cannot waste sludge
2. The rebuild of the gearbox for the West Wastewater Treatment Plant has an ETA of the end of July or beginning of August
3. Contract for Geotech study for the soil analysis of the trickling filter has been signed
4. KSA completed the West Wastewater Treatment Plant permit renewals
5. Two new influent pumps were installed at the West Wastewater Treatment Plant
6. Elevated Storage Tank on Hwy 19 is finished and ready for Athens ISD to put their logo on
7. Lane Street ground storage tank is being sandblasted and prime coated
8. Street teams working on overlay on Laurel Street

**c) STATUS REPORT ON EXTERIOR MAINTENANCE NEEDS FOR THE
CAIN CENTER**

Mr. Kombos presented a complete study update to the Cain Center February 2012 Facility Study. Mr. Kombos stated the project would encompass updates to the architectural, swimming pool, electrical, mechanical, and plumbing facility needs encompassed in the study. Mr. Kombos stated that in 2012, EHRC completed a Facility Study for the Cain Center and \$100,000 was authorized in the FY 2016 budget for maintenance repairs to the Cain Center. He stated the Facilities Study would be funded from that allocation.

Mr. Kombos stated that the architect identified (2) two primary areas that were high priority. He stated those areas were the brick of the building, and the roof. He stated the proposal would include the following in maintenance repairs:

a) Architectural -	\$3,600
b) Swimming Pool -	\$6,500
c) Mechanical, Electrical, Plumbing -	\$3,300
Total	\$13,400

Philip Rodriguez, City Manager stated that the information was shared with the Cain Center Board. He further stated that Staff is seeking Councils direction. He stated one option could be to consider the item as a FY2017 Budget item, or hold off and add FY2016 Budget amount to FY2017 Budget amount and complete the roof all at once, or break the repairs up as Mr. Kombos presented.

Mr. Rodriguez stated that Staff needs to know how to proceed. After a lengthy discussion; Mayor Vaught stated that Staff should look at the legal opinions of the contract.

FINANCIAL REPORT

David Hopkins, Director of Finance, presented March Financials.

DISCUSS CREATING THREE SEPARATE RESOLUTIONS TO BE CONSIDERED AT A FUTURE COUNCIL MEETING INCLUDING:

- a. CREATING A SINGLE FAMILY HOUSING HOME BUILDERS INCENTIVE PROGRAM PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE TO OFFER BUILDERS ECONOMIC INCENTIVES OF UP TO \$5,000 PER LOT TO CONSTRUCT SINGLE FAMILY, SITE BUILT HOMES IN THE SIZE RANGE OF 1,400 TO 3,200 SQUARE FEET OF HEATED AND COOLED AREA;

Philip Rodriguez, City Manager explained the item is a workshop item. He stated that the City needs to approach the issues of stagnated growth particularly in single family home starts. He stated the City has seen very nominal numbers year over year. He stated one idea is to partner with the Athens Municipal Water Authority to incentivize new home starts in Athens. He stated there are other ways such as abating water and sewer tap fees and building fees that could be structured in a Resolution.

Mr. Rodriguez stated that Chapter 380 of the Texas Local Government Code provides the City with latitude with identifying very specific project incentives. He stated that the desire of the Council has been to grow Athens, and the City is seeing positive things taking place.

Mr. Rodriguez stated that there is a new subdivision coming forward shortly and it is Park Nineteen.

He stated the intent is to incentivize site built homes in the size range of 1,400 to 3,200 square feet of heated and cooled area. He stated this is a way to jump start new homes in the City of Athens. Mr. Rodriguez stated he wanted to ensure this is the will of the City Council; as there will be legal fees incurred, and staff hours.

Mayor Vaught stated a lot of communities are currently doing this and he felt the City should incentivize for home growth. He further stated the City is in a housing shortage and currently there are not enough homes. Mayor Vaught stated he would like to create the incentives.

Councilmember Montgomery stated the City should consult with neighboring Cities to find out what has been successful and what has not worked.

Councilmember Elliott stated the City has to be proactive in growing the City with new homes.

After further discussion it was the consensus of the Council for staff to proceed with identifying additional parameters for an incentive program for site built homes in the size range of 1,400 to 3,200 square feet of heated and cooled area.

- b. CREATING A FIRST-TIME HOMEBUYERS ASSISTANCE PROGRAM OF UP TO \$5,000 TO ASSIST WITH THE DOWN PAYMENT AND CLOSING COST TOWARDS OWNER OCCUPIED, SINGLE FAMILY, SITE BUILT HOMES IN SIZE RANGE OF 1,400 TO 3,200 SQUARE FEET OF HEATED AND COOLED AREA

Mr. Rodriguez stated that some of the difficulty could be individuals getting into homes. He stated this program would assist first-time homebuyers with some economic incentives to purchase within the City of Athens of up to \$5,000 to assist with the down payment and closing cost toward owner occupied single family, site built homes in size range of 1,400 to 3,200 square feet of heated and cooled area.

There was discussion surrounding what would constitute “first time home-buyer”. Mr. Rodriguez stated Staff could create any additional parameters and bring back to Council comparatives and Resolutions.

Councilmember Montgomery asked if the incentive is for new constructed homes, with Mr. Rodriguez stating yes.

- c. CREATING A HOUSING REHABILITATION PROGRAM FOR THE DEVELOPMENT OF VIABLE NEIGHBORHOODS, TO REDUCE SUBSTANDARD HOUSING AND TO ENSURE A DECENT, SAFE AND SANITARY LIVING ENVIRONMENT, BY PROVIDING UP TO \$3,000 MATCHING AID FOR ELIGIBLE IMPROVEMENTS TO OWNER-OCCUPIED, SINGLE FAMILY, SITE BUILT HOMES IN THE SIZE RANGE OF UP TO 2,500 SQUARE FEET OF HEATED AND COOLED AREA

Mr. Rodriguez explained that currently the City has a fair amount of homes where the homeowner has difficulty in maintaining the home in such a way that it is considered above substandard.

Buddy Hill, Police Chief stated the City has demolished three (3) homes this year, and approximately three (3) more will be torn down when weather permits, and possibly two (2) more are in the workings.

Mr. Rodriguez stated the City could repurpose dollars from demolishing properties to helping owner occupied properties to abate their substandard issues.

Mr. Rodriguez stated this could be done by providing matching aid and define the eligible improvements such as roof, windows, and structural issues to the home.

He stated the program would incentivize property owners to take ownership of maintenance and repairs to their homes.

Mayor Vaught stated this is a very proactive item for the City to show that the City supports a rehabilitation program for homeowners and not have to condemn the home or tear it down. He stated this program is very positive.

Councilmember Elliott stated that he highly commends Philip Rodriguez for bringing the programs to the Councils attention.

DISCUSS AND CONSIDER MOVING THE MAY 23, 2016 REGULAR SESSION TO MAY 19, 2016 AND CHANGING VENUE FOR SAID MEETING

Mr. Rodriguez stated that staff is requesting to move the May 23, 2016 Regular Session to May 19, 2016 and change the venue. He stated this will allow the Mayor to represent the City at an Economic Development Conference on May 19th the new Council members would be sworn in with a reception for the newly elected officers to following the meeting.

A motion was made by Councilmember Elliott, seconded by Councilmember Winn to approve moving the May 23, 2106 Regular Session to May 19, 2016 and changing the venue. The motion carried by the following votes: Ayes: Mayor Vaught, Councilmembers Winn, Elliott and, Whatley, Nays: None. Councilmember Montgomery abstained.

DISCUSS AND CONSIDER REPLAT OF LOT 3, 4, AND 5 BLOCK 106 CITY OF ATHENS ORIGINAL TOWN, CREATING LOT 3 BLOCK 106 CITY OF ATHENS ORIGINAL TOWN, OWNED BY KEVIN LILLY, (718 N. PRAIRIEVILLE)

Mr. Mayer explained the proposed subdivision is located at the East side of North Prairieville St. and the applicant proposes 3 lots into one lot on a 0.059 acre tract (718 N. Prairieville). He stated the property is currently zoned Commercial and Industrial. The proposed replat complies with the Zoning and Subdivision Ordinances.

A motion was made by Councilmember Elliott, seconded by Councilmember Whatley to approve the replat of Lot 3, 4, and 5 Block 106 City of Athens Original Town, creating Lot 3 Block 106 City of Athens Original Town, owned by Kevin Lilly, (718 N. Prairieville Street). The motion carried unanimously.

DISCUSS AND CONSIDER REPLAT OF TRACT 91-A3, R.A. CLARK SURVEY, A-171, HENDERSON COUNTY, TEXAS CREATING TRACT 91-A3-1, 91-A3-2, 91-A3-3, R. A. CLARK SURVEY, A-171, HENDERSON COUNTY, TEXAS, OWNED BY RICHARD PIRTLE, (1118 CRESTWAY DRIVE)

Mr. Mayer explained the proposed subdivision is located at Southwest corner of Crestway Drive and Crestway Street. He stated the applicant proposes to split one (1) lot into three (3) lots on a 0.906 acre tract (1118 Crestway Drive) and the property is currently zoned Commercial. The proposed replat complies with the Zoning and Subdivision Ordinances.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the replat of Tract 91-A3, R.A. Clark Survey, A-171, Henderson County, Texas creating Tract 91-A3-1, 91-A3-2, 91-A3-3, R. A. Clark Survey, A-171, Henderson County Texas, owned by Richard Pirtle, (1118 Crestway Drive). The motion carried unanimously.

DISCUSS AND CONSIDER REPLAT OF LOT 5, BLOCK 1, PARK HIGHLAND ESTATES, AND LOT 3, BLOCK 27A, PARK HIGHLANDS II, CITY OF ATHENS, CREATING LOT 5R, BLOCK 1, PARK HIGHLAND ESTATES, CITY OF ATHENS, OWNER BRIAN SCHUTT (800 ESTATE DRIVE)

Mr. Mayer explained the proposed subdivision is located on Estates Drive at Clinton. The applicant proposes two (2) lots into one (1) lot on a 0.059 acre tract (800 Estates Drive). He stated the property is currently zoned Residential and the proposed replat complies with the Zoning and Subdivision Ordinances.

A motion was made by Councilmember Winn, seconded by Councilmember Montgomery to approve the replat of Lot 5, Block 1, Park Highland Estates, and Lot 3, Block 27A, Park Highlands II, City of Athens, creating Lot 5R, Block 1, Park Highland Estates, City of Athens, owner Brian Schutt (800 Estate Drive). The motion carried unanimously.

PUBLIC HEARING CONCERNING THE SUBMISSION OF AN
APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR A
TEXAS CAPITAL FUND PROGRAM (TCF) GRANT

Mr. Traylor presented an explanation of the Texas Capital Fund Real Estate and Infrastructure Program. He stated The Texas Capital Fund Infrastructure Development and Real Estate programs are economic development tools designed to provide financial resources to non-entitlement communities. Eligible applicants are non-entitlement city and county governments, as defined under the HUD Community Development Block Grant Program. Funds from the infrastructure program can be utilized for public infrastructure needed to assist a business that commits to create and/or retain permanent jobs, primarily for low and moderate income persons. Grant Awards range from \$50,000 to \$1,500,000.

Mr. Traylor stated the program encourages new business development and expansions and applications are due on the 20th of each month.

Mr. Traylor stated the grant in an amount of one million dollars would construct a second roadway within the Athens Industrial Park. He stated the roadway would intersect Enterprise Street next to Howard Measurement and would extend southward and intersect with the Old Tyler Hwy.

Mr. Traylor stated that FutureMatrix Interventional is proposing future expansion in the area that would create sixty two (62) additional jobs. He stated currently there is one roadway in and one roadway out. He stated Future Matrix has requested the City to consider the construction of the secondary roadway that would provide a benefit to all the businesses located in the Industrial Park. He stated that FutureMatrix is proposing construction of an addition to their existing building as well as construction of additional parking.

Mr. Traylor further stated the Texas Capital Fund Program is a possible source of funding for this project and based on the commitment to create sixty two (62) additional jobs would qualify the City to request a grant in the amount of one million dollars that would be used for the construction of the improvements.

Mr. Traylor stated the purpose of the public hearing is to allow any citizen to make comments or ask questions regarding the project. He stated no action is necessary from the City Council.

Mr. Traylor stated the grant would not be sufficient to cover the entire construction cost of the proposed street. He stated AEDC is meeting to contemplate a commitment to the City of Athens of cash necessary to cover the gap.

Councilmember Whatley asked what amount is the gap, with Mr. Traylor stating the gap is approximately \$225,000.

Mayor Vaught opened the public hearing to the audience. There were no comments.

The public hearing was closed.

PUBLIC HEARING CONCERNING THE SALE OF THE FOLLOWING
PROPERTY, PART OF LOT 2, BLOCK 68, ATHENS ORIGINAL TOWN
SUBDIVISION, OWNED BY THE CITY OF ATHENS, (616 SOUTH
PRAIRIEVILLE) IN HENDERSON COUNTY, TEXAS. PROPERTY
OTHERWISE KNOWN AS CENTRAL PARK

Mr. Rodriguez stated the item is a public hearing for the sale of property at Central Park. He stated the item is open for discussion and Citizen Comment.

Mrs. Livingston asked since it is a park if the property has to go before the voters, with Mayor Vaught stating no it does not go before the voters.

Blake Armstrong, City Attorney stated if there is the sale of park land to a third party it would normally have to go to the voters, however if the sale is contemplated with another governmental entity or public entity that has the power of eminent domain there is an exception to the election requirement.

Mr. Armstrong stated if Trinity Valley Community College is the other entity the City is discussing the possibility of negotiating a sale of the property; at this time there is no need to take it to the voters in the form of an election.

Mr. Livingston asked if individuals would bid on it, with Mr. Armstrong stating there is an exception due to the property being park land. He stated it does not have to follow the competitive bidding process. He stated there are requirements that the City would obtain fair market value for the property.

Mike Burton stated the Emergency Operations Center is located on the Central Park property and it is an asset to the City.

Mr. Armstrong stated the Council recognizes the building as a major asset. He stated an offer would include the ability of the City to continue to utilize the building.

Mr. Steve Barksdale thanked the Council for having the vision to research the sale of the property. He stated that one of the greatest institutions in the City is Trinity Valley Community College and giving the college the ability to grow in this community is a very dynamic asset. He stated a 99 year lease could be an option.

Mr. Barksdale further stated he wanted to applaud the Council for attempting to research the sale, as the college is currently land locked.

The public hearing was closed.

PUBLIC HEARING CONCERNING REZONING OF TRACT 171, ABSTRACT 19, J.B. ATWOOD SURVEY, CITY OF ATHENS, HENDERSON COUNTY, TEXAS FROM COMMERCIAL TO RESIDENTIAL SF-7 TO ALLOW FOR PLACEMENT OF A MOBILE HOME, OWNED BY LARRY WARRICK (2135 EAST SH 31)

Mr. Mayer explained the property is located at 2135 East SH 31 and currently zoned Commercial. He stated the owner proposes to demolish the existing residential structure and place a mobile home on the lot. He stated the requested Single Family 7 (SF-7) zoning allows placement of a mobile home less than five (5) years old. He stated eight notices were sent to owners within 200' of the request and no comments were received.

Mayor Vaught asked how old was the mobile home, with Mr. Warrick stating it would be a new mobile home.

Mr. Barksdale stated during the Zoning Commission meeting the Zoning members viewed the application as an opportunity to get the Warrick family back home. He stated if the property is zoned SF-7 it would lose its commercial zoning and commercial use would not be allowed on the property.

The public hearing was closed.

PUBLIC HEARING CONCERNING APPROVAL OF SITE PLAN AND LAND USE OF A 10 ACRE TRACT IN THE B.C. WALTER LEAGUE, ABSTRACT 782, HENDERSON COUNTY, TEXAS FROM PLAN DEVELOPMENT PD-2 TO PLAN DEVELOPMENT PD-2 WITH SITE PLAN AND LAND USE PLAN TO ALLOW FOR A 72 UNIT APARTMENT PROJECT, OWNED BY DON BALL, AGENT (NE QUADRANT OF US 175 AND LOOP 7)

Mr. Mayer explained the property is located at NE Quadrant of US 175 and Loop 7 and a Zoning District PD-2 was created by Ordinance O-1-96 on January 22, 1996 to establish the Planned Development along the Loop 7 frontage with the requirement for site plan and land use approval by the Zoning Commission and City Council.

He stated the Zoning Commission considered this case on April 19, 2016 and recommends approval of the development plan submitted by the developer with four stipulations: (1) exterior façade shall be no less than 70% masonry, (2) wrought iron perimeter fence, (3) 8:12 roof pitch, (4) completion and approval of a developer's agreement.

Mr. Mayer stated seven notices were sent to owners within 200' of the request and no comments were received.

Mayor Vaught asked if the existing New Haven Apartments would be demolished, with Mr. Ball stating as soon as legally possible and after the completion of the new development the old apartments on Jonathan Street would be torn down. He stated the property would be brought back to grade.

Councilmember Montgomery asked if the company Mr. Ball is representing had a financial disaster and the apartments remained if he could obtain a Performance Payment Bond for the City. Mr. Ball stated the funds to tear the building down are included in the agreement.

After much discussion Mr. Ed McCain stated that he was present in the Zoning meeting and there were many red flags that came up during the meeting. He stated the land is valuable; as it is the gateway into the City. He stated the property should be developed and developed properly.

Mr. Knighton expressed support of developing the 72 unit apartment complex.

After further discussion Councilmember Winn stated he was concerned about the lack of information regarding the project.

Mr. McCain read aloud an article from the Athens Daily Review stating Henderson County Commissioners had turned down a request for a Resolution of support of a proposed development on the northwest side of Athens.

The public hearing was closed.

HEAR A PRESENTATION FROM VELVIN & WEEKS REQUESTING TO BE INCLUDED AS A PRE-QUALIFIED ENGINEERING FIRM

Corey Frentress gave a presentation regarding the engineering services provided by Velvin & Weeks. Mr. Neal Velvin presented the history of Velvin & Weeks Engineering Firm.

Mayor Vaught asked how the ownership of the firm is set up with Mr. Frentrees stating Tyler Hendrickson will be President and he will be Vice President of the firm upon executing the contracts.

Mayor Vaught stated the City Council would move to Agenda Item 23.

DISCUSS AND CONSIDER APPOINTMENT TO SUBSTANDARD BUILDING COMMISSION

Bonnie Hambrick, City Secretary informed the Council there was a vacancy on the Substandard Building Commission due to the recent resignation of Tim Jones. Ms. Hambrick stated that Steven Bowman has expressed interest.

A motion was made by Councilmember Winn, seconded by Councilmember Whatley, to approve the appointment of Steven Bowman to the Substandard Building Commission. The motion carried unanimously.

The City Council Recessed at 8:10 p.m.

The City Council returned to Regular Session at 8:19 p.m.

DISCUSS AND CONSIDER VELVIN & WEEKS TO BE INCLUDED AS A
PRE-QUALIFIED ENGINEERING FIRM

A motion was made by Councilmember Whatley seconded by Councilmember Montgomery to approve Velvin and Weeks and a Pre-Qualified Engineering Firm. The motion carried unanimously.

CONSIDER FIRST READING OF AN ORDINANCE REZONING OF TRACT
171, ABSTRACT 19, J.B. ATWOOD SURVEY, CITY OF ATHENS,
HENDERSON COUNTY, TEXAS FROM COMMERCIAL TO RESIDENTIAL
SF-7 TO ALLOW FOR PLACEMENT OF A MOBILE HOME, OWNED BY
LARRY WARRICK (2135 EAST SH 31)

Ms. Hambrick read the Ordinance aloud. A motion was made by Councilmember Winn, seconded by Councilmember Whatley to approve first reading of An Ordinance rezoning of Tract 171, Abstract 19, J.B. Atwood Survey, City of Athens, Henderson County, Texas from Commercial to Residential SF-7 to allow for placement of a mobile home, owned by Larry Warrick (2135 East SH 31). The motion carried unanimously.

CONSIDER FIRST READING OF AN ORDINANCE CREATING SITE PLAN
AND LAND USE OF 10 ACRE TRACT IN B.C. WALTER LEAGUE,
ABSTRACT 782, HENDERSON COUNTY, TEXAS FROM PLAN
DEVELOPMENT PD-2 TO PLAN DEVELOPMENT PD-2 WITH SITE PLAN
AND LAND USE PLAN TO ALLOW FOR A 72 UNIT APARTMENT
PROJECT, OWNED BY DON BALL, AGENT (NE QUADRANT OF US 175
AND LOOP 7)

Ms. Hambrick read the Ordinance aloud.

Mr. Ball stated he would like for the Council to zone correctly. He stated he would provide sewer.

Mr. Rodriguez stated the Zoning Commission and Staff recommend four pieces of the approval which should include the following: : (1) exterior façade shall be no less than 70% masonry, (2) wrought iron perimeter fence, (3) 8:12 roof pitch, (4) completion and approval of a developer's agreement. Mr. Rodriguez stated that prior to permits being issued the City should have the developer's agreement.

A motion was made by Councilmember Montgomery to approve site plan and land use of 10 acre Tract in B.C. Walter League, Abstract 782, Henderson County, Texas from Plan Development PD-2 to Plan Development PD-2 with site plan and land use plan to allow for a 72 unit apartment project, owned by Don Ball, agent (NE quadrant of US 175 and Loop 7) with the four stipulation: (1) exterior façade shall be no less than 70% masonry, (2) wrought iron perimeter fence, (3) 8:12 roof pitch, (4) completion and approval of a developer's agreement.

The motion died to the lack of a second.

DISCUSS AND CONSIDER AGREEMENT OF UNDERSTANDING BETWEEN THE CITY OF ATHENS AND ATXFM, INC. (DBA: ATHENS TEXAS FARMERS MARKET) FOR THE TEMPORARY USE OF THE CITY PARKING LOT TO CONDUCT A FARMERS' MARKET, BEGINNING MAY 7, 2016

Thanasis Kombos, Community Development Manager explained Athens Farmers Market is requesting temporary use of the City Parking Lot for 2016. He stated that Athens Farmers Market will be required to provide insurance.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the agreement of understanding between the City of Athens and ATXFM, INC. (DBA: Athens Texas Farmers Market) for the temporary use of the City Parking Lot to conduct a Farmers' Market, Beginning May 7, 2016. The motion carried unanimously.

DISCUSS AND CONSIDER AUTHORIZING THE TEMPORARY CLOSURE OF THE SOUTHERNMOST BLOCK OF NORTH CARROLL STREET IN CONJUNCTION WITH THE "FOR THE TEXAN" CONCERT EVENT TO OCCUR ON MAY 7, 2016

Mr. Kombos informed Council in a continued effort to promote the Texan Theater and generate community awareness and involvement in the project, a concert event is planned to be held on May 7th, 2016. The temporary closure of North Carroll Street will allow for the location of food trucks/vendors for the event. Mr. Kombos stated on Saturday, May 7th from 6 p.m. to 11 p.m., the City of Athens will host "For the Texan," a concert to promote the Texan Theater renovation project. Performers will include opening act, the Wesley Pruitt Band, and headliners, the Chris Wayne Band. In addition to musical performances, food trucks/vendors will also be present. The closure of the southernmost block of North Carroll Street will allow for the safe and convenient location of these food vendors. The event will also be BYOB and public safety officers will be available during the duration of the event.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the temporary closure of the southernmost block of North Carroll Street in conjunction with the "For The Texan" Concert event to occur on May 7, 2016. The motion carried unanimously.

DISCUSS AUTHORIZING OUTDOOR BURN ORDINANCE VARIANCE, AS REQUESTED BY JANE JOSLIN/ROELLEN GIN COMPANY, INC. (2860 F.M. 2495)

John McQueary, Fire Chief explained that Ms. Joslin is applying for a one year variance permit for outdoor burning at 2860 FM 2495. He stated the Fire Marshall's office has permitted Ms. Joslin a variance over the past several years. Ms. Joslin's property and request meets all requirements under the Cities burn policy for large acreage. He stated Ms. Joslin pays a three hundred dollar permit that allows twelve burns per year, one burn per month. The property has a Ranch Foreman that oversees the burning and notifies the FM office before each burn for site inspection.

A motion was made by Councilmember Whatley, seconded by Councilmember Montgomery to authorize outdoor burn variance as requested by Jane Joslin/Roellen Gin Company, Inc. The motion carried unanimously.

DISCUSS AND CONSIDER POSSIBLE ACTION ON THE FOLLOWING ITEMS RELATED TO THE DISSOLUTION OF BIOTECH MANUFACTURING CENTER (BMC)

- a) TRANSFER OWNERSHIP OF FORKLIFT TO ATHENS ECONOMIC DEVELOPMENT CORPORATION
- b) TRANSFER OF FUNDS RECEIVED, IN THE AMOUNT OF \$12,610.02 TO ATHENS ECONOMIC DEVELOPMENT CORPORATION

Lisa Denton, Athens Economic Director, explained that Biotech Manufacturing Center (BMC) has completed its dissolution and has transferred ownership of a forklift, along with all remaining cash funds to the city and AEDC is requesting the transfer of funds and forklift ownership be passed on to AEDC. Ms. Denton stated this would fulfill the intent of the Memorandum of Understanding (MOU) that was approved in July 2015.

A motion was made by Councilmember Elliott, seconded by Councilmember Montgomery to approve the transfer of ownership of forklift to AEDC and the transfer of funds in the amount of \$12, 610.02. The motion carried unanimously.

CITY MANAGER UPDATE

Mr. Rodriguez thanked David Hopkins, Assistant City Manager and Director of Finance for his service.

MAYOR AND COUNCIL UPDATE

Mayor Vaught stated the passing of Rick Hirsch is a loss to the community.

Councilmember Elliott stated he would like to see a future agenda item for rules and procedures relating to how a City Councilmember request items on an agenda.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 13th DAY OF JUNE, 2016.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary