

REGULAR SESSION

JULY 13, 2010

The Board of Directors of the Athens Municipal Water Authority met in Regular Session on Tuesday, July 13, 2010, 8:30 a.m. in the Council Chambers of the City of Athens with the following members present, to-wit:

Chip Perryman  
Mike Stover  
Steve Sparkman  
C.A. Hawn  
Ed Gatlin

Wylie Pirkle, Executive Director  
Bill Magee, Lake Inspector  
Pam Watson, City Secretary  
Glen Herriage, Director of Utilities  
David Hopkins, Director of Finance  
Martin Bennett, A.M.W.A. Attorney

others present: Tyler Hendrickson, Marc Abadie and other interested citizens;

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

Director Perryman called the meeting to Order.

CONSIDER APPROVING THE MINUTES OF THE JUNE 8, 2010 REGULAR SESSION

A motion was made by Director Stover, seconded by Director Hawn to approve the minutes of the June 8, 2010 Regular Session, as written. The motion carried unanimously.

INSPECTOR'S REPORT

A) STATUS REPORT ON LAKE ACTIVITIES

Bill Magee, Lake Inspector updated on the following:

- 1) Lake is at full pool.
- 2) July 4<sup>th</sup> holiday was a success.
- 3) Several permits have been issued for docks & retaining walls.
- 4) No damage has resulted from heavy rains.

DISCUSS FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)  
FLOOD PLAIN "ZONE A" DESIGNATION FOR LAKE ATHENS

Director Perryman explained that several Lake Athens property owners are receiving notice from their mortgage company requiring them to carry flood insurance, due to new Flood Insurance Rate Maps (FIRM) showing that they are now in the flood zone. He stated that there have been discussions with the Federal Emergency Management Agency (FEMA) and there is no definitive baseline for Lake Athens.

Gary Crecelius, Director of Planning & Development explained that the City was informed by FEMA that the FIRM maps were being digitalized and also informed by the Texas Water Development Board (TWDB) that the flood plain map was not being changed and there are no additional studies being performed concerning the flood plain. He stated that Leon Curtis with TWDB expressed his feelings that this is an issue of the mortgage company not understanding the FIRM maps, recommending that the homeowner obtain a Certificate of Elevation on their house.

Wylie Pirkle, Executive Director stated that he has contacted the FEMA office that made the changes to the FIRM maps and he should have answers by the next meeting.

DISCUSS/CONSIDER VARIANCE TO ARTICLE 2. PIERS AND BOATHOUSES, SECTION 2. LENGTH FOR LOT 110B, OAKWOOD SUBDIVISION, OWNED BY MARCUS ABADIE (7836 CHARLYA DR.)

Marcus Abadie stated that he submitted paperwork requesting a 80 ft. length variance, however, he is now requesting a 70 ft. length variance, to allow him to construct a new boat dock and reach adequate water depth.

Mr. Magee informed the Board that he reached 5.5 ft. of water when measuring out to 60 ft. and was unable to reach the bottom of the Lake when measuring out to 70 ft.

After discussion, a motion was made by Director Gatlin, seconded by Director Perryman to deny the variance to Article 2. Piers and Boathouses, Section 2. Length for Lot 110B, Oakwood Subdivision, based upon water depth. The motion carried unanimously.

DISCUSS/CONSIDER VARIANCE TO ARTICLE 2. PIERS AND BOATHOUSES, SECTION 1. AREA FOR LOT 38, P.A. TAYLOR SUBDIVISION, OWNED BY GREG & REBECCA HISEY (5534 BAYSHORE DR.)

Mr. Hisey stated that he is requesting a 170 sq. ft. area variance to allow him to add on to the back of his existing boat dock, for a total area of 770 sq. ft. He explained that he would like to add the additional area to increase the seating area, with both adjoining property owners having no objections.

After discussion, a motion was made by Director Hawn, seconded by Director Stover to deny the variance to Article 2. Piers and Boathouses, Section 1. Area for Lot 38, P.A. Taylor Subdivision. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING CLEARING OF UNDERBRUSH ON ISLAND LOCATED IN FRONT OF PHANTOM TRAIL ON LAKE ATHENS, AS REQUESTED BY STEPHEN JONES AND JOE HICKMAN

Scott Wood appeared on behalf of Mr. Jones and Mr. Hickman, requesting authorization to clear underbrush from the island in front of Phantom Trail, due to reoccurring buzzard problems. He stated that they will clear the underbrush and there will be no cost to A.M.W.A. After discussion, a motion was made by Director Gatlin, seconded by Director Hawn to authorize the removal of underbrush on the island located in front of Phantom Trail on Lake Athens, to be limited to less than 6" in diameter and all trimming to be under the direction of the Lake Inspector. The motion carried unanimously. Mr. Pirkle stated that all underbrush removed must be taken to an area above the 448 msl.

FINANCIAL REPORT

David Hopkins, Director of Finance presented the June financials.

DISCUSS/CONSIDER COLLECTIONS OF PAST DUE ACCOUNTS

After discussion, no action was taken. Attorney Martin Bennett will review the subject matter.

DISCUSS/CONSIDER ADOPTING CODE OF ETHICS AND POLICIES FOR TRAVEL EXPENDITURES, INVESTMENTS, PROFESSIONAL SERVICES AND FISCAL MANAGEMENT, PURSUANT TO SECTION 49.199, TEXAS WATER CODE

Mr. Hopkins explained that the Investment Policy must be reviewed annually, with there being no changes. A motion was made by Director Gatlin, seconded by Director Sparkman to adopt CODE

OF ETHICS AND POLICIES FOR TRAVEL EXPENDITURES, INVESTMENTS, PROFESSIONAL SERVICES AND FISCAL MANAGEMENT, PURSUANT TO SECTION 49.199, TEXAS WATER CODE. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING RENEWAL OF  
PROPERTY/LIABILITY/WORKERS' COMPENSATION INSURANCE

Mr. Hopkins stated that it is staff's recommendation that the Property/Liability/Workers' Compensation Insurance be renewed with Texas Municipal League. A motion was made by Director Gatlin, seconded by Director Hawn to authorize renewal of Property/Liability/Workers' Compensation Insurance with Texas Municipal League. The motion carried unanimously.

DISCUSS/CONSIDER APPROVING ADDENDUM TO LEASE AGREEMENT  
WITH ATHENS MARINA, LTD

Director Perryman stated that this Addendum gives Athens Marina, LTD a two (2) year lease on an additional 3.095 acre tract of property, subject to the affirmative covenants that Athens Marina, LTD will use the property or they will lose it, with Athens Marina, LTD being required to design or build something on the property, to be approved by the Board, within the two (2) year period, or the lease of the 3.095 acre tract will terminate.

Mr. Pirkle stated that base rent for the additional property will be \$800 per month beginning August 1, 2010.

After discussion, a motion was made by Director Hawn, seconded by Director Sparkman to approve the Addendum to Lease Agreement with Athens Marina, LTD. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING PARTIAL REIMBURSEMENT FOR  
TEMPORARY RESTROOM FACILITIES LOCATED AT LAKE ATHENS  
MARINA, AS REQUESTED BY PETER GOULD

Mr. Hopkins explained that Peter Gould has provided an invoice in the amount of \$320 for temporary restroom facilities utilized at Lake Athens Marina from 6/22/10 to 7/19/10 and is requesting 50% reimbursement. A motion was made by Director Perryman, seconded by Director Stover to authorize reimbursement to Peter Gould in the amount of \$160 for temporary restroom facilities. The motion carried unanimously.

ENGINEER'S REPORT

A) STATUS REPORT ON CURRENT AND PROPOSED PROJECTS

Tyler Hendrickson, Velvin & Weeks Consulting Engineers

- 1) Updated on Well Study.
- 2) Updated on Dam Maintenance Project.
- 3) Updated on minor work at Water Treatment Plant.

DISCUSS/CONSIDER AUTHORIZING SOLUTIENT GEOSCIENCES, INC. TO  
PERFORM ANNUAL SOIL-SLUDGE MONITORING REQUIREMENTS AND  
ANNUAL SLUDGE SUMMARY REPORT

A motion was made by Director Gatlin, seconded by Director Sparkman to authorize Solutient Geosciences, Inc. to perform Annual Soil-Sludge Monitoring Requirements and Annual Sludge Summary Report, not to exceed cost of \$2,688.90. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING STAFF TO ADVERTISE FOR BIDS FOR  
REMOVAL AND DISPOSAL OF SLUDGE

A motion was made by Director Gatlin, seconded by Director Stover to authorize staff to advertise for bids for removal and disposal of sludge. The motion carried unanimously.

CONSIDER PAYMENT OF STATEMENTS

A motion was made by Director Gatlin, seconded by Director Hawn to approve the payment of statements, as presented. The motion carried unanimously.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN

There was no discussion.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,  
1) SECTION 551.072 DELIBERATION REGARDING REAL PROPERTY;  
DELIBERATION CONCERNING THE PURCHASE, EXCHANGE, LEASE AND  
VALUE OF REAL PROPERTY

The Board did not enter Executive Session.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE  
SESSION REGARDING REAL PROPERTY

No action was taken.

ADJOURN

A motion was made by Director Hawn, seconded by Director Gatlin to adjourn. The motion carried unanimously.

PASSED AND APPROVED THIS THE 10<sup>TH</sup> DAY OF AUGUST, 2010.

---

W.C. "Chip" Perryman, III, President

ATTEST:

---

Pam Watson, City Secretary