

REGULAR SESSION

NOVEMBER 10, 2009

The Board of Directors of the Athens Municipal Water Authority met in Regular Session on Tuesday, November 10, 2009, 8:30 a.m. in the Council Chambers of the City of Athens with the following members present, to-wit:

Chip Perryman
Mike Stover
C.A. Hawn
Steve Sparkman

Pam Watson, City Secretary
David Hopkins, Director of Finance
Glen Herriage, Director of Utilities
Mose Trimble, Lake Inspector
Damon Douglas, A.M.W.A. Attorney

others present: Wayne Weeks, Chris Weeks, Peter Gould, Lauren Ricks and other interested citizens;

with the following member absent: Ed Gatlin;

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 OCTOBER 13, 2009
REGULAR SESSION

A motion was made by Director Stover, seconded by Director Hawn to approve the minutes of the October 13, 2009 Regular Session, as written. The motion carried unanimously.

INSPECTOR'S REPORT

A) STATUS REPORT ON LAKE ACTIVITIES

Mose Trimble, Lake Inspector

- 1) Two (2) retaining walls and one (1) boathouse under construction.
- 2) Lake is 4½" above normal.

DISCUSS/CONSIDER A VARIANCE TO ARTICLE 2. PIERS AND
BOATHOUSES, SECTION 2. LENGTH FOR LOT 66, OAKWOOD
SUBDIVISION, OWNED BY STEPHEN BLAISING (8220 CHARYLA DR.)

Inspector Trimble explained that the property owner is requesting a variance to allow him to construct a boat dock out to eighty-five feet (85') in length due to shallow water. He stated that an objection has been received from one (1) adjoining property owner and the other adjoining property owner has been out of the State. Inspector Trimble stated that the variance will not impede the Lake and he has no objection.

Elaine Schaller, adjoining property owner, voiced her objection to the variance due to the fact that other property owners have been held to A.M.W.A. regulations.

After discussion, this item was tabled to allow time to receive a response from the other adjoining property owner.

DISCUSS CONCERNS WITH LYNGBYA IN LAKE ATHENS, AS REQUESTED
BY LAKE ATHENS PROPERTY OWNERS ASSOCIATION

Bob Bushnell, Vice President of Lake Athens Property Owners Association requested that this item be tabled until next Spring.

DISCUSS/CONSIDER A RESOLUTION AMENDING RULES AND REGULATIONS, ARTICLE 8. STRUCTURES AND ARTICLE 25. FEE STRUCTURE

Glen Herriage, Director of Utilities explained that this Resolution will allow heat exchangers to be permitted in Lake Athens, with this being an annual permit which can be revoked. After discussion, a motion was made by Director Hawn, seconded by Director Sparkman to approve A RESOLUTION AMENDING RULES AND REGULATIONS, ARTICLE 8. STRUCTURES AND ARTICLE 25. FEE STRUCTURE. The motion carried unanimously.

FINANCIAL REPORT

David Hopkins, Director of Finance

1) Presented October financials.

MARINA REPORT

A) CONCESSIONAIRE STATUS REPORT ON MARINA ACTIVITIES

Peter Gould stated that business at Lake Athens Marina is stronger than ever.

DISCUSS/CONSIDER DECLARING LAND OWNED BY ATHENS MUNICIPAL WATER AUTHORITY AS EXCESS ACREAGE, BEING DESCRIBED AS 2.43 ACRES LOCATED IN DAVID CHERRY LEAGUE, A-135, HENDERSON COUNTY, TEXAS (FIELD NOTES ATTACHED AS "EXHIBIT A") AND BEING DESCRIBED AS 0.366 ACRES LOCATED IN DAVID CHERRY LEAGUE, A-135, HENDERSON COUNTY, TEXAS (FIELD NOTES ATTACHED AS "EXHIBIT B")

This item was tabled.

ENGINEER'S REPORT

A) STATUS REPORT ON CURRENT AND PROPOSED PROJECTS

No report was given.

DISCUSS PROPOSED GROUNDWATER STUDY

Mike Keester with Thornhill Group presented a proposal and options for determining the quantity and quality of groundwater, with Step 1 consisting of a study at a cost of \$10,000, Step 2 consisting of the drilling of three (3) test holes at a cost of \$40,000 and Step 3 consisting of the drilling of 4" well at a cost of \$100,000.

Wayne Weeks with Velvin & Weeks Consulting Engineers recommended that Step 1 and Step 2 be considered on the next agenda.

DISCUSS/CONSIDER AUTHORIZING TASK ORDER WITH VELVIN & WEEKS CONSULTING ENGINEERS TO DESIGN AND MANAGE CONSTRUCTION OF VARIOUS IMPROVEMENTS AT WATER TREATMENT PLANT

Mr. Herriage explained non-compliance issues at the Water Treatment Plant resulting from Texas Commission on Environmental Quality's last comprehensive investigation. After discussion, a

motion was made by Director Stover, seconded by Director Hawn to authorize a Task Order with Velvin & Weeks Consulting Engineers to design and manage construction of various improvements at the Water Treatment Plant, as presented. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING VELVIN & WEEKS CONSULTING ENGINEERS TO RESOLVE ISSUES RESULTING FROM TEXAS COMMISSION ON ENVIRONMENTAL QUALITY'S COMPLIANCE INVESTIGATION

After discussion, a motion was made by Director Stover, seconded by Director Hawn to authorize Velvin & Weeks Consulting Engineers to resolve issues resulting from Texas Commission on Environmental Quality's Compliance Investigation. The motion carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

No report was given.

DISCUSS/CONSIDER CONTACTING UPPER NECHES RIVER MUNICIPAL WATER AUTHORITY REGARDING ACQUISITION OF ADDITIONAL WATER RIGHTS

No action was taken.

DISCUSS WASTEWATER REUSE PROJECT

There was no discussion.

CONSIDER PAYMENT OF STATEMENTS

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

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN

1. Ms. Schaller requested clarification of the variance request for Lot 66, Oakwood Subdivision, being informed that the item was tabled.

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

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,
1) SECTION 551.074 PERSONNEL MATTERS; DELIBERATION REGARDING
THE EMPLOYMENT AND DUTIES OF INSPECTOR/LAKE PATROL OFFICER

A motion was made by Director Stover, seconded by Director Hawn to adjourn to Executive Session. The motion carried unanimously.

A motion was made by Director Hawn, seconded by Director Stover to return to Regular Session. The motion carried unanimously.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION REGARDING REAL PROPERTY

A motion was made by Director Perryman, seconded by Director Hawn to extend the Extension to Addendum to Lease with Athens Marina LTD. an additional three (3) months, subject to review by Legal Counsel. The motion carried unanimously.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE
SESSION REGARDING THE EMPLOYMENT AND DUTIES OF
INSPECTOR/LAKE PATROL OFFICER

No action was taken.

ADJOURN

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

PASSED AND APPROVED THIS THE 8TH DAY OF DECEMBER, 2009.

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

ATTEST:

Pam Watson, City Secretary