

REGULAR SESSION

MARCH 23, 2009

The City Council of the City of Athens met in Regular Session on Monday, March 23, 2009, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Randy Daniel
Jerry Don Vaught
Carroll Maberry
Carol Barton

Pam Watson, City Secretary
Jack Holland, City Attorney

others present: Glen Herriage, David Hopkins, Buddy Hill, John McQueary, Gary Crecelius, Haven Cox, David Daniel and other interested citizens;

with the following member absent: Elaine Jenkins;

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

The invocation was given by Mayor Daniel.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSIDER AN ORDER CANCELING MAY 9, 2009 CITY OF ATHENS
GENERAL ELECTION

Mayor Daniel explained that the office of Mayor and Councilmember, Place 1 are unopposed, therefore, this Order will cancel the General Election. A motion was made by Councilmember Barton, seconded by Councilmember Maberry to approve AN ORDER CANCELING MAY 9, 2009 CITY OF ATHENS GENERAL ELECTION. The motion carried unanimously.

PUBLIC HEARING CONCERNING REZONING OF TRACT 38, R.A. CLARK
SURVEY FROM INDUSTRIAL TO COMMERCIAL, OWNED BY GPR CORP.,
A TEXAS CORP (1414 EAST TYLER ST.)

Gary Crecelius, Director of Planning & Development explained that this is the location of the old Eaton Motor Company, with the new owner requesting the rezoning for setback purposes. He stated that eleven (11) surrounding property owners were notified and no responses were received, with the Zoning Commission approving the rezone on 3/17/09. There was no discussion and the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE REZONING TRACT 38,
R.A. CLARK SURVEY FROM INDUSTRIAL TO COMMERCIAL, OWNED BY
GPR CORP., A TEXAS CORP (1414 EAST TYLER ST.)

City Secretary Pam Watson read the Ordinance aloud. A motion was made by Councilmember Vaught, seconded by Councilmember Barton to approve FIRST READING OF AN ORDINANCE REZONING TRACT 38, R.A. CLARK SURVEY FROM INDUSTRIAL TO COMMERCIAL. The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF LOTS 9 & 10, R.L. PAYNE SUBDIVISION,
OWNED BY JOHNNIE BYRD (825 NORTH PRAIRIEVILLE ST.)

Mr. Crecelius explained that Ms. Byrd is a recipient of the Texas Department of Housing and Community Affairs HOME Grant and she is replatting both of her lots into one (1) lot to allow her old house to be demolished and her new house reconstructed in the middle of the property. He stated that the Zoning Commission approved the replat on 3/17/09. A motion was made by Councilmember Maberry, seconded by Councilmember Barton to approve the replat of Lots 9 & 10, R.L. Payne Subdivision. The motion carried unanimously.

CONSIDER FIRST READING OF ORDINANCE ESTABLISHING A CHARGE FOR COLLECTION OF SOLID WASTE TO BE CHARGED FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMERS

Ms. Watson read the Ordinance aloud. A motion was made by Councilmember Vaught, seconded by Councilmember Maberry to approve FIRST READING OF ORDINANCE ESTABLISHING A CHARGE FOR COLLECTION OF SOLID WASTE TO BE CHARGED FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMERS. The motion carried unanimously.

CONSIDER A RESOLUTION ABANDONING AN ALLEYWAY LOCATED BETWEEN BLOCK 1, LOTS 1 & 22 AND BLOCK 2, LOTS 11 & 12, GAUNTT HEIGHTS SUBDIVISION, AS REQUESTED BY MIGUEL SANCHEZ, JOSE & JAZMIN ARICIAGA AND GEORGE LEWIS EST. (LOCATED BETWEEN MAPLE ST. & MARTIN ST.)

Mr. Crecelius explained that the adjoining property owners are requesting that the City abandon an undeveloped alleyway located between Maple St. and Martin St., with staff having no objection due to there being no utilities in this area. A motion was made by Councilmember Barton, seconded by Councilmember Maberry to approve A RESOLUTION ABANDONING AN ALLEYWAY LOCATED BETWEEN BLOCK 1, LOTS 1 & 22 AND BLOCK 2, LOTS 11 & 12, GAUNTT HEIGHTS SUBDIVISION. The motion carried unanimously.

DISCUSS/CONSIDER APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S INCENTIVE PACKAGE FOR SCHNEIDER ELECTRIC/SQUARE D COMPANY AND APPROVING PERFORMANCE AGREEMENT

David Daniels, Chairman of Athens Economic Development Corporation explained that A.E.D.C. has approved another incentive package for Schneider Electric/Square D Company which will extend their previously approved 24 month performance agreement an additional 12 months, for a total of 36 months, offering an employment incentive at a rate of \$3,000.00 per full time employee. After discussion, a motion was made by Councilmember Vaught, seconded by Councilmember Barton to approve A.E.D.C.'s incentive package for Schneider Electric/Square D Company and approve the performance agreement. The motion carried by the following vote: Ayes: Mayor Daniel, Councilmember Vaught, Councilmember Barton. Nays: Councilmember Maberry.

DISCUSS/CONSIDER APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S INCENTIVE PACKAGE FOR MAXIMUS, INC. AND APPROVING PERFORMANCE AGREEMENT

Mr. Daniels explained that A.E.D.C. has approve an incentive package for Maximus, Inc. to extend employee incentives from the current 235 jobs up to 400 jobs, based on salary scale, to 12/31/09. After discussion, a motion was made by Councilmember Barton, seconded by Councilmember Vaught to approve A.E.D.C.'s incentive package for Maximus, Inc. and approve the performance agreement. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING CONTRACT WITH BRINKLEY
SARGENT ARCHITECTS FOR PROFESSIONAL ARCHITECT SERVICES FOR
FACILITY NEEDS ASSESSMENT AND AUTHORIZING BUDGET
ADJUSTMENT

Mayor Daniel explained that approximately sixty (60) days ago the Council voted to delay the Facility Needs Assessment due to the economic situation. He stated that sales tax is still down, however, the need for the facility assessment remains. After discussion, a motion was made by Councilmember Vaught, seconded by Councilmember Maberry to table this item until the August 2009 budget workshops. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENT TO ZONING BOARD OF
ADJUSTMENTS

Mayor Daniel stated that Mark Ferrell has moved outside the city limits and is ineligible to continue serving on the Zoning Board of Adjustments, with Cody Robertson agreeing to fill the unexpired term. A motion was made by Councilmember Maberry, seconded by Councilmember Barton to appoint Cody Robertson to fill the unexpired term on the Zoning Board of Adjustments. The motion carried unanimously.

CONSENT AGENDA;

- A) CONSIDER APPROVING MINUTES OF THE MARCH 4, 2009 SPECIAL
SESSION AND MARCH 9, 2009 REGULAR SESSION

A motion was made by Councilmember Barton, seconded by Councilmember Maberry 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 13TH DAY OF APRIL, 2009.

Randy Daniel, Mayor

ATTEST:

Pam Watson, City Secretary