

REGULAR SESSION

JANUARY 26, 2009

The City Council of the City of Athens met in Regular Session on Monday, January 26, 2009, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Randy Daniel
Carroll Maberry
Carol Barton

Pam Burton, City Administrator
Pam Watson, City Secretary
Jack Holland, City Attorney

others present: Glen Herriage, David Hopkins, Gary Crecelius, Haven Cox, Elaine Coffman, Wayne Weeks, Buddy Cundieff, David Daniels, Lauren Ricks and other interested citizens;

with the following members absent: Jerry Don Vaught, 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.

PUBLIC HEARING CONCERNING REZONING AND CREATING SITE PLAN FOR LOT 3, BLOCK 50, ATHENS ORIGINAL TOWN FROM INDUSTRIAL TO INDUSTRIAL SPECIFIC USE PROVISION, OWNED BY CALVIN WILCHER (790 N. WOFFORD ST.)

Gary Crecelius, Director of Planning & Development explained that this property is being rezoned to allow for a 170 ft. communications tower to be placed on the northwest portion of the property. He explained that the tower will be owned by Towers of Texas and they have contracts with major cell phone providers, with it being available to all of them. He stated that fifteen (15) surrounding property owners were notified and no objections were received, with the Zoning Commission approving the rezoning and site plan on 1/20/09. After discussion, the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE REZONING AND CREATING SITE PLAN FOR LOT 3, BLOCK 50, ATHENS ORIGINAL TOWN FROM INDUSTRIAL TO INDUSTRIAL SPECIFIC USE PROVISION, OWNED BY CALVIN WILCHER (790 N. WOFFORD ST.)

City Secretary Pam Watson read the Ordinance aloud. A motion was made by Councilmember Maberry, seconded by Councilmember Barton to approve FIRST READING OF AN ORDINANCE REZONING AND CREATING SITE PLAN FOR LOT 3, BLOCK 50, ATHENS ORIGINAL TOWN FROM INDUSTRIAL TO INDUSTRIAL SPECIFIC USE PROVISION, contingent upon Towers of Texas receiving all State and Federal licenses. The motion carried unanimously.

PUBLIC HEARING CONCERNING REZONING OF LOT 3, BLOCK 4, HILLTOP TERRACE SUBDIVISION FROM AGRICULTURE TO TWO-FAMILY RESIDENTIAL (DUPLEX HOMES), OWNED BY MARVIN CASTRO (605 WALNUT CIRCLE)

Mr. Crecelius explained this property is being rezoned to allow for construction of a duplex home. He stated that twenty (20) surrounding property owners were notified and one (1) written objection

was received, however, two (2) citizens were present at the Zoning Commission meeting on 1/20/09 that expressed concerns with this being a narrow street and additional parking for a duplex becoming a problem. He stated that the Zoning Commission approved the rezoning. After discussion, the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE REZONING LOT 3, BLOCK 4, HILLTOP TERRACE SUBDIVISION FROM AGRICULTURE TO TWO-FAMILY RESIDENTIAL (DUPLEX HOMES), OWNED BY MARVIN CASTRO (605 WALNUT CIRCLE)

Ms. Watson read the Ordinance aloud. A motion was made by Councilmember Barton, seconded by Councilmember Maberry to approve FIRST READING OF AN ORDINANCE REZONING LOT 3, BLOCK 4, HILLTOP TERRACE SUBDIVISION FROM AGRICULTURE TO TWO-FAMILY RESIDENTIAL (DUPLEX HOMES). The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF LOT 1-A, WAL-MART ADDITION, OWNED BY WAL-MART REAL ESTATE BUSINESS TRUST (1405 EAST TYLER ST.)

Mr. Crecelius explained that this will replat one (1) lot into two (2) lots, with the Zoning Commission approving the replat on 1/20/09. A motion was made by Councilmember Maberry, seconded by Councilmember Barton to approve the replat of Lot 1-A, Wal-Mart Addition. The motion carried unanimously.

DISCUSS/CONSIDER REQUEST FROM ATHENS KIWANIS CLUB TO MAKE IMPROVEMENTS TO KIWANIS PARK

City Administrator Pam Burton informed the Council that she recently made application on behalf of the Kiwanis Club and was awarded a \$50,000 grant from the Ginger Murchison Foundation for improvements to Kiwanis Park. She stated that Phase I will include the construction of a new handicap accessible restroom facility and Phase II will include additional picnic tables and small pavilions. She presented a bid from Montgomery Unlimited, LLC in the amount of \$40,800 for the construction of the new restroom facilities, with \$9,200 remaining for the Phase II improvements. After discussion, a motion was made by Councilmember Barton, seconded by Councilmember Maberry to approve the request from Athens Kiwanis Club to make the improvements to Kiwanis Park, as requested. The motion carried unanimously.

DISCUSS/CONSIDER REQUEST ATHENS KIWANIS CLUB TO FILL IN AND DISPOSE OF SWIMMING POOL AT KIWANIS PARK

Ms. Burton informed the Council that Athens Kiwanis Club is requesting that the swimming pool at Kiwanis Park be filled in and disposed of, due to it being a liability to patrons, Athens Kiwanis Club and the City of Athens. She stated that the City would fill in the pool and remove and dispose of the chain-link fence surrounding it, with any expenses being reimbursed by Athens Kiwanis Club. She stated that the pool was monitored during the summer and there was not a lot of use, recommending approval of the request. Councilmember Maberry expressed his feelings that the citizens will not be happy with the closing of the pool. After discussion, a motion was made by Councilmember Barton, seconded by Councilmember Maberry to authorize the filling in and disposing of the swimming pool at Kiwanis Park, as requested by Athens Kiwanis Club. The motion carried unanimously.

DISCUSS/CONSIDER APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S INCENTIVE PACKAGE FOR HYDRAULIC POWER SERVICES, INC. AND AUTHORIZING PERFORMANCE AGREEMENT

David Daniels, Chairman of Athens Economic Development Corporation appeared before the City

Council and requested approval of the 24 month performance-based incentive package that A.E.D.C. approved for Hydraulic Power Services, Inc., which includes an advance interest free loan in the amount of \$20,000 to be forgiven for each new full-time employee in excess of the current ten (10) employees. After discussion, a motion was made by Councilmember Maberry, seconded by Councilmember Barton to approve A.E.D.C.'s incentive package for Hydraulic Power Services, Inc. and authorize a performance agreement. The motion carried unanimously.

DISCUSS/CONSIDER APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S GRANT TO EAST TEXAS ARBORETUM

Mr. Daniels requested approval of a \$4,000 grant that A.E.D.C. awarded to East Texas Arboretum to be used for a new parking lot. A motion was made by Councilmember Maberry, seconded by Councilmember Barton to approve A.E.D.C.'s grant to East Texas Arboretum, as presented. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING PARTICIPATION WITH ATHENS MUNICIPAL WATER AUTHORITY ON TEXAS PARKS & WILDLIFE DEPARTMENT GRANT #F-201-B; B

Glen Herriage, Director of Utilities informed the Council that Athens Municipal Water Authority is requesting the City of Athens for assistance with the Texas Parks & Wildlife Department Grant by providing the labor for repair of base failures of the parking lot and access road leading to the boat ramp. A motion was made by Councilmember Maberry, seconded by Councilmember Barton to authorize participation with A.M.W.A. on Texas Parks & Wildlife Department Grant #F-201-B;B, as requested. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING CHANGE ORDER #5 FOR WATER AND WASTEWATER FACILITIES TO SERVE IMPALA POINT, P.A. TAYLOR AND 4-D MOBILE HOME PARK PROJECT

Mr. Herriage explained that this Change Order is necessary for the adjustment of final quantities for this project. A motion was made by Councilmember Barton, seconded by Councilmember Maberry to authorize Change Order #5 for Water and Wastewater Facilities to serve Impala Point, P.A. Taylor and 4-D Mobile Home Park Project, having a net increase of \$13,983.83. The motion carried unanimously.

CONSENT AGENDA;

A) CONSIDER APPROVING MINUTES OF THE JANUARY 7, 2009 SPECIAL SESSION AND JANUARY 12, 2009 REGULAR SESSION

A motion was made by Councilmember Maberry, 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.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.071 CONSULTATION WITH ATTORNEY; CONSULTATION CONCERNING PENDING LITIGATION

The Council did not enter Executive Session.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION CONCERNING PENDING LITIGATION

No action was taken.

The meeting was adjourned.

PASSED AND APPROVED THIS THE 9TH DAY OF FEBRUARY, 2009.

Randy Daniel, Mayor

ATTEST:

Pam Watson, City Secretary