

REGULAR SESSION

NOVEMBER 24, 2008

The City Council of the City of Athens met in Regular Session on Monday, November 24, 2008, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Randy Daniel, Mayor  
Jerry Don Vaught  
Elaine Jenkins  
Carroll Maberry  
Carol Barton

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

others present: Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, Haven Cox, David Hopkins, Elaine Coffman, Steve Grant, Lauren Ricks, Chris Weeks and other interested citizens;

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

The invocation was given by Councilmember Jenkins;

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC HEARING CONCERNING THE REZONING OF LOTS 52C & 52D, D. HARRISON LEAGUE FROM AGRICULTURE TO SINGLE-FAMILY ATTACHED RESIDENTIAL (TOWNHOMES), OWNED BY CLYAWM, INC./FRED NEELY (CORNER OF ROBBINS RD. & GIBSON RD.)

Gary Crecelius, Director of Planning & Development explained that this property is being rezoned for attached dwellings. He stated that two (2) surrounding property owners were notified, no responses were received and the Zoning Commission approved the rezone on 11/18/08. There was no discussion and the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE REZONING LOTS 52C & 52D, D. HARRISON LEAGUE FROM AGRICULTURE TO SINGLE-FAMILY ATTACHED RESIDENTIAL (TOWNHOMES), OWNED BY CLYAWM, INC./FRED NEELY (CORNER OF ROBBINS RD. & GIBSON RD.)

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 LOTS 52C & 52D, D. HARRISON LEAGUE FROM AGRICULTURE TO SINGLE-FAMILY ATTACHED RESIDENTIAL (TOWNHOMES). The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF LOT 1, BLOCK 38, ATHENS ORIGINAL TOWN, OWNED BY ATHENS INDEPENDENT SCHOOL DISTRICT (CORNER OF WEST COLLEGE ST. & HAWN ST.)

Mr. Crecelius explained that this property is being reconfigured to allow for sale of a portion of the property, with the Zoning Commission approving the replat on 11/18/08. A motion was made by Councilmember Barton, seconded by Councilmember Jenkins to approve the replat of Lot 1, Block 38, Athens Original Town. The motion carried by the following vote: Ayes: Councilmembers Barton, Jenkins, Vaught and Mayor Daniel. Nays: Councilmember Maberry.

PUBLIC HEARING CONCERNING THE CREATION OF A SITE PLAN AND  
REZONING OF LOT 1-B, BLOCK 38, OLD TOWN SUBDIVISION FROM  
OFFICE TO OFFICE SPECIFIC USE PROVISION, OWNED BY ATHENS  
INDEPENDENT SCHOOL DISTRICT (414 W. COLLEGE ST.)

Mr. Crecelius explained that this property is being rezoned at the request of a potential buyer to allow for a Community Center, with seven (7) surrounding property owners being notified. He stated that two (2) written objections were received and one (1) neighbor was present with concerns at the Zoning Commission meeting on 11/18/08, with the major objections being noise and traffic. He stated that after discussion the Zoning Commission approved the rezone with the following stipulations: 1) landscaping with shrubs along West College side of the property; 2) hours of operation not to exceed past 1:00 a.m.; 3) no alcohol allowed; and 4) center drive approach must be used. Mr. Crecelius stated that some events could possibly be held outside and the time should be considered.

Dr. Bill Carmines, 403 West College St., stated that he purchased his home in this area last December as a retirement home. He voiced his opposition due to issues with traffic, safety and noise on West College St.

Carlos Padron, potential buyer, stated that he lived at 406 Larue St. for years and has several relatives that still live in this area. He stated that the proposed Community Center would be used for family reunions, birthday parties, etc. and they will have an Officer guiding traffic at the entrance to the facility and security will be provided at the events. He expressed his feelings that this will be good for the neighborhood.

Steve Grant, representative of Athens Independent School District, explained that A.I.S.D. was also concerned with what would go in this location due to them having a school next door, however, they felt that this would be very specific due to the Specific Use Provision zoning. He explained that this facility was previously utilized as a bus barn, with approximately 240 vehicles traveling this street daily, from the hours of 5:30 a.m. until 5:30 p.m. He expressed his feelings that this use would be beneficial to the community.

Susan Carmines, 403 West College St., stated that she is not concerned with the activities inside the Community Center but is concerned with nighttime activities, traffic and the time of the traffic.

Mr. Padron stated that traffic already travels down Hwy. 31 at all times of the night and train tracks are very close, with noise already existing. He stated that they are willing to double insulate the building and keep all activities indoors.

A citizen purchasing a house at 311 West College St. stated that he never sees kids playing on this street and that noise will only exist when the traffic comes in and leaves out.

The public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE CREATING A SITE PLAN  
AND REZONING LOT 1-B, BLOCK 38, OLD TOWN SUBDIVISION FROM  
OFFICE TO OFFICE SPECIFIC USE PROVISION, OWNED BY ATHENS  
INDEPENDENT SCHOOL DISTRICT (414 W. COLLEGE ST.)

Mayor Daniel called for a motion to approve first reading of an Ordinance creating a site plan and rezoning Lot 1-B, Block 38, Old Town Subdivision from Office to Office Specific Use Provision. The item died for lack of a motion.

Councilmember Jenkins expressed her feelings that a deeper look should be taken at the impact on the neighborhood, recommending a traffic study.

A motion was made by Councilmember Maberry, seconded by Councilmember Barton to deny FIRST READING OF AN ORDINANCE CREATING A SITE PLAN AND REZONING LOT 1-B, BLOCK 38, OLD TOWN SUBDIVISION FROM OFFICE TO OFFICE SPECIFIC USE PROVISION. The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF LOTS 2A & 2B, BLOCK 74, ATHENS ORIGINAL TOWN, OWNED BY TINA TANNER (CORNER OF FRIZZELL ST. & WEST COLLEGE ST.)

Mr. Crecelius explained that this replat will reconfigure two (2) lots, with the Zoning Commission approving the replat on 11/18/08. A motion was made by Councilmember Vaught, seconded by Councilmember Maberry to approve the replat of Lots 2A & 2B, Block 74, Athens Original Town. The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF ATHENS CEMETERY, PHASE II, OWNED BY ATHENS CEMETERY ASSOCIATION (END OF COMANCHE ST.)

Mr. Crecelius explained that this replat will renumber burial plots and correct the numbering sequence, with the Zoning Commission approving the replat on 11/18/08. A motion was made by Councilmember Maberry, seconded by Councilmember Jenkins to approve the replat of Athens Cemetery, Phase II. The motion carried unanimously.

DISCUSS/CONSIDER WAIVING LIENS FOR LOTS 8B & 9, BLOCK 14, BISHOP HEIGHTS SUBDIVISION, AS REQUESTED BY VERNIS MCNEIL (213 WILLIAMS ST.)

City Administrator Pam Burton explained that Mr. McNeil has recently purchased this property and is requesting that the City waive liens totaling \$1,359.35, as he is planning to place a house on the property in the near future. A motion was made by Councilmember Vaught, seconded by Councilmember Maberry to authorize waiving liens in the amount of \$1359.35 for Lots 8B & 9, Block 14, Bishop Heights Subdivision, contingent upon a house being placed on the property. The motion carried by the following vote: Ayes: Councilmembers Vaught, Maberry, Jenkins, Mayor Daniel. Nays: Councilmember Barton.

DISCUSS/CONSIDER AUTHORIZING VARIANCE TO BURN ORDINANCE AND AUTHORIZING WAIVING OF BURN PERMIT FEE FOR EAST TEXAS ARBORETUM & BOTANICAL SOCIETY

Ms. Burton explained that East Texas Arboretum & Botanical Society is requesting authorization to burn brush on-site for up to 10 days and to have the \$50 burn permit fee waived. A motion was made by Councilmember Barton, seconded by Councilmember Vaught to authorize a variance to allow brush to be burned on-site for up to 10 days and to waive the \$50 burn permit fee, as requested. The motion carried unanimously.

DISCUSS/CONSIDER RENEWING CONTRACT FOR MEDICAL, DENTAL AND LIFE/LTD INSURANCE FOR CITY OF ATHENS EMPLOYEES

Ms. Burton stated that it is Staff's recommendation that Medical insurance be renewed with UniCare and that Dental & Life/Ltd insurance be renewed with MetLife, due to renewal rates coming in under budget. A motion was made by Councilmember Vaught, seconded by Councilmember Maberry to renew the contract for Medical insurance with UniCare and renew the contract for Dental and Life/Ltd insurance with MetLife. The motion carried unanimously.

DISCUSS/CONSIDER REQUESTS FOR QUALIFICATIONS RECEIVED FOR PRODUCTS AND/OR SERVICES FOR FACILITY NEEDS ASSESSMENT, AND AUTHORIZING STAFF TO NEGOTIATE PRICE

Ms. Burton stated that two firms, Brinkley Sargent Architects and Beeler Guest Owens Architects, Inc., responded to the Requests for Qualifications for Products and/or Services for Facility Needs Assessment for a new Police Department and Council Chamber, recommending that the Council authorize staff to negotiate a price with one of the firms. A motion was made by Councilmember Barton, seconded by Councilmember Vaught to authorize staff to negotiate a price with Brinkley Sargent Architects for Facility Needs Assessment. The motion carried unanimously.

CONSENT AGENDA;

A) CONSIDER APPROVING MINUTES OF THE NOVEMBER 10, 2008  
REGULAR SESSION

A motion was made by Councilmember Barton, seconded by Councilmember Vaught 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 8<sup>TH</sup> DAY OF DECEMBER, 2008.

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Randy Daniel, Mayor

ATTEST:

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Pam Watson, City Secretary