

REGULAR SESSION

SEPTEMBER 26, 2011

The City Council of the City of Athens met in Regular Session on Monday, September 26, 2011, 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
Carol Barton
Aubrey Jones

Pam Burton, City Administrator
Pam Watson, City Secretary
Conor Bateman, City Attorney

others present: Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, David Hopkins, Darlene Forshage, Haven Cox, Brian Malone, Joe Holt, Corey Frentress 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 AN ORDINANCE ADOPTING DROUGHT
CONTINGENCY PLAN FOR CITY OF ATHENS

Mayor Daniel opened the public hearing. City Administrator Pam Burton explained that the Plan is being amended to reflect lake levels and will mirror the Plan recently adopted by Athens Municipal Water Authority. She stated that the City of Athens is currently at Stage I, which is voluntary. There was no discussion and the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE ADOPTING DROUGHT
CONTINGENCY PLAN FOR CITY OF ATHENS, REPEALING ORDINANCE
#O-30-99 AND ORDINANCE #O-19-09

City Secretary Pam Watson read the Ordinance aloud. A motion was made by Councilmember Vaught, seconded by Councilmember Jones to approve FIRST READING OF AN ORDINANCE ADOPTING DROUGHT CONTINGENCY PLAN FOR CITY OF ATHENS, REPEALING ORDINANCE #O-30-99 AND ORDINANCE #O-19-09. The motion carried unanimously.

PUBLIC HEARING CONCERNING PROPOSED CHANGES TO THE TEXT OF
THE ZONING ORDINANCE, NO. O-12-01

Ms. Burton explained that the City Council has worked with the Downtown Revitalization Advisory Board for the past several months concerning criteria for the Central Business District, with the text amendments being ready for adoption. There was no discussion and the public hearing was closed.

CONSIDER FIRST READING OF ORDINANCE AMENDING THE TEXT OF
THE ZONING ORDINANCE, NO. O-12-01

Ms. Watson read the Ordinance aloud. A motion was made by Councilmember Barton, seconded by Councilmember Jenkins to approve FIRST READING OF ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE, NO. O-12-01. The motion carried unanimously.

PUBLIC HEARING CONCERNING SITE PLAN AMENDMENT FOR LOT 20,
J.B. ATWOOD SURVEY, OWNED BY JOE & KAY HOLT (1705 N.E. LOOP 7)

Gary Crecelius, Director of Planning & Development explained that Mr. Holt is amending the site plan for this property to allow for a 40' x 60' addition to the existing building to allow for beer & wine sales and to allow for two (2) fuel tanks. He stated that three (3) surrounding property owners were notified, with two (2) being present at the Zoning Commission meeting on 9/20/11. He explained that one (1) property owner representative had no objection and one (1) property owner questioned issues concerning the fuel tanks, with the Zoning Commission approving the site plan amendment.

Councilmember Vaught asked if there were any plans to asphalt any of the area, with Mr. Holt responding that he was not planning to at this time.

Mr. Crecelius stated that the tanks are in compliance, with Mr. Holt explaining that the tanks are inspected upon each fuel delivery and regular inspections are made approximately every 60 days.

Councilmember Barton questioned the type of fuel in the tanks, with Mr. Crecelius stating that they will only contain diesel.

After discussion, the public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE AMENDING SITE PLAN
FOR LOT 20, J.B. ATWOOD SURVEY, OWNED BY JOE & KAY HOLT
(1705 N.E. LOOP 7)

Ms. Watson read the Ordinance aloud. A motion was made by Councilmember Jones, seconded by Councilmember Barton to approve FIRST READING OF AN ORDINANCE AMENDING SITE PLAN FOR LOT 20, J.B. ATWOOD SURVEY. The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF LOTS 9, 10, 11 & 12, BLOCK 1, 4-D
MOBILE HOME PARK ADDITION, OWNED BY LISA HARDIN (5528, 5532,
5534 & 5540 4-D CIRCLE)

Mr. Crecelius explained that this will replat four (4) lots into one (1) lot, with the Zoning Commission approving the replat on 9/20/11. A motion was made by Councilmember Jenkins, seconded by Councilmember Vaught to approve the replat of Lots 9, 10, 11 & 12, Block 1, 4-D Mobile Home Park Addition. The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF LOT 150, T. PARMER SURVEY, OWNED
BY JORGE SERRANO (906 W. CAYUGA DR.)

Mr. Crecelius explained that this will replat one (1) lot into two (2) lots, with the Zoning Commission approving the replat on 9/20/11. A motion was made by Councilmember Vaught, seconded by Councilmember Barton to approve the replat of Lot 150, T. Parmer Survey. The motion carried unanimously.

CONSIDER A RESOLUTION APPROVING HENDERSON COUNTY HAZARD
MITIGATION ACTION PLAN

Ms. Burton explained that this Resolution will approve and support Henderson County's Hazard Mitigation Action Plan, with Staff recommending approval. A motion was made by Councilmember Jones, seconded by Councilmember Jenkins to approve A RESOLUTION APPROVING HENDERSON COUNTY HAZARD MITIGATION ACTION PLAN. The motion carried unanimously.

CONSIDER RESCINDING RESOLUTION #R-09-11, PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES WITHIN 1,000 FEET OF ANY SCHOOL BUILDING CURRENTLY IN OPERATION AND OWNED BY ATHENS INDEPENDENT SCHOOL DISTRICT

Ms. Burton stated that the City Council adopted an Ordinance in May concerning the regulation of the sale of beer and wine, based upon recommendations by TABC (Texas Alcoholic Beverage Commission). She explained that the Ordinance allows for a public school to request the sale of beer and wine be restricted to a distance requirement of 1,000 ft. from any school building, with Athens Independent School District requesting the exception and the City adopting a Resolution prohibiting the same. However, after extensive research, Staff is recommending that Resolution #R-09-11 be rescinded, based upon the population of the City of Athens. She explained that the distance requirement will revert back to 300 ft.

A motion was made by Councilmember Vaught, seconded by Councilmember Jones to rescind RESOLUTION #R-09-11, PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES WITHIN 1,000 FEET OF ANY SCHOOL BUILDING CURRENTLY IN OPERATION AND OWNED BY ATHENS INDEPENDENT SCHOOL DISTRICT. The motion carried unanimously.

DISCUSS/CONSIDER APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUDGET FOR FISCAL YEAR 2011-2012

A motion was made by Councilmember Barton, seconded by Councilmember Jenkins to approve Athens Economic Development Corporation's budget for fiscal year 2011-2012. The motion carried unanimously.

DISCUSS/CONSIDER APPROVING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S MATCHING GRANT TO HENDERSON COUNTY REGIONAL FAIRPARK COMPLEX

Ms. Burton explained that A.E.D.C. has approved a 50/50 matching grant to Henderson County Regional Fairpark Complex in the amount of \$7,500 for additional fans at the arena. A motion was made by Councilmember Jones, seconded by Councilmember Barton to approve A.E.D.C.'s matching grant to Henderson County Regional Fairpark Complex in the amount of \$7,500, as presented. The motion carried unanimously.

DISCUSS/CONSIDER APPROVING AMENDMENTS TO PERSONNEL POLICY

Ms. Burton explained that the Council discussed amendments to the City of Athens Personnel Policy during the budget workshop and action is required for implementation on 10/01/11. A motion was made by Councilmember Vaught, seconded by Councilmember Jones to approve the amendments to the Personnel Policy, as presented. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENTS TO ATHENS ECONOMIC DEVELOPMENT CORPORATION

Ms. Burton stated the terms of Bob Gould, David Daniels, Rip Drumgoole and Pat Wallace are expiring from the A.E.D.C. Board of Directors, with Bob Gould being the only Director eligible for reappointment. She explained that the A.E.D.C. Board is recommending that Bob Gould be reappointed and Joe Masso, Jess Laird and Maurice Cox be appointed to serve on the Board. A motion was made by Councilmember Jenkins, seconded by Councilmember Barton to reappoint Bob Gould and appoint Joe Masso, Jess Laird and Maurice Cox to serve two (2) year terms on the A.E.D.C. Board of Directors. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENTS TO ATHENS HOUSING AUTHORITY

Ms. Burton explained that the terms of Francis Walker and Henry Ashford are expiring from the Athens Housing Authority, with both desiring reappointments. She stated that Mollie Royall has been recommended to fill the other remaining vacancy. A motion was made by Councilmember Barton, seconded by Councilmember Vaught to reappoint Francis Walker and Henry Ashford and appoint Mollie Royall to serve two (2) year terms on the Athens Housing Authority. The motion carried unanimously.

CONSENT AGENDA;

- A) CONSIDER APPROVING MINUTES OF THE AUGUST 9, 2011 SPECIAL SESSION, SEPTEMBER 7, 2011 SPECIAL SESSION AND SEPTEMBER 12, 2011 REGULAR SESSION
- B) CONSIDER FINAL READING OF AN ORDINANCE ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF AREAS IN PROXIMITY TO CITY'S PUBLIC WATER SUPPLY WELLS, REPEALING ORDINANCE #O-08-11
- C) CONSIDER EXECUTING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR 2012 ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT
- D) CONSIDER RATIFYING AUTHORIZATION OF JOINT LETTER OF AGREEMENT WITH HIJO, LTD. AND ATHENS MUNICIPAL WATER AUTHORITY

Ms. Watson read the Ordinance aloud. A motion was made by Councilmember Vaught, seconded by Councilmember Jones to approve the Consent Agenda. The motion carried unanimously.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN

1. Delores & Jerry Boyd, 1008 Elizabeth St.;

Discussed the fire that burned near their property on 9/11/11, expressing concerns with fire hazards that continue to exist on adjoining property. Ms. Boyd addressed concerns on Hodge St., as well as 916 W. Corsicana St., asking that the City address the areas.

PASSED AND APPROVED THIS THE 10TH DAY OF OCTOBER, 2011.

Randy Daniel, Mayor

ATTEST:

Pam Watson, City Secretary